



21 January 2000

ICTY WEEKLY UPDATE – 109

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

KORDIĆ & ČERKEZ CASE

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

The Trial Chamber reconvened this week continuing to hear the Prosecution case-in-chief in the absence of Judge Robinson, who was away from the Tribunal for urgent personal reasons.

On Monday 17 January, the Trial Chamber heard the testimony of Colonel Robert Stewart, Commanding Officer of the 1st Battalion of the Cheshire Regiment in Bosnia from October 1992 to May 1993. Colonel Stewart testified regarding specific encounters he had with Kordić during his time in Bosnia, and the distribution of power between Kordić and Blaškić. Colonel Stewart also gave his opinion on responsibility for the attack on Ahmići and ethnic cleansing in central Bosnia in general. His cross-examination concluded the following day.

On Tuesday 18 January, Witness AB, began his testimony in which he discussed, amongst other things, a list of the 101 people missing from the village of Ahmići after the April 1993 attack, as received by the witness and a list of approximately 18 names alleged to be the perpetrators.

The testimony of Witness AC followed, covering events that occurred between the 18 and 22 October 1992 at a time when there was a conflict in Novi Travnik. In his examination-in-chief, which continued on Wednesday 19 January, the witness gave details of his detention in Kaonik camp and subsequent release on 16 May 1993 in exchange for HVO soldiers who had been captured by the ABiH.

The final witness called this week, Brigadier-General Dzemal Merdan, served as Captain of a frigate in the JNA and, upon his return to Bosnia in 1991, joined the Territorial Defence in April 1992. Based at the headquarters in Zenica, the witness was involved in planning and operations work in defence against the Serbs, and became a commander of the Territorial Defence unit for the Zenica region.

Brigadier-General Merdan testified regarding, amongst other things, encounters in the course of his work with Dario Kordić, Anto Valenta, Ignjac Kostroman, Pero Skopljak, Ivan Šantić, Zoran Marić, Pero Krizanac, and Niko Grubesić and the chain of authority between these people.

The witness will return on Tuesday 25 January 2000, to continue his examination-in-chief.

On Thursday 20 January, the Trial Chamber held a status conference in open session.

Correction: On Friday 14 January, the Trial Chamber held an *ex parte* hearing in open session in which the counsel for the Defence requested ECMM, the Government of the Netherlands and UNPROFOR to produce certain documents. Contrary to what was reported in Update No. 108, the Republic of Croatia was not in any way involved in these proceedings.

KVOČKA & OTHERS CASE

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

A status conference was held in open session on Friday 21 January 2000 in the absence of Judge Robinson.

Issues discussed included motions regarding the taking of depositions; motions regarding protective measures for witnesses giving testimony by way of deposition; a request filed by Kvočka for the disclosure of the video-tape of the Prosecution interview of Kos and photo-boards shown by the Prosecution to witnesses while questioning; a request for provisional release filed by Kvočka on 12 January 2000; and fixed dates for further hearings. The next status conference is scheduled to take place on **Tuesday 15 February 2000 at 4.30 p.m.**

A meeting to discuss the deposition hearings followed the status conference.

II. OVERVIEW OF COURT DOCUMENTS

MARTINOVIĆ CASE

COST OF LEGAL REPRESENTATION TO BE TEMPORARILY BORNE BY THE TRIBUNAL

On 17 January 2000, the Deputy Registrar issued a decision on the request submitted by Martinović for review of the Registrar's decision dated 21 December 1999, in which Martinović's request for assignment of counsel was granted in part (see Update No. 107).

Considering that the right of the accused to an effective defence shall not be affected while the accused's financial situation is being re-examined in view of the above request, but that the accused continues to have the burden of proof that he fulfils the requirement of indigency, the Deputy Registrar decided that all costs and expenses of legal representation for Martinović necessarily and reasonably incurred shall be temporarily borne by the Tribunal for a period not exceeding 30 days. In the meantime, the Deputy Registrar invited the accused to provide the Registry with more information to support his claim for legal aid at the Tribunal.

TADIĆ CASE

DATE FOR JUDGEMENT SCHEDULED

Further to the close of hearings on 14 January 2000 in the appeal against the sentences, on 17 January 2000, the Appeals Chamber (Judges Shahabuddeen (Presiding), Mumba, Cassese, Wang and Nieto-Navia) ordered that the sentencing Judgement will be delivered on **Wednesday 26 January 2000 at 10.00 a.m.**

KUNARAC & KOVAČ CASE

SCHEDULING ORDER FOR TRIAL ISSUED

On 18 January 2000, Trial Chamber II (Judges Mumba (Presiding), Cassese and Hunt) ordered that the trial will commence on **Monday 20 March 2000 at 9.30 a.m.** The sitting hours will be from 9.30 a.m. to 11.00 a.m.; 11.30 a.m. to 1.00 p.m.; and 2.30 p.m. to 4.00 p.m. The provisional sitting dates will be: **20 - 23 March; 27 - 30 March; 3 - 6 April; 17 - 20 April; 25 - 27 April** (24 April is a UN holiday); **2 - 4 May** (1 May is a UN holiday); **15 - 18 May; 22 - 25 May; 29 May - 31 May; 1 June; 13 - 15 June** (12 June is a UN holiday); **19 - 22 June; 26 - 29 June; 10 - 13 July; 17 - 20 July; 24 - 27 July.**

KORDIĆ & ČERKEZ CASE

UNPROFOR REQUESTED TO PROVIDE THE DEFENCE WITH CERTAIN DOCUMENTS

On 18 January 2000, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) issued its decision on Kordić's *ex parte* application for issuance of an Order to the United Nations Protection Force (UNPROFOR), represented by the Under-Secretary-General for Peacekeeping Operations, compelling the production of documents and other materials filed on 1 November 1999.

Noting the response of Bernard Miyet, the Under-Secretary-General for Peacekeeping Operations for the United Nations, filed on 10 January 2000, in which it was stated that, subject to certain conditions, UNPROFOR did not raise any objection to the issuance of an order by the Trial Chamber in accordance with the defence application, the Trial Chamber requested UNPROFOR to produce to the defence certain documents within 60 days, subject to conditions detailed in the decision.

COURTROOM SCHEDULE: 24 JANUARY – 28 JANUARY *

MONDAY 24 JANUARY

Courtroom III 15:00, Kolundzija/Dosen, Status Conference and open hearing on motion

TUESDAY 25 JANUARY

Courtroom III 09:30, Kordic/Cerkez, Trial

14:30, Kordic/Cerkez, Trial

WEDNESDAY 26 JANUARY

Courtroom I 10.00 Tadic Appeal, Sentencing Judgement

Courtroom III 09:30, Kordic/Cerkez, Trial

14:30, Kordic/Cerkez, Trial

THURSDAY 27 JANUARY

Courtroom III 09:30, Kordic/Cerkez, Trial

14:30, Kordic/Cerkez, Trial

FRIDAY 28 JANUARY

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.

PRESS RELEASES ISSUED SINCE 14 JANUARY

DATE ISSUED	NUMBER	TITLE	E	F
17/01/00	463	STATEMENT BY MADAME CARLA DEL PONTE PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA FOLLOWING REPORTS OF THE DEATH OF "ARKAN"	E	

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