



12 November 1999

ICTY WEEKLY UPDATE – 101

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

DOŠEN CASE

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

On Monday 8 November, the Trial Chamber held the initial appearance of Damir Došen which had been postponed on Monday 1 November due to the non-attendance of the accused (see Update No. 100).

The accused pleaded “not guilty” to all counts charged against him in the indictment. The Trial Chamber then noted that the accused will attend the next status conference with Kolundžija on **20 January 2000 at 2.30 p.m.**

KORDIĆ & ČERKEZ CASE

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

This week, the Trial Chamber continued to hear the testimony of witnesses called by the Prosecution. All the witnesses testified regarding various military and political matters in Bosnia at the relevant time.

On Monday, Lieutenant-Colonel J. Carter gave evidence. Lieutenant-Colonel Carter formally trained in the military and subsequently analysed documents and records within the United Nations in order to report on that information to the Defence Department, the Pentagon, or to the United Nations at various levels.

On Tuesday the re-examination of Lieutenant-Colonel Carter by Prosecution was completed after which the Trial Chamber heard the testimony of Mr. Alastair Duncan, a General in the British Army, who previously testified in the Blaškić case on 3 June 1998.

Mr. Duncan was the Commanding Officer of the Prince of Wales' Own Regiment of Yorkshire stationed in central Bosnia from May 1993 to November 1993. The area of responsibility for his regiment covered the Prozor region, Gornji Vakuf, Zenica, Vitez and Tuzla.

The examination-in-chief of Mr. Duncan was completed on Wednesday, his cross-examination by Mr. Sayers commenced but was subsequently adjourned. The witness is due to return to the Tribunal to complete his testimony on 25 November 1999.

Reconvening on Friday the Trial Chamber concluded the week's hearing with the testimony of Colonel Paulus Schipper who served with DutchBat in Bosnia in 1993.

The Trial Chamber has now adjourned until Thursday 18 November 1999.

JELISIĆ CASE

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

On Monday the Trial Chamber began to hear the pre-sentencing arguments for the counts to which Jelisić pleaded guilty, that is crimes against humanity and violations of the laws or customs of war (see

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Press Release No. 441, 19 October 1999). The Trial Chamber commenced the sentencing hearing with witnesses called by Jelisić.

The first witness, protected witness DJ, a Muslim, testified that he had known Jelisić since elementary school and sought refuge in Jelisić's house when he was in danger as a result of his involvement in the barricades set up by civilians to protect the town of Bijeljina. Witness DJ also testified that later Jelisić helped him and his family escape to Croatia.

The Trial Chamber then went into closed session after which witness DK, a Croat, began to testify.

On Tuesday morning the Trial Chamber held a status conference in closed session and heard the testimony of witness DL via videolink also in closed session. Witness DK then concluded his testimony from Monday.

On Wednesday, the Trial Chamber heard seven character witnesses called by the defence in open session.

Witness DA, a Macedonian, first met Jelisić in 1988; Witness DI, a Muslim, has known Jelisić since the age of 10 when they were at school and later worked together; Witness DH, a Serb, met Jelisić in 1992 and Jelisić lived in his house from the end of August until about mid-September 1992; after a period of closed session the Trial Chamber heard the testimony of Witness DD, a Muslim, who had known Jelisić since 1993 and whose son was a friend of Jelisić; Witness DF, a Serb, had known Jelisić since 1984, his testimony was concluded in closed session; Witness DE, a Muslim, first met Jelisić in 1985; Witness DG, a Muslim, first met Jelisić in 1989 and they were both employed at an agricultural works.

The week's hearings concluded on Thursday with the testimony of three witnesses called by Jelisić.

Witness DB, a Muslim, has known Jelisić since childhood; Witness DP, a Muslim, obtained false Serbian identification cards from Jelisić to enable the witness and his family to leave Bijeljina and cross the River Drina; witness DM, a Muslim, went to school with Jelisić. The latter two witnesses testified via videolink.

The Trial Chamber will reconvene on **Monday 22 November at 10:00 a.m.** when the sentencing hearings will resume.

TADIĆ CASE

Appeals Chamber – Judges Shahabuddeen (Presiding), Cassese, Wang, Nieto-Navia and Mumba

On Monday, the Appeals Chamber reconvened to hear the allegations of contempt of the Tribunal brought against Mr. Milan Vujan, former Counsel for Duško Tadić (see Update No. 92). The hearing was closed to the public.

Trial Chamber – Judges Kirk McDonald (Presiding), Vohrah and Robinson

On Thursday, the Trial Chamber handed down its sentencing judgement for the additional counts of which the accused was convicted by the Appeals Chamber on 15 July 1999. The Trial Chamber imposed a sentence of 25 years' imprisonment for all the counts of which Tadić has now been convicted (see Press Release No. 447).

