



5 December 2003

ICTY WEEKLY UPDATE – 293

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

BLAGOJEVIĆ and JOKIĆ Case (“Srebrenica”)

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

17th week of the Prosecution case.

From 1 until 5 December 2003, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Protected Witness Cvijetin Ristanović
- Witness Nenad Djokić
- Witness Pero Petrović
- Witness Miloš Mitrović
- Protected Witness Marko Milošević
- Witness Ostoja Stanojević

HADŽIHASANOVIĆ and KUBURA Case (“Central Bosnia”)

Trial Chamber II - Judges Antonetti (Presiding), Rasoazanany and Swart

On 2 December 2003, the trial commenced. The Prosecution made its opening statement and from 2 until 5 December 2003, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Witness Željko Cvijanović
- Witness Franjo Batinić
- Witness Milica Kegelj

Momir NIKOLIĆ Case (“Srebrenica”)

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

On 2 December 2003, the parties appeared before the Trial Chamber for the pronouncement of the Sentencing Judgement in the case *the Prosecutor v. Momir Nikolić*. The Trial Chamber sentenced Momir Nikolić to 27 years' imprisonment (see *Press Release* No. 806). On 7 May 2003, Momir Nikolić pleaded guilty to one Count of the Indictment, persecutions on political, racial and religious grounds, a crime against humanity.

MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)

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

50th week of the Prosecution case.

From 2 until 4 December 2003, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused and one of the *amici curiae* in public session:

- Protected Witness C-57 (cross-examination)
- Witness Sulejman Tihić
- Witness Ahmet Zulić

Judge Antonetti

On 5 December 2003, Duško Jovanović appeared before the Trial Chamber to enter a plea with respect to allegations of contempt pursuant to Rule 77 of the Rules of Procedure and Evidence. He did not yet enter a plea.

BRĐANIN Case (“Krajina”)

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

Sixth week of the Defence case.

From 1 until 5 December 2003, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Dobrivoje Vidić
- Witness Mirko Dejanović

On 4 December 2003, Milka Maglov appeared before the Trial Chamber to enter a plea with respect to allegations of contempt pursuant to Rule 77 of the Rules of Procedure and Evidence. She pleaded not guilty to the charges of contempt.

Miodrag JOKIĆ Case (“Dubrovnik”)

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

On 4 December 2003, the parties appeared before the Trial Chamber for the Sentencing Hearing of Miodrag Jokić following his guilty plea of 27 August 2003. Prosecution witnesses were heard in closed session. The court then heard Defence witnesses Marjan Pogačnik and Miroslav Stefanović. Both parties presented their arguments and Miodrag Jokić gave a statement.

In their Sentencing Briefs, the Prosecution and the Defence recommended that the Trial Chamber impose a sentence of respectively 10 years and less than two years’ imprisonment. The Sentencing Judgement will be rendered in due course.

GALIĆ Case (“Sarajevo”)

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

On 5 December 2003, the parties appeared before the Trial Chamber for the pronouncement of the Judgement in the case *The Prosecutor v. Stanislav Galić*. The Trial Chamber found General Stanislav Galić guilty of one count of violations of the laws or customs of war (acts of violence the primary purpose of which is to spread terror among the civilian population, as set forth in Article 51 of Additional Protocol I to the Geneva Conventions of 1949) and four counts of the crimes against humanity (murder; inhumane acts - other than murder) on the basis of his individual criminal responsibility pursuant to Article 7 (1) of the Statute of the Tribunal. Judge Nieto-Navia appended his Separate and Partially Dissenting Opinion to the Judgement (see *Press Release* No. 807).

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

BRĐANIN Case (“Krajina”)

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

DECISION ON MOTION FOR ACQUITTAL PURSUANT TO RULE 98 BIS

On 28 November 2003, the Trial Chamber filed its written Decision on the Defence Motion for Judgement of Acquittal pursuant to Rule 98 *bis*. On 9 October 2003, the Trial Chamber had orally

granted the Motion in part and ruled that there was no case to answer regarding certain elements and incidents in the Indictment (see *Weekly Update* No. 285). The Defence Motion filed on 22 August 2003 was partly confidential.

