



16 December 2005

## ICTY WEEKLY UPDATE – 384

Please note that the Weekly Update number 385 will be issued on 13 January 2006

### PROCEDURAL DEVELOPMENTS

#### I. OVERVIEW OF COURT PROCEEDINGS

##### MILOŠEVIĆ Case

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

##### **Continuation of the Defence case**

On 12 December 2005, the following witness was cross-examined by the Prosecution and then re-examined by the accused:

- Witness Janoš Sel

The Milošević trial will resume on 23 January 2006 – See Press Release number 1036 dated 13 December 2005.

##### ORIĆ Case

*Trial Chamber II – Judges Agius (Presiding), Eser and Brydensholt*

##### **Continuation of the Defence case**

On 12 December 2005, the following witness was cross-examined by the Prosecution and then re-examined by the Defence:

- Witness Suad Smajlović

From 13 December to 15 December 2005, the following witness was examined by the Defence, subsequently cross-examined by the Prosecution and then re-examined by the Defence:

- Witness Rex Edward Dudley

On 15 December 2005, the following witness was examined by the Defence, subsequently cross-examined by the Prosecution and then re-examined by the Defence:

- Witness Anthony John Birtley

The Orić trial will resume on 12 January 2006.

##### KRAJIŠNIK Case

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

##### **Continuation of the Defence case**

From 12 December until 14 December 2005, the following witness was examined by the Defence, subsequently cross-examined by the Prosecution and then examined by the accused:

- Witness Momčilo Mičić

From 14 December to 15 December 2005, the following witness was examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Radomir Pašić

The Krajišnik Trial will resume on 16 January 2006.

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**MARTIĆ Case**

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*Trial Chamber I – Judges Moloto(Presiding), Nosworthy and Höpfel*

On 12 December 2005, the parties appeared before Trial Chamber I for a Pre-Trial Conference pursuant to Rule 73*bis* of the Rules of Procedure and Evidence.

**Beginning of the Prosecution case**

On 13 December 2005, the Prosecution made its opening statement. The accused also made an opening statement, pursuant to Rule 84*bis* of the Rules.

The Martić trial will resume on 16 January 2006.

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**GOTOVINA Case**

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*Judge Agius*

On 12 December 2005, the parties appeared before Judge Agius for the initial appearance of Ante Gotovina. The accused pleaded not guilty to all counts of the indictment.

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**STRUGAR Case**

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*Pre-Appeal Judge Schomburg*

On 12 December 2005, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65*bis* of the Rules. The accused was present.

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**BOŠKOSKI & TARČULOVSKI Case**

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*Pre-Trial Judge Eser*

On 12 December 2005, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules. The accused were present.

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**DRAGOMIR MILOŠEVIĆ Case**

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*Pre-Trial Judge Antonetti*

On 13 December 2005, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules. The accused was present.

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**II. OVERVIEW OF SELECTED COURT DOCUMENTS**

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**PERIŠIĆ Case**

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

**DECISION GRANTING PROSECUTION MOTION TO AMEND INDICTMENT**

On 12 December 2005, pursuant to Rule 50 of the Rules, Trial Chamber III granted the Prosecution's motion to amend the indictment against Momčilo Perišić filed on 26 September 2005.

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**MARIJAČIĆ & REBIĆ Case (“Contempt”)**

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

**ORDER ON SCHEDULING OF TRIAL AND PRODUCTION OF DEFENCE WITNESS-LIST**

On 12 December 2005, pursuant to Rules 54, 65ter, 73bis and 77 of the Rules, Trial Chamber III ordered, *inter alia*, that a pre-trial conference be held on 17 January 2006 with the trial beginning immediately thereafter on 18 January 2006.

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**MILOŠEVIĆ Case**

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

**DECISION IN RELATION TO SEVERANCE, EXTENSION OF TIME AND REST**

On 13 December 2005, Trial Chamber ordered that the Kosovo indictment would not be severed. The trial Chamber denied the Milošević's application for extension of time to present his case and granted a brief period of rest for the accused – *See Press Release number 1036 dated 13 December 2005.*

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**ŠEŠELJ Case**

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*Trial Chamber II – Judges Agius (Presiding), Parker and Antonetti*

**DECISION ON REQUEST OF THE ACCUSED FOR TRIAL CHAMBER II TO ISSUE AN ORDER FOR THE TRIAL TO COMMENCE BY 24 FEBRUARY 2006 OR AN ORDER TO ABOLISH DETENTION, DISMISS THE INDICTMENT AND RELEASE DR. VOJISLAV ŠEŠELJ**

On 13 December 2005, Trial Chamber II denied the accused's "Submission number 116" filed on 16 November 2005, wherein he had requested an order for the trial to commence by 24 February 2006 or an order to abolish detention, dismiss the indictment and release him.

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**MILAN LUKIĆ & SREDOJE LUKIĆ Case**

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*Referral Bench – Judges Orić (Presiding), Kwon and Parker*

**DECISION ON PROSECUTOR'S MOTION TO SUSPEND CONSIDERATION OF RULE 11BIS REQUEST**

On 15 December 2005, the Referral Bench granted the "Prosecution motion to suspend consideration of Rule 11bis request" filed on 1 December 2005. The order suspended Rule 11bis request in respect of both accused until Milan Lukić was transferred to the seat of the Tribunal.

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COURTROOM SCHEDULE: 19 DECEMBER 2005 – 6 JANUARY 2006\*

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**COURT WINTER RECESS**

PRESS RELEASES ISSUED SINCE 9 DECEMBER 2005

<b>Date</b>	<b>Number</b>	<b>Title</b>	<b>E</b>	<b>F</b>	<b>B/C/S</b>
10/12/2005	1034	TRANSFER OF ANTE GOTOVINA TO THE TRIBUNAL	E		B/C/S
12/12/2005	1035	MARTIĆ TRIAL BEGINS	E		B/C/S
13/12/2005	1036	JUDGES IN MILOŠEVIĆ CASE DECIDE ON FUTURE SHAPE OF TRIAL	E		B/C/S
15/12/2005	1037	PRESIDENT POCAR ADDRESSES THE SECURITY COUNCIL	E		B/C/S
15/12/2005	1038	CARLA DEL PONTE ADDRESSES THE SECURITY COUNCIL	E		B/C/S

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