



3 October 2003

## ICTY WEEKLY UPDATE – 284

### PROCEDURAL DEVELOPMENTS:

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#### I. OVERVIEW OF COURT PROCEEDINGS:

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##### **MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)**

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

On 30 September 2003, the *amici curiae* and the Prosecution appeared before the Trial Chamber for a hearing regarding the health of the Accused. The Trial Chamber decided that it will sit three days a week.

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##### **BLAGOJEVIĆ and JOKIĆ Case (“Srebrenica”)**

*Trial Chamber I, Section A – Judges Liu (Presiding), Vassilenko and Argibay*

8<sup>th</sup> week of the Prosecution case.

From 29 September 2003 until 1 October 2003, the Defence continued the cross-examination of Momir Nikolić and the Prosecution subsequently re-examined him.

On 1 October and 2 October 2003, the Prosecution examined Dragan Obrenović, who pleaded guilty on 21 May 2003 to one count of persecutions on political, racial and religious grounds, a crime against humanity (see *Press Release No. 756*).

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##### **MARTIĆ Case**

*Pre-Trial Judge Martín Canivell*

On 29 September 2003, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

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##### **DERONJIĆ Case (“Glogova”)**

*Trial Chamber II- Judges Schomburg (Presiding), Mumba and Agius*

On 30 September 2003, the Accused appeared before the Trial Chamber for a Status Conference. He pleaded guilty to count one of the Second Amended Indictment: persecutions, on political, racial, and religious grounds as a crime against humanity, punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal (see *Press Release No. 785*). The Second Amended Indictment was confirmed orally during the hearing. Presiding Judge Schomburg read out the Indictment in its entirety. Miroslav Deronjić entered a guilty plea to the one count and the Trial Chamber entered a finding of guilt for that count.

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##### **HALILOVIĆ Case (“Grabovica – Uzdol”)**

*Pre-Trial Judge Kwon*

On 1 October 2003, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence.

## **II. OVERVIEW OF SELECTED COURT DOCUMENTS:**

### **MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)**

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

#### **DECISION ON INTERLOCUTORY APPEAL ON THE ADMISSIBILITY OF EVIDENCE-IN-CHIEF IN THE FORM OF WRITTEN STATEMENTS**

On 30 September 2003, the Appeals Chamber allowed the Prosecution appeal in so far as it found that, as a matter of law, the Rules allow for the admission of a written witness statement under Rule 89 (F) when the witness: a) is present in court, b) is available for cross-examination and any questioning by the judges, and c) attests that the statement accurately reflects his or her declaration and what he or she would say if examined. The Appeals Chamber returned the matter to Trial Chamber III for it to consider the admission of evidence in accordance with this present Decision.

Judge Hunt will append a dissenting opinion to the Decision and other Judges reserved the right to append opinions.

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

#### **ORDER TO THE PROSECUTION TO FINALISE ITS WITNESS LIST**

On 30 September 2003, the Trial Chamber ordered the Prosecution to produce, within 21 days, a definitive witness list, setting out the names of the witnesses it intends to call for the remainder of the Prosecution case.

#### **DECISION ON PROSECUTION’S REQUEST FOR VARIATION OF THE TRIAL CHAMBER’S ORDER REGARDING THE TRIAL SCHEDULE**

On 2 October 2003, the Trial Chamber granted the Prosecution Request and ordered that it will sit in this case on Tuesday, Wednesday and Thursday, 7-9 October 2003. It further ordered that the Trial Chamber will generally sit thereafter on Tuesday to Thursday each week and that the sitting schedule shall be subject to variation by the Trial Chamber.

### **STRUGAR Case (“Dubrovnik”)**

*Trial Chamber I – Judges Orić (Presiding), El Mahdi and Martín Canivell*

#### **ORDER ADJOURNING TRIAL**

On 1 October 2003, the Trial Chamber ordered *inter alia* that the trial that was to commence on 9 October 2003 be adjourned to a date to be fixed by a Trial Chamber (see *Press Advisory* No. 133)

#### **ORDER FOR CONTINUANCE OF PROVISIONAL RELEASE**

On 1 October 2003, the Trial Chamber ordered that the Order of 24 September 2003 (see *Weekly Update* No. 282) be vacated and that the Accused Pavle Strugar shall remain on provisional release.

### **ŠEŠELJ Case**

*Trial Chamber II – Judges Schomburg (Presiding), Mumba and Agius*

#### **DECISION ON MOTION NUMBER 19**

On 30 September 2003, the Trial Chamber partly granted the third issue raised by the Accused in his Motion of 27 August 2003, in that he will be allowed to refer to exact time indications taken from video tapes or to quote directly from them.

### **SIMIĆ Case (“Bosanski Šamac”)**

*Trial Chamber II – Judges Mumba (Presiding), Williams and Lindholm*

#### **SCHEDULING ORDER**

On 2 October 2003, the Trial Chamber notified the parties that the Judgement in the proceedings against Blagoje Simić, Miroslav Tadić and Simo Zarić shall be pronounced in public on Friday 17 October 2003 at 10 a.m.

## COURTROOM SCHEDULE: 6 OCTOBER – 10 OCTOBER 2003\*

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### **MONDAY 6 OCTOBER**

Courtroom III 09:00 - 13:45, **Blagojević & Jokić**, Trial  
15:00 - 16:30, **Blagojević & Jokić**, Trial

### **TUESDAY 7 OCTOBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
Courtroom III 09:00 - 13:45, **Blagojević & Jokić**, Trial  
15:00 - 16:30, **Blagojević & Jokić**, Trial

### **WEDNESDAY 8 OCTOBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
Courtroom II 09:00 - 13:45, **Blagojević & Jokić**, Trial  
15:00 - 16:30, **Blagojević & Jokić**, Trial  
Courtroom III 10:00 - 12:00, **Češić**, Status Conference

### **THURSDAY 9 OCTOBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial  
14:15 - 19:00, **Brđanin**, Pre-Defence Conference  
Courtroom III 09:00 - 13:45, **Blagojević & Jokić**, Trial  
15:00 - 16:30, **Blagojević & Jokić**, Trial

### **FRIDAY 10 OCTOBER**

Courtroom III 09:00 - 13:45, **Blagojević & Jokić**, Trial  
15:00 - 16:30, **Blagojević & Jokić**, 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 23 SEPTEMBER 2003

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| DATE       | NUMBER | TITLE                                                                                                                  | E | F | B/C/S |
|------------|--------|------------------------------------------------------------------------------------------------------------------------|---|---|-------|
| 30/09/2003 | 785    | MIROSLAV DERONJIĆ PLEADS GUILTY TO PERSECUTIONS ON POLITICAL, RACIAL AND RELIGIOUS GROUNDS AS A CRIME AGAINST HUMANITY | E |   | B/C/S |

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For a selection of the latest public documents, please visit the [ICTY Website](#)