

II. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

(a) ICTY List of Current Proceedings: Update*

1. ALEKSOVSKI

Indictment of 10 November 1995.

Decision of Trial Chamber I *bis* of 23 January 1998 Rejecting a Request for Provisional Release.¹

2. BLAŠKIĆ

Indictment of 10 November 1995.²

Decision of the President of 3 April 1996 on the Defence Motion Filed Pursuant to Rule 64.³

Decision of the President of 17 April 1996 on the Second Motion Seeking Modification to the Conditions of Detention of General Blaškić.⁴

Decision of Trial Chamber I of 24 April 1996 Rejecting a Request for Provisional Release.⁵

Decision of the President of 9 May 1996 on the Motion of the Defence Seeking Modification to the Conditions of Detention of General Blaškić.⁶

Decision of 2 October 1996 on Protection of Witnesses and Start of the Trial.⁷

Decision of Appeals Bench of 14 October 1996 on Application for Leave to Appeal (Protection of Victims and Witness).⁸

Decision of 5 November 1996 on the Application of the Prosecutor Requesting Protective Measures for Victims and Witnesses.⁹

Amended Indictment of 22 November 1996.¹⁰

* This *List of Current Proceedings: Update* covers cases pending from 1 January 1998 onwards that merit attention because of a new procedural event. It describes the course of proceedings in these cases up to 1 May 1998.

1. ICTY, Press Release, 28 January 1998.

2. Note that this indictment concerns Tihomir Blaškić.

3. ICTY, Press Release, 3 April 1996.

4. ICTY, Press Release, 22 April 1996.

5. ICTY, Bulletin, 21 June 1996.

6. *Id.*

7. ICTY, Bulletin, 17 October 1996.

8. *Id.*

9. ICTY, Bulletin, 15 November 1996.

10. ICTY, Bulletin, 18 December 1996.

- Order of 20 December 1996 Denying Motion for Provisional Release.¹¹
- Decision of 9 January 1997 on the Motion of the Defence Seeking Modification of the Conditions of Detention of General Blaškić.¹²
- Decision of Trial Chamber I of 27 January 1997 on the Production of Discovery Materials.¹³
- Order of 14 February 1997 to Croatia to Comply With a Subpoena.¹⁴
- Order of 14 February 1997 to Bosnia and Herzegovina to Comply With a Subpoena.¹⁵
- Order of a Judge of 20 February 1997 Suspending Subpoena *Duces Tecum* (addressed to the Republic of Croatia).¹⁶
- Order of a Judge of 20 February 1997 to Ensure Compliance With a Subpoena *Duces Tecum* (addressed to Bosnia and Herzegovina).¹⁷
- Order of a Judge of 24 February 1997 to Ensure Compliance With a Subpoena *Duces Tecum* (addressed to Bosnia and Herzegovina).¹⁸
- Order of a Judge of 28 February 1997 to Ensure Compliance With a Subpoena *Duces Tecum* (addressed to Bosnia and Herzegovina and to Mr. Ante Jelavić).¹⁹
- Order of 7 March 1997 Regarding Subpoena *Duces Tecum* Addressed to the Office of the Prosecutor; Bosnia and Herzegovina, and to Mr. Ante Jelavić; the Republic of Croatia, and to Mr. Gojko Sušak.²⁰
- Order of 14 March 1997 Submitting the Matter to Trial Chamber II and Inviting *Amicus Curiae* Addressed to: the Office of the Prosecutor; Bosnia and Herzegovina, and to Mr. Ante Jelavić; the Republic of Croatia, and to Mr. Gojko Sušak.²¹
- Decision of 18 March 1997 on Referral to a Judge of the Defence Motion for Issuance of a Subpoena *Duces Tecum*.²²
- Order of 27 March 1997 Denying Application in Respect of the Issues Regarding Subpoena *Duces Tecum* Addressed to the Office of the Prosecutor; Bosnia and Herzegovina, and to Mr. Ante Jelavić; the Republic of Croatia, and to Mr. Gojko Sušak.²³

