



9 June 2002

ICTY WEEKLY UPDATE – 223

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 3 June 2002, the thirteenth week of the Prosecution case, the Prosecution called protected witness K12 who refused to testify. The Trial Chamber adjourned his testimony to the following day. The Prosecution examined witness Fred Abrahams of Human Rights Watch which reported human-rights violations in Kosovo between 1990 and 2001. The witness was then cross-examined by the accused.

On 4 June, the accused resumed the cross-examination of witness Fred Abrahams. An *amicus curiae* subsequently cross-examined the witness. The Prosecution then re-examined the witness. The Prosecution called witness K12 again. Witness K12 refused to answer questions. The Trial Chamber found the witness in contempt of the Tribunal pursuant to Rule 77 of the Rules of Procedure and Evidence. The Prosecution was directed to initiate contempt proceedings against the witness pursuant to Rule 77(C)(i) of the Rules. The witness may be represented by counsel as per Rule 77(E). The witness will remain on the witness list and must return to the court within 28 days for contempt proceedings. Should the witness decide to give evidence in the interim, he must notify the Prosecution to testify. The Prosecution then called Rule 92 *bis* witness Agron Mehmeti from Račak who testified about Serb attacks on that village in 1998. The accused then cross-examined the witness. The Prosecution subsequently re-examined the witness. The Prosecution then called Rule 92 *bis* witness Xhemajl Beqiri, a farmer from Račak who testified about the Serb attack on the village in January 1999.

On 5 June, the accused cross-examined Rule 92 *bis* witness Xhemajl Beqiri. Following the conclusion of the witness' testimony, the Prosecution introduced the statement of Rule 92 *bis* witness Nesret Shabani who testified about the attack on the Kosovo village of Račak in January 1999. One of the *amici curiae* then cross-examined the witness. One of the Judges subsequently examined the witness. The Prosecution then examined witness Shukri Buja, a commander of the Kosovo Liberation Army (“KLA”) who testified about the building of fortifications by the KLA in 1998. The accused then cross-examined the witness.

On 6 June, the accused resumed cross-examination of Shukri Buja. One of the *amici curiae* also cross-examined the witness followed by the Prosecution's re-examination. The Prosecution introduced the statement of Rule 92 *bis* witness Isuf Zhuniqui, a farmer and bus company owner from Bela Crkva in Kosovo, who testified about the Serb attack on his village in 1999. The accused cross-examined the witness and the Prosecution re-examined him.

On 7 June, the Prosecution called Rule 92 *bis* witness Ian Hendrie, formerly with the Kosovo Verification Mission of the Organisation for Security and Co-operation in Europe which visited the village of Račak in 1998. The accused cross-examined the witness.

Stanislav GALIĆ Case (“Sarajevo”)

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

On 3 June 2002, the Trial Chamber convened to hear the twenty-second week of the Prosecution case. The Defence cross-examined witness Major Roy Thomas, a senior United Nations Military Observer (“UNMO”) in Sector Sarajevo in 1993 and 1994 (see *Weekly Update* No. 222). The witness was then re-examined by the Prosecution and further cross-examined by the Defence. The Prosecution then examined witness Lieutenant-Colonel Richard Mole, a British military officer and UNMO in Sarajevo in 1992.

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On 4, 5 and 6 June, the hearing took place mainly in closed session.

On 7 June, the Prosecution resumed the examination of Lieutenant-Colonel Richard Mole.

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

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

On 3 June 2002, the Trial Chamber convened to hear the eleventh week of the Defence case. The Defence examined protected witness NJ who testified about conflicts between the Croatian Defence Council (“HVO”) and the Army of Bosnia and Herzegovina (“ABiH”) in 1993. The Prosecution then cross-examined the witness. The hearing adjourned for the remainder of the week.

Milomir STAKIĆ Case (“Priedor”)

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

On 4 June 2002, the Trial Chamber convened to hear the ninth week of the Prosecution case. The Prosecution examined protected witness Q who testified about the Serb take over of Prijedor. The hearing took place mainly in closed session.

On 5 June, the hearing took place mainly in closed session.

On 6 June, the Prosecution examined witness Ibrahim Beglerbegović, a medical doctor from Prijedor, who testified about events that took place after the take-over of Prijedor in 1992. He also testified about conditions for prisoners at Omarska Camp in 1992.

Blagoje SIMIĆ, Miroslav TADIĆ and Simo ZARIĆ Case (“Bosanski Šamac”)

Trial Chamber II Section B – Judges Mumba (Presiding), Williams and Lindholm

On 3 June 2002, the Defence resumed the cross-examination of witness Alija Fitozović who began his testimony the previous week (see *Weekly Update* No. 222).

On 4 June, the Defence resumed cross-examination of the witness. The Prosecution then re-examined the witness. Following the conclusion of the witness’ testimony, the Prosecution examined witness Jelena Kapetanović who testified about events in Bosanski Šamac, Bosnia and Herzegovina in 1992.

On 5 June, the Prosecution resumed examination of the witness whose testimony will continue at a later date.

On 6 June, the Prosecution examined witness Stevan Todorović, the former police chief of Bosanski Šamac. The witness was sentenced to 10 years’ imprisonment by Trial Chamber III on 31 July 2001 and is currently serving his sentence in Spain.

On 7 June, the Prosecution resumed the examination of witness Stevan Todorović.

Radoslav BRĐANIN and Momir TALIĆ Case (“Krajina”)

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

On 3 June 2002, the Trial Chamber convened to hear the seventeenth week of the Prosecution case. The Prosecution called witness Enis Sabanović, a cardiologist from Sanski Most, who testified about events that occurred when the war broke out in Croatia in 1991. He also testified about conditions in Manjača Camp in 1992.