KUPREŠKIĆ & OTHERS CASE

Trial Chamber II – Judges Cassese (Presiding), May and Mumba

The Trial Chamber reconvened on Tuesday to hear the parties' closing arguments. The Prosecution recommended that the Trial Chamber impose the following sentences for each of the accused:

Vlatko Kupreškić: 12 years' imprisonment; Zoran Kupreškić: not less than 20 years' imprisonment; Mirjan Kupreškić: not less than 15 years' imprisonment; Drago Josipović: 15 years' imprisonment; Dragan Papić: 8 years' imprisonment; Vladimir Šantić 30 years' imprisonment.

On Wednesday, the Trial Chamber heard the closing arguments of three of the accused. Counsel for Zoran Kupreškić, Mirjan Kupreškić and Vlatko Kupreškić submitted that their respective clients should be acquitted on all charges. All counsel requested that their respective clients be temporarily released

from detention, these requests were subsequently denied on Thursday morning on the grounds of lack of exceptional circumstances.

In their submissions on Thursday counsel for Drago Josipović, Dragan Papić and Vladimir Šantić requested that their respective clients be acquitted on all charges. Counsel for Josipović also made an application for provisional release which was subsequently denied by the Trial Chamber on the ground of lack of exceptional circumstances.

The Trial Chamber has now adjourned to consider its judgement which it expects to deliver in mid-January 2000.

BRDANIN & TALIĆ CASE

Trial Chamber II – Judges Cassese (Presiding), Mumba and Hunt

On Thursday, the Pre-Trial Judge, Judge Hunt, held a status conference in open session.

II. OVERVIEW OF COURT DOCUMENTS

KVOČKA CASE

RADIC AND ZIGIC'S OBJECTIONS TO AMENDED INDICTMENT DISMISSED

On 8 November 1999, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) issued its decision dismissing submissions filed by Radić and Žigić on 17 June 1999 on the form of the amended indictment dated 31 May 1999.

The Trial Chamber considered that the level of detail of the information contained in the amended indictment provides the accused with sufficient material to enable them to prepare their defence adequately and thus complies with the decision issued by the Trial Chamber on 12 April 1999 in which the Prosecution was directed to add particulars to the indictment against the accused dated 12 June 1998.

ALEKSOVSKI CASE

BRIEFS IN REPLY FILED

On 10 November 1999, Counsel for Aleksovski filed the appellant's brief in reply to the respondent's brief filed by the prosecution on 25 October 1999 (see Update No. 99) in the matter of the appeal against the judgement and sentencing handed down by Trial Chamber I (Judges Rodrigues (Presiding), Vohrah and Nieto-Navia) on 7 May 1999 (see Press Release No. 400).

Also on 10 November 1999, the Prosecution filed its brief, and book of authorities, in reply to the appellant's brief replying to the Prosecutions appeal brief, filed by counsel for Aleksovski on 25 October 1999.

KUNARAC & KOVAČ CASE

PROVISIONAL RELEASE OF KUNARAC DENIED

On 11 November 1999, Trial Chamber II (Judges Mumba (Presiding) Cassese and Hunt) denied the request for provisional release filed by counsel for Kunarac on 11 October 1999.

The Trial Chamber considered that none of the factors put forward by the accused, either alone or in combination, amounts to exceptional circumstances.

PRESS RELEASES ISSUED SINCE 8 NOVEMBER

DATE	NUMBER	TITLE
08/11/99	445	ADDRESS TO THE UNITED NATIONS GENERAL ASSEMBLY JUDGE GABRIELLE KIRK MCDONALD PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL
09/11/99	446	PRESS RELEASE BY CARLA DEL PONTE, PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA CONCERNING THE CASE OF JEAN-BOSCO BARAYAGWIZA
11/11/99	447	TADIC SENTENCE INCREASED TO 25 YEARS' IMPRISONMENT

COURTROOM SCHEDULE: 15 – 19 NOVEMBER *

MONDAY 15 NOVEMBER

Plenary meeting of the Judges
Courtroom III 16:30, **Kunarac/Kovac**, Status Conference

TUESDAY 16 NOVEMBER

Plenary meeting of the Judges

WEDNESDAY 17 NOVEMBER

Plenary meeting of the Judges

THURSDAY 18 NOVEMBER

Courtroom II 9:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom III 09:00, **Tadic**, R77
14:00, **Tadic**, R77

FRIDAY 19 NOVEMBER

Courtroom III 09:30, **Kordic/Cerkez**, Trial

*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](#)

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