



1 September 2006

ICTY WEEKLY UPDATE – 413

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

MILUTINOVIĆ et al. Case

Trial Chamber III - Judges Bonomy (Presiding), Chowhan, Kamenova and Nosworthy (Reserve Judge)

Continuation of the Prosecution case

On 28 August 2006, the following witness was cross-examined by the Defence and subsequently re-examined by the Prosecution:

- Fedrije Xhafa (eye-witness from the municipality of Srbica/Skenderaj in Kosovo)

From 28 August until 31 August 2006, the following witness was examined by the Prosecution, subsequently cross-examined by the Defence and then re-examined by the Prosecution:

- Shukri Gerxhaliu (eye-witness from the municipality of Vučitrn/Vushtrri in Kosovo)

On 31 August 2006, the following witness was examined by the Prosecution, subsequently cross-examined by the Defence and then re-examined by the Prosecution:

- Dren Caka (eye-witness from the municipality of Đakovica/Gjakove in Kosovo)

From 31 August until 1 September 2006, the following witness was examined by the Prosecution, subsequently cross-examined by the Defence and then re-examined by the Prosecution:

- Qamil Shabani (eye-witness from the municipality of Gnjilane/Gjilan in Kosovo)

POPOVIĆ et al. Case (“Srebrenica”)

Trial Chamber II - Judge Agius (Presiding), Kwon and Prost

Continuation of the Prosecution case

On 28 August 2006, the following witness was cross-examined by the Defence:

- PW-110

From 28 August until 31 August 2006, the following witness was examined by the Prosecution and subsequently cross-examined by the Defence:

- Mevludin Orić (member of the Army of Bosnia and Herzegovina in Srebrenica during the relevant period)

MARTIĆ Case

Trial Chamber I – Judges Moloto (Presiding), Nosworthy and Höpfel

Continuation of the Defence case

From 28 August until 29 August 2006, the following witness was examined by the Defence, subsequently cross-examined by the Prosecution and then re-examined by the Defence:

- MM-116

From 29 August until 1 September 2006, the following witness testified in closed session:

- MM-090

PRLIĆ et al. Case

Trial Chamber II – Judges Antonetti (Presiding), Prandler, Trechsel and Mindua (Ad Litem Reserve Judge)

Continuation of the Prosecution case

From 28 August until 30 August 2006, the following witness was examined by the Prosecution, subsequently cross examined by the Defence and then re-examined by the Prosecution:

- BJ

On 31 August 2006, the following witness was examined by the Prosecution, subsequently cross examined by the Defence and then re-examined by the Prosecution:

- BL

MRKŠIĆ et al. Case

Trial Chamber II - Judges Parker (Presiding), Thelin and Van Den Wyngaert

Pre-Defence Conference and the beginning of the Defence case

On 28 August 2006, the parties met before the Trial Chamber for a Pre-Defence Conference.

On 30 August 2006, the Defence of the accused Mrkšić made its opening statement.

On 30 August 2006, the following witness was examined by the Defence, subsequently cross-examined by the Prosecution and then re-examined by the Defence:

- Đurđica Mrkšić (wife of the accused Mrkšić)

On 1 September 2006, the following witness was examined by the Defence, subsequently cross-examined by the Prosecution and then re-examined by the Defence:

- Stevan Bisić (member of the Yugoslav Army in Vukovar during the relevant period)

KRAJIŠNIK Case

Trial Chamber I - Judges Orić (Presiding), Canivell and HanotEAU

Closing arguments and end of the trial

From 29 August until 31 August 2006, the parties presented their closing arguments. The Prosecution requested life imprisonment for the accused and the Defence asked that he be acquitted on all charges.

The accused Krajišnik made his statement on 31 August after which Judge Orić announced the end of the trial. The judgement will be rendered in due course.

GALIĆ Case

Appeals Chamber – Judge Pocar (Presiding), Shahabuddeen, Güney, Meron and Schomburg

On 29 August 2006, the parties met before the Appeals Chamber for an appeal hearing pursuant to Rule 114 of the Rules. The appellant was present. The judgement will be rendered in due course.

LIMAJ et al. Case

Pre-Appeal Judge Meron

On 29 August 2006, the parties met before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65bis of the Rules. The appellant Bala was present.

Josip JOVIĆ Case (“Contempt”)

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

On 30 August 2006, Trial Chamber I rendered its judgement: Josip Jović was found guilty and ordered to pay a fine of 20,000 euros – *See Press Release number 1103, dated 30 August 2006.*

STRUGAR Case

Pre-Appeal Judge Schomburg

On 31 August 2006, the parties met before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65bis of the Rules. The appellant was present.

HADŽIHASANOVIĆ & KUBURA Case

Pre-Appeal Judge Shahabuddeen

On 1 September 2006, the parties met before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65bis of the Rules. The appellant Hadžihasanović was present.

