



7 October 2005

ICTY WEEKLY UPDATE – 374

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

MILOŠEVIĆ Case

Trial Chamber III - Judges Robinson (Presiding), Kwon and Bonomy

Continuation of the Defence case.

From 3 October until 5 October 2005, the following witness was examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Bogoljub Janićević

ORIĆ Case

Trial Chamber II - Judges Agius (Presiding), Eser and Brydenscholt

Continuation of the Defence case.

From 3 October until 5 October 2005, the following witness was examined by the Defence and subsequently cross-examined by the Prosecution:

- Protected witness (with face distortion)

ŠEŠELJ Case

Pre-Trial Judge Agius

On Monday, 3 October 2005, the Parties appeared before the Pre-Trial Judge for a further initial appearance of the accused pursuant to Rule 50(B) of the Rules of procedure and evidence. The accused did not enter a plea in relation to new charges in the modified amended indictment filed on 15 July 2005.

STAKIĆ Case

Appeals Chamber – Judges Meron (Presiding), Pocar, Shahabuddeen, Güney and Vaz

From 4 October until 6 October 2005, the Parties appeared before the Appeals Chamber for a hearing in order to examine witness BT106 and to hear the merits of the appeals by both Parties (Mr Stakić was sentenced to life imprisonment).

MILUTINOVIĆ et al. Case

Trial Chamber – Judges Robinson (Presiding), Kwon and Bonomy

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On Tuesday, 4 October 2005, pursuant to Rules 54 and 54*bis* of the Rules, the Parties appeared before the Trial Chamber for a hearing on “General Ojdanić’s second application for orders to NATO and States for production of information” filed on 27 June 2005. The representatives of Canada, the United Kingdom and the United States of America participated and made oral submissions.

KRAJIŠNIK Case

Trial Chamber I - Judges Orić (Presiding), Canivell and Hanoteau

On Thursday, 6 October 2005, the Parties appeared before the Trial Chamber for a Pre-Defence Conference pursuant to Rule 73*ter* of the Rules of Procedure and Evidence.

II. OVERVIEW OF SELECTED COURT DOCUMENTS

MILUTINOVIĆ & ŠAINOVIĆ & OJDANIĆ & PAVKOVIĆ & LAZAREVIĆ & ĐORĐEVIĆ & LUKIĆ Case

Trial Chamber III – Judges Robinson (Presiding), Kwon and Bonomy

DECISION ON NEBOJŠA PAVKOVIĆ’S PROVISIONAL RELEASE

On 30 September 2005, Trial Chamber III granted the provisional release of Nebojša Pavković pursuant to Rules 54 and 65 of the Rules and ordered:

- the provisional release of Nebojša Pavković subject to the terms and conditions set out in the Order for provisional release appended to the decision; and
- the provisional release of Nebojša Pavković be stayed pending an appeal by the Prosecution pursuant to Rule 65(D), (E), (F) and (G) of the Rules.

PROSECUTION APPEAL OF DECISION ON NEBOJŠA PAVKOVIĆ’S PROVISIONAL RELEASE

On 3 October 2005, the Prosecution submitted its appeal in respect of the “Decision on Nebojša Pavković’s provisional release” dated 30 September 2005 pursuant to Rule 65(D), (E), (F) and (G) of the Rules.

DECISION ON SRETEN LUKIĆ’S PROVISIONAL RELEASE

On 3 October 2005, the Trial Chamber III granted the provisional release of Sreten Lukić pursuant to Rules 54 and 65 of the Rules and ordered:

- the provisional release of Sreten Lukić subject to the terms and conditions set out in the Order for provisional release appended to the Decision; and
- the provisional release of Sreten Lukić be stayed pending an appeal by the Prosecution pursuant to Rule 65(D), (E), (F) and (G) of the Rules of procedure and evidence.

PANDUREVIĆ & TRBIĆ Case

Appeals Chamber – Judges Meron (Presiding), Shahabuddeen, Mumba, Güney and Schomburg

**DECISION ON INTERLOCUTORY APPEAL FROM TRIAL CHAMBER DECISION DENYING
VINKO PANDUREVIĆ'S APPLICATION FOR PROVISIONAL RELEASE**

On 3 October 2005, the Appeals Chamber dismissed the Defence's interlocutory appeal against the decision on Vinko Pandurević's application for provisional release. Trial Chamber II denied the accused's application for provisional release on 18 July 2005 and the accused filed for leave to appeal the decision on 25 July 2005. His Appeal Brief was filed on 19 August 2005.

