



20 October 2000

ICTY WEEKLY UPDATE – 144

LAST MINUTE NEWS:

TODOROVIĆ CASE (“BOSANSKI ŠAMAC”)

DECISION ON TODOROVIC MOTION FOR JUDICIAL ASSISTANCE

On 18 October 2000, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) issued its decision on Todorović’s motion for judicial assistance, filed on 24 November 1999.

In the motion Todorović had sought an order from the Trial Chamber requesting the assistance of SFOR, or other military and security forces operating on the territory of Bosnia and Herzegovina, to provide documents and witnesses to the defence in connection with the transfer and arrest of the accused for use in evidentiary hearings as to the legality of his arrest. A hearing on the motion was held on 25 July 2000 (see Weekly Update 135).

Granting the motion, the Trial Chamber ordered SFOR, its responsible authority, the North Atlantic Council and the 33 States participating in SFOR to disclose specific documents to Todorović by 17 November 2000. This order was made pursuant to Rule 54*bis* of the Tribunal’s Rules of Procedure and Evidence, and in particular Rule 54*bis*(E)(iii), in accordance with which the Trial Chamber held that SFOR and/or a State participating in SFOR “*may, within 15 days of service of the order, apply by notice to the Judge or Trial Chamber to have the order set aside on the grounds that disclosure would prejudice national security interests*”. Pursuant to Rule 54*bis*(ii), and without prejudice to the date for the production of the materials, the order is not to have effect until 15 days after the date of its service. The Trial Chamber also ordered that, in due course, a subpoena be issued to General Shinseki, Commanding General of SFOR, in his individual capacity requiring General Shinseki to provide evidence in the on-going evidentiary hearing at a date and time to be specified.

Judge Robinson attached a Separate Opinion to the decision. A Press Release has been issued separately (Press Release No. 536).

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

KRSTIĆ CASE (“SREBRENICA”)

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

Having adjourned on 28 July 2000, the Trial Chamber reconvened entering its twelfth week of hearings, with the first week of the defence case-in-chief.

On Monday 16 October, the defence presented its opening statement, followed by the testimony of General Krstić. The defence continued its examination-in-chief of General Krstić throughout the week.

GALIĆ CASE (“SARAJEVO”)

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

On Wednesday 18 October, Trial Chamber I held the scheduled status conference in open session. During the status conference, the Trial Chamber heard the parties’ submissions regarding the progress of the preparations for trial and on the motion for the Trial Chamber to travel to Sarajevo, dated 14 July 2000. A hearing has been scheduled for 26 October to discuss the motion further.

KORDIĆ & ČERKEZ CASE (“LAŠVA VALLEY”)

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

The Trial Chamber continues to hear Čerkez’s defence case-in-chief.

Reconvening on Monday 16 October, the Trial Chamber discussed procedural matters. Judge May noted that, since the trial began the Trial Chamber has held 221 days of hearings and heard the testimony of 227 witnesses.

The Trial Chamber then heard the testimony of Mr. Dragan Čalić a former member of the HVO Military police.

Mr. Čalić told the court that he joined the Territorial Defence units in 1992 and later, in 1993, joined the 4th Battalion of the HVO Brigade Military Police under the command of Mr. Pasko Ljubičić. Mr. Čalić also told the court that the Brigade had the task of servicing the Viteska Brigade, particularly by securing their headquarters.

Mr. Čalić testified about his duties and events surrounding the conflict on 16 April 1993 in Vitez. Mr. Čalić told the court that he was assigned to the Vitez cinema building and later to the to the public auditing (“SDK”) building where Muslims were detained. Mr. Čalić testified about the conditions of detention and treatment of the detainees.

After resuming the discussions on procedural matters the Trial Chamber adjourned until Wednesday 18 October. Reconvening on Wednesday, the Trial Chamber discussed procedural matters and then adjourned until Monday 13 November.

KUNARAC, KOVAČ & VUKOVIĆ CASE (“FOČA”)

Trial Chamber II – Judges Mumba (Presiding), Hunt and Pocar

Having adjourned on 21 September 2000, the Trial Chamber reconvened this week, entering its seventeenth week of hearings, with the seventh week of the defence case-in-chief.

On Monday 16 September, the Trial Chamber held a status conference during which, amongst other things, the medical examination of Vuković was discussed (see Weekly Update 140). The Trial Chamber then adjourned until Monday 23 October when it will begin to hear the prosecution rebuttal case.

II. OVERVIEW OF COURT DOCUMENTS

KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAC CASE (“OMARSKA & KERATERM CAMPS”)

LEAVE GRANTED TO FILE A CONSOLIDATED INDICTMENT

On 13 October 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued its decision on the prosecution request for leave to file a consolidated indictment and to correct confidential schedules, dated 28 August 2000.

The Trial Chamber authorised the prosecution to consolidate the two indictments for the accused Prač (IT-95-4) and the accused Kvočka, Radić, Kos and Žigić (IT-98-30) in order to take into account the joinder of the cases against the five accused in a single case (IT-98-30/1), and to correct various typographical errors in the confidential schedules submitted with the amended indictment.

KUNARAC, KOVAČ & VUKOVIĆ CASE (“FOČA”)

REVISED SCHEDULING ORDER FOR CLOSING BRIEFS AND ARGUMENTS

On 17 October 2000, Trial Chamber II (Judges Mumba (Presiding), Hunt and Pocar) ordered that the prosecution and defence should file their closing briefs by 1 and 8 November 2000 respectively. Closing arguments will be heard on 13 November 2000 (prosecution), 14 and 16 November 2000 (defence).

COURTROOM SCHEDULE: 23 OCTOBER – 27 OCTOBER: *

MONDAY 23 OCTOBER

Courtroom III 09:30 - 13:00, **Kunarac/Kovac/Vukovic**, Trial
14:30 - 16:00, **Kunarac/Kovac/Vukovic**, Trial

TUESDAY 24 OCTOBER

UN HOLIDAY

WEDNESDAY 25 OCTOBER

Courtroom I 09:20 - 12:50, **Krstic**, Trial
13:50 - 15:00, **Krstic**, Trial

THURSDAY 26 OCTOBER

Courtroom I 09:20 - 12:50, **Krstic**, Trial
13:50 - 15:00, **Krstic**, Trial
15:45, **Galic**, Status Conference
Courtroom II 10:00, **Blaskic**, Status Conference
14:00, **Krnojelac**, Pre-Trial Conference

FRIDAY 27 OCTOBER

Courtroom I 09:20 - 12:50, **Krstic**, Trial
13:50 - 15:00, **Krstic**, 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.

Cont.

PRESS RELEASES ISSUED SINCE 11 OCTOBER:

DATE	NO.	TITLE	E	F	B/C/S
13/10/2000	534	STATEMENT BY THE PROSECUTOR	E		B/C/S
13/10/2000	535	THE 22 ND PLENARY SESSION OF THE JUDGES OF THE ICTY	E	F	B/C/S
20/10/2000	536	DECISION ON TODOROVIC'S MOTION FOR JUDICIAL ASSISTANCE	E		B/C/S

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