



6 August 1999

ICTY WEEKLY UPDATE – 89

The Trial Chambers are now in summer recess until Monday 30 August 1999. The next Weekly Update will be published on Friday 27 August 1999.

PROCEDURAL DEVELOPMENTS: 2 – 6 AUGUST

I. OVERVIEW OF COURT PROCEEDINGS

KORDIĆ & ČERKEZ CASE

Trial Chamber III - Judges May (Presiding), Bennouna and Robinson

This week, the Trial Chamber continued to hear the testimony of witnesses called by the Prosecution.

The Trial Chamber reconvened on Monday with the testimony of Andrew Williams, Intelligence Officer in the British Army stationed in Gornji Vakuf between November 1992 and May 1993. Mr. Williams gave evidence regarding the situation in Bosnia over that period, particularly the attacks on Muslims in Gornji Vakuf, Prozor and Bugojno.

On Tuesday, Major John Ellis gave evidence of the situation prior to the Ahmići attack, particularly the anti-Muslim propensity of HVO commanders.

On Wednesday, Roderick Cordy-Simpson, Chief of Staff under General Morillon between September 1992 and April 1993, gave evidence of the position Kordić held himself out to hold, namely Colonel, the witness' reasoning being that Kordić needed this title to ensure that he was not subordinate to Blaškić. The witness also testified regarding the negotiations surrounding a potential cease-fire agreement in January 1993 and subsequent fighting between the HVO and ABiH.

Commencing on Wednesday and continuing on Thursday, the Trial Chamber heard the evidence of Payam Akhavan, a former United Nations Human Rights Officer assigned to investigate alleged atrocities in the Vitez area, who had previously given evidence in the *Blaškić* case. Mr. Akhavan had interviewed witnesses to the 16 April 1993 attack on Ahmići and held meetings with both Blaškić and Kordić. The witness was under the impression that Kordić had control over Blaškić. A Report on Ahmići in which it was concluded that the HVO was involved in the massacre.

The week's proceedings concluded with a status conference.

KOVAČ CASE

Trial Chamber II – Judges Mumba (Presiding), Cassese and Hunt

On Wednesday, the initial appearance of Radomir Kovač, who was detained by SFOR on 2 August 1999, was held (see Press Release No. 426). The accused pleaded "not guilty" to the charges against him contained in the indictment. A date for trial will be set in due course.

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II. OVERVIEW OF COURT DOCUMENTS

SIMIĆ CASE

TRIAL CHAMBER ORDERED TO HOLD ORAL HEARING ON PROVISIONAL RELEASE OF TADIĆ

On 28 July 1999, the Appeals Chamber (Judges Kirk McDonald (Presiding), Shahabuddeen, Wang, Nieto-Navia and Mumba) directed Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) to hold an oral hearing on the request for provisional release of Miroslav Tadić.

The Trial Chamber issued its Decision on the Motion for Provisional Release on 15 February 1999 without a prior hearing of the parties, although, in a scheduling order filed on 29 January 1999, the Trial Chamber ordered that oral arguments be heard on the matter (see generally Update No. 82).

KORDIĆ & ČERKEZ CASE

APPLICATION TO ADMIT TULIĆA REPORT AND DOSSIER GRANTED IN PART

On 29 July 1999, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) granted in part the application to admit into evidence the Tulića Dossier and the Investigator's Report as proposed by the Prosecution.

The Dossier contains evidence relating to the attack on the village of Tulića on 12 June 1993; the Report is a summary of the Dossier.

Pursuant to a Scheduling Order issued by the Trial Chamber on 18 June 1999, written responses from Kordić and Čerkez detailing which material in the Dossier and the Report was in dispute were filed on 5 July 1999 and 3 July 1999 respectively. Final arguments were heard on the matter on 17 and 19 July 1999.

The Trial Chamber rejected the application with regard to the Report and parts of the Dossier on the ground that they have little or no probative value. However, those parts of the Dossier containing purely documentary evidence of fact were admitted.

ALEKSOVSKI CASE

SCHEDULING ORDER ISSUED

Pursuant to a joint Motion of the Prosecution and appellant seeking a variation of the time limits for filing the Appellant's Briefs, filed on 22 July 1999, the Appeals Chamber (Judges May (Presiding), Wang, Mumba, Hunt and Robinson) issued the following scheduling order on 30 July 1999: (1) the Appellants' briefs and authorities shall be filed by 24 September 1999; (2) the respondents' briefs and authorities shall be filed within 30 days of the filing of the appellants' briefs, at the latest by 25 October 1999; and (3) the appellants may file briefs in reply within 15 days after the filing of the respondents' briefs, at the latest by 10 November 1999.

KUPREŠKIĆ & OTHERS CASE

MOTIONS BY FOUR ACCUSED FOR PROVISIONAL RELEASE DENIED

On 30 July 1999, Trial Chamber II (Judges Cassese (Presiding), May and Mumba) issued its Decision on the oral Motions for the provisional release of Zoran Kupreškić, Mirjan Kupreškić and Drago Josipović submitted on 23 July 1999, and the written motion filed by Dragan Papić on 27 July 1999.

Noting that the authorities of Bosnia and Herzegovina refused to undertake to provide certain security measures with regard to Zoran Kupreškić and Mirjan Kupreškić, *inter alia* to guarantee the re-arrest and return of the indictees should they attempt to go into hiding while in the territory of the Federation of Bosnia and Herzegovina, the Trial Chamber denied their motion for provisional release.

Further, the Trial Chamber denied the motions of Josipović and Papić for provisional release on the basis that it may justifiably be inferred from the abovementioned response of the authorities of Bosnia and Herzegovina, that adequate security measures would also not be forthcoming with respect to these two accused.

GAGOVIĆ & OTHERS CASE

LEAVE TO WITHDRAW INDICTMENT GRANTED

On 30 July 1999, Judge Lal Chand Vohrah issued an order granting the Prosecutor leave to withdraw the indictment against Dragan Gagović, who died on 9 January 1999 during an attempt by SFOR to execute an arrest warrant against him.

FURUNDŽIJA CASE

APPELLATE BRIEF AVAILABLE

The public version of Furundžija's appellate brief was made available on 2 August 1999. The brief was filed on 25 June 1999 pursuant to the scheduling order issued on 17 May 1999 (see Update No. 78). Furundžija is appealing both the Judgment and sentence handed down by Trial Chamber II (Judges Mumba (Presiding), Cassese and May) on 10 December 1998 (see Press Release No. 372).

PRESS RELEASES ISSUED SINCE 30 JULY

DATE	NUMBER	TITLE
30/07/99	425	REMARKS MADE BY JUDGE GABRIELLE KIRK MCDONALD, PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE PREPARATORY COMMISSION FOR THE INTERNATIONAL CRIMINAL COURT
02/08/99	426	JUSTICE LOUISE ARBOUR WELCOMES THE DETENTION BY SFOR OF RADOMIR KOVAC

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