



31 October 2003

## ICTY WEEKLY UPDATE – 288

### PROCEDURAL DEVELOPMENTS:

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#### I. OVERVIEW OF COURT PROCEEDINGS:

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

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

45<sup>th</sup> week of the Prosecution case.

From 28 until 30 October 2003, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused and one of the *amici curiae*:

- Witness Michel Rivière
- Protected Witness B-1345 (was not questioned by the *amici curiae*)
- Witness Jasna Denona
- Protected Witness B-1780
- Protected Witness B-1448
- Witness Graham Blewitt

##### **BLAGOJEVIĆ and JOKIĆ Case (“Srebrenica”)**

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*Trial Chamber I, Section A – Judges Liu (Presiding), Vassilenko and Argibay*

11<sup>th</sup> week of the Prosecution case.

From 27 until 30 October 2003, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Protected Witness P-140
- Protected Witness P-138
- Protected Witness P-117 (has not yet been cross-examined)

##### **BRĐANIN Case (“Krajina”)**

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

Second week of the Defence case.

From 27 until 29 October 2003, the following witness was cross-examined by the Defence and subsequently re-examined by the Prosecution:

- Witness Ewan Brown (Prosecution witness cross-examined by the Defence)

From 29 until 31 October 2003, the following witness was examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Boro Blagojević

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**Momir NIKOLIĆ Case (“Srebrenica”)**

*Trial Chamber I, Section A – Judges Liu (Presiding), Vassylenko and Argibay*

On 27 and 28 October 2003, the parties appeared before the Trial Chamber for the sentencing hearing of Momir Nikolić, following his guilty plea on 7 May 2003. On 27 October 2003, the following witnesses were examined by the Defence and questioned by the Judges:

- Witness Milorad Krsmanović
- Witness Božo Momčilović
- Protected Witness DB
- Protected Witness DA (also questioned by the Prosecution)

On 28 October 2003, the following witnesses were called by the Trial Chamber pursuant to Rule 98 of the Rules and Procedure and Evidence and questioned by the Court and the parties in open session:

- Witness Miroslav Deronjić (pleaded guilty on 30 September 2003 to one count of persecutions on political, racial and religious grounds, a crime against humanity (see Case IT-02-61))
- Witness Mile Petrović

The parties delivered their closing arguments and Momir Nikolić gave a statement. The Prosecution suggested a sentence of 15 to 20 years and the Defence suggested a sentence of 10 years’ imprisonment. The Sentencing Judgement will be delivered in due course.

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**OBRENOVIĆ Case (“Srebrenica”)**

*Trial Chamber I, Section A – Judges Liu (Presiding), Vassylenko and Argibay*

On 30 and 31 October 2003, the parties appeared before the Trial Chamber for the sentencing hearing of Dragan Obrenović, following his guilty plea on 21 May 2003. The following witnesses were examined in open session by the Defence and questioned by the Judges:

- Zorica Rikić
- Dušanka Bošković

The parties delivered their closing arguments and Dragan Obrenović gave a statement. The Prosecution suggested a sentence of 15 to 20 years and the Defence suggested a sentence of 8 to 12 years’ imprisonment. The Sentencing Judgement will be rendered in due course.

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**Predrag BANOVIĆ Case (“Keraterm Camp”)**

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

On 28 October 2003, the parties appeared before the Trial Chamber for the pronouncement of the Sentencing Judgement in the proceedings against Predrag Banović. The Trial Chamber sentenced Predrag Banović to 8 years’ imprisonment (see *Press Release* No. 795). Judge Robinson appended a separate opinion.

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**BLAŠKIĆ Case (“Lašva Valley”)**

*Pre-Appeal Judge Pocar*

On 28 October 2003, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis*(B) of the Rules of Procedure and Evidence. The Defence counsel participated via a telephone connection.

**ŠEŠELJ Case**  
*Pre-Trial Judge Agius*

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On 29 October 2003, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

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

**MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)**

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

**ORDER APPOINTING BRANKO RAKIĆ AS LEGAL ASSOCIATE TO THE ACCUSED**

On 23 October 2003, the Trial Chamber ordered the appointment of Dr. Branko Rakić as legal associate to the Accused.

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*Appeals Chamber – Judges Pocar (Presiding), Shahabuddeen, Hunt, Güney and Weinberg de Roca*

**DECISION ON THE PROSECUTION’S INTERLOCUTORY APPEAL AGAINST THE TRIAL CHAMBER’S 10 APRIL 2003 DECISION ON PROSECUTION MOTION FOR JUDICIAL NOTICE OF ADJUDICATED FACTS**

On 28 October 2003, the Appeals Chamber returned the matter to the Trial Chamber for it to review the taking of judicial notice of the adjudicated facts in accordance with the present Decision. The Prosecution filed its Interlocutory Appeal against the Trial Chamber’s 10 April 2003 “Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts” on 21 May 2003.

