



26 April 2002

ICTY WEEKLY UPDATE – 217

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

Slobodan MILOŠEVIĆ Case (“Kosovo”, “Croatia” and “Bosnia and Herzegovina”)

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

On 19 April 2002, the Prosecution introduced the written statement of Rule 92 *bis* witness Reshit Salihi who testified about the attack on the village of Celinë/Celina in Kosovo by the Yugoslav Army in 1999. The accused cross-examined the witness.

On 22 April, at the beginning of the seventh week of the Prosecution case, the Trial Chamber gave an oral ruling on the admissibility under Rule 92 *bis* of the written statement of Neil Wright, a witness from the United Nations High Commissioner for Refugees. The statement, which includes statistics of displacement in Kosovo, was admitted with the exception of one attachment dealing with the reasons of the displacement, a subject under dispute. The Trial Chamber considered that Wright's evidence was cumulative in nature, since it was already adduced through other witnesses. Furthermore, it did not consider that cross-examination of Neil Wright was necessary since his statement dealt purely with the factual issue of displacement and not with the reasons for it.

The accused then resumed his cross-examination of witness Reshit Salihi. The Prosecution briefly cross-examined the witness. Following the witness' testimony, procedural matters were discussed. The Prosecution subsequently called Rule 92 *bis* witness Ali Hoti, a doctor from the village of Krushë e Mahde/Velika Kruša in Kosovo. In his statement, the witness described the attack on the village in 1999 and how the population left the village. The accused and one of the *amici curiae* then cross-examined the witness. The Prosecution subsequently called Rule 92 *bis* witness Rahim Latifi, whose statement described the attack on the Kosovo village of Pirana in the municipality of Prizren in 1999.

On 23 April, there was no session due to the Extraordinary Plenary Session of the Judges.

On 24 April, the Prosecution called Rule 92 *bis* witness Shefqet Zogaj, a journalist and teacher who described the situation in Suharekë/Suva Reka in Kosovo in March 1999. The accused and an *amicus curiae* cross-examined the witness and the Prosecution then re-examined the witness. The Prosecution subsequently called Rule 92 *bis* witness Osman Kuci, an interpreter also from Suharekë/Suva Reka who worked for the Organisation for Security and Co-operation in Europe in 1998. The accused cross-examined the witness and the Prosecution then re-examined him. Following the witness' testimony, the Prosecution called Rule 92 *bis* witness Hadije Fazliu, who had given a statement describing the attack on villages in the area of Skenderaj/Srbica in Kosovo. In the afternoon, the Trial Chamber stated that it reviewed the report from the Registry on the facilities provided to the accused and was satisfied that all possible efforts were being made to assist him. The Trial Chamber ruled that it was satisfied that the accused has adequate facilities to prepare his defence in accordance with Article 21 of the Statute. Following the cross-examination of witness Hadije Fazliu, the Prosecution called Rule 92 *bis* witness Sadik Januzi, a farmer from Kosovo who gave a statement describing the shelling of villages and the killing of several people in the village of Turicevc in Kosovo. The accused and an *amicus curiae* cross-examined the witness.

On 25 April, the Prosecution called Rule 92 *bis* witness Ndrec Konaj whose statement described the attack on Peja/Pec in Kosovo in 1999. The accused cross-examined the witness. The Prosecution then called Rule 92 *bis* witness Edison Zatriqi also from Peja/Pec. Following his cross-examination, the Prosecution called Rule 92 *bis* witness Mahmut Halimi, a lawyer from Mitrovicë/Mitrovica, Kosovo.

On 26 April, the Prosecution called Rule 92 *bis* witness Aferdita Hajrize from Mitrovicë/Mitrovica who testified *inter alia* about the killing of her husband, a trade union leader, in 1999. The witness was cross-examined by the accused and one of the *amici curiae*. The Prosecution then called Rule 92 *bis* witness Mehemet Aliu, a construction worker from Prishtinë/Priština.

Stanislav GALIĆ Case (“Sarajevo”)

Trial Chamber I Section B – Judges Orić (Presiding), El Mahdi and Nieto-Navia

On 19 April 2002, the Defence cross-examined expert witness Dr. Robert Donia.

