



9 November 2001

ICTY WEEKLY UPDATE – 196

LAST MINUTE NEWS:

MILOŠEVIĆ (“Kosovo”)

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

DECISION ON PRELIMINARY MOTIONS:

On 8 November 2001 the Trial Chamber issued its written reasons for its oral ruling of 30 October 2001 dismissing the Motions filed by the accused on 9 and 30 August 2001. In the Motions the accused challenged the jurisdiction of the Tribunal.

The Trial Chamber also responded to the issues of fair trial, protection of human rights and the territorial jurisdiction raised by the *amici curiae*.

The full text of the decision is available on the ICTY website.

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

NALETILIĆ and MARTINOVIĆ CASE (“Tuta” and “Štela”)

Trial Chamber I – Judges Liu (Presiding), Harding Clark and Diarra

The trial resumed on 5 November with the testimony of protected witness HH who told the Trial Chamber about his detention in the Heliodrom camp. He was cross-examined by Mr. Krsnik, counsel for Mr. Mladen Naletilić and later by Mr. Par, counsel for Mr. Vinko Martinović. He was also questioned by the Trial Chamber. In the afternoon session protected witness II, a member of the HVO in Čapljina in 1993, was examined by the Prosecution. On 6 November the Trial Chamber heard the testimony of protected witness JJ who was asked about his experiences as a member of the Spanish UNPROFOR forces in Mostar. The Trial Chamber heard the testimony of Mr. Xabier Aguirre of the Office of the Prosecutor on 7 November. On 8 November the Trial Chamber heard another witness, LL, of the Spanish UNPROFOR forces. LL was tasked with the gathering of intelligence during the time he was stationed in the Mostar area. His cross-examination continued on 9 November after which he was re-examined by the Prosecution and questioned by the Trial Chamber. After this the Trial Chamber heard the testimony of protected witness KK.

Milan SIMIĆ, Blagoje SIMIĆ, Miroslav TADIĆ, and Simo ZARIĆ CASE (“Bosanski Šamac”)

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

The Trial Chamber reconvened this week to hear the sixth week of the prosecution case-in-chief. On 5 November the Prosecution continued its examination of witness Ibrahim Salkić, member of the main board of the SDA in Bosanski Šamac. He was subsequently cross-examined by Mr. Lukić, counsel for Miroslav Tadić and Mr. Pisarević, counsel for Simo Zarić on 6 November 2001. After the conclusion of Salkić’s testimony, the Trial Chamber heard the testimony of Sulejman Tihić. His testimony continued the next day and part of 8 November as well. In the afternoon of 8 November the Trial Chamber heard the beginning of the testimony of Esad Dagović. He continued his testimony into 9 November describing events in Bosanski Šamac after April 1992. He talked about his detention and forced labour there.

Stanislav GALIĆ CASE (“Sarajevo”)

Trial Chamber I – Judges Rodrigues (presiding), Riad and Wald

The Trial Chamber convened on Thursday 8 November 2001 for the Status Conference in the Galić case. Judge Wald could not be present on this day.

During this status conference the progress of the pre-trial preparation was discussed. The continuation of the Pre-Trial Conference will be held on **Monday 12 November 2001 in courtroom III from 14:30 until 18:00.**

II. OVERVIEW OF COURT DOCUMENTS:

KVOČKA, KOS, RADIĆ, ŽIGIĆ AND PRCAĆ CASE (“Omarska and Keraterm Camps”)

Trial Chamber I - Judges Rodrigues (Presiding), Riad and Wald

JUDGEMENT:

The Trial Chamber rendered its Judgement on **2 November 2001 at 2.30 p.m.**

Miroslav Kvočka: found guilty by virtue of his individual criminal responsibility on 1 count of crime against humanity and 2 counts of violations of the laws or customs of war and sentenced to 7 years' imprisonment.

Dragoljub Prcać: found guilty by virtue of his individual criminal responsibility on 1 count of crime against humanity and 2 counts of violations of the laws or customs of war and sentenced to 5 years' imprisonment.

Milojica Kos: found guilty by virtue of his individual criminal responsibility on 1 count of crime against humanity and 2 counts of violations of the laws or customs of war and sentenced to 6 years' imprisonment.

