



21 October 2005

ICTY WEEKLY UPDATE – 376

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

MILOŠEVIĆ Case

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

Continuation of the Defence case.

On 18 October 2005, the following witness was re-examined by the Defence:

- Witness Bogoljub Janićević

From 18 October to 20 October 2005, the following witness was examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Miloš Đošan

At the beginning of the trial session on 18 October 2005, the accused requested to examine an additional 199 witnesses by the end of the evidence presentation, for the completion of which he would need a total of 422 hours. On 20 October 2005, the Trial Chamber decided that they would not consider the accused's application for the extension of time, stating that the accused was left with 106 hours and must organise his case accordingly.

ORIĆ Case

Trial Chamber II - Judges Agius (Presiding), Eser and Brydensholt

Continuation of the Defence case

From 17 October until 20 October 2005, the following witness was examined by the Defence, subsequently cross-examined by the Prosecution and then re-examined by the Defence on 20 October 2005:

- Witness Ibro Alić

NALETILIĆ & MARTINOVIĆ Case

Appeals Chamber - Judges Pocar (Presiding), Shahabuddeen, Güney, Vaz and Schomburg

On 17 and 18 October 2005, the Parties appeared before the Appeals Chamber for a hearing in order to hear the merits of the appeals by both Parties. The judgement against the accused was rendered on 31 March 2003, Naletilić was sentenced to 20 years while Martinović was sentenced to 18 years of imprisonment. The Defence filed its appeal on 29 April 2003 and the Prosecution's appeal was filed on 2 May 2003. The Appeals Chamber judgement will be rendered in due course.

RAŠEVIĆ & TODOVIĆ Case

Pre-Trial Judge Antonneti

On 20 October 2005, the Parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules.

BRALO Case

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

On 20 October 2005, following the guilty plea entered on 19 July 2005 by Miroslav Bralo, the parties appeared before the Trial Chamber for the Sentencing Hearing. The accused was permitted to address the court – he apologised to all the victims and their families for all the horrors they had suffered by him or his co-fighters. At the end of its submission, the Prosecution asked that the accused be sentenced to 25 years of imprisonment. Subsequently, the Defence made its oral submission. The judgement will be rendered in due course.

II. OVERVIEW OF SELECTED COURT DOCUMENTS

PRLIĆ & STOJIĆ & PRALJAK & PETKOVIĆ & ČORIĆ & PUŠIĆ Case

Trial Chamber I – Judges Daqun (Presiding), El Mahdi and Orié

DECISION TO GRANT ACCUSED SLOBODAN PRALJAK'S SUPPLEMENTAL APPLICATION FOR VARIATION OF CONDITIONS OF PROVISIONAL RELEASE

On 14 October 2005, pursuant to Rules 54 and 65 of the Rules, Trial Chamber I granted the "Accused Slobodan Praljak's supplemental application for variation of conditions of provisional release" filed on 2 August 2005. In his application, Mr Praljak requested permission to be allowed to leave his Zagreb residence and travel to Pisak, Croatia, for a period of two weeks in November in order to complete prosthetic treatment. Trial Chamber I granted the application under a number of conditions set out in the decision.

HARADINAJ & BALAJ & BRAHIMAJ Case

Trial Chamber II – Judges Agius (Presiding), Brydensholt and Eser

ORDER RELATING TO THE PROSECUTION MOTION TO STAY THE DECISION ON DEFENCE MOTION OF RAMUSH HARADINAJ TO REQUEST RE-ASSESSMENT OF CONDITIONS OF PROVISIONAL RELEASE GRANTED 6 JUNE 2005

On 14 October 2005, pursuant to Rules 54 and 65 of the Rules, Trial Chamber II ordered a stay of the Decision it had rendered two days earlier, authorizing Ramush Haradinaj, the former Prime Minister of Kosovo, to "appear in public and engage in public political activities." This order follows on a motion by the Prosecution dated 13 October 2005, which had indicated its intention to appeal the Decision and had requested it to be stayed. The Chamber ordered the Defence to reply to the Prosecutor's motion at the latest by 17 October at 4 p.m. The Defence submitted its reply on 17 October 2005. The Prosecution submitted its appeal against the Decision on 19 October 2005.

