



25 January 2002

ICTY WEEKLY UPDATE – 204

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

Mladen NALETILIĆ and Vinko MARTINOVIĆ Case (“Tuta” and “Štela”)

Trial Chamber I Section A – Judges Liu (Presiding), Harding Clark and Diarra

On 21 January 2002, the Trial Chamber heard a witness in closed session. In the latter part of the afternoon, the Prosecution called witness Martin Garrod, a retired Lieutenant General of the British Royal Marines, who had served in Mostar and Zenica as part of the European Community Monitoring Mission in 1993.

On 22, 23 and 24 January, Martin Garrod resumed his testimony. Defence counsel for the two co-accused cross-examined the witness on 23 and 24 January.

On 24 January, an *ex parte* hearing took place in closed session. The Prosecution case ended following the completion of Martin Garrod's testimony. A status conference was scheduled for **Wednesday 30 January 2002 at 15:00** in Courtroom III.

There was no session on Friday.

Stanislav GALIĆ Case (“Sarajevo”)

Trial Chamber I Section B – Judges Orie (Presiding), El Mahdi and Nieto-Navia

On 21 January 2002, the fifth week of the Prosecution case started with the examination and cross-examination by the Defence of protected witness D which continued into the next day.

On 22 January, the cross-examination resumed and Judge El Mahdi and Judge Orie briefly examined the witness and the Prosecution then re-examined the witness.

On 23 January, the Prosecution called Aernout Baron van Lynden, a journalist who had worked for the Sky News network in Sarajevo in 1992 and 1993. The witness was then cross-examined by Defence counsel.

The following day, the cross-examination resumed after which the Prosecution called witness Morten Hvaal who had worked as a photojournalist in the territory of the former Yugoslavia. His testimony continued into the next day.

Radoslav BRĐANIN and Momir TALIĆ Case

Trial Chamber II Section A - Judges Agius (Presiding), Janů and Taya

On 21 January, the parties appeared before Judge Agius for a pre-trial conference.

The trial started on 23 January with the President's preliminary remarks and the Prosecution's opening statement.

On 24 January, the Prosecution resumed its opening statement then called expert witness Dr. Donia, a historian.

II. OVERVIEW OF COURT DOCUMENTS:

Radoslav BRĐANIN and Momir TALIĆ Case

Bench of the Appeals Chamber - Judges Meron (Presiding), Shahabuddeen and Güney

DECISION ON APPLICATION FOR LEAVE TO APPEAL

On 18 January, the Bench rejected the Defence's Application for Leave to Appeal the Decision on the Form of the Fourth Amended Indictment dated 23 November 2001.

Trial Chamber II - Judges Schomburg (Presiding), Mumba and Agius

DECISION ON "REQUEST TO DISMISS CHARGES" FILED BY MOMIR TALIĆ ON 29 NOVEMBER 2001

On 18 January, the Trial Chamber refused Talić's leave to reply to the Prosecution's Response to his Request to Dismiss Charges. The Trial Chamber further rejected Talić's request to dismiss the charges against him.

DECISION ON "OBJECTION TO RULE 92 BIS PROCEDURE AND MOTION TO QUASH AND EXCLUDE ALL RULE 92 BIS STATEMENTS" FILED BY RADOSLAV BRĐANIN ON 13 DECEMBER 2001

In a Motion filed on 13 December 2001 Radoslav Brđanin moved to exclude all Rule 92 *bis* statements tendered by the Prosecution and to require all witnesses to testify *viva voce* partly on the grounds that the contents of one particular Rule 92 *bis* statement had been influenced by the investigator who had taken the statement.

On 18 January, the Trial Chamber rejected Brđanin's Motion but emphasised that Rule 92 *bis* statements must nevertheless be subject to various criteria set out in Rule 92 *bis* (A)(i) and (ii) before they can be admitted.

Rahim ADEMI Case ("Medak pocket")

Trial Chamber I – Judges Liu (Presiding), El Mahdi and Orić

DECISION ON THE SECOND DEFENCE MOTION ON THE FORM OF THE INDICTMENT

On 21 January, the Trial Chamber ordered that the Prosecution file, within 14 days of the present decision, further details with respect to Željko Čopić, a victim listed in the first schedule of the indictment and additional schedules with respect to counts 4 and 5 of the indictment. The schedules should indicate the villages, hamlets or areas where the houses and barns were allegedly destroyed or plundered.

