



5 NOVEMBER 1999

ICTY WEEKLY UPDATE – 100

PROCEDURAL DEVELOPMENTS: 1 – 5 NOVEMBER

I. OVERVIEW OF COURT PROCEEDINGS

DOŠEN CASE

Trial Chamber III – Judges May (Presiding), Bennouna and Robinson

Following the detention of Damir Došen by SFOR and his subsequent transfer to the detention unit on 25 October 1999 (See Press Release 443), on Monday 1 November, the Trial Chamber held his initial appearance hearing. However, due to the accused's non-attendance resulting from an injury to his back incurred whilst playing volleyball, the Trial Chamber rescheduled the initial appearance of Damir Došen to take place on **Monday 8 November 1999 at 9 a.m.**

KORDIĆ & ČERKEZ CASE

Trial Chamber III – Judges May (Presiding), Bennouna and Robinson

Reconvening on Monday morning, the Trial Chamber first heard evidentiary issues, after which Prosecution witness Major Bowers, an officer of the British army began to testify. Major Bowers served in the former Yugoslavia as a member of the BritBat forces from April to November 1993. In his position as liaison officer, Major Bowers was responsible for humanitarian matters.

Major Bowers testified about the HVO's relationship with units such as the HOS, Jokers and Vitezovi, that HVO control was held centrally within a small number of people with a working chain of command and an effective network of HVO communications and co-ordination.

His cross examination by the defence commenced on Tuesday after which the Trial Chamber heard the testimony of Mr. Michael Buffini who worked with the United Nations in the former Yugoslavia as a U.K. liaison.

Due to the temporary unavailability of Judge Robinson, and upon application by the Prosecution and notices of non-objection filed by the defence, on Wednesday the Trial Chamber decided to hear the completion of the cross-examination of Mr. Buffini and the testimony of the following protected Prosecution witness "T" by way of deposition.

Witness "T", a local resident of Busovača who knew the majority of the local political party leaders testified that Kordić had political authority in the territory of Busovača municipality and beyond when he became President of the HDZ. Witness "T" also gave details of the units which Kordić shared his Hotel Tisa headquarters with, such as the intervention platoon, special military police units, ZNG, and HOS. The witness then described particular encounters he had with military units. His examination-in-chief continued on Thursday.

The week's proceedings concluded on Friday with a motion hearing.

SIMIĆ & AVRAMOVIĆ CASE

Trial Chamber III – Judges Robinson (Presiding), Hunt and Bennouna

Having adjourned on 6 October 1999, the Trial Chamber reconvened on Monday to hear the contempt allegations against Milan Simić and his counsel, Mr. Avramović.

All sessions were closed to the public. The Trial Chamber has now adjourned to a later date.

Internet address: <http://www.un.org/icty>

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II. OVERVIEW OF COURT DOCUMENTS

KRNOJELAC CASE

PROSECUTION ORDERED TO FILE SIGNED REPORT CERTIFYING DISCLOSURE OBLIGATIONS

On 1 November 1999, the pre-trial Judge, Judge Hunt, modified the order he issued at the status conference on 14 September 1999 in which it was proposed that to ensure compliance with the obligations of the disclosure of exculpatory evidence an “affidavit of discovery” should be made specifying that there had been a complete search for material which should be the subject of disclosure.

The modifications are that the Prosecution must comply with its “*obligation to disclose to the defence evidence known to it which in any way tends to suggest the innocence of, or to mitigate the guilt of, the accused, or which may affect the credibility of the Prosecution evidence*” and file a signed report by a member of its team in which he or she certifies that “*a full search has been conducted throughout the materials in the possession of the prosecution or otherwise within its knowledge for the existence of such evidence; and that he or she is aware of the continuing nature of the [disclosure obligation]*” by 15 November 1999.

SIMIĆ & OTHERS CASE

REGISTRAR REQUESTED TO MAKE AVAILABLE AVRAMOVIĆ’S BILLING RECORDS

On 1 November 1999, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) issued its written decision allowing the Chamber’s Senior Legal Officer to review billing records of Mr. Avramović in so far as they relate to the events forming the basis of the allegations of contempt against Simić and Mr. Avramović, the oral decision having been rendered on 6 October 1999.

KUNARAC & KOVAČ CASE

ACCUSED KOVAČ’S PRELIMINARY MOTION ON THE FORM OF THE INDICTMENT GRANTED IN PART

On 4 November 1999, Trial Chamber II (Judges Mumba (Presiding), Cassese and Hunt) granted in part a motion on the form of the amended indictment filed by counsel for Kovač on 7 October 1999.

Considering that those allegations raised in the accused’s application relating to issues to be resolved at trial are specific enough to enable the accused to prepare his case in this regard. However, where more details could assist the accused in preparing his case, the Prosecutor was directed to amend the indictment accordingly no later than 17 November 1999.

TALIĆ & BRDANIN CASE

DECISIONS ON MOTIONS TO DISMISS INDICTMENT AND SEPARATE TRIALS DEFERRED

On 4 November 1999, the pre-trial Judge, Judge Hunt, issued two orders deferring Trial Chamber II’s decision on a motion to dismiss the indictment and a motion seeking to separate trials filed by counsel for Talić on 14 October 1999.

Noting the Prosecutor’s notice that it intends to apply to the confirming Judge for leave to amend the indictment adding further charges against Talić based upon new material, the Trial Chamber deferred its decisions on the motions until the result of the application by the Prosecutor to amend the indictment is known.

The Trial Chamber also granted leave to Talić to file an addendum to the Motion within 14 days of being informed of the result of that application and receipt of any amended indictment, and to the Prosecution to file a further response to the motion and addendum within 14 days from the filing of that addendum.

PRESS RELEASES ISSUED SINCE 2 NOVEMBER

DATE	NUMBER	TITLE
02/11/99	444	LETTER FROM PRESIDENT McDONALD TO THE PRESIDENT OF THE SECURITY COUNCIL CONCERNING OUTSTANDING ISSUES OF STATE NON-COMPLIANCE

COURTROOM SCHEDULE: 8 – 12 NOVEMBER*

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom I	9.00 Dosen Initial appearance 9.30 Kordic/Cerkez Trial	10.00 Jelistic hearing	10.00 Jelistic hearing	10.00 Jelistic hearing	10.00 Jelistic hearing
	14.00 Jelistic hearing	14.30 Jelistic hearing	14.30 Jelistic hearing	14.30 Jelistic hearing	14.30 Jelistic hearing
Courtroom III	9.00 Tadic R77	9.00 Kupreskic Trial	9.00 Kupreskic Trial	9.00 Tadic sentencing judgement 9.30 Kupreskic Trial	9.30 Kordic/Cerkez Trial
	14.30 Tadic R77	14.30 Kordic/Cerkez Trial	14.30 Kordic/Cerkez Trial	No proceedings	No proceedings

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Services. Unless otherwise indicated, all sessions are open.

For the latest list of all court filings, please visit the [ICTY Court Records](#)

For a selection of the latest public documents, please visit the [ICTY Website](#)