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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

ICTY WEEKLY UPDATE-63

29 January 1999

LAST MINUTE NEWS

CELEBICI CASE:

NEW COMPOSITION OF THE APPEALS CHAMBER:

Following the withdrawal of Judge Mohamed Shahabuddeen, an Order was issued on 28 January 1999 assigning the following Judges to the Appeals Chamber in the Celebici case: Judge Wang Tieya, Judge Rafael Nieto-Navia, Judge Almiro Rodrigues, Judge David Hunt and Judge Mohamed Bennouna.

FURUNDZIJA CASE:

COMPOSITION OF THE APPEALS CHAMBER:

On Tuesday 26 January 1999, the Vice-President of the Tribunal, Judge Mohamed Shahabuddeen assigned Judge Patrick Robinson as a member of the Appeals Chamber "*for the purposes of the appeal from the Furundzija Judgement*".

The Appeals Chamber in this case will be composed as follows: Judge Mohamed Shahabuddeen, Presiding, Judge Lal Chand Vohrah, Judge Wang Tieya, Judge Rafael Nieto-Navia, Judge Patrick Lipton Robinson.

"KORDIC & CERKEZ" CASE:

JOINT DEFENCE MOTIONS ON JURISDICTIONAL ISSUES:

On 22 January 1999, the Defence Counsels for Dario Kordic and Mario Cerkez filed four joint motions on various jurisdictional issues. Motion 1 is a motion "*to dismiss the amended indictment due to the illegal foundation of the Tribunal*". Motion 2 is "*to dismiss the amended indictment for lack of jurisdiction, based on the limited jurisdictional reach of articles 2 and 3*". Motion 3 is a motion "*to dismiss all allegations of planning and preparation under Article 7(1) as outside the jurisdiction of the Tribunal or as unenforceable*". Motion 4 is "*to dismiss for lack of jurisdiction portions of amended indictment alleging "failure to punish" liability*".

JOINT DEFENCE MOTIONS ON THE FORM OF THE INDICTMENT:

On 22 January, the Defence Counsels for Dario Kordic and Mario Cerkez filed five motions relating to the form of the indictment. Motion 1 is a joint motion "*to dismiss or, alternatively, to order the Prosecutor to elect between counts*". Motion 2 (only for Defendant Kordic) is a motion "*to strike the amended indictment for vagueness*". Motion 3 is a joint motion "*to strike paragraphs 20 and 22 and all references to Article 7(3) as providing a separate, or an alternative, basis for imputing criminal responsibility*". Motion 4 is a joint motion "*to strike all counts arising under Article 2 or Article 3 for failure to allege a nexus between the conduct and an international armed conflict*". Motion 5 is a joint motion "*to strike counts 37 and 40 for failure to plead all required elements under article 2(D)*".

MOTION TO SUPPRESS EVIDENCE BY DEFENDANT DARIO KORDIC:

On 22 January as well, Counsel for Dario Kordic filed a motion requesting and order "*suppressing and excluding any and all evidence obtained from the illegal search executed on 23 September 1998 in Vitez by persons representing the Office of the Prosecutor...*".

MIROSLAV KVOCKA (Omarska/Keraterm Case):

DEFENCE MOTIONS:

On 19 January, the Defence Counsel for Miroslav Kvocka filed "*a preliminary appeal to the amended indictment*", challenging "*the jurisdiction*" of the Tribunal and pointing out "*the defects in the form of the indictment*".

APPEAL BY Mr. ANTO NOBILO AGAINST THE FINDING OF CONTEMPT:

COMPOSITION OF THE APPEALS CHAMBER:

By order of 22 January 1999, the Appeals Chamber to determine the appeal filed by Mr. Anto Nobile against the Trial Chamber's Decision of 11 December 1998 to fine him for contempt of court (see Update nr.60) will consist of Judge Tieya Wang, Judge Richard May, Judge David Hunt, Judge Mohamed Bennouna and Judge Patrick Robinson.

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

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COURTROOM SCHEDULE: MONDAY 1 JANUARY TO FRIDAY 5 FEBRUARY 1999*

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom I	No proceedings	No proceedings	10.00 Appeal Ch. Aleksovski hearing	No proceedings	No proceedings
	No proceedings	No proceedings	No proceedings	No proceedings	No proceedings

***The courtroom schedule is provisional and you are invited to check for last minute changes with the Public Information Unit. Unless otherwise indicated, the session is open.**

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](#)