11. ICTY, Bulletin, 27 January 1997.

12. *Id.*

13. ICTY, Bulletin, 10 March 1997.

14. *Id.*

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. *Id.*

20. ICTY, Bulletin, 22 April 1997.

21. *Id.*

22. *Id.*

23. *Id.*

- Order of 1 April 1997 Inviting Defence to Participate on Hearing in Respect of the Issues Regarding Subpoena *Duces Tecum* Addressed to the Office of the Prosecutor; Bosnia and Herzegovina, and to Mr. Ante Jelavić; the Republic of Croatia, and to Mr. Gojko Sušak.²⁴
- Decision of Trial Chamber I of 4 April 1997 Rejecting a Motion of the Defence to Dismiss Counts 4, 7, 10, 14, 16, and 18 Based on the Failure to Adequately Plead the Existence of an International Armed Conflict.²⁵
- Decision of Trial Chamber I of 4 April 1997 on the Defence Motion to Strike Portions of the Amended Indictment Alleging “Failure to Punish” Liability.²⁶
- Decision of Trial Chamber I of 4 April 1997 Rejecting the Defence Motion *in Limine* Regarding *Mens Rea* Required for Charges Alleging Command Responsibility and for Bills of Particulars.²⁷
- Decision of Trial Chamber I of 4 April 1997 on the Defence Motion to Dismiss the Indictment Based Upon Defects in the Form Thereof (Vagueness/Lack of Adequate Notice of Charges).²⁸
- Order of 8 April 1997 Concerning the Prosecutor’s Request for Reinstatement of Subpoena *Duces Tecum*.²⁹
- Orders of 1 and 12 May 1997 Regarding Subpoena *Duces Tecum* Addressed to the Office of the Prosecutor, and the Republic of Croatia and Objection of the Republic of Croatia in Respect of Procedures Used by the ICTY on the Issue of Subpoena *Duces Tecum*.³⁰
- Decision of 23 May 1997 on the Defence Request for Enforcement of an Order of the Trial Chamber.³¹
- Scheduling Order, With Subpoena *Duces Tecum* of 30 April 1997, and Order to Give Evidence of 29 May 1997 on 27 May 1997.³²
- Order to Give Evidence of 29 May 1997.³³
- Decision of 6 June 1997 on the Request of the Prosecutor of 12 and 14 May 1997 in Respect of the Protection of Witnesses.³⁴
- Order of the President of 16 June 1997 Assigning a Judge to a Trial Chamber.³⁵

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. *Id.*

30. ICTY Bulletin, 20 June 1997.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. *Id.*

Decision of 18 July 1997 on the Request of the Objection of the Republic of Croatia to the Issuance of Subpoena *Duces Tecum*.³⁶

Decision of Appeals Chamber of 29 July 1997 on the Right to Appeal the Decision on the Objection of the Republic of Croatia to the Issuance of Subpoena *Duces Tecum* Rendered by Trial Chamber II on 18 July 1997.³⁷

Decision of Trial Chamber I of 25 August 1997 on the Defence Motion to Preclude Testimony of Certain Prosecution Witnesses.³⁸

Decision of Appeals Chamber of 29 October 1997 on the Appeal Lodged by Croatia Against the Decision on the Subpoena Issued to Croatia and its Defence Minister Rendered by Trial Chamber I on 18 July 1997.³⁹

Decision of Trial Chamber I of 21 January on the Defence Motion Objecting to the Admission of Hearsay Evidence.⁴⁰

3. DELALIĆ, MUCIĆ, DELIĆ & LANDŽO (CELEBIĆI)

Confirmation of a Judge of 21 March 1996 of the Indictment Filed With the Registry on 20 March 1996.⁴¹

Decision of Trial Chamber II of 25 September 1996 Denying the Motions for Separate Trials.⁴²

Decision of Trial Chamber II of 25 September 1996 on Motion for Provisional Release Filed by the Accused Zejnil Delalić.⁴³

Decision of Trial Chamber II of 25 September 1996 on Defence Application for Forwarding the Documents in the Language of the Accused (Delalić).⁴⁴

Decision of Trial Chamber II of 25 September 1996 on Motions for Separate Trials (Delalić and Mucić).⁴⁵

Decision of Trial Chamber II of 25 September 1996 Regarding Preliminary Motion to the Prosecutor by the Accused Zdravko Mucić Requesting Deferral.⁴⁶

Decision of Trial Chamber II of 26 September 1996 Denying a Motion by Defendant Delalić for the Disclosure of Evidence.⁴⁷

