



16 October 2009

ICTY WEEKLY UPDATE – 554

PROCEDURAL DEVELOPMENTS

I. OVERVIEW OF COURT PROCEEDINGS

GOTOVINA *et al.* Case

Trial Chamber I – Judges Orić (Presiding), Ćirić and Gwaunza

Continuation of the Defence case (Ivan Čermak)

On 12 and 13 October 2009, the following witness testified:

- *Petar Pašić (Croatian government's Commissioner for Knin during the relevant period)*

From 13 until 15 October 2009, the following witness testified:

- *Ivo Cipi (Chief of the Police Administration of Split-Dalmacija county during the relevant period)*

The trial is adjourned until 26 October 2009.

PRLIĆ *et al.* Case

Trial Chamber III – Judges Antonetti (Presiding), Prandler, Trechsel and Mindua (Reserve Judge)

Continuation of the Defence case (Slobodan Praljak)

On 12 and 13 October 2009, the following witness testified:

- *Dragan Ćurčić (HVO officer during the relevant period)*

This was the last witness for the Defence of Slobodan Praljak whose case is therefore rested. The Defence case of Milivoj Petković is scheduled to commence on 26 October 2009.

STANIŠIĆ & ŽUPLJANIN Case

Trial Chamber II – Judges Hall (Presiding), Delvoie and Harhoff

Continuation of the Prosecution case

On 12 and 13 October 2009, the following witness testified:

- *Branko Basara (Yugoslav/Republika Srpska Army officer in the area of Sanski Most during the relevant period)*

On 14 and 15 October 2009, the following witness testified (*continuation from 9 October 2009*):

- **Nedeljko Đekanović** (*local politician/President of SDS Party in Kotor Varoš during the relevant period*)

On 15 October 2009, the following witness testified:

- **Milenko Delić** (*Public Prosecutor in Sanski Most during the relevant period*)

II. OVERVIEW OF SELECTED COURT DOCUMENTS

HARTMANN Case ("Contempt")

Appeals Chamber – Judges Robinson (Presiding), Vaz, Meron, Hall and Morrison

DECISION ON MOTION TO STAY PAYMENT OF FINE

On 9 October 2009, the Appeals Chamber decided that the payment of fine, if any, shall not be due before the rendering of the appeals judgement.

FLORENCE HARTMANN'S APPELLANT BRIEF

On 9 October 2009, the Defence filed its appeal brief against the judgement.

KARADŽIĆ Case

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

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

*Trial Chamber – Judges Kwon (Presiding), Morrison, Baird and Lattanzi (Reserve Judge)(***)*

DECISION ON KARADŽIĆ'S APPEAL OF TRIAL CHAMBER'S DECISION ON ALLEGED HOLBROOKE AGREEMENT(*)

On 12 October 2009, the Appeals Chamber dismissed the appeal by Radovan Karadžić against the decision denying his motion to dismiss the indictment because of the alleged "Holbrooke Agreement" and concluded, *inter alia*, that "even if the alleged agreement were proved, it would not limit the jurisdiction of the Tribunal, it would not otherwise be binding on the Tribunal and it would not trigger the doctrine of abuse of process."

DECISION ON RADOVAN KARADŽIĆ'S APPEAL OF THE DECISION ON COMMENCEMENT OF TRIAL(**)

On 13 October 2009, the Appeals Chamber ordered the Trial Chamber to delay the commencement of the trial until one week after the Prosecution's filing of the marked-up indictment.

SCHEDULING ORDER FOR THE COMMENCEMENT OF TRIAL^(*)**

On 14 October 2009, the Trial Chamber ordered that the trial shall commence on Monday, 26 October 2009 at 09:00 a.m. in Courtroom I.

ORDER SEVERING RATKO MLADIĆ^(*)**

On 15 October 2009, the Trial Chamber ordered that the accused Ratko Mladić be severed from case number IT-95-5/18 and the Registry shall assign a new case number to any further submissions or proceedings that involve Mladić.

STANIŠIĆ&SIMATOVIĆ Case

Trial Chamber I – Judges Orić (Presiding), Picard and Gwaunza

DECISION ON MOTION FOR ADJOURNEMENT OF PROCEEDINGS BY THE SIMATOVIĆ DEFENCE

On 15 October 2009, the Trial Chamber granted the motion by the Simatović Defence for the adjournment of proceedings (due to “*the formation of a new Defence team*”) and decided that:

- the hearing in the present case shall recommence during the week of 30 November 2009;
- the regular winter judicial recess of the Tribunal scheduled between 21 December 2009 and 8 January 2010 shall be prolonged for the purposes of this case and hearings in these proceedings shall recommence during the week of 18 January 2010;
- during the period between the week of 30 November and the week of 14 December 2009, the Chamber shall maintain a two day per week sitting schedule and shall revisit this schedule after 18 January 2010.

DECISION ON SIMATOVIĆ DEFENCE MOTION REQUESTING PROVISIONAL RELEASE

On 15 October 2009, the Chamber granted the Defence motion and ordered that Franko Simatović be provisionally released from 19 October until 25 November 2009.

Dragomir MILOŠEVIĆ Case

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

SCHEDULING ORDER FOR DELIVERY OF JUDGEMENT

On 15 October 2009, the Appeals Chamber ordered that the appeals judgement shall be delivered on 12 November 2009 at 09:00 a.m.

COURTROOM SCHEDULE: 19 OCTOBER – 23 OCTOBER 2009*

MONDAY 19 OCTOBER

Courtroom III 09:00 – 16:15, **Stanišić&Župljanin**, Trial

TUESDAY 20 OCTOBER

Courtroom I 16:30 – 19:00, **Šešelj**, Administrative hearing **end time is tentative*

Courtroom III 09:00 – 16:15, **Stanišić&Župljanin**, Trial

WEDNESDAY 21 OCTOBER

Courtroom III 09:00 – 16:15, **Stanišić&Župljanin**, Trial

THURSDAY 22 OCTOBER

Courtroom I 09:00 – 13:45, **Stanišić&Župljanin**, Trial

Courtroom III 10:00 – 12:00, **Tolimir**, Status Conference

FRIDAY 23 OCTOBER

No trial – UN Day

*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.icty.org> (in English)

<http://www.icty.org/bhs> (na bosanskom/hrvatskom/srpskom).

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