On 4 June, the Prosecutor resumed the examination of the witness. The Defence subsequently cross-examined the witness.

On 5 June, the Defence resumed cross-examination.

On 6 June, the Prosecution examined witness Grgo Stojić from the village of Škrljevića in the Sanski Most municipality testified about events that took place there in 1992 and 1993.

Tihomir BLAŠKIĆ Case (“Lašva Valley”)

Pre-Appeal Judge Pocar

On 3 June 2002, a Status Conference was held pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Pre-appeal preparations were discussed. Counsel for the Defence of Tihomir Blaškić were not present in the Courtroom but were contacted via a telephone link during the hearing.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

Dragoljub KUNARAC, Radomir KOVAČ and Zoran VUKOVIĆ Case (“Foča”)

Appeals Chamber - Judges Jorda (Presiding), Shahabuddeen, Schomburg, Güney and Meron

ORDONNANCE PORTANT CALENDRIER

On 4 June 2002, the Appeals Chamber ordered that the Appeals Chamber Judgement be rendered on **12 June at 16:30**.

Mile MRKŠIĆ Case (“Vukovar Hospital”)

Trial Chamber II – Judges Schomburg (Presiding), Mumba and Agius

ORDER ON MILE MRKŠIĆ’S MOTION FOR PROVISIONAL RELEASE

On 23 May 2002, Defence Counsel for Mile Mrkšić filed a Motion for Provisional Release. On 31 May, the Trial Chamber ordered, *inter alia*, that:

- (1) the Head of the Detention Unit be instructed to report to the Trial Chamber on the medical treatment, conditions and facilities, including any special dietary needs actually requested by the accused at the UN Detention Unit;
- (2) a medical examination of Mile Mrkšić be carried out as soon as feasible.

The Trial Chamber will rule on the Motion after receiving copies of the report of the Head of the Detention Unit and hearing any further submissions if necessary.

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

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

DECISION ON “NALETILIĆ MOTION TO TAKE DEPOSITIONS FOR USE AT THE TRIAL PER RULE 71 OF THE RULES OF PROCEDURE AND EVIDENCE”

On 5 June 2002, the Trial Chamber granted the Motion in part and ordered, *inter alia*, that:

- (1) depositions be taken of the witnesses named in the attached confidential list in Mostar during the period of 7 to 15 July 2002;
- (2) a Senior Legal Officer be appointed as Presiding Officer for that purpose;
- (3) the accused shall not attend the depositions.

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

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

DECISION ON PROSECUTION’S MOTION FOR JUDICIAL NOTICE OF ADJUDICATED FACTS RELEVANT TO THE MUNICIPALITY OF BRČKO

On 25 April 2002, the Prosecution filed a Motion for Judicial Notice of Adjudicated Facts Relevant to the Municipality of Brčko.

On 5 June, the Trial Chamber denied the Motion and stated, *inter alia*, that while it was willing to consider the admission of truly adjudicated facts it did not find the facts presented under the circumstances as set out in Annex A of the Prosecution Motion to be susceptible of judicial notice.

Dušan FUŠTAR, Predrag BANOVIĆ and Duško KNEŽEVIĆ

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

DECISION ON THE PROSECUTION’S MOTION TO WITHDRAW THE THIRD AMENDED INDICTMENT

On 24 May 2002, the Prosecution filed a Motion to Withdraw the Third Amended Indictment on the basis that it was in the interest of justice and judicial efficiency to amend the Omarska and Keraterm Indictments so that one omnibus Indictment include all the relevant charges involving the accused Duško Knežević. On 5 June 2002, the Trial Chamber granted the Motion and ordered that the Prosecution submit, within 30 days, any motion to join or amend the Indictments against the three co-accused.

Radoslav BRĐANIN and Momir TALJIĆ Case (“Krajina”)

Appeals Chamber - Judges Jorda (Presiding), Shahabuddeen, Güney, Gunawardana and Meron
DÉCISION RELATIVE À “L’APPEL INTERLOCUTOIRE INTERJETÉ DE DROIT CONTRE UNE DÉCISION DE LA CHAMBRE DE PREMIÈRE INSTANCE”

On 16 April 2002, the Defence for Radoslav Brdanin filed an interlocutory appeal against the Decision of Trial Chamber II that there was no inconsistency between the application of Rule 90(H)(ii) of the Rules of Procedure and Evidence and Articles 20 and 21 of the Statute (see *Weekly Update* No. 213).

On 6 June 2002, the Appeals Chamber rejected the interlocutory appeal and stated, *inter alia*, that Rule 90(H)(ii) “*vise en réalité à faciliter la présentation équitable et efficace des moyens de preuve en donnant au témoin contre-interrogé la possibilité de s’expliquer sur les éléments de son témoignage qui sont contredits par les déclarations de la partie adverse, permettant ainsi au témoin l’économie d’une nouvelle comparution inutile pour le faire et à la Chambre de première instance d’apprécier plus justement la crédibilité de son témoignage grâce à l’explication du témoin ou de son conseil.*”

COURTROOM SCHEDULE: 10 JUNE – 14 JUNE *

MONDAY 10 JUNE

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

TUESDAY 11 JUNE

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

WEDNESDAY 12 JUNE

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

THURSDAY 13 JUNE

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

FRIDAY 14 JUNE

Courtroom I 09:00 - 13:45, **Milošević**, Trial
15:00, **Kordić and Cerkez**, Status Conference
Courtroom III 09:00 - 13:45, **Simić et al.**, Trial
14:15 - 19:00, **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 28 MAY

DATE	NUMBER	TITLE	E	F	B/C/S
7 June 2002	678	The Appeals Chamber will deliver its Judgement on 12 June 2002 in the KUNARAC, KOVAC and VUKOVIC Case	E		B/C/S

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