Mlado Radić: found guilty by virtue of his individual criminal responsibility on 1 count of crime against humanity and 3 counts of violations of the laws or customs of war and sentenced to 20 years' imprisonment.

Zoran Žigić: found guilty by virtue of his individual criminal responsibility on 1 count of crime against humanity and 3 counts of violations of the laws or customs of war and sentenced to 25 years' imprisonment.

Milomir STAKIĆ CASE

Trial Chamber I – Judges Rodrigues (Presiding), Riad and Wald

DECISION ON THE DEFENCE MOTION OBJECTING TO THE JURISDICTION OF THE TRIBUNAL:

On 30 October 2001 the Trial Chamber rejected the Defence motion challenging the Tribunal's lack of jurisdiction. The Defence argued that the United Nations Security Council was not authorised to establish the Tribunal and that the *nullum crimen sine lege* principle would be violated since the Tribunal was established after the alleged crimes took place. The Trial Chamber referred to the decision of Duško Tadić's Defence motion for interlocutory appeal on jurisdiction dated 2 October 1995. The Defence intends to appeal this decision within 15 days of the issuance of the written reasons.

COURTROOM SCHEDULE: 12 NOVEMBER – 16 NOVEMBER*

MONDAY 12 NOVEMBER

Courtroom I 09:30 - 13:00, **Martinovic/Naletilic**, Trial
14:30 - 16:00, **Martinovic/Naletilic**, Trial
Courtroom II 09:30 - 13:00, **Vasiljevic**, Trial
14:30 - 16:00, **Vasiljevic**, Trial

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TUESDAY 13 NOVEMBER

Courtroom I 09:30 - 13:00, **Martinovic/Naletilic**, Trial
 14:30 - 16:00, **Martinovic/Naletilic**, Trial
 Courtroom II 09:30 - 13:00, **Vasiljevic**, Trial
 14:30 - 16:00, **Vasiljevic**, Trial
 Courtroom III 14:30, **Sikirica et al.**, Sentencing Judgement

WEDNESDAY 14 NOVEMBER

Courtroom I 09:30 - 13:00, **Martinovic/Naletilic**, Trial
 14:30 - 16:00, **Martinovic/Naletilic**, Trial
 Courtroom II 09:30 - 13:00, **Vasiljevic**, Trial
 14:30 - 16:00, **Vasiljevic**, Trial
 Courtroom III 10:00, **Stakic**, Status Conference

THURSDAY 15 NOVEMBER

Courtroom I 09:30 - 13:00, **Martinovic/Naletilic**, Trial
 14:30 - 16:00, **Martinovic/Naletilic**, Trial
 Courtroom II 09:30 - 13:00, **Vasiljevic**, Trial
 14:30 - 16:00, **Vasiljevic**, Trial
 Courtroom III 10:00, **Ademi**, Status Conference

FRIDAY 16 NOVEMBER

Courtroom I 09:30 - 13:00, **Martinovic/Naletilic**, Trial
 14:30 - 16:00, **Martinovic/Naletilic**, Trial
 Courtroom II 09:30 - 13:00, **Vasiljevic**, Trial
 14:30 - 16:00, **Vasiljevic**, Trial
 Courtroom III 10:00, **Alfred Musema**, ICTR-96-13-A, Judgement

*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/schedule/week-e.htm> (in English);

<http://www.un.org/icty/bhs/week-b.htm> (na bosanskom/hrvatskom/srpskom).

PRESS RELEASES ISSUED SINCE 31 OCTOBER:

DATE	NUMBER	TITLE	E	F	B/C/S
02/11/01	631	JUDGEMENT IN THE CASE THE PROSECUTOR AGAINST MIROSLAV KVOČKA, MILOJICA KOS, MLAĐO RADIĆ, ZORAN ŽIGIĆ AND DRAGOLJUB PRCAĆ : (OMARSKA/ KERATERM/ TRNOPOLJE)	E	F	B/C/S
09/11/01	632	INDICTMENT AGAINST DRAGOMIR MILOŠEVIĆ UNSEALED	E		B/C/S

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