



21 June 2002

## ICTY WEEKLY UPDATE – 225

### PROCEDURAL DEVELOPMENTS:

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#### I. OVERVIEW OF COURT PROCEEDINGS:

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

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

On 10 June 2002, the fourteenth week of the Prosecution case, the Prosecution examined protected witness K6 of the Yugoslav security service in Kosovo in 1998. The accused and one of the *amici curiae* then cross-examined the witness. The Prosecution finally re-examined the witness.

The Trial Chamber then ruled on the admissibility of a minor's Rule 92 *bis* statement. It ruled that the evidence given in the statement was admissible given that it was cumulative in nature and within the requirements of Rule 92 *bis*. The accused did not wish to cross-examine the minor. The Trial Chamber excepted K13's statement under Rule 92 *bis*. The Prosecution then introduced the statement of Rule 92 *bis* witness Sabri Popaj, a truck driver from Bela Crkva in Kosovo. Popaj testified about Serb forces taking up defensive positions in the village in 1999 and later about the killing of his brother and son.

On 11 June, the accused cross-examined witness Sabri Popaj. Then an *amicus curiae* briefly cross-examined the witness and the Prosecution re-examined him. The Prosecution subsequently introduced the statement of Rule 92 *bis* witness Lutfi Ramadani from Krushë e Vogël who testified about the shelling of his village in 1999 and about residents of the village who were led away. The accused then cross-examined the witness. The Prosecution then called Rule 92 *bis* witness Mehmet Avdyli from Krushë e Vogël who testified about the killing of villagers in 1999. The accused then cross-examined the witness. The Prosecution subsequently examined witness William Walker, former head of the Kosovo Verification Mission during the Kosovo conflict.

On 12 June, the Prosecution resumed the examination of witness William Walker. The accused and an *amicus curiae* then cross-examined the witness and the Prosecution re-examined him.

On 13 June, the Prosecution examined General Klaus Naumann of the German *Bundeswehr* who was the chairman of the NATO Military Committee from 1996 until 1999. The accused then examined him.

On 14 June, the accused resumed his cross-examination. The Prosecution then re-examined witness Klaus Naumann. Following the conclusion of his testimony, the Prosecution called Rule 92 *bis* witness Milazim Thaqi. The accused cross-examined the witness.

On 17 June, the fifteenth week of the Prosecution case, the hearing adjourned because of illness of the accused. There was no hearing held the remainder of the week.

#### **NALETILIĆ and MARTINOVIĆ Case (“Tuta” and “Štela”)**

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

On 10 June 2002, the Trial Chamber convened to hear the twelfth week of the Defence case. The Defence examined witness Ivica Pašalić, deputy leader of the Croatian Democratic Union (“HDZ”) and former adviser to the late Croatian President Tudman. The Prosecution then cross-examined the witness.

On 11 June, the Defence examined witness Ivan Bagarić, who was a medical doctor in Tomislavgrad in Bosnia and Herzegovina. In 1990 he was elected as a representative for the Croatian Democratic Union (“HDZ”) in the parliament of Bosnia and Herzegovina.

On 12 and 13 June, no hearings were held.

On 14 June, the Defence concluded its direct examination of Dr. Bagarević, the Prosecution then cross-examined the witness.

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On 17 June, the beginning of the thirteenth week of the Defence case, the Prosecution resumed its cross-examination.

On 18 June, the Defence examined witness Štepo Andreić, a Professor of economics of the universities of Sarajevo, Split and Zagreb. The witness was head of the Central Bank of Bosnia and Herzegovina in 1992 and 1993. The Prosecution then cross-examined the witness. The Defence subsequently examined protected witness NK who was a member of the Convicts Battalion.

On 19 June, the Prosecution resumed its cross-examination. The Defence then re-examined the witness and the Judges briefly questioned him.

On 20 June, the Defence examined protected witness NM who was also a member of the Convicts Battalion. The Prosecution then cross-examined the witness.

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### **STAKIĆ Case (“Prijeđor”)**

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

On 10 June 2002, the Trial Chamber convened to hear the tenth week of the Prosecution case. The hearing took place partly in closed session. The Prosecution examined protected witness R who was a member of the reserve police force in Kozarac in the Prijedor municipality.

On 11 June, the Defence cross-examined the protected witness.

On 12 and 13 June, the Prosecution examined witness Mevludin Sejmenović, elected Vice President of the Party for Democratic Action (“SDA”) in Prijedor in 1990.

On 17 June, the Trial Chamber convened to hear the eleventh week of the Prosecution case. The Prosecution resumed examination of Sejmenović who testified about how he was beaten while detained at the SUP building in Prijedor in 1992.

On 18 June, the Prosecution resumed the examination of the witness.

On 19 June, the Prosecution concluded its examination and the Defence then began its cross-examination.

On 20 June, the Defence resumed cross-examination.

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### **SIMIĆ *et al.* Case (“Bosanski Šamac”)**

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

On 10 June 2002, the Prosecution resumed the examination of witness Stevan Todorović.

