



14 October 2005

ICTY WEEKLY UPDATE – 375

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

ORIĆ Case

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

Continuation of the Defence case

On 10 October 2005, the following witness was cross-examined by the Prosecution:

- Protected witness (with face distortion)

From 11 October until 14 October 2005, the following witness was examined by the Defence, subsequently cross-examined by the Prosecution and re-examined by the Defence on 14 October 2005:

- Witness Ejub Dedić

KRAJIŠNIK Case

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

Beginning of the Defence case

From 10 October until 12 October 2005, the following witness was examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Nemanja Vasić

MRKŠIĆ et al. Case

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

On 10 October 2005, the Parties appeared before Trial Chamber II for a Pre-Trial Conference pursuant to Rule 73*bis* of the Rules of Procedure and Evidence.

Beginning of the Prosecution case

On 11 October 2005, the Prosecution gave its opening statement. Mr Radić and Mr Šljivančanin were also permitted to address the court.

DRAGOMIR MILOŠEVIĆ Case

Pre-Trial Judge Antonetti

On 12 October 2005, the Parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65*bis* of the Rules.

BLAGOJE SIMIĆ Case

Pre-Appeal Judge Güney

On 13 October 2005, the Parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65*bis* of the Rules.

JOVIĆ Case (“Contempt”)

Judge Orić

On 14 October 2005, the Parties appeared before Judge Orić for the initial appearance of Josip Jović. The accused pleaded not guilty to the one count of the indictment.

II. OVERVIEW OF SELECTED COURT DOCUMENTS

MRKŠIĆ & RADIĆ & ŠLJIVANČANIN Case

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

DECISION ON APPOINTMENT OF CO-COUNSEL FOR MILE MRKŠIĆ

On 7 October 2005, Trial Chamber II dismissed the “Defence Motion: Requesting relief in the assignment of co-counsel” filed on 2 September 2005 by Mr Vasić, counsel of the accused Mrkšić. Mr Vasić had requested the assignment of Mr Goran Rodić as co-counsel for the accused Mrkšić on 28 July 2005, which the Registry denied on 22 August 2005.

MARIJAČIĆ & REBIĆ Case (“Contempt”)

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

DECISION ON PROSECUTION’S MOTION TO AMEND THE INDICTMENT

On 7 October 2005, Trial Chamber III, pursuant to Rule 50 of the Rules, granted the Prosecution’s motions to amend the indictment filed on 23 June 2005 and 29 August 2005 in the following respects:

- (a) The first proposed amendment is granted in full;
- (b) The second proposed amendment is granted in full;
- (c) The third proposed amendment is granted in full;
- (d) The fourth proposed amendment is granted in full;
- (e) The fifth proposed amendment is granted in full; and

Denied the motions in the following respects:

- (f) The sixth proposed amendment is denied;
- (g) The seventh proposed amendment is denied.

Pursuant to Rule 54 of the Rules, Trial Chamber III ordered that the Prosecution file an amended indictment within seven days of the date of this decision.

**DECISION ON MOTIONS TO DISMISS THE INDICTMENT DUE TO LACK OF JURISDICTION
AND ORDER SCHEDULING A STATUS CONFERENCE**

On 7 October 2005, pursuant to Rule 126*bis* of the Rules, Trial Chamber III granted leave to the Prosecution to file its “Reply to defendant Ivica Marijačić’s reply in support of his motion pursuant to

Rule 73(A) to dismiss the indictment due to lack of personal jurisdiction and lack of subject matter jurisdiction” filed on 3 October 2005.

Furthermore, pursuant to Rules 73 and 54 of the Rules, the Trial Chamber denied the Defense’s motions on jurisdiction filed on 21 September and 23 September 2005.

Pursuant to Rule 54 of the Rules, a Status Conference in the present case shall be held on 26 October 2005 at 3:00 p.m.

RAŠEVIĆ & TODOVIĆ Case

Appeals Chamber – Judges Meron (Presiding), Shahabuddeen, Mumba, Schomburg and Vaz

DECISION ON INTERLOCUTORY APPEAL FROM TRIAL CHAMBER DECISION DENYING SAVO TODOVIĆ’S APPLICATION FOR PROVISIONAL RELEASE

On 7 October 2005, the Appeals Chamber dismissed the Defense’s interlocutory appeal against the decision on Savo Todović’s application for provisional release. Trial Chamber II denied the application for provisional release on 22 July 2005 and the accused filed for leave to appeal the decision on 29 July 2005. The Appellant’s brief was filed on 9 August 2005.

HARADINAJ & BALAJ & BRAHIMAJ Case

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

DECISION ON DEFENCE MOTION ON BEHALF OF RAMUSH HARADINAJ TO REQUEST RE-ASSESSMENT OF CONDITIONS OF PROVISIONAL RELEASE GRANTED 6 JUNE 2005

On 12 October 2005, Trial Chamber II, pursuant to Rules 54 and 65 of the Rules, granted in part the “Defence motion on behalf of Ramush Haradinaj to request re-assessment of conditions of provisional release granted 6 June 2005”, filed on 15 August 2005. The decision included, *inter alia*, the following:

- the accused may appear in public and engage in public political activities to the extent which UNMIK finds would be important for a positive development of the political and security situation in Kosovo, subject to the prior approval by UNMIK of a request by the accused regarding each individual activity concerned
- the Trial Chamber requires UNMIK to assume responsibility to authorise or deny the accused’s above-referred activities on a case-by-case basis, and to include any such activity in the bi-weekly reports submitted to the Trial Chamber pursuant to the decision on provisional release. UNMIK is also required to indicate any such future activity of the accused in these reports, provided that there is a pending request by the accused before UNMIK.

These decisions were reached by a majority (Judge Brydensholt and Judge Eser) while Judge Agius dissented.

The Trial Chamber reached an unanimous decision and rejected the request to re-assess the current geographical restrictions on the movements of the accused.

COURTROOM SCHEDULE: 17 OCTOBER – 21 OCTOBER 2005*

MONDAY 17 OCTOBER

Courtroom I 14:15 - 19:00, Orić, Trial
Courtroom II 09:00 - 13:45, Martinović & Naletilić, Appeals Hearing
15:00 - 18:15, Martinović & Naletilić, Appeals Hearing

TUESDAY 18 OCTOBER

Courtroom I 09:00 - 13:45, Milošević, Trial
14:15 - 19:00, Orić, Trial

Internet address: <http://www.un.org/ictv>

PTV, Communication Services

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Courtroom II 09:00 - 13:00, **Martinović & Naletilić**, Appeals Hearing
14:30 - 18:30, **Martinović & Naletilić**, Appeals Hearing

WEDNESDAY 19 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Orić**, Trial
Courtroom II 09:00 - 13:00, **Martinović & Naletilić**, Appeals Hearing
14:30 - 18:00, **Martinović & Naletilić**, Appeals Hearing

THURSDAY 20 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
15:30 - 19:00, **Bralo**, Sentencing hearing
Courtroom II 09:00 - 13:45, **Orić**, Trial
14:15 - 15:00, **Rašević & Todović**, Status Conference

FRIDAY 21 OCTOBER

Courtroom I 09:00 - 13:45, **Bralo**, Sentencing hearing
15:30 - 19:00, **Bralo**, Sentencing hearing
Courtroom II 09:00 - 13:45, **Orić**, 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 7 OCTOBER 2005

| Date | Number | Title | E | F | B/C/S |
|------------|--------|--|---|---|-------|
| 11/10/2005 | 1012 | ADDRESS OF JUDGE THEODOR MERON, PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE UNITED NATIONS GENERAL ASSEMBLY | E | | B/C/S |

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