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PTV, Communication Services

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
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MIĆO STANIŠIĆ Case

Appeals Chamber – Judges Pocar (Presiding), Shahabuddeen, Mumba, Güney and Schomburg

DECISION ON PROSECUTION INTERLOCUTORY APPEAL OF MIĆO STANIŠIĆ'S PROVISIONAL RELEASE

On 17 October 2005, the Appeals Chamber dismissed the Prosecution's appeal on the decision on provisional release of Mićo Stanišić filed on 22 July 2005. Mićo Stanišić was granted provisional release by Trial Chamber II on 19 July 2005.

POPOVIĆ & BEARA & NIKOLIĆ & BOROVIČANIN & TOLIMIR & MILETIĆ & GVERO & PANDUREVIĆ & TRBIĆ Case

Appeals Chamber – Judges Shahabuddeen (Presiding), Mumba, Güney, Schomburg and Vaz

DECISION ON INTERLOCUTORY APPEAL AGAINST TRIAL CHAMBER'S DECISION GRANTING PROVISIONAL RELEASE

On 19 October, the Appeals Chamber dismissed the Prosecution's appeal on the decision to grant the provisional release of Miletić and Gvero filed on 22 August 2005. Trial Chamber II had granted the motions for provisional release of Miletić and Gvero on 19 July 2005.

PERIŠIĆ Case

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

DECISION GRANTING MOMČILO PERIŠIĆ'S MOTION TO MODIFY CONDITIONS OF PROVISIONAL RELEASE

On 19 October 2005, pursuant to Rules 65 and 54 of the Rules, Trial Chamber III granted the motion by the accused seeking to modify the condition of provisional release that required him to remain within the confines of the municipality of Belgrade, Serbia, filed on 10 October 2005. Trial Chamber III issued the following orders:

- The accused has permission to visit his brother in Koštunići, Serbia on 1-15 November 2005, 15-30 December 2005 and 15-30 January 2005;
- The accused shall provide details of each visit to the Ministry of Interior of the Republic of Serbia at least seven days in advance of the departure date of each visit;
- The government of the Republic of Serbia shall:

- between 1 November 2005 and 1 February 2006 submit a written report to the Trial Chamber every two weeks on the compliance of the accused with his provisional release conditions as set forth in the Trial Chamber's decision of 9 June 2005 and this decision;
- immediately arrest and detain the accused if he should breach any of his provisional release conditions; and
- immediately report to this Trial Chamber any breach of his provisional release conditions.

ČERMAK & MARKAČ Case

Trial Chamber II – Judges Agius (Presiding), Antonetti and Parker

DECISION ON PROSECUTION MOTION SEEKING LEAVE TO AMEND THE INDICTMENT

On 19 October 2005, pursuant to Rule 50 of the Rules, Trial Chamber II granted the Prosecution's motion to amend the indictment filed on 6 May 2005. The Prosecution was ordered, *inter alia*, to file the further amended indictment within twenty-one days of the filing of this decision.

COURTROOM SCHEDULE: 24 OCTOBER – 28 OCTOBER 2005*

MONDAY 24 OCTOBER

No trials – UN holiday

TUESDAY 25 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Orić**, Trial
Courtroom II 09:00 - 13:45, **Krajišnik**, Trial
15:00 - 16:00, **Perišić**, Status Conference
Courtroom III 09:00 - 13:45, **Mrkšić & Radić & Šljivančanin**, Trial
14:15 - 15:15, **Mičo Stanišić**, Status Conference

WEDNESDAY 26 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Orić**, Trial
Courtroom II 09:00 - 13:45, **Krajišnik**, Trial
Courtroom III 09:00 - 13:45, **Mrkšić & Radić & Šljivančanin**, Trial
15:00 - 16:00, **Marijačić & Rebić**, Status Conference

THURSDAY 27 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Orić**, Trial
Courtroom II 09:00 - 13:45, **Krajišnik**, Trial
Courtroom III 09:00 - 13:45, **Mrkšić & Radić & Šljivančanin**, Trial
15:00 - 16:00, **Delić**, Status Conference

FRIDAY 28 OCTOBER

Courtroom I 09:00 - 13:45, **Krajišnik**, Trial
14:15 - 19:00, **Orić**, Trial
Courtroom III 09:00 - 13:45, **Mrkšić & Radić & Šljivančanin**, 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).

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