



9 September 2005

## ICTY WEEKLY UPDATE – 370

### PROCEDURAL DEVELOPMENTS

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#### I. OVERVIEW OF COURT PROCEEDINGS

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##### MILOŠEVIĆ Case

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

###### **Continuation of the Defence case.**

From 5 September until 8 September 2005, the following witness was examined by the Accused and subsequently cross-examined by the Prosecution:

- Witness Vojislav Šešelj

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##### ORIĆ Case

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

###### **Continuation of the Defence case.**

From 5 September until 8 September 2005, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Hamed Tiro
- Witness Nesib Burić (only examined by the Defence 8 and 9 September 2005)

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##### STRUGAR Case

*Pre-Appeal Judge Schomburg*

On Tuesday, 6 September 2005, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65*bis*. Having been asked about the health of the accused, the Defence replied they needed more time to obtain a full medical evaluation. A Rule 65*ter* (I) conference has been scheduled to take place on Tuesday 11 October 2005.

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##### MRKŠIĆ & RADIĆ & ŠLJIVANČANIN Case

*Pre-Trial Judge Agius*

On Wednesday, 7 September 2005, the Parties appeared before the Pre-Trial Judge Agius for a Status Conference pursuant to Rule 65*bis* of the Rules of Procedure and Evidence. Judge Agius announced that Judge Kevin Parker will take over this case from the next Status Conference.

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

### **STANKOVIĆ Case**

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*Appeals Chamber I - Judges Meron (Presiding), Pocar, Shahabuddeen, Güney, and Schomburg*

#### **DECISION ON RULE 11bis REFERRAL**

On 1 September 2005, the Appeals Chamber of the ICTY dismissed Radovan Stanković's appeal against the Decision by the Tribunal's Referral Bench to transfer his case to Bosnia and Herzegovina, pursuant to Rule 11bis of the Rules of Procedure and Evidence. -see *Press Release 999-e dated 2 September 2005*.

### **HALILOVIĆ Case**

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*Trial Chamber I – Judges Liu (presiding), Mumba and El Mahdi*

#### **DECISION ON MOTION FOR PROVISIONAL RELEASE**

On 1 September, the Trial Chamber, being seized of the "Motion for provisional release of Sefer Halilović from the moment the closing arguments are over until the rendering of the judgement in this case" by the Defence dated 22 August 2005, ordered the provisional release of the accused as soon as possible, at the latest from 5 September until 7 November 2005 unless the Trial Chamber notifies a prior date for his return.

### **POPOVIĆ, BEARA, NIKOLIĆ, BOROVIČANIN, TOLIMIR & MILETIĆ & GVERO and PANDUREVIĆ & TRBIĆ Cases**

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*Trial Chamber III - Judges Robinson (Presiding), Agius and Liu*

On 2 September 2005, being seized of a "Motion for joinder of accused" filed by the Office of the Prosecutor on 10 June 2005, the Trial Chamber III, pursuant to Rule 54 and Rule 126bis of the Rules of Procedure and Evidence, orders *proprio motu* the Prosecution to address the Chamber, on or before 5 September 2005, on the following two issues:

- the number of witnesses it expects to call; if each of the six cases is tried separately and if a joint trial is ordered;
- the expected length of trial; if each of the six cases is tried separately and if a joint trial is ordered.

The Prosecution filed their response on 5 September 2005. The Chamber also ordered the counsel for the accused to file a response, if any, to the Prosecution's submission within seven days from 5 September 2005.

### **LJUBIČIĆ Case**

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*Referral Bench – Judges Orić (presiding), Kwon and Parker*

#### **DECISION FOR FURTHER INFORMATION IN THE CONTEXT OF THE PROSECUTOR'S MOTION UNDER RULE 11bis**

On 5 September the Referral Bench, pursuant to Rules 11bis and 54 of the Rules ordered the Parties and invited the Government of Bosnia and Herzegovina to file submissions by 16 September 2005. It also ordered the Parties to be prepared to make oral submissions on the Prosecution's request for referral and invited the Government of Bosnia and Herzegovina to indicate whether they would like to make further oral submissions on the Prosecution's request. This decision followed the Prosecution request dated 19 July that the Referral Bench order the referral of the case to the authorities of Bosnia and Herzegovina

and the Defence response dated 20 July 2005 that the indictment be referred to the authorities of the Republic of Croatia.