On 22 April, the Trial Chamber reconvened to hear the seventeenth week of the Prosecution case. The Prosecution called protected witness AI who testified about a 1994 shelling attack in Alipašino Polje, Sarajevo, during which he was injured. The Defence subsequently cross-examined the protected witness.

On 23 April, there was no session due to the Extraordinary Plenary Session of the Judges.

On 24 April, the Prosecution examined witness Refik Aganović who testified *inter alia* about a shelling attack in Alipašino Polje in 1994. The Defence then cross-examined the witness. The Prosecution subsequently called and examined witness Eldar Hafizović who told the court about a shelling incident in Sarajevo in 1994. The Defence then cross-examined the witness.

On 25 April, the Defence resumed the cross-examination of witness Eldar Hafizović. The Prosecution then examined witness Sabahudin Ljuša who was wounded in a shelling incident in Sarajevo in 1994.

For organisational reasons the hearing of 26 April was cancelled.

Mladen NALETILIĆ and Vinko MARTINOVIĆ Case (“Tuta” and “Štela”)

Trial Chamber I Section A – Judges Liu (Presiding), Harding Clark and Diarra

On 24 April 2002, the Trial Chamber convened to hear the fifth week of the Defence case. The hearings of 24, 25 and 26 April mainly took place in closed session.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

Trial Chamber II Section A - Judges Agius (Presiding), Janů and Taya

On 22 April 2002, the Trial Chamber convened to hear the twelfth week of the Prosecution case. The hearing mainly took place in closed session.

On 23 April, the hearing continued in closed session. In the latter part of the afternoon, the Prosecution called witness Adil Draganović, a judge from the municipal court of Sanski Most in Bosnia and Herzegovina. The witness told the court about his arrest and transfer to Manjača Camp in 1992. He came back to Sanski Most in 1995 and became involved in investigations on human rights violations in the area.

On 24 April, the Prosecution resumed the examination of witness Adil Draganović. The Defence then cross-examined the witness.

On 25 April, the Trial Chamber discussed the Joint Defence Motion to Disqualify the Trial Chamber Hearing the Brđanin-Talić Trial. The Prosecution then resumed the examination of Adil Draganović.

On 26 April, the President of Trial Chamber II, Judge Schomburg, presided over a hearing on the Joint Defence Motion pursuant to Rule 15 of the Rules of Procedure and Evidence. A written Decision will be rendered in due course. Until that time hearings will continue as scheduled.

Milimir STAKIĆ Case (“Prijedor”)

Trial Chamber II - Judges Schomburg (Presiding), Fassi Fihri and Vassilyenko

On 22 April 2002, the Trial Chamber convened to hear the second week of the Prosecution case. The hearing mainly took place in closed session which continued into the next day.

On 24 April, the Defence cross-examined expert witness Dr. Robert Donia who had begun his testimony on 18 April 2002 (see *Weekly Update* No. 216).

On 25 April, the Trial Chamber decided that expert witness Dr. Robert Donia continue his testimony on Wednesday **1 May 2002**. The Prosecution called protected witness B who testified about the attack on villages in the Brdo region in 1992.

Dragoljub OJDANIĆ Case (“Kosovo”)

Judge Robinson

On 26 April 2002, following his transfer to the Tribunal on 25 April, Dragoljub Ojdanić appeared before Judge Robinson for his initial appearance.

II. OVERVIEW OF COURT DOCUMENTS:

Momčilo KRAJIŠNIK and Biljana PLAVŠIĆ Case (“Bosnia and Herzegovina”)

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

SCHEDULING ORDER

On 19 April 2002, pre-trial Judge May scheduled a status conference for **10 May at 9:30**.

Miroslav KVOČKA, Milojica KOS, Mlado RADIĆ, Zoran ZIGIĆ and Dragoljub PRCAĆ Case (“Omarska, Keraterm and Trnopolje Camps”)

Pre-Appeal Judge Hunt

DECISION ON FILING OF CONSOLIDATED RESPONDENT’S BRIEF

On 12 April 2002, the Appellants Mlado Radić and Dragoljub Prać sought an Order that the Prosecution respond within 40 days of the date on which they filed their Appellant’s Brief. On 22 April 2002, the Trial Chamber denied the Order. The pre-appeal Judge directed the Prosecution to file a memorandum no later than **10 June 2002** indicating the time it needs to file a Consolidated Respondent’s Brief. The Trial Chamber refused the Order sought by the Defence. But the Application of the two Appellants pursuant to Rule 127(A)(i) of the Rules of Procedure and Evidence is deferred until the Prosecution has filed its memorandum.

