



21 October 1999

ICTY WEEKLY UPDATE – 98

PROCEDURAL DEVELOPMENTS: 18 - 21 OCTOBER

I. OVERVIEW OF COURT PROCEEDINGS

JELISIĆ CASE

Trial Chamber I – Judges Jorda (Presiding), Riad and Rodrigues

On Tuesday, the Trial Chamber held the judgement hearing pursuant to its notice issued on 12 October 1999 (see Press Release No. 440).

The Trial Chamber considered that the Prosecution had not sufficiently proven the required intent for genocide and thus handed down its judgement after hearing the Prosecution case-in-chief without hearing the Defence case-in-chief (see Press Release No. 441).

Finding the accused not guilty of genocide, the Trial Chamber found Jelisić guilty of crimes against humanity and violations of the laws and customs of war. The sentencing judgement will be rendered at a later date.

KORDIĆ & ČERKEZ CASE

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

On Monday, the Trial Chamber reconvened to hear the testimony of Prosecution witness Mr. Lee Whitworth, formerly a captain in the British Army who arrived in Vitez in May 1993.

In June 1993, Mr. Whitworth was assigned as liaison officer for the Vitez area in order to develop good relations with people on the ground with the aim of facilitating the delivery of aid supplies in the Lasva Valley.

Mr. Whitworth gave evidence regarding the communication facilities of the ABiH which, he said, appeared thorough up and down the Lašva Valley area. Mr. Whitworth also testified regarding helicopter movement, the output of the local radio station, the relationships between Tihomir Blaškić and Mario Čerkez and between the latter and Darko Kraljević and prisoner exchanges. Mr. Whitworth opined that Čerkez believed Kraljević to be a useful military asset that allowed him to undertake and complete his mission with great success. However, with regard to Colonel Blaškić, Mr. Whitworth said that Čerkez never held him in particularly high regard, and that there was a reluctant co-operation between them.

On Tuesday Mr. Stjepan Kljuić, president of the Republican Party in Bosnia and Herzegovina continued to testify, his examination-in-chief commenced, but was not completed, on 26 July 1999. Mr. Kljuić gave evidence regarding the establishment of the HDZ for Bosnia-Herzegovina and its Statute. Mr. Kljuić has now completed his testimony.

On Wednesday, Major Philip Jennings gave evidence. Major Jennings was deployed in the former Yugoslavia in the early part of 1993, taking command of a company there on the 13 January. His mission was to conduct an operation in support of UNHCR in order to deliver humanitarian aid. Major Jennings also testified regarding the use of military force by HVO, attacks on Muslim houses, particularly attacks on Kacuni commencing on 25 January and meetings he had with Kordić. Major Jennings said that it was clear to him that Kordić exercised a lot of power.

His cross-examination by the Defence continued on Thursday.

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

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MARTINOVIĆ CASE
Trial Chamber I – Judges Jorda (Presiding), Riad and Rodrigues

The Trial Chamber held a status conference in closed session on Wednesday.

II. OVERVIEW OF COURT DOCUMENTS

MARTINOVIĆ CASE

MARTINOVIĆ SEEKS REVIEW OF DECISION TO REFUSE ASSIGNMENT OF COUNSEL

On 15 October 1999, Vinko Martinović filed a request before the President of the Tribunal for the review of the Registrar's decision dated 12 October 1999 refusing the accused's request for the assignment of Mr. Branko Šerić, attorney from Zagreb, as his counsel on the basis that the Registrar was not satisfied that the accused fulfils the requirement of indigency (see Update No. 97).

KUPREŠKIĆ & OTHERS CASE

CLOSING ARGUMENTS SCHEDULED

On 15 October 1999, Trial Chamber II (Judges Cassese (Presiding), May and Mumba) ordered that closing arguments of both parties be heard on 9 November (9.00 a.m. to 1.30 p.m.), 10 November (9.00 a.m. to 2.00 p.m.) and 11 November (9.00 a.m. to 2.00 p.m.) 1999.

KVOČKA & OTHERS CASE and KOLUNDŽIJA CASE

MOTION FOR JOINDER OF INDICTMENTS DISMISSED

On 19 October 1999, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) issued its decision on the Prosecution's motion for joinder filed on 22 July 1999 (see Update 87). In the motion the Prosecution requested that Kolundžija be severed from the "Sikirica & others" indictment (IT-95-8) and joined to the "Kvočka & others" indictment (IT-98-30).

Considering that the joining of Kolundžija to the Kvočka & others indictment is not in the interests of justice as it would delay the proceedings against the other accused charged in that indictment, the Trial Chamber dismissed the motion.

TALIĆ & BRDANIN CASE

TALIĆ FILES MOTION TO SEPARATE TRIALS

On 14 October 1999, counsel for Momir Talić filed a motion to separate his trial from that of Radoslav Brđanin on the basis that to do otherwise would result in a conflict of interests which could cause him serious prejudice in respect of the defence which he means to present.

Talić submits that each of the accused has a differing approach in the conduct of his defence and that Brđanin appears to be placing sole responsibility for some of the charges on Talić.

TALIĆ FILES MOTION TO DISMISS INDICTMENT

Also on 14 October 1999, counsel for Talić filed a motion for the dismissal of the indictment on the ground that the evidence supporting the indictment does not sufficiently constitute a prima facie case against the accused.

On 19 October 1999, the Prosecution filed its response to the above motion.

PRESS RELEASES ISSUED SINCE 18 OCTOBER

DATE	NUMBER	TITLE
19/10/99	441	GORAN JELISIC ACQUITTED OF GENOCIDE AND FOUND GUILTY OF CRIMES AGAINST HUMANITY AND VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR

COURTROOM SCHEDULE: 25 – 29 OCTOBER*

No hearings are scheduled to take place next week.

*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.

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](#)