



17 December 2004

ICTY WEEKLY UPDATE – 340

Please note that Weekly Update 341 will be issued on 7 January 2005.

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

HADŽIHASANOVIĆ and KUBURA Case (“Central Bosnia”)

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

Eighth week of the Hadžihasanović Defence case.

From 13 until 17 December 2004, the following witness was examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Džemal Merdan

LIMAJ *et al.* Case (“Llapushnik/Lapušnik Camp”)

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

Fifth week of the Prosecution case.

On 13 December 2004, the following witness was examined by the Prosecution and subsequently cross-examined by the Defence:

- Protected Witness L-12

The trial was then adjourned until 13 January 2005.

ORIĆ Case

Trial Chamber II – Judges Agius (Presiding), Brydesholt and Eser

Ninth week of the Prosecution case.

From 13 until 16 December 2004, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Witness Dragomir Miladinović
- Witness Slaviša Erić
- Witness Slavoljub Žikić

The trial was then adjourned until 10 January 2005.

KRAJIŠNIK Case (“Bosnia and Herzegovina”)

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

On 10 December 2004, due to Judge El Mahdi's decision to withdraw from the Krajišnik case, the trial was adjourned until further notice.

On 15 December 2004, the parties appeared before Judge Orie and Judge Martín Canivell to discuss whether to continue the trial with a substitute judge or whether to have a trial *de novo*, a re-trial with a new Judge, pursuant to Rule 15 *bis* of the Rules of Procedure and Evidence (see below).

On 16 December 2004, Judges Orie and Martín Canivell ordered the proceedings to continue with a substitute judge.

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

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

Continuation of the Defence case.

On 15, 16 and 17 December 2004, the following witnesses were examined by the Accused and subsequently cross-examined by the Prosecution:

- Witness Čedomir Popov
- Witness Kosta Mihajlović

The trial was then adjourned until 11 January 2005.

MAGLOV Case (“Contempt”)

Trial Chamber - Judges Kwon (Presiding), El Mahdi and Bonomy

During the Pre-Trial Conference on 13 December 2004, the *amicus curiae* Prosecutor made an oral motion to the Trial Chamber to vacate the orders of Trial Chamber II, dated 15 April 2003 and 6 February 2004, in which she was ordered to prosecute Ms. Maglov on contempt charges. In view of the submission by the *amicus curiae* Prosecutor and the consent of the Defence and considering the procedural history of this case and all circumstances surrounding this case, the Trial Chamber granted the motion and vacated the orders. The proceedings were thus terminated.

BRALO Case (“Jokers”)

Judge El Mahdi

Following his transfer to the Tribunal on 12 November 2004 and his initial appearance on 15 November 2004, Miroslav Bralo appeared before Judge El Mahdi for a further appearance on 14 December 2004. He pleaded not guilty to the counts of the Indictment. A date for trial will be set in due course by the Registrar.

BABIĆ Case

Pre-Appeal Judge Mumba

On 17 December 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.

KORDIĆ and ČERKEZ Case (“Lašva Valley”)

Appeals Chamber - Judges Schomburg (Presiding), Pocar, Mumba, Güney and Weinberg de Roca

On 17 December 2004, the Appeals Chamber convened to pronounce the Appeals Judgement in the Kordić and Čerkez case. The Appeals Chamber affirmed Dario Kordić’s sentence of 25 years of imprisonment. It imposed a new sentence of 6 years imprisonment for Mario Čerkez (see *Press Release* No. 926). Mario Čerkez had been sentenced to 15 years imprisonment by the Trial Chamber of which he had already served 7 years, he was released on 3 December 2004 (see *Press Release* No. 919).

II. OVERVIEW OF SELECTED COURT DOCUMENTS

BLAGOJEVIĆ and JOKIĆ Case (“Srebrenica”)

Trial Chamber I, Section A - Judges Liu (Presiding), Vassilyenko and Argibay

SCHEDULING ORDER

On 10 December 2004, the Trial Chamber ordered that the Judgement in this case be delivered on Monday, 17 January 2005 at 11.30 a.m.

KRAJIŠNIK Case (“Bosnia and Herzegovina”)

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

DECISION PURSUANT TO RULE 15 *bis* (D)

On 16 December 2004, following the decision of Judge El Mahdi to withdraw from the Krajišnik case, the two remaining Judges decided to continue the proceedings in this case with a substitute judge (see above).

ŠEŠELJ Case

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

DECISION ON THE ACCUSED'S REQUESTS FOR AN ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

On 15 December 2004, the Trial Chamber rejected Vojislav Šešelj's requests to seek an advisory opinion of the International Court of Justice on the legality of the establishment of the International Criminal Tribunal for the Former Yugoslavia.

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

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

DECISION ON ASSIGNED COUNSEL REQUEST FOR CERTIFICATION OF AN INTERLOCUTORY APPEAL AGAINST THE DECISION ON ASSIGNED COUNSEL MOTION FOR WITHDRAWAL

On 17 December 2004, the Trial Chamber dismissed the Defence Motion for certification to appeal the Trial Chamber's 7 December 2004 Decision which denied Assigned Counsel's application to withdraw from the Defence of Slobodan Milošević.

COURT SCHEDULE: 20 DECEMBER 2004 – 7 JANUARY 2005*

Court recess until Monday 10 January 2005

PRESS RELEASES ISSUED SINCE 10 DECEMBER 2004

DATE	NUMBER	TITLE	E	F	B/C/S
17/12/2004	926	APPEALS CHAMBER JUDGEMENT IN THE CASE THE PROSECUTOR v. DARIO KORDIĆ AND MARIO ČERKEZ	E		B/C/S

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