



28 November 2003

## ICTY WEEKLY UPDATE – 292

### PROCEDURAL DEVELOPMENTS:

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#### I. OVERVIEW OF COURT PROCEEDINGS:

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

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

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

On 24 and 26 November 2003, the following witness was examined by the Prosecution and subsequently cross-examined by the Defence:

- Expert Witness Richard Butler

##### **KRSTIĆ Case (“Srebrenica”)**

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*Appeals Chamber – Judges Meron (Presiding), Pocar, Shahabuddeen, Güney and Schomburg*

On 21 November 2003, the parties appeared before the Appeals Chamber for an evidentiary hearing. The following witnesses appeared before the Appeals Chamber:

- Witness Miroslav Deronjić (Appeals Chamber witness)
- Witness Dragan Obrenović (witness for the Prosecution and the Defence, was not questioned by the Prosecution)
- Witness Momir Nikolić (witness for the Prosecution, was not questioned by the Defence)

On 26 and 27 November 2003, during the appeals hearing, witness Richard Butler was examined by the Defence and subsequently cross-examined by the Prosecution. The parties then presented their arguments on appeal. The Appeals Judgement will be rendered in due course.

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

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

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

On 24, 26 and 27 November 2003, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused and one of the *amici curiae*:

- Witness Ibro Osmanović
- Protected Witness B-1746
- Protected Witness Esad Velić
- Witness Miroslav Deronjić
- Protected Witness C-57 (cross-examination not yet finished)

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**BRĐANIN Case (“Krajina”)**

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

Sixth week of the Defence case.

From 26 until 28 November 2003, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Drenkja Berić
- Witness Miloš Bojenović

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**BABIĆ Case**

*Judge El Mahdi*

On 26 November 2003, the parties appeared before Judge El Mahdi for the Initial Appearance of Milan Babić. He did not enter a plea and the Judge granted the Accused until 15 January 2004 to enter a plea. Judge El Mahdi ordered the detention on remand of the Accused.

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**ČEŠIĆ Case (“Brčko”)**

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

On 27 November 2003, the parties appeared before the Trial Chamber for the Sentencing Hearing. Both parties presented their arguments and Ranko Češić gave a statement. The Prosecution suggested a sentence within a range of 13 to 18 years and the Defence suggested 13 years’ imprisonment. The Sentencing Judgement will be rendered in due course.

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**HADŽIHASANOVIĆ AND KUBURA Case (“Central Bosnia”)**

*Pre-Trial Judge Antonetti*

On 28 November 2003, the parties appeared before the Pre-Trial Judge for the Pre-Trial Conference pursuant to Rule 73 *bis* of the rules of Procedure and Evidence. The Trial is scheduled to commence on 2 December 2003.

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

*Judge Oriè*

On 28 November 2003, the parties appeared before Judge Oriè for a Status Conference. A Decision on the request for a further delay on the entering of a plea will be rendered in due course.

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**ORIĆ Case**

*Pre-Trial Judge Kwon*

On 28 November 2003, 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”)**

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

**DECISION ON REQUEST FOR SEPARATION OF MIROSLAV KVOČKA’S APPEAL PROCEDURE AND KVOČKA’S REQUEST FOR PROVISIONAL RELEASE PENDING HEARING OF THE APPEAL**

On 24 November 2003, the Appeals Chamber dismissed Miroslav Kvočka’s Request for the Separation of the Appeal Procedure filed on 17 October 2003. It further gave the Appellant 20 days to

address the conditions set out in Rule 65(I) of the Rules of Procedure and Evidence and it ordered that, in default, the 5 November Request for Provisional Release stands dismissed as at the expiry of that period.

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**STRUGAR and KOVAČEVIĆ Case (“Dubrovnik”)**

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

**DECISION ON THE PROSECUTOR’S MOTION FOR SEPARATE TRIAL AND ORDER TO SCHEDULE A PRE-TRIAL CONFERENCE AND THE START OF THE TRIAL AGAINST PAVLE STRUGAR**

On 26 November 2003, the Trial Chamber granted the Prosecution Motion to separate the proceedings against Pavle Strugar and Vladimir Kovačević and scheduled a Pre-Trial Conference to be held in the case against Pavle Strugar on 8 December 2003 at 9 a.m. and the commencement of the trial on 9 December 2003 at 9 a.m. Pavle Strugar, who is on provisional release, is to return to the United Nations Detention Unit on 2 December 2003.

On 27 November 2003, the Vladimir Kovačević case was assigned case number IT-01-42/2.

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**Miodrag JOKIĆ Case (“Dubrovnik”)**

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

**ORDER FOR MIODRAG JOKIĆ’S RETURN TO THE UNITED NATIONS DETENTION UNIT AND SCHEDULING ORDER FOR A SENTENCING HEARING**

On 26 November 2003, the Trial Chamber ordered Miodrag Jokić to return to the United Nations Detention Unit on 2 December 2003 and scheduled the Sentencing Hearing to take place on 4 December 2003 at 9 a.m.

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**GALIĆ Case (“Sarajevo”)**

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

**SCHEDULING ORDER FOR PRONOUNCEMENT OF JUDGEMENT**

On 26 November 2003, the Trial Chamber scheduled the pronouncement of the Judgement in this case on 5 December 2003 at 10 a.m.

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**MILUTINOVIĆ *et al.* Case (“Kosovo”)**

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

**DECISION ON DEFENCE REQUEST FOR REVIEW OF REGISTRAR RE-ASSESSMENT OF ABILITY TO REMUNERATE COUNSEL**

On 26 November 2003, the Trial Chamber found the Defence Request for Review of the Registrar’s Re-Assessment of the Accused Ability to Remunerate Counsel inadmissible and notified the Defence that it remitted the Request to the Registrar for determination. The Defence for Nikola Šainović filed its Request on 23 October 2003.

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**COURTROOM SCHEDULE: \*1 DECEMBER to 5 DECEMBER 2003**

**MONDAY 1 DECEMBER**

Courtroom I 09:00 - 13:45, **Blagojević and Jokić**, Trial  
Courtroom II 09:00 - 13:45, **Brđanin**, Trial

**TUESDAY 2 DECEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
Courtroom II 09:00 - 13:45, **Blagojević and Jokić**, Trial  
14:15 - 19:00, **Brđanin**, Trial  
Courtroom III 09:00 - 13:45, **Hadžihasanović and Kubura**, Start of Trial  
15:00 - 16:30, **Momir Nikolić**, Sentencing Judgement

**WEDNESDAY 3 DECEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Blagojević and Jokić**, Trial  
Courtroom II 09:00 - 13:45, **Brđanin**, Trial  
Courtroom III 09:00 - 13:45, **Hadžihasanović and Kubura**, Trial

**THURSDAY 4 DECEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Blagojević and Jokić**, Trial  
Courtroom II 09:00 - 13:45, **Hadžihasanović and Kubura**, Trial  
14:15, **Brdanin**, Trial  
16:00, **Brdanin**, Contempt proceedings against Milka Maglov (exact time yet to be decided)  
Courtroom III 08:30 - 16:00, **Miodrag Jokić**, Sentencing Hearing  
16:30 - 17:30, **Milošević**, Contempt proceedings against Duško Jovanović

**FRIDAY 5 DECEMBER**

Courtroom I 10:00 - 11:00, **Galić**, Judgement  
11:30 - 16:15, **Blagojević and Jokić**, Trial (to be confirmed)  
Courtroom II 09:00 - 13:45, **Brdanin**, Trial  
Courtroom III 09:00 - 13:45, **Hadžihasanović and Kubura**, 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).

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