MILUTINOVIĆ *et al.* Case (“Kosovo”)

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

DECISION ON PROSECUTION MOTION FOR JOINDER

On 4 December 2003, the Trial Chamber denied the 5 November 2003 Prosecution Motion for Joinder of the cases *The Prosecutor v. Milutinović et al.* and *The Prosecutor v. Pavković et al.*

HALILOVIĆ Case (“Grabovica-Uzdol”)

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

DECISION ON DEFENCE MOTIONS FOR ACCESS

On 4 December 2003, the Trial Chamber rejected the three Defence Motions of 28 November and 3 December 2003 for access to documents said to be in the custody of the Cantonal Prosecutor of Mostar; the Cantonal Prosecutor of Sarajevo; and the Presidency of Bosnia and Herzegovina.

Miodrag JOKIĆ Case (“Dubrovnik”)

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

ORDER ON MIODRAG JOKIĆ’S REQUEST FOR CONTINUED PROVISIONAL RELEASE

On 4 December 2003, following the Sentencing Hearing, the Trial Chamber ordered the continued provisional release of Miodrag Jokić under the terms and conditions set out in this Order and its previous Order of 20 February 2002.

COURTROOM SCHEDULE: *8 DECEMBER to 12 DECEMBER 2003

MONDAY 8 DECEMBER

Courtroom I 12:30 - 13:15, **Rašević**, Status Conference
14:15 - 19:00, **Blagojević and Jokić**, Trial
Courtroom II 09:00 - 13:45, **Brđanin**, Trial
14:15 - 19:00, **Hadžihasanović and Kubura**, Trial
Courtroom III 09:00 - 12:00, **Strugar**, Pre-Trial Hearing
13:30 - 19:00, **Blaškić**, Appeals Hearing

TUESDAY 9 DECEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Strugar**, Start of Trial
Courtroom II 09:00 - 13:45, **Brđanin**, Trial
14:15 - 19:00, **Hadžihasanović and Kubura**, Trial
Courtroom III 08:00 - 13:45, **Blaškić**, Appeals Hearing
14:15 - 19:00, **Blagojević and Jokić**, Trial

WEDNESDAY 10 DECEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Strugar**, Trial
Courtroom II 09:00 - 13:45, **Brđanin**, Trial
14:15 - 19:00, **Hadžihasanović and Kubura**, Trial
Courtroom III 08:00 - 13:45, **Blaškić**, Appeals Hearing
15:00 - 16:30, **Obrenović**, Sentencing Judgement

THURSDAY 11 DECEMBER

Courtroom I 08:00 - 13:00, **Blaškić**, Appeals Hearing
Courtroom II 09:00 - 13:45, **Brđanin**, Trial
Courtroom III 09:00 - 13:00, **Blagojević and Jokić**, Trial

FRIDAY 12 DECEMBER

Courtroom I 14:15 - 19:00, **Strugar**, 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 19 NOVEMBER 2003

DATE	NUMBER	TITLE	E	F	B/C/S
01/12/2003	804	JUDGE ALBERT SWART SWORN IN AS AN <i>AD LITEM</i> JUDGE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)	E		B/C/S
02/12/2003	805	FIRST CONFERENCE BETWEEN HEALTH PROFESSIONALS FROM THE FORMER YUGOSLAVIA AND THE ICTY ON WITNESS WELFARE	E		B/C/S
02/12/2003	806	JUDGEMENT IN THE CASE THE PROSECUTOR V. MOMIR NIKOLIĆ MOMIR NIKOLIĆ SENTENCED TO 27 YEARS' IMPRISONMENT	E	F	B/C/S
05/12/2003	807	JUDGEMENT IN THE CASE THE PROSECUTOR V. STANISLAV GALIĆ STANISLAV GALIĆ SENTENCED TO 20 YEARS' IMPRISONMENT	E	F	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](#)