Enver HADŽIHASANOVIC, Mehmed ALAGIĆ and Amir KUBURA Case (“Central Bosnia”)

Appeals Chamber – Judges Shahabuddeen (Presiding), Güneş, Gunawardana, Pocar and Meron

DECISION ON APPEAL FROM REFUSAL TO GRANT ACCESS TO CONFIDENTIAL MATERIAL IN ANOTHER CASE

On 2 October 2001, the Defence filed a “Joint Application for Leave to Appeal from the Bench of the Tribunal”. On 1 February 2002, a Bench of the Appeals Chamber found that “the issue in the proposed appeal is of general importance to proceedings before the Tribunal because it concerns the question on how to find a balance between the right of a party to have access to material to prepare its case and the need to guarantee the protection of witnesses” and granted the Defence leave to file an interlocutory appeal. The Defence moved for access to confidential material in another case.

On 23 April 2002, the Appeals Chamber granted the Motion and remitted the case to the President for him to provide for the requested access and indicate any appropriate protective measures. The Appeals Chamber considered that a party may seek access to confidential material in another case if it can

- (1.) describe the documents sought by their general nature as clearly as possible, and
- (2.) show that such access is likely to assist his case materially.

Predrag BANOVIĆ, Dušan FUSTAR and Duško KNEŽEVIĆ Case (“Keraterm Camp”)

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

ORDER GRANTING EXTENSION OF TIME TO RESPOND

On 24 April 2002, the pre-trial Judge granted the Requests of Defence counsel of Predrag Banović and Dušan Fustar for an extension to file their responses to the Prosecution Motion for Leave to Amend the Second Amended Indictment.

Hazim DELIĆ Case (“Čelibići Camp”)

Appeals Chamber – Judges Shahabuddeen (Presiding), Hunt, Gunawardana, Pocar and Meron

DECISION ON MOTION FOR REVIEW

On 27 March 2002, Hazim Delić moved to open review of proceedings and to quash his conviction on count 3 of the Indictment. On 25 April 2002, the Appeals Chamber dismissed the Motion. The Appeals Chamber was not satisfied that the failure of the Applicant to rely upon these facts led to a miscarriage of

justice. The Applicant accordingly failed to establish the requirements of Rule 119 of the Rules of Procedure and Evidence.

Stanislav GALIĆ Case (“Sarajevo”)

Trial Chamber I Section B – Judges Orić (Presiding), El Mahdi and Nieto-Navia

CERTIFICATION PURSUANT TO RULE 73(C) IN RESPECT OF DECISIONS OF THE TRIAL CHAMBER ON THE ADMISSION INTO EVIDENCE OF WRITTEN STATEMENTS PURSUANT TO RULE 92 BIS (C)

On 19 April 2002, the Defence requested certification of an interlocutory appeal of the Trial Chamber Decision on the Prosecution Motion to admit the statement of a deceased witness into evidence (see *Weekly Update* No. 216). On 25 April 2002, the Trial Chamber allowed the Request.

COURTROOM SCHEDULE: 29 APRIL – 3 MAY*

MONDAY 29 APRIL

TUESDAY 30 APRIL

UN HOLIDAY
QUEEN’S DAY

WEDNESDAY 1 MAY

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
Courtroom II 09:00 - 12:30, **Stakić**, Trial
14:00 - 16:30, **Stakić**, Trial
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

THURSDAY 2 MAY

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Stakić**, Trial
14:00 - 16:30, **Stakić**, Trial
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial
14:15 - 19:00, **Simić et al.**, Trial

FRIDAY 3 MAY

Courtroom I 09:30 - 13:00, **Milošević**, Trial
14:30 - 16:00, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Stakić**, Trial
14:00 - 16:30, **Stakić**, Trial
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, 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.

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 12 APRIL

DATE	NUMBER	TITLE	E	F	B/C/S
24 April 2002	671	EXTRAORDINARY PLENARY SESSION OF TUESDAY 23 APRIL 2002	E	F	B/C/S
25 April 2002	671	TRANSFER OF DRAGOLJUB OJDANIĆ TO THE HAGUE	E		B/C/S

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