36. ICTY, Bulletin, 4 August 1997.

37. ICTY, Press Release, 1 August 1997.

38. ICTY, Press Release, 3 September 1997.

39. ICTY, Press Release, 29 October 1997.

40. ICTY, Press Release, 23 January 1998.

41. ICTY, Press Release, 22 March 1996.

42. ICTY, Bulletin, 17 October 1996.

43. *Id.*

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.*

- Decision of Judge Claude Jorda of 2 October 1996 to Grant Leave to the Prosecutor to Correct a Clerical Error in the Indictment.⁴⁸
- Decisions of Appeals Bench of 14-15 October 1996 to Deny the Accused Delalić's Leave to Appeal the Motions of Separate Trial, Provisional Release and Defects in the Form of the Indictment.⁴⁹
- Decision of Trial Chamber II of 24 October 1996 on Motion for Provisional Release Filed by the Accused, Hazim Delić.⁵⁰
- Decision of Trial Chamber II of 15 November 1996 on Motion by the Accused Based on Defects in the Form of the Indictment.⁵¹
- Decision of 22 November 1996 on Application for Leave to Appeal by the Accused (Provisional Release).⁵²
- Decision of 6 December 1996 on Application for Leave to Appeal by the Accused (Defect in the Form of the Indictment).⁵³
- Order of Trial Chamber II of 27 January 1997 Disposing of Motions Filed by the Accused.⁵⁴
- Decision of Trial Chamber II of 21 February 1997 on the Applications Filed by the Defence for the Accused, Z. Delalić and E. Landžo on 14 February 1997 and 18 February 1997 Respectively.⁵⁵
- Decision of 18 March 1997 on Defence Motion to Compel the Discovery of Identity and Location of Witnesses.⁵⁶
- Decision of 20 March 1997 on the Motion by the Prosecution to Allow the Investigators to Follow the Trial During the Testimonies of Witnesses.⁵⁷
- Order of Trial Chamber II of 21 April 1997 on Prosecution's Motion to Withdraw Counts 9 and 10 of the Indictment (Landžo).⁵⁸
- Order of Trial Chamber II of 21 April 1997 on the Request by the Accused for the Withdrawal of Lead Counsel (Landžo).
- Orders of 25 and 28 April 1997 on Request for Revocation of Power of Attorney and Acceptance of a New Legal Assistant to the Co-counsel of the Accused (Landžo).⁵⁹
- Decision of 28 April 1997 on the Motions by the Prosecution for the Protective Measures for the Prosecution Witnesses Pseudonymed "B" Through "M" and Decision on the Motion by the Prosecution for Protective

48. *Id.*

49. *Id.*

50. ICTY, Bulletin, 15 November 1996.

51. ICTY, Bulletin, 18 December 1996.

52. *Id.*

53. *Id.*

54. ICTY, Registry Page D2687-D2676.

55. ICTY, Bulletin, 10 March 1997.

56. ICTY, Bulletin, 22 April 1997.

57. *Id.*

58. ICTY, Press Release, 22 April 1997.

59. ICTY, Bulletin, 20 June 1997.

- Measures for the Witness Designated by the Pseudonym “N” (Celebić).⁶⁰
- Decision of 1 May 1997 on the Motion on Presentation of Evidence by the Accused (Landžo).⁶¹
- Orders of 2 and 20 May 1997 on Request for Withdrawal of Counsel and Decisions to Withdraw a Lead Counsel and to Assign a New Lead Counsel (Mucić).⁶²
- Decisions of 26 May 1997 to Withdraw a Lead Counsel and to Assign a New Lead Counsel.⁶³
- Decision of 28 May 1997 on the Motion to Allow Witnesses “K”, “L”, and “M” to Give Their Testimony by Means of Video-Link Conference.⁶⁴
- Order of 2 June 1997 on Complaint Brought by the Prosecution.⁶⁵
- Order of 3 June 1997 on the Motion by the Prosecution for Protective Measures for the Witness Designated by the Pseudonym “O”.⁶⁶
- Order of 3 June 1997 on the Prosecution’s Notice of its Intention to Show Video Excerpts to Witness “N”.⁶⁷
- Decision of 5 June 1997 on the Prosecution’s Motion for the Redaction of the Public Record.⁶⁸
- Decision of 13 June 1997 on the Motion to Compel the Disclosure of the Adresses of the Witnesses.⁶⁹
- Order of 13 June 1997 on Designation of Expert Witnesses (Delić).⁷⁰
- Decision of 24 June 1997 on the Request of the Accused Pursuant to Rule 68 for Exculpatory Information (Delić).⁷¹
- Order of 18 July 1997 on the Motion by the Prosecution for Protective Measures for the Witness Designated by the Pseudonym “P”.⁷²
- Decision of Trial Chamber I of 1 September 1997 on Esad Landžo’s Defence Motion for the Exclusion of Evidence (Mucić).⁷³
- Decision of Trial Chamber I of 1 September 1997 on the Defence Motion for Granting the Leave to File an Out-of-Time Application of Rule 73(C) (Mucić).⁷⁴