The hearing took place in closed session the remainder of the week.

On 17 June, the hearing took place in closed session and was subsequently adjourned for the day.

On 18 June, there was no hearing.

On 19 and 20 June, the hearing took place in closed session.

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### **KORDIĆ and ČERKEZ Case (“Lašva Valley”)**

*Pre-Appeal Judge Hunt*

On 14 June 2002, a Status Conference was held pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Pre-appeal preparations were discussed.

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### **GALIĆ Case (“Sarajevo”)**

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

On 17 June 2002, the Trial Chamber convened to hear the twenty-third week of the Prosecution case. The Prosecution examined witness Piers Tucker, a British officer and UNMO who was stationed in Sarajevo in 1992. The witness was then cross-examined by the Defence. Cross-examination continued into the following day after which the Prosecution subsequently re-examined Tucker. The Judges then briefly questioned the witness.

Later, the Prosecution examined witness Lieutenant General Francis Briquemont, a commander of UN forces in Bosnia and Herzegovina in 1992 and 1993.

On 19 June, the Prosecutor resumed examination of the Briquemont, followed by cross-examination and finally re-examination by the Prosecution.

On 20 June, the Prosecution examined General Sir Michael Rose who was the commander of the UN troops in Bosnia and Herzegovina in 1994 and 1995. The Defence then cross-examined the witness. The Prosecution subsequently re-examined the witness and the Judges briefly questioned him as well.

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**MRĐA Case**

*Judge Schomburg*

On 17 June 2002, following his transfer to the Tribunal on 14 June 2002, Darko Mrda appeared before Judge Schomburg for his initial appearance. He pleaded “not guilty” to all counts charged against him in the Indictment.

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**BRĐANIN and TALIC Case (“Krajina”)**

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

On 17 June 2002, the Trial Chamber convened to hear the eighteenth week of the Prosecution case. The Prosecution resumed the examination of witness Ahmet Zulić from the village of Podbriježje in the municipality of Sanski Most in Bosnia and Herzegovina, Zulić testified about his detention in Manjača Camp in 1992 and 1993. The Defence then cross-examined the witness.

On 18 June, the Defence resumed cross-examination. The Prosecution then examined Faik Bisčević, former President of the municipal council of Sanski Most.

On 19 June, the Prosecution resumed examination. The Defence then cross-examined Bisčević.

On 20 June, the Defence resumed cross-examination.

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**MUCIĆ *et al.* Case (“Čelebići”)**

*Appeals Chamber – Shahabuddeen, Hunt, Pocar, Gunawardana and Meron*

On 18 June 2002, the Appeals Chamber convened to hear oral arguments of the parties. The Appeals Chamber will render its Judgement in due time.

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**ČEŠIĆ Case (“Brčko”)**

*Judge Orić*

On 20 June 2002, following his transfer to the Tribunal on 17 June 2002, Ranko Češić appeared before Judge Orić for the initial appearance. He pleaded “not guilty” to all the counts of the Indictment.

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**OJDANIĆ and ŠAINOVIĆ Case (“Kosovo”)**

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

On 21 June 2002, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

**II. OVERVIEW OF SELECTED COURT DOCUMENTS:**

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**KVOČKA *et al.* Case (Omarska, Keraterm and Trnopolje Camps”)**

*Pre-Appeal Judge Hunt*

**DECISION ON PROSECUTION MOTION REQUESTING ORDER TO ZORAN ŽIGIĆ TO FILE GROUNDS OF APPEAL**

On 24 May 2002, the Prosecution filed a Motion requesting that Zoran Žigić set out precise grounds for his appeal. On 14 June 2002, the pre-appeal Judge ordered, *inter alia*, that Zoran Žigić file a new document within 14 days of this Decision which clearly and concisely lists each ground of appeal upon which he relies.

**DECISION ON TIME-LIMIT FOR PROSECUTION RESPONSE BRIEF**

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On 14 June 2002, the pre-appeal Judge granted the Prosecution an extension to **15 July 2002** in which to file a Consolidated Respondent's Brief of 250 pages or 75,000 words.

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**KRAJIŠNIK and PLAVŠIĆ Case ("Bosnia and Herzegovina")**

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

**DECISION ON DEFENCE MOTION TO EXCLUDE EVIDENCE AND LIMIT SCOPE OF TRIAL**

On 9 May 2002, the Defence for Biljana Plavšić filed a Motion to exclude evidence and to limit the scope of the trial. On 18 June 2002, the Trial Chamber ordered as follows:

- 1) *the Prosecution shall be precluded from introducing into evidence any document not translated into one of the working languages of the International Tribunal and disclosed to the Defence in that language by **1 July 2002**;*
- 2) *the Prosecution may apply to the Trial Chamber for leave to introduce any evidence not so disclosed;*
- 3) *the Prosecution shall be precluded from calling any witness not listed on the Rule 65 ter list filed on 2 May 2002 without leave of the Trial Chamber;*
- 4) *reports of all experts upon whose evidence the Prosecution intends to rely shall be disclosed to the Defence in one of the working languages of the Tribunal no later than **30 July 2002**;*
- 5) *the Prosecution may adduce evidence of events occurring after the 31 December 1992 when such evidence relates to the crimes alleged in the Indictment or are introduced to shown intent, knowledge or failure to prevent or punish subordinates in relation to those alleged crimes;*
- 6) *the Defence shall submit their pre-trial briefs no later than Monday **30 September 2002**.*

**SCHEDULING ORDER FOR HEARING ON DEFENCE MOTIONS FOR BINDING ORDERS**

On 17 May and 12 June 2002, the Defence for Momčilo Krajišnik filed Motions requesting the issue of Orders pursuant to Rule 54 *bis* of the Rules, requiring the Federation of Bosnia and Herzegovina to produce evidence. On 18 June 2002, the Trial Chamber ordered that a hearing on the Applications be held on Wednesday **10 July 2002 at 14:30**, at which both the Defence and a designated senior responsible official of Bosnia and Herzegovina appear to address the Applications.

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**MILOŠEVIĆ Case ("Kosovo", "Croatia" and "Bosnia and Herzegovina")**

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

**ORDER FOR THE IMMEDIATE CESSATION OF VIOLATIONS OF PROTECTIVE MEASURES FOR WITNESSES.**

On 12 June 2002, the Prosecution confidentially filed a Report on K5 and an Application for Order. The Report showed that the Belgrade newspaper *Nacional*, published an article disclosing the identity of protected witness K5 in its 25 May 2002 issue.

On 18 June, the Trial Chamber ordered that the publication of identifying information relating to protected witnesses cease immediately. It further affirmed that any publication of such information expose its author(s) and those responsible to be found in contempt of the Tribunal. The Trial Chamber requested that the competent State organs of the Federal Republic of Yugoslavia (including the Republic of Serbia) investigate the matter, take all necessary measures to stop the publication of such confidential information and, within a month, provide the Trial Chamber with a report on the investigation and measures taken.

**SCHEDULING ORDER ON K12 CONTEMPT**

On 18 June 2002, the Trial Chamber ordered K12, his counsel and the Prosecution to attend a hearing on Monday **24 June 2002 at 13:00** to clarify the position on contempt with respect to witness K12 and to hear any submissions.

**BRĐANIN and TALIĆ Case (“Krajina”)**

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

**DECISION TO GRANT CERTIFICATION TO APPEAL THE TRIAL CHAMBER’S “DECISION ON MOTION TO SET ASIDE CONFIDENTIAL SUBPOENA TO GIVE EVIDENCE”**

On 8 May 2002, the journalist Jonathan Randal filed a Motion for the Subpoena to be set aside on the grounds that he was entitled, as a former journalist, to a qualified privilege to protect him from being compelled to testify before the Tribunal with regard to his newsgathering. The Trial Chamber dismissed Randal’s claim on 7 June 1992.

On 19 June, the Trial Chamber granted Randal’s Application for Certification which he filed on 14 June. The Trial Chamber considered, *inter alia*, that both the Prosecution and counsel for the two co-accused have chosen to adopt a neutral position for the purposes of granting Randal certification to appeal.

**COURTROOM SCHEDULE: 24 JUNE – 28 JUNE \***

**MONDAY 24 JUNE**

Courtroom I 09:00 - 12:30, **Milošević**, Trial  
13:00 - 13:45, **IT-02-54-A-R77** Hearing  
14:15 - 19:00, **Brđanin and Talić**, Trial  
Courtroom II 10:00 - 13:45, **Stakić**, Trial  
14:15 - 19:00, **Galić**, Trial  
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial  
14:15 - 15:15, **Ojdanić and Šainović**, Motion Hearing  
15:45 - 19:00, **Simić et al.**, Trial

**TUESDAY 25 JUNE**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Brđanin and Talić**, Trial  
Courtroom II 09:00 - 12:45, **Stakić**, Trial  
14:15 - 19:00, **Galić**, Trial  
Courtroom III 09:00 - 13:45, **Martinović and Naletilić**, Trial  
14:15 - 19:00, **Simić et al.**, Trial

**WEDNESDAY 26 JUNE**

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

**THURSDAY 27 JUNE**

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

**FRIDAY 28 JUNE**

Courtroom I No hearing  
Courtroom II 09:00 - 13:45, **Martinović and Naletilić**, Trial  
14:15 - 19:00, **Galić**, Trial  
Courtroom III 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 13 JUNE**

DATE	NUMBER	TITLE	E	F	B/C/S
14 June 2002	681	VISIT OF THE PRESIDENT AND PROSECUTOR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA TO BOSNIA AND HERZEGOVINA	E	F	B/C/S

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13 June 2002	682	RANKO ČEŠIĆ TRANSFERRED TO THE HAGUE	E	B/C/S
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