



10 September 2004

ICTY WEEKLY UPDATE – 327

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

KRAJIŠNIK Case (“Bosnia and Herzegovina”)

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

14th week of the Prosecution case.

On 6 September 2004, the following witness was examined by the Prosecution and subsequently cross-examined by the Defence:

- Witness Faik Bisčević

The trial was then adjourned until 20 September 2004.

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

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

Second week of the Defence case.

From 7 until 9 September 2004, the following witnesses were examined by the Court assigned Defence counsel (see *Press Release* No. 890) and subsequently cross-examined by the Prosecution:

- Witness Smilja Avramović
- Witness James Jatrás

Dragan NIKOLIĆ Case (“Sušica Camp”)

Pre-Appeal Judge Güney

On 8 September 2004, 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.

STRUGAR Case (“Dubrovnik”)

Trial Chamber II - Judges Parker (Presiding), Thelin and Van Den Wyngaert

On 8 and 9 September 2004, the parties appeared before the Trial Chamber to present their closing arguments. The Prosecution recommended a sentence of 13 to 15 years' imprisonment and the Defence argued for the acquittal of the Accused. Finally, the Accused addressed the Trial Chamber. A Judgement will be rendered in due course.

HALILOVIĆ Case (“Grabovica - Uzdol”)

Pre-Trial Judge Kwon

On 9 September 2004, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

BLAGOJEVIĆ and JOKIĆ Case (“Srebrenica”)

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

On 9 September 2004, Vidoje Blagojević opted against giving a statement pursuant to Rule 84 *bis* of the Rules of Procedure and Evidence. The hearing was adjourned until further notice.

II. OVERVIEW OF SELECTED COURT DOCUMENTS

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

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

ORDER ON THE MODALITIES TO BE FOLLOWED BY COURT ASSIGNED COUNSEL

Following the oral decision issued on Thursday 2 September by Trial Chamber III (see *Press Release* 889), the ICTY Deputy Registrar, decided “to assign Mr. Steven Kay as lead counsel for the accused and Ms. Gillian Higgins as co-counsel for the accused”, effective 3 September 2004.

On 3 September 2004, the Trial Chamber issued an Order setting forth “the modalities by which court assigned counsel are to act”, as follows:

(1) It is the duty of court assigned counsel to determine how to present the case for the Accused, and in particular it is their duty to:

(a) represent the Accused by preparing and examining those witnesses court assigned counsel deem it appropriate to call;

(b) make all submissions on fact and law that they deem it appropriate to make;

(c) seek from the Trial Chamber such orders as they consider necessary to enable them to present the Accused’s case properly, including the issuance of subpoenas;

(d) discuss with the Accused the conduct of the case, endeavour to obtain his instructions thereon and take account of views expressed by the Accused, while retaining the right to determine what course to follow; and

(e) act throughout in the best interests of the Accused;

(2) The Accused may, with the leave of the Trial Chamber, continue to participate actively in the conduct of his case, including, where appropriate, examining witnesses, following examination by court assigned counsel;

(3) The Accused has the right, at any time, to make a reasonable request to the Trial Chamber to consider allowing him to appoint counsel; and

(4) Court assigned counsel is authorised to seek from the Trial Chamber such further orders as they deem necessary to enable them to conduct the case for the Accused. (see *Press Release* No. 890)

ORDER ON REQUEST FOR CERTIFICATION TO APPEAL THE DECISION OF THE TRIAL CHAMBER ON COURT ASSIGNED COUNSEL

On 10 September 2004, the Trial Chamber granted the court assigned counsel’s request to certify an interlocutory appeal against the Trial Chamber’s oral Decision of 2 September 2004, in which it assigned counsel to the Accused (see *Press Release* No. 893).

ADEMI and NORAC Case (“Medak Pocket”)

President of the Tribunal – Judge Meron

ORDER APPOINTING A TRIAL CHAMBER FOR THE PURPOSES OF DETERMINING WHETHER THE INDICTMENT SHOULD BE REFERRED TO ANOTHER COURT UNDER RULE 11 *BIS*

On 7 September 2004, the President of the Tribunal assigned the following Judges for the purpose of determining whether the Ademi and Norac case should be referred to the authorities of Croatia pursuant to Rule 11 *bis*:

Judge Alphons Orie

Judge O-Gon Kwon

Judge Kevin Parker

See *Press Release* No. 891)

PRLIĆ, STOJIĆ, PRALJAK, PETKOVIĆ, ĆORIĆ and PUŠIĆ Case

Bench of the Appeals Chamber – Judges Meron (Presiding), Pocar and Güney

DECISION ON MOTIONS FOR RE-CONSIDERATION, CLARIFICATION, REQUEST FOR RELEASE AND APPLICATIONS FOR LEAVE TO APPEAL

On 8 September 2004, a Bench of the Appeals Chamber refused the Office of the Prosecutor leave to appeal decisions by a Trial Chamber to provisionally release Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valetin Ćorić and Berislav Pusić and dissolved the Appeals Chamber's stay of the Trial Chamber's orders granting provisional release. The six Accused will be released in due course when the necessary arrangements have been made (see *Press Release* No. 892).

COURTROOM SCHEDULE: 13 to 17 SEPTEMBER 2004*

MONDAY 13 SEPTEMBER

No hearings scheduled

TUESDAY 14 SEPTEMBER

Courtroom I 09:00 - 13:45, Milošević, Trial

WEDNESDAY 15 SEPTEMBER

Courtroom I 09:00 - 13:45, Milošević, Trial
14:30 - 16:00, Milutinović *et al.*, Status Conference

THURSDAY 16 SEPTEMBER

No hearings scheduled

FRIDAY 17 SEPTEMBER

No hearings scheduled

*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 3 SEPTEMBER 2004

DATE	NUMBER	TITLE	E	F	B/C/S
03/09/2004	890	MILOŠEVIĆ CASE: STEVEN KAY AND GILLIAN HIGGINS "COURT ASSIGNED COUNSEL", TRIAL CHAMBER ISSUES AN ORDER ON THE MODALITIES BY WHICH THEY ARE TO ACT	E		B/C/S
08/09/2004	891	PRESIDENT MERON APPOINTS A TRIAL CHAMBER TO CONSIDER AN APPLICATION BY THE PROSECUTOR TO REFER THE "ADEMI & NORAC" CASE TO CROATIA	E		B/C/S
09/09/2004	892	APPEALS CHAMBER REJECTS PROSECUTION APPEAL AGAINST THE PROVISIONAL RELEASE OF JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALETIN ĆORIĆ AND BERISLAV PUŠIĆ	E		B/C/S
10/09/2004	893	MILOŠEVIĆ CASE: TRIAL CHAMBER GRANTS THE ASSIGNED COUNSEL'S REQUEST FOR CERTIFICATION TO APPEAL	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](#)