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.*

71. ICTY, Bulletin, 4 August 1997.

72. *Id.*

73. ICTY, Press Release, 8 September 1997.

74. *Id.*

- Decision of Trial Chamber I of 2 September 1997 on the Substantive Defence Motion for the Exclusion of Evidence.⁷⁵
- Order of Trial Chamber II of 23 October 1997 on the Prosecution's Oral Request for the Release of Esad Ramić From the Subpoena *ad Testificandum*.⁷⁶
- Order of Trial Chamber II of 11 November 1997 on the Motion to Allow Certain Witnesses to Give Testimony by Means of Video-Link Conference.⁷⁷
- Order of Trial Chamber II of 11 November 1997 on the Prosecution's Motion for Leave to Call Additional Expert Witnesses.⁷⁸
- Decision of Trial Chamber II of 19 January 1998 on the Admission into Evidence of a Letter.⁷⁹
- Decision of Trial Chamber II of 19 January 1998 on the Admission into Evidence of Certain Documents and Video-Tapes.⁸⁰
- Decision of Trial Chamber II of 4 February 1998 on the Prosecution's Motion for Advance Disclosure of Witness List.⁸¹
- Decision of Trial Chamber II *quater* of 9 February 1998 on the Admission into Evidence of Certain Documents.⁸²
- Order of Trial Chamber II *quater* of 18 March 1998 on Defence's Motions of 'No Case' to Answer.⁸³
- Decision of Trial Chamber II *quater* of 18 March 1998 Rejecting a Request for Provisional Release (Mucić).⁸⁴
- Decision of Appeals Chamber of 3 March 1998 Denying Leave to Appeal Decision of Trial Chamber Requiring Advance Disclosure of Witness List.⁸⁵
- Decision of Appeals Chamber of 4 March 1998 Denying Leave to Appeal Decision of Trial Chamber Admitting Documentary and Videotape Evidence.⁸⁶

75. *Id.*

76. ICTY, Press Release, 28 October 1997.

77. ICTY, Press Release, 18 November 1997.

78. *Id.*

79. ICTY, Press Release, 27 January 1998.

80. *Id.*

81. ICTY, Press Release, 17 March 1998.

82. ICTY, Press Release, 10 February 1998.

83. ICTY, Press Release, 28 January 1998.

84. *Id.*

85. ICTY, Press Release, 17 March 1998.

86. *Id.*

4. ERDEMOVIĆ

Confirmation of a Judge of 29 May 1996 of Indictment.⁸⁷

Decision of Trial Chamber II of 29 May 1996 Granting a Request for Deferral of Erdemović's Case Before the Criminal Courts of the Federal Republic of Yugoslavia to the Tribunal.⁸⁸

Orders of 18 October and 13 November 1996 for Measures of Protection for Witness "X" and for Witness "Y".⁸⁹

Sentencing Judgment of Trial Chamber I of 29 November 1996.⁹⁰

Order of the President of 6 January 1997 Assigning Judges to the Appeals Chamber.⁹¹

Judgment of Appeal Chamber of 7 October 1997 on the Appeal Lodged by Dražen Erdemović Against the Sentencing Judgment Rendered by Trial Chamber I on 29 November 1996.⁹²

Sentencing Judgment of Trial Chamber II of 5 March 1998.⁹³

5. SIMIĆ

Indictment of 21 July 1995.⁹⁴

Decision of Trial Chamber I of 26 March 1998 Granting a Request for Provisional Release.⁹⁵

6. TADIĆ

Confirmation of a Judge of 13 February 1995 of the Indictment Filed With the Registry on 9 February 1995.⁹⁶

Confirmation of a Judge of 1 September 1995 of the Amended Indictment Filed With the Registry on 8 August 1995.⁹⁷

Decision of Trial Chamber II of 14 November 1995 on Prosecutor's Motion Requesting Protective Measures for Witness.⁹⁸