Judge Hunt appended a dissenting opinion to the present Decision. Other judges reserved the right to append opinions to the present Decision.

**HADŽIHASANOVIC and KUBURA Case (“Central Bosnia”)**

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*Trial Chamber II – Judges Agius (Presiding), Mumba and Antonetti*

**SCHEDULING ORDER**

On 23 October 2003, the Trial Chamber *inter alia* ordered that the two Accused shall surrender to the custody of the Tribunal on 17 November 2003. It further ordered that the Pre-Trial Conference shall take place on 24 November 2003 and that the Trial shall commence on 2 December 2003.

**Dragan NIKOLIĆ Case (“Sušica Camp”)**

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

**SCHEDULING ORDER FOR SENTENCING HEARING**

On 23 October 2003, the Trial Chamber ordered that the Sentencing Hearing take place from 3 until 7 November 2003 and that the Sentencing Judgement be rendered on 18 December 2003 at 2 p.m.

**Vladimir KOVAČEVIĆ Case (“Dubrovnik”)**

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*Trial Chamber I – Judges Orić (Presiding), El Mahdi and Martín Canivell*

**SCHEDULING ORDER**

Following the transfer of the Accused to the Tribunal on 23 October 2003, the Trial Chamber ordered on 27 October 2003 that the Initial Appearance of Vladimir Kovačević take place on 3 November 2003.

**ŠEŠELJ Case**

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

**DECISION ON MOTION NUMBER 21**

On 27 October 2003, the Trial Chamber invited the Accused, if he seeks assistance and presence of counsel of his own choosing during pre-trial and procedural hearings, to officially engage such counsel by following the procedure laid down in Rule 44 of the Rules of Procedure and Evidence. The Accused had requested in his Motion of 21 October 2003 that two lawyers he identified as his legal adviser and legal assistant, be permitted to attend all pre-trial and procedural hearings in his case.

**Milan SIMIĆ Case (“Bosanski Šamac”)**

*President of the Tribunal – Judge Meron*

**ORDER OF THE PRESIDENT ON THE APPLICATION FOR THE EARLY RELEASE OF MILAN SIMIĆ**

On 27 October 2003, the President of the Tribunal granted Milan Simić’s 15 September Request for early release, effective 3 November 2003 (see *Press Release No. 796*).

**COURTROOM SCHEDULE: 3 NOVEMBER – 7 NOVEMBER 2003\***

**MONDAY 3 NOVEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
15:00 - 17:30, **Vladimir Kovačević**, Initial Appearance  
Courtroom II 10:00 - 11:30, **Rajić**, Status Conference  
14:15 - 19:00, **Brđanin**, Trial  
Courtroom III 09:00 - 13:30, **Dragan Nikolić**, Sentencing Hearing  
14:15 - 19:00, **Blagojević and Jokić**, Trial

**TUESDAY 4 NOVEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
Courtroom II 14:15 - 17:00, **Brđanin**, Trial  
Courtroom III 09:00 - 13:00, **Dragan Nikolić**, Sentencing Hearing  
14:15 - 19:00, **Blagojević and Jokić**, Trial

**WEDNESDAY 5 NOVEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
Courtroom II 14:15 - 19:00, **Brđanin**, Trial  
Courtroom III 09:00 - 13:00, **Dragan Nikolić**, Sentencing Hearing  
14:15 - 19:00, **Blagojević and Jokić**, Trial

**THURSDAY 6 NOVEMBER**

Courtroom I 15:00 - 17:00, **Hadžihasanović and Kubura**, Status Conference  
Courtroom II 14:15 - 19:00, **Brđanin**, Trial  
Courtroom III 09:00 - 13:00, **Dragan Nikolić**, Sentencing Hearing  
14:15 - 19:00, **Blagojević and Jokić**, Trial

**FRIDAY 7 NOVEMBER**

Courtroom II 14:15 - 19:00, **Brđanin**, Trial  
Courtroom III 09:00 - 13:00, **Dragan Nikolić**, Sentencing Hearing  
14:15 - 19:00, **Blagojević and Jokić**, Trial

\*The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Services.

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 17 OCTOBER 2003**

DATE	NUMBER	TITLE	E	F	B/C/S
27/10/2003	794	ASSOCIATION OF DEFENCE COUNSEL PRACTISING BEFORE THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA ELECTS A NEW EXECUTIVE COMMITTEE	E		B/C/S
28/10/2003	795	JUDGEMENT IN THE CASE THE PROSECUTOR V. PREDRAG BANOVIC	E		B/C/S
29/10/2003	796	MILAN SIMIĆ GRANTED EARLY RELEASE	E		B/C/S
30/10/2003	797	DONORS RAISE 15.7 MILLION EUROS FOR WAR CRIMES CHAMBER OF BIH COURT	E		B/C/S

For the latest list of all court filings, please visit the [ICTY Court Records](#)

For a selection of the latest public documents, please visit the [ICTY Website](#)