



4 October 2002

## ICTY WEEKLY UPDATE – 237

### PROCEDURAL DEVELOPMENTS:

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#### I. OVERVIEW OF COURT PROCEEDINGS:

##### **MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)**

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

From 30 September to 4 October 2002, the Trial Chamber convened to hear the second week of the Prosecution case. The following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused:

- Protected witness C037 (also cross-examined by an *amicus curiae*)
- Witness Stjepan Mesić (also cross-examined by an *amicus curiae*)

##### **STAKIĆ Case (“Prijeđor”)**

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*Trial Chamber II – Judges Schomburg (Presiding), Fassi Fihri and Vassylenko*

22<sup>nd</sup> week of the Prosecution case.

On 1 October 2002, the Trial Chamber convened for deliberations on issues relating to Rule 98 *bis* and Rule 15 *bis* of the Rules of Procedure and Evidence. The Accused consented to the assignment of a new Judge in the event that Judge Fassi Fihri was unable to continue sitting in the case.

##### **KRAJIŠNIK and PLAVŠIĆ Case (“Bosnia and Herzegovina”)**

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

On 2 October 2002, the Trial Chamber convened to hear the Accused, Biljana Plavšić, enter a plea of “guilty” on count 3 of the Indictment, persecutions on political, racial and religious grounds, a crime against humanity. The Prosecutor dropped the remaining seven counts on the Indictment. The Trial Chamber scheduled the Sentencing Hearing for 16 and 17 December 2002 (see *Press Release* No. 697).

##### **GALIĆ Case (“Sarajevo”)**

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

On 3 October 2002, the Trial Chamber convened for the Pre-Defence Conference pursuant to Rule 73 *ter* of the Rules of Procedure and Evidence. Preparations for the Defence case were discussed.

##### **BRĐANIN and TALIĆ Case (“Krajina”)**

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*Appeals Chamber – Judges Jorda (Presiding), Shahabuddeen, Güney, Gunawardana and Meron*

On 3 October 2002, the Appeals Chamber convened to hear Appellant Jonathan Randal’s Motion to Appeal the Trial Chamber’s Decision refusing to set aside a confidential subpoena to give evidence. Counsel for Randal filed the Motion on 26 June 2002. Counsel, the *amici curiae* and the Prosecution addressed the court. The Appeals Chamber will render its Decision in due course.

**BLAŠKIĆ (“Lašva Valley”)**

*Pre-Appeal Judge Pocar*

On 3 October 2002, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

**II. OVERVIEW OF SELECTED COURT DOCUMENTS:**

**BOROVČANIN Case**

*Judge Schomburg*

**ORDER TO LIFT THE SEAL OF CONFIDENTIALITY OF THE INDICTMENT, ARREST WARRANT AND NON-DISCLOSURE WARRANT**

On 27 September 2002, a Judge of the Tribunal vacated the Order for Non-Disclosure of the Indictment against Ljubomir Borovčanin (see *Press Release* No. 695).

**MILOŠEVIĆ Case (“Kosovo”)**

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

**DECISION ON ADMISSIBILITY OF PROSECUTION INVESTIGATOR’S EVIDENCE**

On 30 September 2002, a Bench of the Appeals Chamber dismissed the Prosecution’s Appeal. Judge Shahabuddeen appended a partially dissenting opinion. The Prosecution appealed the Trial Chamber Decision of 20 June 2002, which excluded the evidence from Mr. Barney Kelly, investigator with the Office of the Prosecutor.

**MILOŠEVIĆ Case (“Kosovo”)**

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

**ORDER**

On 3 October 2002, the Trial Chamber granted a Request from the Government of the Republic of Yugoslavia filed on 27 September 2002 and decided that two of its representatives may be present in the courtroom during the testimony of witness Zoran Lilić.

**BRĐANIN and TALIĆ Case (“Krajina”)**

*Trial Chamber II Section A – Judges Agius (Presiding), Janù and Taya*

**DECISION ON “REQUEST FOR CERTIFICATION TO APPEAL AGAINST THE DECISION TO SEPARATE TRIALS” AND ON “MOTION TO EXTEND TIME-LIMIT FOR FILING BRIEF IN SUPPORT OF REQUEST FOR CERTIFICATION TO APPEAL”**

On 3 October 2002, the Trial Chamber dismissed the Request of Momir Talić of 27 September 2002 not to separate the trial from Radoslav Brdanin.

**MARINIĆ Case (“Lašva Valley”)**

*Confirming Judge El Mahdi*

**ORDONNANCE AUTORISANT LE RETRAIT DE L’ACTE DE ACCUSATION PORTÉ À L’ENCONTRE DE ZORAN MARINIĆ**

On 3 October 2002, the confirming Judge ordered that the Indictment against Zoran Marinić be withdrawn. The Prosecution filed a Motion to withdraw the Indictment on 29 August 2002 (see *Press Release* No. 698).

**GALIĆ Case (“Sarajevo”)**

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

**DECISION ON THE MOTION FOR THE ENTRY OF ACQUITTAL OF THE ACCUSED STANISLAV GALIĆ**

On 3 October 2002, the Trial Chamber dismissed the Defence’s Motion of 2 September 2002 in part and entered a Judgement of acquittal on those parts of the Indictment which concern Scheduled Sniping Incidents No. 7 and No. 12 in support of counts 1, 2 and 4 and Scheduled Sniping Incident No. 19 in support of counts 1, 3 and 4.

## COURTROOM SCHEDULE: 7 OCTOBER TO 11 OCTOBER 2002

### MONDAY 7 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
 Courtroom II 09:00 - 13:45, **Brđanin**, Trial  
 14:15 - 19:00, **Galić**, Start Defence Case  
 Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal  
 14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

### TUESDAY 8 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
 Courtroom II 09:00 - 13:45, **Brđanin**, Trial  
 14:15 - 19:00, **Galić**, Trial  
 Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal  
 14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

### WEDNESDAY 9 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
 Courtroom II 09:00 - 13:45, **Brđanin**, Trial  
 14:15 - 19:00, **Galić**, Trial  
 Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal  
 14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

### THURSDAY 10 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
 14:15 - 19:00, **Brđanin**, Trial  
 Courtroom II 09:00 - 13:45, **Stakić**, Oral Arguments Rule 98*bis*  
 14:15 - 19:00, **Galić**, Trial  
 Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal  
 14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

### FRIDAY 11 OCTOBER

Courtroom II 11:00, **Kordić and Čerkez**, Status Conference  
 14:15 - 19:00, **Galić**, Trial  
 Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal  
 14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

\*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 20 SEPTEMBER

DATE	NUMBER	TITLE	E	F	B/C/S
30 September 2002	695	LJUBOMIR BOROVIĆANIN: INDICTMENT UNSEALED FOR HIS ALLEGED PARTICIPATION IN CRIMES COMMITTED AFTER THE TAKE-OVER OF THE SREBRENICA ENCLAVE	E		B/C/S
1 October 2002	696	EXTRAORDINARY PLENARY SESSION OF 30 SEPTEMBER 2002	E	F	B/C/S
1 October 2002	697	STATEMENT ON BEHALF OF BILJANA PLAVŠIĆ	E		B/C/S
4 October 2002	698	INDICTMENT AGAINST ZORAN MARINIC WITHDRAWN	E		B/C/S

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