



30 September 2005

## ICTY WEEKLY UPDATE – 373

### PROCEDURAL DEVELOPMENTS

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#### I. OVERVIEW OF COURT PROCEEDINGS

##### **MILOŠEVIĆ Case**

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

##### **Continuation of the Defence case.**

On 28 September and 29 September 2005, the following witness was cross-examined by the Prosecution and subsequently re-examined by the Defence on 29 September:

- Witness Božidar Delić

On 29 September and 30 September 2005, the following witness was examined by the Defence (continuation from 22 September 2005):

- Witness Bogoljub Janičević

##### **ORIĆ Case**

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*Trial Chamber II - Judges Agius (Presiding), Eser and Brydensholt*

##### **Continuation of the Defence case.**

From 26 September to 29 September 2005, the following witness was examined by the Defence and then subsequently cross-examined by the Prosecution and re-examined by the Defence on 29 September 2005:

- Witness Azir Malagić

On 29 September and 30 September 2005, the following witness was examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Simon Mardel

##### **JOVIĆ Case (“Contempt”)**

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*Judge Orić*

On Monday, 26 September, the Parties were scheduled to appear before Judge Orić for the initial appearance of Josip Jović. The accused and the Defence did not appear and Judge Orić stated that the Trial Chamber would discuss possible measures including warrant of arrest.

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**KRIŽIĆ Case (“ Contempt “)**

*Judge Orié*

On Monday, 26 September 2005, the Parties appeared before Judge Orié for the initial appearance of Marijan Križić. The accused pleaded not guilty.

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**ŠEŠELJ Case**

*Pre-Trial Judge Agius*

On Monday, 26 September 2005, the Parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules of Procedure and Evidence. Among other issues, they discussed about the electronic disclosure of documents to the accused and translation of documents, the Prosecution Motion for joinder dated 1 June 2005 requesting joinder of this case with the one against Jovica Stanišić and Franko Simatović, as well as with the case against Milan Martić. The accused complained on the conditions in the Detention unit.

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**ČERMAK & MARKAČ Case**

*Pre-Trial Judge Parker*

On Wednesday, 28 September 2005, the Parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules of Procedure and Evidence. The Parties mostly discussed disclosure issues.

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**KRAJIŠNIK Case**

*Trial Chamber I - Judges Orié (Presiding), Hanoteau and Canivell*

On Wednesday, 28 September 2005, the Parties appeared before the Trial Chamber for a Pre-Defence Conference pursuant to Rule 73*ter* of the Rules of Procedure and Evidence. The Parties made oral submissions on two Defence Motions dated 26 September 2006 : Defence Motion for extension of time and Defence Motion for stay of proceedings. The Trial Chamber denied the Motion for stay of proceedings. A representative of the Registry was called at the session to clarify the availability of the additional funds to the accused’s Defence.

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**STANIŠIĆ & SIMATOVIĆ Case**

*Pre-Trial Judge Kwon*

On Thursday, 29 September 2005, the Parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules of Procedure and Evidence. The Parties mostly discussed disclosure issues.

**II. OVERVIEW OF SELECTED COURT DOCUMENTS**

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**JOVIĆ Case**

*Trial Chamber I – Judge Daqun(Presiding)*

**WARRANT OF ARREST AND ORDER FOR SURRENDER**

On 28 September 2005, Trial Chamber I issued a warrant for arrest and order for surrender for Josip Jović – *See Press Release number 1007 dated 28 September 2005.*

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**KRAJIŠNIK Case**

*Trial Chamber I – Judges Orić (Presiding), Canivell and Hanoteau*

**DECISION ON DEFENCE MOTION TO FURTHER DELAY THE COMMENCEMENT OF THE DEFENCE CASE**

On 28 September 2005, Trial Chamber I denied the “Defence motion for extension of time”, filed on 26 September 2005, which requested an extension of time for the filing of Rule 65ter (G) material from 26 September 2005 to 12 October 2005, as well as a further postponement of the start of the defence case from 3 October to 25 October. The Trial Chamber ordered as follows:

- Except as it relates to exhibits, the Defence shall file the Rule 65ter (G) material by 3 October 2005 in the most complete form possible, on the understanding that the witness list may include references to as yet unnamed expert witnesses, or to witnesses who may finally not be called, and on the understanding that whatever the length of this provisional witness list the Defence shall conclude its case no later than 10 March 2006, as scheduled;
- A Rule 73ter pre-defence conference shall be held on Thursday 6 October 2006;
- The Defence case shall start on 10 October 2005, and the Defence shall inform the Victims & Witnesses section as well as the Prosecution, no later than Friday 30 September 2005 of the witnesses it wishes to call in the first week of the defence case;
- A recess shall be taken beginning Thursday 13 October 2005, with the defence case to resume on Tuesday 25 October 2005;
- Defence exhibits which cannot be provided to the Prosecution by 3 October 2005 in accordance with the Rules shall be provided to the Prosecution at the earliest opportunity thereafter, and in any case well in advance of the hearing of the witness through which a given exhibit will be introduced.

Also, on 28 September 2005, the Trial Chamber denied the “Defence motion for stay of the proceedings” filed on 26 September 2005.

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**BOŠKOSKI & TARČULOVSKI Case**

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

**DECISION ON LJUBE BOŠKOSKI’S INTERLOCUTORY APPEAL ON PROVISIONAL RELEASE**

On 28 September 2005, the Appeals Chamber dismissed the Defence’s “Interlocutory appeal against Trial Chamber’s decision on defence motion of Ljube Boškosi for provisional release on 18 July 2005” dated 22 August 2005.

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**BRALO Case**

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

**DECISION ON CONFIDENTIAL MOTION FOR EXTENSION OF TIME AND ORDER SCHEDULING A SENTENCING HEARING**

On 29 September 2005, the Trial Chamber granted in part the Defence’s “Confidential emergency motion for extension of time within which to file Miroslav Bralo’s sentencing brief” dated 28 September 2005 and ordered the Prosecution and the Defence to submit their sentencing briefs by 10 October 2005. Furthermore, the Trial Chamber cancelled the sentencing hearing scheduled for Monday 10 October 2005

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and re-scheduled it for Thursday 20 October 2005, commencing at 3:30 p.m., and continuing on Friday 21 October as necessary.

## ORIĆ Case

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

### DECISION ON ALLEGED PROSECUTION NON-COMPLIANCE WITH DISCLOSURE OBLIGATIONS UNDER RULES 66(B) AND 68(i)

On 29 September 2005, the Trial Chamber, having noted the complaints raised during the proceedings of 15 September 2005 by counsel for Naser Orić concerning non-disclosure by the Prosecution of three statements given by Defence witness Edina Karić in 1994 to authorities of Bosnia and Herzegovina, enjoined the Prosecution to make all efforts in the future to comply with all obligations imposed on it pursuant to Rule 66(B) and Rule 68(i) of the Rules

### COURTROOM SCHEDULE: 3 OCTOBER – 7 OCTOBER 2005\*

#### **MONDAY 3 OCTOBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
15:00 - 18:00, **Šešelj**, Further initial appearance  
Courtroom III 09:00 - 13:45, **Orić**, Trial

#### **TUESDAY 4 OCTOBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
15:00 - 17:30, **Milutinović et al**, Hearing (Rule 54bis)  
Courtroom II 09:00 - 13:45, **Orić**, Trial  
Courtroom III 09:00 - 13:45, **Stakić**, Appeal

#### **WEDNESDAY 5 OCTOBER**

Courtroom I 09:30 - 13:45, **Milošević**, Trial  
Courtroom II 09:00 - 13:45, **Orić**, Trial  
Courtroom III 09:00 - 13:00, **Stakić**, Appeal  
14:15 - 17:00, **Stakić**, Appeal

#### **THURSDAY 6 OCTOBER**

Courtroom II 09:00 - 13:45, **Krajišnik**, Defence Pre-trial Conference  
Courtroom III 09:00 - 12:00, **Stakić**, Appeal

#### **FRIDAY 7 OCTOBER**

No trial 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 23 SEPTEMBER 2005

Date	Number	Title	E	F	B/C/S
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28/09/2005	1007	ARREST WARRANT ISSUED FOR JOSIP JOVIĆ	E		B/C/S
29/09/2005	1008	RADOVAN STANKOVIĆ TRANSFERRED TO BOSNIA AND HERZEGOVINA	E		B/C/S

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

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