



30 June 2006

ICTY WEEKLY UPDATE – 408

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

MARTIĆ Case

Trial Chamber I – Judges Moloto (Presiding), Nosworthy and Höpfel

Rule 98bis submissions

From 26 June until 27 June 2006, the parties met before the Trial Chamber to hear the submissions by the Defence and subsequently the response by the Prosecution.

The hearing will resume on 3 July 2006 at 09:00.

MRKŠIĆ et al. Case

Trial Chamber II - Judges Parker (Presiding), Thelin and Van Den Wyngaert

Evidentiary matters and 98bis submissions

On 26 June 2006, the parties met before the Trial Chamber to discuss evidentiary matters.

On 28 June 2006, the parties met before the Trial Chamber to discuss evidentiary matters and to make submissions. During this session, the Trial Chamber dismissed Rule 98bis motions for acquittal for each of the three accused.

The Pre-Defence Conference will be held on 10 August 2006.

KRAJIŠNIK Case

Trial Chamber I - Judges Orić (Presiding), Canivell and Hanoteau

Evidentiary matters and examination of Trial Chamber witnesses

On 26 June 2006, the parties met before the Trial Chamber to discuss evidentiary matters.

On 27 June 2006, the following witness was examined by the Trial Chamber (pursuant to Rule 98 of the Rules) and subsequently cross examined by the parties:

- Amir Delić (eye-witness from the city of Bosanski Novi)

On 28 June and 30 June 2006, the following witness was examined by the Trial Chamber (pursuant to Rule 98 of the Rules) and subsequently cross examined by the parties:

- Bogdan Subotić (Minister of Defence of Republika Srpska during the relevant period)

PRLIĆ et al. Case

Trial Chamber II – Judges Antonetti (Presiding), Prandler, Trechsel and Mindua (Ad Litem Reserve Judge)

Continuation of the Prosecution case

From 26 June until 28 June 2006, the following witness was examined by the Prosecution and subsequently cross-examined by the Defence:

- Stjepan Kljujić (member of the Presidency of Bosnia and Herzegovina during the relevant period)

BRĐANIN Case

Pre-Appeal Judge Meron

On 28 June 2006, the parties met before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules. The appellant was present.

DELIĆ Case

Pre-Trial Judge Thelin

On 29 June 2006, the parties met before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules. The accused was not present (provisional release).

GALIĆ Case

Pre-Appeal Judge Meron

On 29 June 2006, the parties met before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65*bis* of the Rules. The appellant was present.

ORIĆ Case

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

On 30 June 2006, Trial Chamber II rendered the judgement in the case of the Prosecutor v. Naser Orić: he was sentenced to two years' imprisonment. The accused was entitled to credit for the period of time he spent in custody since 10 April 2003 and the Judges therefore ordered that he be released as soon as the necessary practical arrangements have been made – *See Press Release number 1094, dated 30 June 2006.*

II. OVERVIEW OF SELECTED COURT DOCUMENTS

ČERMAK & MARKAČ Case

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

DECISION ON IVAN ČERMAK MOTION FOR TEMPORARY MODIFICATION OF THE CONDITIONS OF THE APPEALS CHAMBER DECISION ON PROVISIONAL RELEASE

On 23 June 2006, pursuant to Rules 54 and 65 of the Rules, Trial Chamber II granted the partly confidential motion by Ivan Čermak seeking permission to travel from his residence in Krapinske Toplice to temporarily reside in Dubrovnik from 1 July 2006 to 1 September 2006, filed on 23 May

2006. The motion was supported by confidential medical certificates, which advised the accused “to allow exposure to maritime or alpine air.”

ŽIGIĆ Case

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

DECISION ON ZORAN ŽIGIĆ’S “MOTION FOR RECONSIDERATION OF APPEALS CHAMBER JUDGEMENT IT-98-30/1-A DELIVERED ON 28 FEBRUARY 2005”

On 26 June 2006, the Appeals Chamber denied the motion by Z. Žigić requesting the Appeals Chamber to reconsider its Appeal Judgement (he was sentenced to 25 years’ imprisonment on 28 February 2005)

Josip JOVIĆ Case (“Contempt”)

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

DECISION ON MOTION FOR POSTPONEMENT OF TRIAL AND RE-SCHEDULING ORDER

On 26 June 2006, pursuant to Rule 54 of the Rules, Trial Chamber III denied the motion by Josip Jović to postpone the trial for a period of three months, filed on 21 June 2006. The Chamber ordered that the trial in this case shall commence on Monday 3 July 2006, at 08:30, continuing until 19:00, if necessary.

POPOVIĆ et al. Case

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

DECISION ON SEVERANCE OF CASE AGAINST MILORAD TRBIĆ WITH CONFIDENTIAL AND EX PARTE ANNEX

On 26 June 2006, pursuant to Rules 54 and 82 of the Rules, Trial Chamber II granted the Prosecution’s motion for severance of the case against Milorad Trbić, filed confidentially and *ex parte* the co-accused on 16 June 2006. The Chamber ordered, *inter alia*, that:

- the Prosecution shall file two new versions of the Second Consolidated Amended Indictment in this case, one redacting all charges against the accused Trbić and bearing the case number IT-05-88, and the other redacting all charges against the co-accused and bearing the case number assigned by the Registry;
- the corrected version of the Second Consolidated Amended Indictment, with the charges against the accused Trbić redacted, shall be the operative indictment for the trial in case no. IT-05-88, and shall bear the title “Indictment”;
- the corrected version of the Second Consolidated Amended Indictment, with the charges against the co-accused redacted, shall be the operative indictment against the accused Trbić, and shall bear the case number assigned by the Registry and the title “Indictment”.