BOŠKOSKI & TARČULOVSKI Case

Appeals Chamber – Judges Meron (Presiding), Pocar, Shahabuddeen, Mumba and Güney

**DECISION ON JOHAN TARČULOVSKI'S INTERLOCUTORY APPEAL ON PROVISIONAL
RELEASE**

On 4 October 2005, the Appeals Chamber dismissed the Defence's interlocutory appeal against the decision on Johan Tarčulovski's motion for provisional release. Trial Chamber II denied the accused's motion for provisional release on 18 July 2005 and the accused filed for leave to appeal the decision on 21 July 2005. His appeal was filed on 22 August 2005.

KRAJIŠNIK Case

Appeals Chamber – Judges Meron (Presiding), Shahabuddeen, Mumba, Güney and Vaz

DECISION ON APPEAL OF RULE 98bis DECISION

On 4 October 2005, the Appeals Chamber decided that they would not entertain the appeal of the accused pursuant to Rule 98bis, because it had not been certified by the Trial Chamber. The accused filed his "Appeal against judgement pursuant to Rule 98bis" on 16 September 2005 without having it first certified by the Trial Chamber.

MILOŠEVIĆ Case

Trial Chamber – Judges Robinson (Presiding), Kwon and Bonomy

**ORDER TO THE ACCUSED TO PRODUCE THE LIST OF WITNESSES HE INTENDS TO CALL
FOR THE REMAINDER OF HIS CASE**

On 5 October 2005, the Trial Chamber, pursuant to Rule 54 of the Rules, ordered the accused to file in writing, by Monday, 17 October 2005, the following information:

- (1) The witnesses he intends to call during the remainder of his allotted time;
- (2) Which remaining witnesses he intends to introduce by way of written evidence, whether by way of Rule 92bis or Rule 89(F); and
- (3) The time he estimates each witness will take.

JOVIĆ Case (“Contempt”)

Trial Chamber I – Judges Daqun (Presiding), El Mahdi and Orić

DECISION TO DENY DEFENCE’S MOTION FOR RESCISSION OF THE WARRANT OF ARREST AND ORDER FOR SURRENDER

On 6 October 2005, Trial Chamber I, pursuant to Article 19(2) of the Statute and Rules 54, 55 and 73(A) of the Rules, rejected the “Motion of the accused Josip Jović for rescission of warrant of arrest and order for surrender”, filed on 30 September 2005.

DECISION TO DENY DEFENCE’S MOTION FOR POSTPONEMENT OF THE INITIAL APPEARANCE

On 6 October 2005, Trial Chamber I, pursuant to Rule 73(A) of the Rules, rejected the “Motion of the accused Josip Jović for postponement of the initial appearance”, filed on 23 September 2005.

COURTROOM SCHEDULE: 10 OCTOBER – 14 OCTOBER 2005*

MONDAY 10 OCTOBER

Courtroom II 09:00 - 13:45, **Krajišnik**, Trial
14:15 - 19:00, **Orić**, Trial
Courtroom III 15:00 - 17:30, **Mrkšić & Radić & Šljivančanin**, Pre-Trial Conference

TUESDAY 11 OCTOBER

Courtroom II 09:00 - 13:45, **Krajišnik**, Trial
14:15 - 19:00, **Orić**, Trial
Courtroom II 09:00 - 13:45, **Orić**, Trial
Courtroom III 10:00 - 13:45, **Mrkšić & Radić & Šljivančanin**, Opening statements
15:00 - 17:30, **Mrkšić & Radić & Šljivančanin**, Trial – opening statements

WEDNESDAY 12 OCTOBER

Courtroom III 08:00 - 08:30, **Dragomir Milošević**, Status Conference
10:00 - 13:45, **Mrkšić & Radić & Šljivančanin**, Trial – opening statements
15:00 - 17:30, **Mrkšić & Radić & Šljivančanin**, Trial – opening statements

THURSDAY 13 OCTOBER

Courtroom II 09:00 - 13:45, **Orić**, Trial
Courtroom III 14:15 - 15:15, **Blagoje Simić**, Status Conference

FRIDAY 14 OCTOBER

Courtroom II 09:00 - 13:45, **Orić**, Trial

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Services.

Public proceedings are also broadcast with a 30 minute delay on the ICTY’s web site:

<http://www.un.org/icty/latest/> (in English) (Please click on Hearing Schedule);

<http://www.un.org/icty/bhs/week-b.htm> (na bosanskom/hrvatskom/srpskom).

PRESS RELEASES ISSUED SINCE 30 SEPTEMBER 2005

Date	Number	Title	E	F	B/C/S
03/10/2005	1009	ASSESSMENT BY THE PROSECUTOR OF THE CO-OPERATION PROVIDED BY CROATIA	E		B/C/S
06/10/2005	1010	SRETEN LUKIĆ PROVISIONALLY RELEASED	E		B/C/S
06/10/2005	1011	TRIAL OF MILE MRKŠIĆ, MIROSLAV RADIĆ AND VESELIN ŠLJIVANČANIN TO COMMENCE ON TUESDAY, 11 OCTOBER, 2005	E		B/C/S

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