



13 December 2002

ICTY WEEKLY UPDATE – 247

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)

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

11th week of the Prosecution case.

From 9 to 11 December 2002, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Accused and one of the *amici curiae*:

- Witness Milan Babić (formerly protected witness C061, whose identity was made public on 6 December 2002)
- Protected witness C25
- Witness Jerri Laber
- Witness Pero Poljanić

BRĐANIN Case (“Krajina”)

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

26th week of the Prosecution case.

On 10 and 11 December 2002, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Protected witness BT30
- Witness Muharem Muršelović
- Witness Elvedin Nasić

The court then adjourned until **13 January 2003**.

BRĐANIN and TALIĆ Case (“Krajina”)

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

On 11 December 2002, the Appeals Chamber convened to render its Decision regarding the Appeal, filed on behalf of Jonathan Randal on 26 June 2002, against the “Decision on Motion to Set Aside Confidential Subpoena to Give Evidence” of 7 June 2002. The Appeals Chamber allowed the Appeal, reversed the Impugned Decision and set aside the Subpoena (see *Press Release No. 715*). The written Decision was issued the same day and Judge Shahabuddeen appended a separate opinion.

SIMIĆ *et al.* Case (“Bosanski Šamac”)

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

5th week of the Defence case.

On 9 and 13 December 2002, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Božo Ninković

The court then adjourned until **8 January 2003**.

GALIĆ Case (“Sarajevo”)

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

10th week of the Defence case.

On 9 and 10 December 2002, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Protected witness DP30

The court then adjourned until **8 January 2003**.

MEAKIĆ *et al.* Case (“Omarska and Keraterm Camps”)

Pre-Trial Judge Robinson

On 10 December 2002, the parties appeared before the Pre-Trial Judge for a Status Conference pursuant to Rule 65 *bis* of the Rules of Procedure and Evidence. Two of the four co-accused appearing before the Tribunal, Momčilo Gruban and Dušan Knežević, pleaded “not-guilty” to the new charges of the Consolidated Indictment.

STAKIĆ Case (“Priedor”)

Trial Chamber II Section III – Judges Schomburg (Presiding), Vassilyenko and Argibay

Second week of the Defence case.

From 9 to 13 December 2002, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Protected witness DD
- Protected witness DE
- Witness Vladimir Makovski
- Witness Muharem Muršelović
- Witness Mico Kos

The court then adjourned until **8 January 2003**.

II. OVERVIEW OF SELECTED COURT DOCUMENTS:

BLAGOJEVIĆ *et al.* Case (“Srebrenica”)

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

DECISION ON ORAL MOTION TO REPLACE CO-COUNSEL

On 9 December 2002, the Trial Chamber dismissed the Oral Motion to Replace Vidoje Blagojević’s co-counsel.

JOINT DECISION ON MOTIONS RELATED TO PRODUCTION OF EVIDENCE

On 12 December 2002, the Trial Chamber declared moot several Defence Motions relating to Rule 66(A) of the Rules of Procedure and Evidence. It further dismissed Defence Motions pending in relation to Rule 67 and 68. The Defence Motions related to Rule 66(B) were declared moot with the exception of the materials sought by the Accused Dragan Jokić referred to in the Decision.

MILOŠEVIĆ Case (“Croatia and Bosnia and Herzegovina”)

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

ORDER TO AN AMICUS TO PREPARE WRITTEN SUBMISSIONS

On 11 December 2002, the Trial Chamber ordered Professor McCormack, as *amicus curiae*, to prepare, by **31 March 2003**, written submissions on:

- (a) Self-defence as it has arisen in the Kosovo part of this case;
- (b) An analysis of the applicable law, tracing the history and growth of that defence in international criminal law;
- (c) Present his conclusions as to its current status under customary and conventional international law.

In view of the stage of the trial, no conclusion is to be drawn as to whether self-defence is substantiated by the evidence led.

ŠAINOVIĆ and OJDANIĆ Case (“Kosovo”)

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

DECISION ON MOTION FOR MODIFICATION OF DECISION ON PROVISIONAL RELEASE AND MOTION TO ADMIT ADDITIONAL EVIDENCE

On 12 December 2002, the Appeals Chamber denied Dragoljub Ojdanić’s Motion for Modification of Decision on Provisional Release, and his Motion to Admit Additional Evidence, both filed on 11 November 2002. The Appeals Chamber denied the provisional release of Nikola Šainović and Dragoljub Ojdanić on 30 October 2002. Judge Hunt appended a dissenting opinion on the Motion for Modification and a separate opinion on the Motion to Admit Additional Evidence to this Decision.

KRNOJELAC Case (“Foca”)

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

DECISION ON APPLICATION FOR PROVISIONAL RELEASE

On 12 December 2002, the Appeals Chamber granted the Request of the Appellant and ordered that Milorad Krnojelac be provisionally released for a period of five days. On 14 November 2002, Milorad Krnojelac had requested provisional release to visit his brother who is terminally ill (see *Press Release* No. 717).

COURTROOM SCHEDULE: 16 DECEMBER – 20 DECEMBER 2002*

MONDAY 16 DECEMBER

Courtroom I 09:30 - 13:00, **Plavšić**, Sentencing hearing
14:30 - 16:30, **Plavšić**, Sentencing hearing

TUESDAY 17 DECEMBER

Courtroom I 09:30 - 13:00, **Plavšić**, Sentencing hearing
14:30 - 16:30, **Plavšić**, Sentencing hearing

WEDNESDAY 18 DECEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:30 - 17:00, **Plavšić**, Sentencing hearing

THURSDAY 19 DECEMBER

Court Recess

FRIDAY 20 DECEMBER

Court Recess

*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 6 DECEMBER

DATE	NUMBER	TITLE	E	F	B/C/S
11/12/2002	715	THE PROSECUTOR V. RADOSLAV BRĐANIN & MOMIR TALIĆ “RANDAL CASE” APPEALS CHAMBER DEFINES A LEGAL TEST FOR THE ISSUANCE OF SUBPOENAS FOR WAR CORRESPONDENTS TO TESTIFY AT THE TRIBUNAL	E		
12/12/2002	716	DRAGOLJUB KUNARAC TRANSFERRED TO GERMANY TO SERVE PRISON SENTENCE	E		B/C/S
13/12/2002	717	MILORAD KRNOJELAC GRANTED A FIVE-DAY PROVISIONAL RELEASE FOR FAMILY REASONS	E		
13/12/2002	718	27th PLENARY OF THE ICTY JUDGES	E	F	

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