ORDER SCHEDULING A HEARING ON THE ACCUSED'S MOTION FOR PROVISIONAL RELEASE

On 21 January, the Trial Chamber ordered that a hearing be held on **1 February 2002 at 14:30** on the Defence Motion for Provisional Release of Rahim Ademi. The accused is requested to be present and a representative of the Republic of Croatia will be entitled to attend the hearing.

Miodrag JOKIĆ Case

Trial Chamber I – Judges Liu (Presiding), El Mahdi and Orić

ORDER SCHEDULING A HEARING ON THE ACCUSED MIODRAG JOKIĆ MOTION FOR PROVISIONAL RELEASE

On 21 January, the Trial Chamber ordered that the Defence Motion for Provisional Release of Miodrag Jokić be examined at a hearing on **31 January 2002 at 16:30**. The accused is requested to be present.

Slobodan MILOŠEVIĆ Case ("Kosovo")

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

ORDER ON PROSECUTION MOTION FOR VARIATION

On 21 January, the Trial Chamber varied its order of 11 January 2002 (see *Weekly Update* No. 203) as follows:

- (1) all witness statements available in a working language of the Tribunal but not yet disclosed shall be disclosed immediately to the accused and the *amici curiae* in that working language, and the

Prosecution shall file with the Trial Chamber a report confirming such disclosure, no later than **25 January 2002**;

- (2) the witness statements of all witnesses listed in confidential Annex A to the Motion who are to testify in person by **28 February 2002** shall be disclosed to the accused and the *amici curiae*, in one of the working languages of the Tribunal and in a language which the accused understands, by the date indicated in Annex A and, in any event, by **1 February 2002**; and
- (3) the accused and the *amici curiae* should make the best use of the time available and prepare for cross-examination of the witnesses but the Trial Chamber will consider at trial any application for an adjournment of cross-examination because of lack of time for preparation and the Prosecution should be ready to call additional witnesses so as to utilise fully the time available to the Trial Chamber.

Momčilo KRAJIŠNIK and Biljana PLAVŠIĆ Case

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

DECISION ON MOTION FOR PROVISIONAL RELEASE

On 24 January, the Trial Chamber denied the request for an oral hearing on provisional release and dismissed Krajšnik's Motion. The Trial Chamber considered that the change of circumstances relied on by the Defence was not sufficient to warrant a renewed application for provisional release.

COURTROOM SCHEDULE: 28 JANUARY – 1 FEBRUARY*

MONDAY 28 JANUARY

Courtroom I 09:00 - 13:45, **Brdjanin/Talic**, Trial
14:15 - 19:00, **Martinovic/Naletilic**, Trial (to be confirmed)
Courtroom II 09:30 - 13:00, **Galic**, Trial
14:30 - 16:00, **Galic**, Trial
Courtroom III 09:00 - 13:45, **Vasiljevic**, Trial (to be confirmed)

TUESDAY 29 JANUARY

Courtroom I 09:00 - 13:45, **Brdjanin/Talic**, Trial
Courtroom II 09:00 - 13:45, **Galic**, Trial
Courtroom III 09:00 - 13:45, **Vasiljevic**, Trial (to be confirmed)

WEDNESDAY 30 JANUARY

Courtroom I 09:00 - 13:45, **Brdjanin/Talic**, Trial
Courtroom II 09:00 - 13:45, **Galic**, Trial
Courtroom III 09:00 - 13:45, **Vasiljevic**, Trial (to be confirmed)

THURSDAY 31 JANUARY

Courtroom I 09:00 - 13:45, **Brdjanin/Talic**, Trial
Courtroom II 09:00 - 13:45, **Galic**, Trial
16:30, **Jokic**, Provisional release hearing
Courtroom III 09:00 - 13:45, **Vasiljevic**, Trial (to be confirmed)

FRIDAY 1 FEBRUARY

Courtroom I 09:00 - 13:45, **Brdjanin/Talic**, Trial
Courtroom II 09:00 - 13:45, **Galic**, Trial
14:30, **Ademi**, Provisional release hearing
Courtroom III 09:00 - 13:45, **Vasiljevic**, Trial (to be confirmed)

*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.

Public proceedings are also broadcast with a 30 minute delay on the ICTY's web site:

<http://www.un.org/icty/schedule/week-e.htm> (in English);

<http://www.un.org/icty/bhs/week-b.htm> (na bosanskom/hrvatskom/srpskom).

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