



26 November 1999

ICTY WEEKLY UPDATE – 103

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

SIMIĆ & OTHERS CASE

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

On Tuesday, the Trial Chamber held the scheduled status conference. The issues addressed were, amongst other things:

1. Todorović's petition for a writ of *habeas corpus* filed on 12 November 1999: the Trial Chamber said that it does not have the power to make an order for a writ of *habeas corpus*, rather, the issue has to be dealt with as an application to challenge the legality of Todorović's detention. An evidentiary hearing regarding the legality of the accused's detention and the writ for the return of the accused to his country of refuge was subsequently held on Wednesday during which Todorović testified regarding his arrest by unknown individuals;
2. Zarić's motion for a separate trial dated 1 September 1999: after deliberation the Trial Chamber dismissed the motion, the written decision will follow in due course;
3. The motion to set a date for trial dated 14 August 1999: the Trial Chamber said that it would do so at the earliest opportunity;
4. The decision issued by the Appeals Chamber on 28 July 1999, directing the Trial Chamber to hold an oral hearing on the request for provisional release of Miroslav Tadić and the scheduling order issued by the Trial Chamber on 22 September 1999 to hold an oral hearing on the Motions for provisional release of Simo Zarić: defence submissions on the issue of provisional release were heard. The Chamber granted the Prosecution seven days in which to prepare its submissions on the matter.

KORDIĆ & ČERKEZ CASE

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

This week the Trial Chamber continued to hear the testimony of Prosecution witnesses.

On Tuesday, Witness U, a Muslim resident of Santići, testified regarding the HVO attack on Santići on 18 October 1992, the subsequent deterioration in conditions and relationships between the Croats and the Muslims and the 16 April 1993 attack on the village of Santići.

On Wednesday, the Trial Chamber heard the testimony of Major Angus Hay, UN Liaison officer in Central Bosnia from the end of April 1993 until November 1993. Major Hay's evidence covered, amongst other things, a meeting between Colonel Stewart and Colonel Blaškić after the attack on Ahmići, the attack on Grbavica and the attack on the Convoy of Joy in June 1993. The Trial Chamber then went in to closed session.

The hearings on Thursday and most of Friday were held in closed session.

JELISIĆ CASE

Trial Chamber I – Judges Jorda (Presiding), Riad and Rodrigues

This week the Trial Chamber continued to hear the pre-sentencing arguments and witnesses for the counts to which Jelisić pleaded guilty, that is crimes against humanity and violations of the laws or customs of war (see Press Release No. 441, 19 October 1999).

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

Cont.

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The hearings on Monday were in closed session.

The Trial Chamber reconvened on Wednesday when Defence witness Mr. Bernard van den Bussche, a forensic psychiatrist in the field of serial killers and serial rapists, gave testimony regarding a report dated 8 November 1999 which he prepared after having consultations with Jelisić.

His testimony was followed by that of Prosecution witness, Dr. Nils Duits, also a forensic psychiatrist, who examined Goran Jelisić in November 1998.

The hearings on Wednesday concluded with the testimony of protected Prosecution witness S who was taken to the Luka camp on 15 May 1992 by Goran Jelisić.

On Thursday the closing arguments were held. The Prosecution concluded its case submitting that the Trial Chamber should impose the sentence of life imprisonment. The Defence did not request a specific sentence but did, however, detail relevant sentencing jurisprudence for the Trial Chamber to consider.

The Trial Chamber has now adjourned to consider its sentencing judgement which it expects will be rendered between 10 and 15 December 1999.

KRSTIĆ CASE

Trial Chamber I – Judges Jorda (Presiding), Riad and Rodrigues

At his further initial appearance Krstić pleaded “not guilty” to the additional counts contained in the amended indictment dated 27 October 1999, namely counts 7 and 8 and also pleaded “not guilty” to amended count 6.

II. OVERVIEW OF COURT DOCUMENTS

TADIĆ CASE

TADIC FILES NOTICE OF APPEAL AGAINST SENTENCING JUDGEMENT

On 25 November 1999, Counsel for Tadić filed a Notice of Appeal against the sentencing judgement handed down by the Trial Chamber on 11 November 1999 (see Press Release No. 447).

KUNARAC & KOVAČ CASE

LEAVE TO APPEAL DECISION ON PROVISIONAL RELEASE OF KUNARAC REJECTED

On 25 November 1999, a Bench of the Appeals Chamber (Judges Shahabuddeen (Presiding), Wang and Nieto-Navia) rejected Kunarac’s application, filed on 16 November 1999, for leave to appeal Trial Chamber II’s (Judges Mumba (Presiding), Cassese and Hunt) decision of 11 November 1999 denying the request for provisional release filed by counsel for Kunarac on 11 October 1999 (see Update No. 101).

The Bench considered that the appellant failed to state precisely why the Decision erred under applicable legal principle in the evaluation of the reasons for the request and thus had not shown good cause in his application.

PRESS RELEASES ISSUED SINCE 22 NOVEMBER

DATE	NUMBER	TITLE
26/11/99	451	JUDGE CLAUDE JORDA, PRESIDENT OF THE ICTY, TAKES THE OATH AS A MEMBER OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

COURTROOM SCHEDULE: 29 NOVEMBER – 3 DECEMBER *

MONDAY 29 NOVEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Simic R77** proceedings

TUESDAY 30 NOVEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Simic R77** proceedings

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WEDNESDAY 1 DECEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

THURSDAY 2 DECEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial

FRIDAY 3 DECEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial

*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](#)