



3 December 2004

ICTY WEEKLY UPDATE – 338

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

HADŽIHASANOVIĆ and KUBURA Case (“Central Bosnia”)

Trial Chamber II - Judges Antonetti (Presiding), Rasoazany and Swart

Seventh week of the Hadžihasanović Defence case.

From 29 November until 3 December 2004, the following witnesses were examined by the Defence and subsequently cross-examined by the Prosecution:

- Witness Redžip Begić
- Protected Witness HB
- Witness Ermin Husejnagić
- Witness Samin Konjalić
- Witness Mirsad Mešić

Dragan NIKOLIĆ Case (“Sušica Camp”)

Appeals Chamber - Judges Meron (Presiding), Pocar, Shahabuddeen, Güney and Weinberg de Roca

On 29 November 2004, the parties appeared before the Appeals Chamber for the oral arguments on the appeal of the sentence of Dragan Nikolić. The Appeals Judgement will be rendered in due course.

LIMAJ *et al.* Case (“Llapushnik/Lapušnik Camp”)

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

Third week of the Prosecution case.

From 29 November until 3 December 2004, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Protected Witness L-06
- Protected Witness L-04
- Witness Vojko Bakrač
- Witness Ivan Bakrač

ORIĆ Case

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

Seventh week of the Prosecution case.

From 30 November until 3 December 2004, the following witnesses were examined by the Prosecution and subsequently cross-examined by the Defence:

- Witness Slavka Matić
- Protected Witness Slavoljub Rankić
- Witness Slavoljub Filipović

KRAJIŠNIK Case (“Bosnia and Herzegovina”)

Trial Chamber I - Judges Orie (Presiding), El Mahdi and Martín Canivell

23rd week of the Prosecution case.

From 29 November until 2 December 2004, the following witness was examined by the Prosecution and subsequently cross-examined by the Defence:

- Witness Momčilo Mandić (accompanied by his defence counsel Dušan Tomić)

MILOŠEVIĆ Case (“Kosovo, Croatia and Bosnia and Herzegovina”)

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

Continuation of the Defence case.

From 30 November until 3 December 2004, the following witness was examined by the Accused and subsequently cross-examined by the Prosecution:

- Witness Yevgeni Primakov
- Witness Vukašin Jokanović

DERONJIĆ Case

Pre-Appeal Judge Weinberg de Roca

On 30 November 2004, the parties appeared before the Pre-Appeal Judge for a Status Conference pursuant to Rule 65 *bis* (B) of the Rules of Procedure and Evidence.

MILUTINOVIĆ *et al.* Case (“Kosovo”)

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

On 1 and 2 December 2004, the Trial Chamber convened a hearing on General Ojdanić’s application for orders to NATO and States for production of information pursuant to Rule 54 *bis* of the Rules of Procedure and Evidence. The Applicant and representatives of the governments of Canada, The Netherlands, the United Kingdom, the United States, Germany and France presented their arguments.

II. OVERVIEW OF SELECTED COURT DOCUMENTS

JANKOVIĆ and ZELENOVIĆ Case (“Foča”)

The President of the Tribunal – Judge Meron

ORDER APPOINTING A TRIAL CHAMBER FOR THE PURPOSE OF DETERMINING WHETHER AN INDICTMENT SHOULD BE REFERRED TO ANOTHER COURT UNDER RULE 11BIS

On 1 December 2004, the President appointed the following Judges to constitute the Trial Chamber for the purpose of determining whether this case should be referred to the authorities of Bosnia and Herzegovina pursuant to Rule 11*bis*:

- Judge Alphons Orie, The Netherlands
- Judge O-Gon Kwon, South Korea
- Judge Kevin Parker, Australia

ŽUPLJANIN Case (“Krajina”)

Judge Antonetti

ORDONNANCE PORTANT LEVEE DE LA CONFIDENTIALITE DE MANDATS D’ARRET

On 1 December 2004, Judge Antonetti issued an order lifting the confidentiality of the arrest warrants directed to the authorities of Bosnia and Herzegovina on 5 October 2004 and to the authorities of Serbia and Montenegro on 7 October 2004.

ČERKEZ Case (“Lašva Valley”)

Appeals Chamber - Judges Schomburg (Presiding), Pocar, Mumba, Güney and Weinberg de Roca
ORDER TO RELEASE MARIO ČERKEZ

On 2 December 2004, the Appeals Chamber ordered the immediate release of Mario Čerkez from the United Nations Detention Unit (see *Press Release* No. 919). The full reasons for this Order will be given in the Judgement which will be rendered on 17 December 2004 at 2.15 p.m. in the case *The Prosecutor v. Dario Kordić and Mario Čerkez*. The Appeals Chamber considered that “*Mario Čerkez’s sentence has to be revised*”. Mario Čerkez was sentenced to a term of 15 years’ imprisonment for the crimes of which he was found guilty by the Trial Chamber on 26 February 2001 (see *Press Release* No. 567). He has been in custody of the ICTY since his voluntary surrender on 6 October 1997.