II. OVERVIEW OF SELECTED COURT DOCUMENTS

BOŠKOSKI & TARČULOVSKI Case

Appeals Chamber – Judges Shahabuddeen (Presiding), Güney, Daqun, Vaz and Meron

DECISION ON LJUBE BOŠKOSKI’S INTERLOCUTORY APPEAL ON SECOND MOTION FOR PROVISIONAL RELEASE

On 28 August 2006, the Appeals Chamber dismissed an interlocutory appeal, filed on 7 July 2006, against the decision denying the second motion for provisional release of Ljube Bošković.

Vojislav ŠEŠELJ Case

Trial Chamber I – Judges Orić (Presiding), Robinson and Moloto

DECISION ON ASSIGNMENT OF COUNSEL

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On 29 August 2006, pursuant to Rule 73(B) of the Rules, Trial Chamber I granted the “Request for certification pursuant to Rule 73(B) to appeal against the Trial Chamber decision to assign counsel to the accused dated 21 August 2006”, filed by the standby counsel for Vojislav Šešelj on 25 August 2006.

On 30 August 2006, the Deputy Registrar decided to withdraw Mr Van Der Spoel’s assignment as standby counsel and assigned Mr David Hooper as counsel to the accused.

REQUEST TO THE PROSECUTOR TO MAKE PROPOSALS TO REDUCE THE SCOPE OF THE INDICTMENT

On 31 August 2006, pursuant to Rule 73(D)*bis* of the Rules, Trial Chamber I invited the Prosecutor to propose means of reducing the scope of the indictment by at least one-third by reducing the number of counts charged in the indictment and/or crime sites or incidents comprised in one or more of the charges in the indictment.

MILUTINOVIĆ et al. Case

Trial Chamber III – Judges Bonomy (Presiding), Chowhan, Kamenova and Nosworthy

DECISION DENYING PROSECUTION’S REQUEST FOR CERTIFICATION OF RULE 73BIS ISSUE FOR APPEAL

On 30 August 2006, Trial Chamber III denied the Prosecution’s request for certification of appeal, filed on 17 July 2006, against the decision prohibiting the Prosecution from presenting evidence concerning the three crime sites of Račak, Padalište and Dubrava Prison.

LIMAJ et al. Case

Appeals Chamber – Judges Pocar (Presiding), Shahabuddeen, Vaz, Meron and Schomburg

DECISION GRANTING PROVISIONAL RELEASE TO HARADIN BALA TO ATTEND HIS BROTHER’S MEMORIAL SERVICE AND TO OBSERVE THE TRADITIONAL PERIOD OF MOURNING

On 1 September 2006, pursuant to Rules 65 and 107 of the Rules, the Appeals Chamber granted the “Urgent motion on behalf of Haradin Bala for provisional release”, filed on 31 August 2006 – *See Press Release number 1104, dated 1 September 2006.*

COURTROOM SCHEDULE: 4 SEPTEMBER – 8 SEPTEMBER 2006*

MONDAY 4 SEPTEMBER

Courtroom I 14:15 – 19:00, **Mrkšić et al.**, Trial
Courtroom II 14:15 – 19:00, **Martić**, Trial
Courtroom III 14:15 – 19:00, **Prlić et al.**, Trial

TUESDAY 5 SEPTEMBER

Courtroom I 09:00 – 13:45, **Mrkšić et al.**, Trial
14:15 – 19:00, **Milutinović et al.**, Trial
Courtroom II 09:00 – 13:45, **Martić**, Trial
Courtroom III 14:15 – 19:00, **Prlić et al.**, Trial

WEDNESDAY 6 SEPTEMBER

Courtroom I 09:00 – 13:45, **Mrkšić et al.**, Trial
14:15 – 19:00, **Milutinović et al.**, Trial
Courtroom II 09:00 – 13:45, **Martić**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Prlić et al.**, Trial

THURSDAY 7 SEPTEMBER

Courtroom I 09:00 – 13:45, **Mrkšić et al.**, Trial
14:15 – 19:00, **Milutinović et al.**, Trial
Courtroom II 09:00 – 13:45, **Martić**, Trial
15:00 – 17:00, **Gotovina et al.**, Status Conference
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial
14:15 – 19:00, **Prlić et al.**, Trial

FRIDAY 8 SEPTEMBER

Courtroom I 09:00 – 13:45, **Milutinović et al.**, Trial
Courtroom II 09:00 – 13:45, **Mrkšić et al.**, Trial
14:15 – 19:00, **Martić**, Trial
Courtroom III 09:00 – 13:45, **Popović et al.**, Trial

*The courtroom schedule is provisional and you are invited to check for last minute changes with the Media Office (+31-70-512-5343, - 5356, or – 8752)

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 25 AUGUST 2006

Date	Number	Title	E	F	B/C/S
30/08/2006	1103	JOSIP JOVIĆ FOUND GUILTY OF CONTEMPT	E		B/C/S
01/09/2006	1104	HARADIN BALA GRANTED TEMPORARY PROVISIONAL RELEASE	E		B/C/S

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