



4 October 2002

ICTY WEEKLY UPDATE – 237

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)

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

From 30 September to 4 October 2002, the Trial Chamber convened to hear the second week of the Prosecution case. The following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused:

- Protected witness C037 (also cross-examined by an *amicus curiae*)
- Witness Stjepan Mesić (also cross-examined by an *amicus curiae*)

STAKIĆ Case (“Prijeđor”)

Trial Chamber II – Judges Schomburg (Presiding), Fassi Fihri and Vassilenko

22nd week of the Prosecution case.

On 1 October 2002, the Trial Chamber convened for deliberations on issues relating to Rule 98 *bis* and Rule 15 *bis* of the Rules of Procedure and Evidence. The Accused consented to the assignment of a new Judge in the event that Judge Fassi Fihri was unable to continue sitting in the case.

KRAJIŠNIK and PLAVŠIĆ Case (“Bosnia and Herzegovina”)

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

On 2 October 2002, the Trial Chamber convened to hear the Accused, Biljana Plavšić, enter a plea of “guilty” on count 3 of the Indictment, persecutions on political, racial and religious grounds, a crime against humanity. The Prosecutor dropped the remaining seven counts on the Indictment. The Trial Chamber scheduled the Sentencing Hearing for 16 and 17 December 2002 (see *Press Release* No. 697).

GALIĆ Case (“Sarajevo”)

Trial Chamber I Section B – Judges Orić (Presiding), El Mahdi and Nieto-Navia

On 3 October 2002, the Trial Chamber convened for the Pre-Defence Conference pursuant to Rule 73 *ter* of the Rules of Procedure and Evidence. Preparations for the Defence case were discussed.

BRĐANIN and TALIĆ Case (“Krajina”)

Appeals Chamber – Judges Jorda (Presiding), Shahabuddeen, Güney, Gunawardana and Meron

On 3 October 2002, the Appeals Chamber convened to hear Appellant Jonathan Randal’s Motion to Appeal the Trial Chamber’s Decision refusing to set aside a confidential subpoena to give evidence. Counsel for Randal filed the Motion on 26 June 2002. Counsel, the *amici curiae* and the Prosecution addressed the court. The Appeals Chamber will render its Decision in due course.

BLAŠKIĆ (“Lašva Valley”)

Pre-Appeal Judge Pocar

On 3 October 2002, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

BOROVČANIN Case

Judge Schomburg

ORDER TO LIFT THE SEAL OF CONFIDENTIALITY OF THE INDICTMENT, ARREST WARRANT AND NON-DISCLOSURE WARRANT

On 27 September 2002, a Judge of the Tribunal vacated the Order for Non-Disclosure of the Indictment against Ljubomir Borovčanin (see *Press Release* No. 695).

MILOŠEVIĆ Case (“Kosovo”)

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

DECISION ON ADMISSIBILITY OF PROSECUTION INVESTIGATOR’S EVIDENCE

On 30 September 2002, a Bench of the Appeals Chamber dismissed the Prosecution’s Appeal. Judge Shahabuddeen appended a partially dissenting opinion. The Prosecution appealed the Trial Chamber Decision of 20 June 2002, which excluded the evidence from Mr. Barney Kelly, investigator with the Office of the Prosecutor.

MILOŠEVIĆ Case (“Kosovo”)

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

ORDER

On 3 October 2002, the Trial Chamber granted a Request from the Government of the Republic of Yugoslavia filed on 27 September 2002 and decided that two of its representatives may be present in the courtroom during the testimony of witness Zoran Lilić.

BRĐANIN and TALIĆ Case (“Krajina”)

Trial Chamber II Section A – Judges Agius (Presiding), Janů and Taya

DECISION ON “REQUEST FOR CERTIFICATION TO APPEAL AGAINST THE DECISION TO SEPARATE TRIALS” AND ON “MOTION TO EXTEND TIME-LIMIT FOR FILING BRIEF IN SUPPORT OF REQUEST FOR CERTIFICATION TO APPEAL”

On 3 October 2002, the Trial Chamber dismissed the Request of Momir Talić of 27 September 2002 not to separate the trial from Radoslav Brdanin.

MARINIĆ Case (“Lašva Valley”)

Confirming Judge El Mahdi

ORDONNANCE AUTORISANT LE RETRAIT DE L’ACTE DE ACCUSATION PORTÉ À L’ENCONTRE DE ZORAN MARINIĆ

On 3 October 2002, the confirming Judge ordered that the Indictment against Zoran Marinić be withdrawn. The Prosecution filed a Motion to withdraw the Indictment on 29 August 2002 (see *Press Release* No. 698).

GALIĆ Case (“Sarajevo”)

Trial Chamber I Section B – Judges Orić (Presiding), El Mahdi and Nieto-Navia

DECISION ON THE MOTION FOR THE ENTRY OF ACQUITTAL OF THE ACCUSED STANISLAV GALIĆ

On 3 October 2002, the Trial Chamber dismissed the Defence’s Motion of 2 September 2002 in part and entered a Judgement of acquittal on those parts of the Indictment which concern Scheduled Sniping Incidents No. 7 and No. 12 in support of counts 1, 2 and 4 and Scheduled Sniping Incident No. 19 in support of counts 1, 3 and 4.

COURTROOM SCHEDULE: 7 OCTOBER TO 11 OCTOBER 2002

MONDAY 7 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Brđanin**, Trial
14:15 - 19:00, **Galić**, Start Defence Case
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal
14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

TUESDAY 8 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Brđanin**, Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal
14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

WEDNESDAY 9 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Brđanin**, Trial
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal
14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

THURSDAY 10 OCTOBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Brđanin**, Trial
Courtroom II 09:00 - 13:45, **Stakić**, Oral Arguments Rule 98*bis*
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal
14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

FRIDAY 11 OCTOBER

Courtroom II 11:00, **Kordić and Čerkez**, Status Conference
14:15 - 19:00, **Galić**, Trial
Courtroom III 09:30 - 13:00, **Martinović and Naletilić**, Rebuttal
14:30 - 17:00, **Martinović and Naletilić**, Rebuttal

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

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 20 SEPTEMBER

DATE	NUMBER	TITLE	E	F	B/C/S
30 September 2002	695	LJUBOMIR BOROVČANIN: INDICTMENT UNSEALED FOR HIS ALLEGED PARTICIPATION IN CRIMES COMMITTED AFTER THE TAKE-OVER OF THE SREBRENICA ENCLAVE	E		B/C/S
1 October 2002	696	EXTRAORDINARY PLENARY SESSION OF 30 SEPTEMBER 2002	E	F	B/C/S
1 October 2002	697	STATEMENT ON BEHALF OF BILJANA PLAVŠIĆ	E		B/C/S
4 October 2002	698	INDICTMENT AGAINST ZORAN MARINIC WITHDRAWN	E		B/C/S

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