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**BLAGOJEVIĆ & JOKIĆ Case**

*Pre-Appeal Judge Shahabuddeen*

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**DECISION ON VIDOJE BLAGOJEVIĆ'S "MOTION FOR EXTENSION OF TIME FOR FILING MOTION WITH ADDITIONAL SUBMISSIONS IN RESPONSE TO THE AMENDMENTS TO THE PROSECUTION'S REQUEST FOR LEAVE TO AMEND NOTICE OF APPEAL"**

On 6 September, the Pre-Trial Judge granted the Motion for extension dated 23 August 2005 and ordered Blagojević to file any submissions pertaining to the Prosecution's amendments to its notice of appeal within 15 days of the issuance of this Decision.

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**MARIJAČIĆ & REBIĆ Case ("contempt")**

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

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**DECISION ON MOTIONS TO DISMISS THE INDICTMENT AND ORDER ON MOTIONS TO AMEND THE INDICTMENT**

On 6 September 2005, the Trial Chamber ordered the Prosecution to provide to this Trial Chamber and to the accused copies of the specific orders that the Accused are alleged to have violated by 9 September 2005. The Chamber ordered the Accused to file any remaining responses to the Prosecution's motion to amend the indictment (from 23 June 2005) and Second motion to amend the indictment (from 29 August 2005) by 16 September 2005.

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**STANIŠIĆ Case**

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

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**DECISION ON MIĆO STANIŠIĆ'S URGENT MOTION FOR MODIFICATION OF CONDITIONS OF PROVISIONAL RELEASE**

On 7 September 2005, the Trial Chamber granted "Mićo's Stanišić's urgent motion for modifications of conditions of provisional release" dated 2 September 2005, whereby the accused requested a twenty-four hour modification of his conditions of provisional release to allow him to visit his mother's grave on 12 September 2005 in Pale Municipality, Bosnia and Herzegovina. It also ordered that the accused may reside in his mother's house in Pale Municipality on 12 September 2005 for a twenty-four hours period and that he is to return directly to Belgrade, Serbia and Montenegro upon completion of the visit.

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**COURTROOM SCHEDULE: 12 SEPTEMBER – 15 SEPTEMBER 2005\***

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**MONDAY 12 SEPTEMBER**

Courtroom I 14:15 - 19:00, Orić, Trial

**TUESDAY 13 SEPTEMBER**

Courtroom I 09:00 - 13:45, Orić, Trial

**WEDNESDAY 14 SEPTEMBER**

Courtroom I 09:00 - 13:45, Milošević, Trial

Courtroom III 09:00 - 13:45, Orić, Trial

**THURSDAY 15 SEPTEMBER**

Courtroom I 09:00 - 13:45, Milošević, Trial

14:15 - 15:30, Martić, Status Conference

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

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Courtroom III 09:00 - 13:45, **Orić**, Trial

**FRIDAY 16 SEPTEMBER**

Courtroom I 09:00 - 13:45, **Milošević**, Trial

15:00 - 16:30, **Haradinaj&Balaj&Brahimaj**, Status Conference

Courtroom III 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 2 SEPTEMBER 2005**

| DATE       | NUMBER | TITLE                                                                                                           | E | F | B/C/S |
|------------|--------|-----------------------------------------------------------------------------------------------------------------|---|---|-------|
| 02/09/2005 | 999    | RADOVAN STANKOVIC TO BE TRANSFERRED TO BOSNIA AND HERZEGOVINA TO STAND TRIAL FOLLOWING APPEALS CHAMBER DECISION | E |   | B/C/S |
| 02/09/2005 | 1000   | TRIBUNAL WELCOMES THE REPORTED ARREST OF DRAGAN ZELENOVIC BY THE RUSSIAN AUTHORITIES                            | E |   | B/C/S |
| 02/09/2005 | 1001   | ADDRESS BY CARLA DEL PONTE IN BERN ON 1 SEPTEMBER 2005                                                          | E |   |       |

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](#)

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