The Prosecution filed an urgent request to stay the order of the Appeals Chamber on the same day, 2 December 2004.

ČERMAK and MARKAČ Case

Appeals Chamber - Judges Mumba (Presiding), Pocar, Shahabuddeen, Güney and Schomburg
DECISION ON INTERLOCUTORY APPEAL AGAINST TRIAL CHAMBER’S DECISION DENYING PROVISIONAL RELEASE

On 2 December 2004, the Appeals Chamber granted the appeal against the 14 September 2004 Decision of the Trial Chamber denying the provisional release of the two Accused. It ordered the provisional release of Ivan Čermak and Mladen Markač under the terms and conditions set out in the Decision (see *Press Release* No. 921).

BLAŠKIĆ Case (“Lašva Valley”)

Duty Judge Orić

ORDER FOR THE IMMEDIATE CESSATION OF VIOLATIONS OF PROTECTIVE MEASURES FOR WITNESSES

On 2 December 2004, Judge Alphons Orić ordered *HKZ-Hrvatsko Slovo d.o.o.*, a Croatian weekly, and all its employees, “*to cease publication in Hrvatsko Slovo and in any other publications, and to desist from further publication of statements or testimonies*” of a protected witness who appeared in the Blaškić trial, as well as any other protected witness (see *Press Release* No. 920).

Vladimir KOVAČEVIĆ Case (“Dubrovnik”)

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

DECISION TO EXTEND THE ORDER FOR PROVISIONAL RELEASE

On 2 December 2004, the Trial Chamber extended until further order the provisional release of Vladimir Kovačević originally granted on 2 June 2004.

COURTROOM SCHEDULE: 13 – 17 DECEMBER 2004*

MONDAY 13 DECEMBER

Courtroom I 09:00 - 13:45, **Krajišnik**, Trial
14:15 - 19:00, **Limaj et al.**, Trial
Courtroom II 14:15 - 19:00, **Hadžihasanović & Kubura**, Trial
Courtroom III 09:00 - 13:45, **Orić**, Trial
15:00 - 19:00, **Maglov**, Pre-Trial Conference

TUESDAY 14 DECEMBER

Courtroom I 09:00 - 13:45, **Limaj et al.**, Trial
Courtroom II 09:00 - 13:45, **Hadžihasanović & Kubura**, Trial
Courtroom III 09:00 - 13:45, **Orić**, Trial
14:15 - 19:00, **Krajišnik**, Trial

WEDNESDAY 15 DECEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 19:00, **Limaj et al.**, Trial
Courtroom II 09:00 - 13:45, **Hadžihasanović & Kubura**, Trial
Courtroom III 09:00 - 13:45, **Orić**, Trial
14:15 - 19:00, **Krajišnik**, Trial

THURSDAY 16 DECEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
Courtroom II 09:00 - 13:45, **Hadžihasanović & Kubura**, Trial
Courtroom III 09:00 - 13:45, **Orić**, Trial
14:15 - 19:00, **Krajišnik**, Trial

FRIDAY 17 DECEMBER

Courtroom I 09:00 - 13:45, **Milošević**, Trial
14:15 - 16:15, **Kordić & Čerkez**, Appeals Judgement
Courtroom II 09:00 - 13:45, **Hadžihasanović & Kubura**, Trial
16:30 - 17:30, **Babić**, Status Conference
Courtroom III 09:00 - 13:45, **Orić**, Trial
14:15 - 19:00, **Krajišnik**, 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 29 NOVEMBER 2004

DATE	NUMBER	TITLE	E	F	B/C/S
29/11/2004	918	COMMENTS BY JUDGE THEODOR MERON, PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, TO THE UNITED NATIONS SECURITY COUNCIL 23 NOVEMBER 2004	E		B/C/S
01/12/2004	917	ALLOCUTION DE CARLA DEL PONTE, PROCUREUR DU TRIBUNAL PÉNAL INTERNATIONAL POUR L'EX-YOUGOSLAVIE, DEVANT LE CONSEIL DE SÉCURITÉ DE L'ORGANISATION DES NATIONS UNIES 23 NOVEMBRE 2004	E		B/C/S
02/12/2004	919	ORDER TO RELEASE MARIO ČERKEZ	E		B/C/S
02/12/2004	920	JUDGE ORIE ORDERS CROATIAN WEEKLY TO IMMEDIATELY CEASE PUBLICATION OF STATEMENTS OF PROTECTED ICTY WITNESSES	E		B/C/S
02/12/2004	921	IVAN ČERMAK AND MLADEN MARKAČ GRANTED PROVISIONAL RELEASE BY THE APPEALS CHAMBER	E		B/C/S

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](#)