



3 September 2004

ICTY WEEKLY UPDATE – 326

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

KRAJIŠNIK Case (“Bosnia and Herzegovina”)

Trial Chamber I - Judges Orić (Presiding), El Mahdi and Martín Canivell

13th week of the Prosecution case.

From 30 August until 3 September 2004, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Witness Izet Redžić
- Witness Kadira Brković
- Witness Ibro Osmanović
- Witness Sulejman Crnčalo

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

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

First week of the Defence case.

On 31 August and 1 September 2004, the Accused made his opening statement. On 1 and 2 September, a procedural hearing took place concerning the content of the medical reports about the Accused's health and assignment of defence counsel. On 2 September 2004, the Trial Chamber decided to assign counsel to the Accused. A written Decision will be rendered in due course. The Accused expressed his intention to appeal the Decision. The parties then presented their arguments as to the modalities of the assignment.

The Trial Chamber instructed the Registrar to appoint counsel for the Accused. The Registrar should endeavour in the first instance to secure the appointment of Mr. Kay and Ms. Higgins. The Registrar was instructed to report to the Trial Chamber by 1 p.m. on Friday 3 September 2004. Following the receipt of the report, the Trial Chamber will set out in an order the modalities for the further conduct of the trial (see *Press Release* No. 889).

RAJIĆ Case (“Stupni Do”)

Pre-Trial Judge Liu

On 31 August 2004, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

BRĐANIN Case (“Krajina”)

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

JUDGEMENT

On 1 September 2004, the Trial Chamber delivered its Judgement in the trial of Radoslav Brdanin. The Trial Chamber found Radoslav Brdanin not guilty of:

- Count 1: Genocide
- Count 2: Complicity of genocide

- Count 4: Extermination as a crime against humanity
- Count 10: Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly as a grave breach of the 1949 Geneva Conventions.

Pursuant to Article 7 (1) of the Statute of the Tribunal, the Trial Chamber found him guilty of:

- Count 3: Persecutions as a crime against humanity (incorporating Count 6 (torture), Count 8 (deportation) and Count 9 (forcible transfer as an inhumane act).
- Count 5: Wilful killing as a grave breach of the 1949 Geneva Conventions
- Count 7: Torture as a grave breach of the 1949 Geneva Conventions
- Count 11: Wanton destruction of cities, towns and villages or devastation not justified by military necessity as a violation of the laws and customs of war
- Count 12: Destruction or wilful damage done to institutions dedicated to religion as a violation of the laws and customs of war.

Radoslav Brđanin was sentenced to a single sentence of 32 years of imprisonment (see *Press Release* No. 888).

II. OVERVIEW OF SELECTED COURT DOCUMENTS

MLADIĆ Case (“Bosnia and Herzegovina”)

Judge Orić

ORDER TO THE REPUBLIC SRPSKA FOR THE PRODUCTION OF DOCUMENTS

On 1 September 2004, a Judge of the Tribunal ordered the Republika Srpska to provide the office of the Prosecutor, within a period of one month from the day this Order is served upon the Republika Srpska, with the minutes of the Supreme Command that took place in the period from 30 November 1992 up to and including 30 November 1995. The Prosecutor had filed an application to this effect on 28 May 2004.

ADEMI and NORAC Case (“Medak Pocket”)

Trial Chamber I - Judges Liu (Presiding), El Mahdi and Orić

SECOND DECISION ON PRE-TRIAL DETENTION

On 1 September 2004, the Trial Chamber consented to the transfer of the Accused Mirko Norac from the Zagreb Prison to the Glina Penitentiary provided that all conditions listed in the Decision of 8 July 2004 be respected (see *Weekly Update* No. 321).

ŠEŠELJ Case

Appeals Chamber - Judges Meron (Presiding), Pocar, Shahabuddeen, Güney, Weinberg de Roca

DECISION ON THE INTERLOCUTORY APPEAL CONCERNING JURISDICTION

On 31 August 2004, the Appeals Chamber allowed the Prosecution’s 18 June 2004 Appeal and reversed the Trial Chamber’s Decision. The Trial Chamber had, in its 3 June 2004 Decision, upheld part of Vojislav Šešelj’s challenge to jurisdiction and the form of the Indictment.

COURTROOM SCHEDULE: 6 to 10 SEPTEMBER 2004*

MONDAY 6 SEPTEMBER

Courtroom I 09:00 - 12:30, **Krajišnik**, Trial
14:00 - 17:00, **Krajišnik**, Trial

TUESDAY 7 SEPTEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
Courtroom III 09:00 - 13:45, **Krajišnik**, Trial

WEDNESDAY 8 SEPTEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:30 - 15:30, **Dragan Nikolić**, Status Conference
Courtroom III 09:30 - 13:00, **Strugar**, Trial
14:00 - 16:30, **Strugar**, Trial

THURSDAY 9 SEPTEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Blagojević & Jokić**, Trial
Courtroom II 15:00 - 16:30, **Halilović**, Status Conference
Courtroom III 09:30 - 13:00, **Strugar**, Trial
14:00 - 16:30, **Strugar**, Trial

FRIDAY 10 SEPTEMBER

Courtroom I 09:00 - 13:45, **Blagojević & Jokić**, Trial
Courtroom III 09:30 - 13:00, **Strugar**, Trial
14:00 - 16:30, **Strugar**, Trial

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Services.

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 30 AUGUST 2004

DATE	NUMBER	TITLE	E	F	B/C/S
30/08/2004	887	DAVID TOLBERT TAKES UP HIS DUTIES AS DEPUTY PROSECUTOR	E		B/C/S
01/09/2004	888	JUDGEMENT IN THE CASE THE PROSECUTOR V. RADOSLAV BRĐANIN	E	F	B/C/S
02/09/2004	889	MILOŠEVIĆ CASE, REGISTRAR INSTRUCTED TO APPOINT COUNSEL FOR THE ACCUSED	E		B/C/S

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](#)