



3 May 2002

## ICTY WEEKLY UPDATE – 218

### LATEST NEWS:

#### **Nikola ŠAINOVIĆ Case (“Kosovo”)**

*Judge Kwon*

Following his transfer to the Tribunal on 2 May 2002 (see *Press Release* No. 673), Nikola Šainović will appear before Judge Kwon for his initial appearance on **3 May 2002 at 17.00**.

### **PROCEDURAL DEVELOPMENTS:**

#### **I. OVERVIEW OF COURT PROCEEDINGS:**

#### **Slobodan MILOŠEVIĆ Case (“Kosovo”, “Croatia” and “Bosnia and Herzegovina”)**

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

On 1 May 2002, at the beginning of the eighth week of the Prosecution case, the Prosecutor introduced the written statements of three witnesses pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence, *i.e.*: (1) Mr. Perparim Isufi, a Kosovo Albanian from Mazgit in the municipality of Obiliq/Obilic, described how he left his village with his family following the shelling by the Serbian forces in March 1999; (2) Dr. Emin Kabashi from Fushe Kosovo/Kosovo Polje, a former teacher of Albanian literature, testified about the bombing in Pristina; (3) Mr. Gani Haradinaj from Stanovc i Eperm in the municipality of Vushtrri/Vucitrin, sector manager at the thermoelectric power station in Obiliq/Obilic, testified that in early April 1999, following the shelling of his village by the Serbian forces, he moved with his family to Studime e Epërme. Both the accused and one of the *amicus curiae* cross-examined all the witnesses.

On 2 May 2002 the Prosecutor called three Rule 92 *bis* witnesses, *i.e.*: (1) Mr. Shukri Gerxhaliu, a doctor from the village of Studime e Poshtme/Donja Sudimlja (now called Martiret) in the municipality of Vushtrri/Vucitrin testified about his work in the Vushtrri hospital and his departure with his family towards the town of Vushtrri/Vucitrin. Both the accused and one of the *amicus curiae* cross-examined the witness; (2) Ms. Fedrije Xhafa from Saračak-i-Ulet (now called Monza) in the municipality of Vushtrri/Vucitrin whose statement described how people living in her village were forced by the Serbian forces to leave their houses on 28 March 1999. The accused cross-examined the witness; (3) Mr. Isa Raka from Kačanik whose statement described the attack by Serbian forces in his village and how his wife died after being injured by the Serbian forces while they were fleeing towards the Macedonian boundary. The accused cross-examined the witness and the Prosecution then re-examined him.

On 3 May 2002 the Prosecution called Ibrahim Rugova, from Cërcë/Cmce in the municipality of Istog/Istok, present President of Kosovo and one of the founders of the Democratic League of Kosovo (LDK). The witness testified about the Serbian policy of discrimination against Albanians and his activity as representative of Albanian Kosovars during the negotiations with the Serbian authorities after the declaration of independence of Kosovo on 1990. The accused subsequently cross-examined the witness.

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

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

On 1 April 2002, the Trial Chamber convened to hear the sixth week of the Defence case. The hearings of 1, 2 and 3 May took place in closed session.

**Milomir STAKIĆ Case (“Priedor”)**

*Trial Chamber II - Judges Schomburg (Presiding), Fassi Fihri and Vassylenko*

On 1 May 2002, the Trial Chamber convened to hear the third week of the Prosecution case and the Prosecutor resumed the examination of witness C who was subsequently cross-examined by the Defence. The Prosecutor resumed the examination of expert witness Dr. Robert Doria who was then cross-examined by the Defence.

**Milan SIMIĆ, Blagoje SIMIĆ, Miroslav TADIĆ and Simo ZARIĆ Case (“Bosanski Šamac”)**

*Trial Chamber II Section B – Judges Mumba (Presiding), Williams and Lindholm*

On 1 May 2002 the Prosecution resumed the examination of Safet Dagovic, who was subsequently cross-examined by the Defence and then re-examined by the Prosecutor. The Prosecutor requested that the Trial Chamber introduce additional witnesses pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence and the Trial Chamber reorganised the schedule to hear the witnesses.