87. ICTY, Press Release, 29 May 1996.

88. *Id.*

89. ICTY, Bulletin, 15 November 1996.

90. ICTY, Bulletin, 18 December 1996.

91. ICTY, Bulletin, 27 January 1997.

92. ICTY, Press Release, 7 October 1997.

93. ICTY, Press Release, 5 March 1998.

94. Note that this indictment concerns Milan Simić.

95. ICTY, Press Release, 26 March 1998.

96. ICTY, Press Release, 13 February 1995.

97. ICTY, Bulletin, Year III Special.

98. *Id.*

- Decision of Trial Chamber II of 14 November 1995 on Defence Motion on the Principle of *non-bis-in-idem*.⁹⁹
- Decision of Trial Chamber II of 14 November 1995 on Defence Motion on the Form of the Indictment.¹⁰⁰
- Decision of Trial Chamber II of 16 November 1995 on the Prosecutor's Motion Requesting Delayed Release of Recording of the Hearing.¹⁰¹
- Amended Indictment of 14 December 1995.¹⁰²
- Decision of Trial Chamber II of 3 May 1996 on Defence Motion to Prevent the Contamination of Testimony and Notice to Witness.¹⁰³
- Order of Trial Chamber II of 15 May 1996 on the Prosecutor's Motion to Withdraw Counts 2 Through 4 of the Indictment Without Prejudice.¹⁰⁴
- Decision of Trial Chamber II of 15 May 1996 on Prosecutor's Motion Requesting Protective Measures for Witness "P".¹⁰⁵
- Decision of Trial Chamber II of 31 July 1996 on the Prosecutor's Motion Requesting Facial Distortion of Broadcast Image of Witness.¹⁰⁶
- Decision of Trial Chamber II of 31 July 1996 on the Prosecutor's Motion Requesting Protective Measures for Witness "R".¹⁰⁷
- Decision of Trial Chamber II of 5 August 1996 on the Defence Motion on Hearsay & Separate Opinion of Judge Stephen on the Defence Motion on Hearsay.¹⁰⁸
- Decision of Trial Chamber II of 16 August 1996 on the Defence Motion to Protect Defence Witnesses, and Corrigendum of 4 September 1996.¹⁰⁹
- Decision of Trial Chamber II of 13 September 1996 Denying the Defence Motion to Dismiss Charges.¹¹⁰
- Decision of Trial Chamber II of 12 November 1996 on the Prosecutor's Motion to Withdraw Protective Measures for Witness "K".¹¹¹
- Decision of Trial Chamber II of 27 November 1996 on Prosecutor's Motion for Production of Defence Witness Statements.¹¹²
- Decision of 5 December 1996 on Prosecutor's Motion to Withdraw Protective Measures for Witness "L".¹¹³

99. *Id.*

100. *Id.*

101. *Id.*

102. ICTY, Bulletin, 22 January 1996.

103. ICTY, Bulletin, 21 June 1996.

104. *Id.*

105. ICTY, Bulletin, 17 October 1996.

106. *Id.*

107. ICTY, Bulletin, 14 August 1996.

108. *Id.*

109. ICTY, Bulletin, 17 October 1996.

110. ICTY, Bulletin, 17 October 1996.

111. ICTY, Registry Page D14604-D14597.

112. ICTY, Registry Page D15376-D15324.

113. ICTY, Bulletin, 18 December 1996.

- Order of Trial Chamber II of 10 December 1996 for the Prosecution to Investigate the False Testimony of Dragan Opacić (Witness "L").¹¹⁴
- Order of Trial Chamber II of 22 April 1997 Granting the Withdrawal of Assigned Counsel.¹¹⁵
- Opinion and Judgment of Trial Chamber II of 7 May 1997.¹¹⁶
- Order of 27 May 1997 on the Return of a Detained Witness (Dragan Opacić).¹¹⁷
- Order of the President of 2 June 1997 Assigning Judges of the Tribunal to the Bench of the Appeals Chamber in the Case of Dragan Opacić.¹¹⁸
- Decision of 2 June 1997 on Application for Leave to Appeal in the Case of Dragan Opacić.¹¹⁹
- Order of 12 June 1997 Regarding Pre-Sentencing Hearing.¹²⁰
- Order of the President of 16 June 1997 Assigning Judges to the Appeals Chamber.¹²¹
- Revised Order of the President of 18 June 1997 Assigning Judges to the Appeals Chamber.¹²²
- Sentencing Judgment of 14 July 1997.¹²³
- Order of the Appeals Chamber of 2 February 1998 Requiring Republika Srpska to Assist the Defence Lawyers.¹²⁴

114. *Id.*

115. ICTY, Bulletin, 20 June 1997.

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.*

120. *Id.*

121. *Id.*

122. ICTY, Press Release, 19 June 1997.

123. ICTY, Bulletin, 4 August 1997.

124. ICTY, Press Release, 10 February 1998.