Vojislav ŠEŠELJ Case

Judge Pocar –President of the ICTY

DECISION ON ŠEŠELJ’S APPEAL AGAINST THE REGISTRY DECISION OF 9 MAY 2006

On 26 June 2006, Judge Pocar dismissed the second appeal by Šešelj against the decision of the Registrar, dated 12 May 2006, refusing his request to be visited by Mr. Tomislav Nikolić.

MILUTINOVIĆ et al. Case

Trial Chamber III – Judges Bonomy (Presiding), Thelin and Höpfel

Internet address: <http://www.un.org/icty>

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ORDER REPLACING THIRD AMENDED JOINDER INDICTMENT AND SEVERING VLASTIMIR ĐORDEVIĆ FROM THE TRIAL

On 26 June 2006, pursuant to Rules 54, 65*ter*, 82, 126*bis* and 127 of the Rules, Trial Chamber III ordered, *inter alia*, that:

- the accused Vlastimir Đorđević is severed from the trial of the six accused, and the Registry shall assign a new case number to any further submissions or proceedings that involve accused Đorđević;
- the corrected version of the Third Amended Joinder Indictment shall be filed under the new case number assigned to accused Đorđević and shall be the operative indictment against him;
- the corrected and redacted version of the Third Amended Joinder Indictment shall be the operative indictment for the trial against the six accused and shall be referred to as the "Redacted Third Amended Joinder Indictment".

KRAJIŠNIK Case

Trial Chamber I – Judges Orić (Presiding), Canivell and Hanoteau

ORDER IN LIEU OF INDICTMENT ON CONTEMPT CONCERNING BRANKO ĐERIĆ

On 27 June 2006, Trial Chamber I ordered the prosecution of Branko Đerić on the charge of Contempt of the Tribunal and decided to prosecute the matter itself.

WARRANT OF ARREST AND ORDER FOR SURRENDER OF BRANKO ĐERIĆ

On 27 June 2006, pursuant to Articles 19(2) and 29 of the Statute and Rules 54, 55, 56, 57 and 59*bis* of the Rules, the Trial Chamber issued an arrest warrant against Branko Đerić and directed Bosnian authorities to detain and transfer him to the Tribunal's seat in the Hague to face charges of contempt of court – *See Press Release number 1093, dated 27 June 2006.*

MILUTINOVIĆ et al. Case

*Trial Chamber III – Judges Bonomy (Presiding), Chowhan and Kamenova
(change in the composition of Trial Chamber on 28 June 2006)*

DECISION ON ŠAINOVIĆ REQUEST FOR VARIATION OF CONDITIONS OF PROVISIONAL RELEASE

On 28 June 2006, pursuant to Rules 54 and 65(C) of the Rules, Trial Chamber III granted the motion by Nikola Šainović requesting to visit his mother in the city of Bor, Serbia on 22 July 2006, filed on 26 June 2006.

SCHEDULING ORDER FOR COMMENCEMENT OF TRIAL

On 28 June 2006, pursuant to Rules 54 and 62 of the Rules, Trial Chamber III ordered, *inter alia*, that:

- the pre-trial Conference shall be held on Friday, 7 July 2006 in Courtroom III;
- the trial shall commence on Monday, 10 July 2006 in Courtroom I;
- the trial shall adjourn for the summer recess from 17 July to 4 August 2006.

COURTROOM SCHEDULE: 3 JULY – 7 JULY 2006*

MONDAY 3 JULY

Courtroom I 09:00 – 13:45, **Krajišnik**, Trial

Courtroom II 09:00 – 13:45, **Martić**, Trial

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15:00 – 19:00, **Jović**, Trial
Courtroom III 08:30 – 13:45, **Jović**, Trial
14:15 – 19:00, **Prlić et al.**, Trial

TUESDAY 4 JULY

Courtroom I 09:00 – 13:45, **Krajišnik**, Trial
17:00 – 19:00, **Šešelj**, Status Conference
Courtroom III 09:00 – 17:15, **Prlić et al.**, Trial

WEDNESDAY 5 JULY

Courtroom I 09:00 – 13:45, **Krajišnik**, Trial
Courtroom II 09:00 – 13:45, **Jović**, Trial
Courtroom III 09:00 – 17:15, **Prlić et al.**, Trial

THURSDAY 6 JULY

Courtroom I 09:00 – 13:45, **Krajišnik**, Trial
14:15 – 19:00, **Milutinović et al.**, Hearing
Courtroom III 09:00 – 13:45, **Prlić et al.**, Trial
14:30 – 18:00, **Popović et al.**, Status Conference

FRIDAY 7 JULY

Courtroom I 09:00 – 13:45, **Krajišnik**, Trial
Courtroom II 09:00 – 13:45, **Martić**, Pre-defence Conference
Courtroom III 09:00 – 17:30, **Milutinović et al.**, Pre-trial Conference

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Media Office (+31-70-512-5343, - 5356, or – 8752)

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 23 JUNE 2006

Date	Number	Title	E	F	B/C/S
27/06/2006	1092	TWO <i>AD LITEM</i> JUDGES SWORN IN	E		B/C/S
27/06/2006	1093	TRIAL CHAMBER ORDERS ARREST OF FORMER BOSNIAN SERB PREMIER FOR CONTEMPT	E		B/C/S
30/06/2006	1094	NASER ORIĆ CONVICTED	E		B/C/S

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