**OVERVIEW OF COURT DOCUMENTS:**

**Slobodan MILOŠEVIĆ Case (“Kosovo”, “Croatia” and “Bosnia and Herzegovina”)**

*Bench of the Appeals Chamber - Judges Jorda (Presiding), Hunt and Pocar*

**DÉCISION RELATIVE À LA RÊQUÊTE DE L’ACCUSATION AUX FINS D’AUTORISATION D’INTERJETER APPEL INTERLOCUTOIRE**

On 10 April 2002, the Trial Chamber gave an oral ruling (see *Weekly Update* No. 215 and 216). On 16 April 2002, the Prosecution filed a Request for Leave to File an Interlocutory Appeal against the Trial Chamber oral ruling. On 26 April 2002, a Bench of the Appeals Chamber rejected the Prosecution Request. Further written reasons will follow in due time.

**Momčilo KRAJIŠNIK and Biljana PLAVŠIĆ Case (“Bosnia and Herzegovina”)**

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

**DECISION ON DEFENCE MOTION FOR ACCESS TO CERTAIN SEARCH WARRANTS**

On 26 April 2002, the Trial Chamber granted the Defence Motions for access to certain search warrants which the Krajišnik Defence had filed on 18 and 20 March 2002. It ordered that the Prosecution provide the Krajišnik Defence with copies of the search warrants and returns identified in the Defence Motion by **3 May 2002**. The disclosure of the search warrants and returns shall be subject to all Orders for Protective Measures issued by the Trial Chamber.

**Radoslav BRĐANIN and Momčilo TALIĆ (“Krajina”)**

*Registrar*

**APPOINTMENT OF THE AMICUS CURIAE FOR INVESTIGATION**

On 26 April 2002, the Registrar appointed Mr. Dejan Ukropina as *amicus curiae* further to the Order Requesting Investigation of Conduct of Counsel for Defendant Brđanin issued by the Trial Chamber on 15 April 2002 pursuant to Rule 77(C)(ii) of the Rules. It is alleged that Ms. Maglov, former Brđanin’s Defence Co-counsel, had contact with a Prosecution witness in the case.

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

*Trial Chamber I section A – Judges Daqun (Presiding), Harding Clark and Diarra*

**DECISION ON THE DEFENCE REQUEST FOR INCLUSION OF EXPERT REPORTS INTO EVIDENCE**

On 2 May 2002 the Trial Chamber dismissed the Request for Inclusion of Expert Witnesses' Statement into the Evidence filed by Defence Counsel for Vinko Martinović on 16 April 2002. The Trial Chamber ordered that the Defence call medical expert witnesses Dr. Josip Škavić and Dr. Dražen Begović to testify in person and to be cross-examined by the Prosecutor.

## COURTROOM SCHEDULE: 6 MAY – 10 MAY\*

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### **MONDAY 6 MAY**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Martinović/Naletilić**, Trial  
Courtroom II 09:00 - 13:45, **Galić**, Trial  
14:15 - 19:00, **Stakić** Trial  
Courtroom III 14:15 - 19:00, **Simić et al.**, Trial

### **TUESDAY 7 MAY**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Martinović/Naletilić**, Trial  
Courtroom II 09:00 - 13:45, **Galić**, Trial  
14:15 - 19:00, **Stakić** Trial  
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial  
14:15 - 19:00, **Simić et al.**, Trial

### **WEDNESDAY 8 MAY**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Martinović/Naletilić**, Trial  
Courtroom II 09:00 - 13:45, **Galić**, Trial  
14:15 - 19:00, **Stakić** Trial  
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial  
14:15 - 19:00, **Simić et al.**, Trial

### **THURSDAY 9 MAY**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Martinović/Naletilić**, Trial  
Courtroom II 09:00 - 13:45, **Galić**, Trial  
14:15 - 19:00, **Stakić** Trial  
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial  
14:15 - 19:00, **Simić et al.**, Trial

### **FRIDAY 10 MAY**

Courtroom I 09:30 - 11:00, **Krajišnik/Plavšić**, Status Conference  
14:15 - 19:00, **Martinović/Naletilić**, Trial  
Courtroom II **Court maintenance**  
Courtroom III 09:00 - 13:45, **Brđanin/Talić**, Trial  
14:15 - 19:00, **Simić et al.**, 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.

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 25 APRIL

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DATE	NUMBER	TITLE	E	F	B/C/S
2 May 2002	673	NIKOLA ŠAINOVIĆ AND MOMČILO GRUBAN TRANSFERRED TO THE HAGUE	E	F	B/C/S

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