

II. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

(a) List of current legal proceedings: Update*

*Compiled by Sarah-Jane Pigott***

1. CASES AT THE PRE-TRIAL STAGE

1.1. The Prosecutor v. Dragan Kolundžija, Case No. IT-95-8

On 30 August 1999, by leave of the confirming Judge, the Prosecution filed an amended indictment against Dragan Kolundžija.

The amended indictment charges Dragan Kolundžija on the basis of individual criminal responsibility¹ and, or alternatively, superior criminal responsibility² with crimes against humanity³ (persecutions on political, racial and religious grounds; inhumane acts; murder) and violations of the laws or customs of war⁴ (outrages upon personal dignity; murder).

On 29 September 1999, the accused pleaded 'not guilty' to all counts charged against him in the amended indictment at his further initial appearance before Trial Chamber III (Judges May (Presiding), Bennouna and Robinson).

1.2. The Prosecutor v. Milan Simić, Miroslav Tadić, Simo Zarić and Stevan Todorović, Case No. IT-95-9

On 29 September 1999, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) began to hear contempt allegations against Milan Simić and his counsel, Branislav Avramović, pursuant to Rule 77 of the Tribunal's Rules of Procedure and Evidence.

* This *List of Current Proceedings: Update* covers cases pending from 1 July 1999 onwards that merit attention because of a new procedural event. It describes the course of proceedings in these cases up to 1 October 1999. See, generally, the website of the Tribunal: <http://www.un.org/icty>.

** The author currently works as a Court Proceedings Monitor in the Registry of the International Criminal Tribunal for the Former Yugoslavia. The selection of events and the interpretation of these are those of the author and do not necessarily represent those of the International Tribunal or the United Nations.

1. Art. 7(1) of the Statute of the Tribunal.
2. Art. 7(3) of the Statute of the Tribunal.
3. Art. 5 of the Statute of the Tribunal.
4. Art. 3 of the Statute of the Tribunal.

¹² Leiden Journal of International Law 919-929 (1999)

The Orders surrounding these allegations were kept confidential, however, considering that the proceedings in this matter were to be conducted in public and that there was therefore no reason for the specific nature of the allegations to remain confidential, on 29 September 1999 the Trial Chamber lifted the confidential status of the orders.

The allegations were brought to the attention of the Trial Chamber by the Prosecution which, on 25 May 1999, filed an *ex parte* request for a hearing on Defence bribery; intimidation of a witness, and suborning perjury committed by Simić, his lead counsel Mr. Stanislav Avramović, and Mr. Igor Pantelić, counsel for Miroslav Tadić. An addendum thereto was filed on 7 June 1999.

Having considered the request and the responses, on 7 July 1999 the Trial Chamber issued its confidential scheduling order. Finding that it did not have good reason to believe that Mr. Pantelić may be in contempt of the Tribunal, but finding that it did have good reason to believe that Simić and Mr. Avramović may be in contempt, the Trial Chamber set out the allegations of contempt.

It is generally alleged that Simić made threats to a potential witness described by the Prosecution as Mr. 'Agnes' and, between January and May 1999, offered a bribe to, and interfered with Mr. 'Agnes' with the intention that Mr. 'Agnes' should give false evidence in favour of Simić.

As well as the above, it is alleged that between July and September 1998 Mr. Avramović told Mr. 'Agnes' that he should testify only in favour of Milan Simić, falsely recorded the statement given by Mr. 'Agnes', coached Mr. 'Agnes' and made threats to Mr. 'Agnes'. Subsequently, on 17 September 1999, the Trial Chamber issued an order in this matter setting out the procedure to be followed for the hearing of the proceedings.

1.3. The Prosecutor v. Dragoljub Kunarac and Radomir Kovać, Case No. IT-96-23

Following the detention of Radomir Kovać on 2 August 1999,⁵ on 30 August 1999 the Prosecutor filed a motion for leave to file an amended joint indictment against the accused and one of his co-accused, namely Dragoljub Kunarac.

The two defendants were initially charged with six others in the 'Foča' indictment confirmed on 26 June 1996 by Judge Vohrah. On 4 March 1998, Dragoljub Kunarac surrendered voluntarily to the Tribunal's jurisdiction and the specific charges against him were severed in an amended indictment issued on 19 August 1998.

On 3 September 1999, Judge Vohrah granted leave to amend, and confirmed, the second amended indictment which was subsequently filed by the Prosecution on 6 September 1999.

5. ICTY Press Release CC/PIS/426-E, 2 August 1999.

Noting that the second amended indictment contains two additional counts of violations of the laws or customs of war (rape and outrages upon personal dignity), but considering that it has not changed substantively as far as Dragoljub Kunarac is concerned, on 9 September 1999, Trial Chamber II (Judges Mumba (Presiding), Cassese and Hunt) ordered that Radomir Kovać appear before the Trial Chamber on 24 September 1999 to plead to the new counts. At this further initial appearance the accused plead 'not guilty' to all counts against him contained in the indictment.

1.4. The Prosecutor v. Milorad Krnojelac, Case No. IT-97-25

On 21 July 1999, Judge Vohrah granted the Prosecution's motion for leave to amend the indictment against Milorad Krnojelac of 17 June 1997, and confirmed the amended indictment which was subsequently filed by the Prosecution on 26 July 1999.

At his further initial appearance on 14 September 1999, Krnojelac pleaded 'not guilty' to all counts against him contained in the amended indictment.

1.5. The Prosecutor v. Miloslav Kvočka, Mlado Radić, Milojica Kos and Zoran Zigić, Case No. IT-98-30

On 6 July 1999, Judge Vohrah rejected the Prosecutor's request for leave to amend the 'Sikirica & others' indictment, withdrawing Dragan Kolundžija, and join him as an accused to the indictment in the pending "Kvočka & others" trial.

Finding that a confirming Judge is not competent to consider such a request, Judge Vohrah directed that the joinder of accused persons charged in separate indictments is a matter to be dealt with by way of motion before a Trial Chamber.

Subsequently, on 22 July 1999, the Prosecution filed the above motion before Trial Chamber III (Judges May (Presiding), Bennouna and Robinson).

1.6. The Prosecutor v. Radislav Krstić, Case No. IT-98-33

Noting a request for the issuance of a binding order directed to Republika Srpska for the production of documents filed by the Prosecutor, ex parte and under seal, on 15 June 1999. On 13 August 1999, Judge Jorda, the Presiding Judge of Trial Chamber I, ordered the Republika Srpska to disclose the documents detailed in the Prosecutor's request within a month of the issuance of this order and requested the Republic of Bosnia and Herzegovina to provide all necessary assistance to comply with the request of the Prosecutor and to provide her with the documents if they are in its possession.

On 10 September 1999, Trial Chamber I (Judges Jorda (Presiding), Riad and Rodrigues) rejected the Defence's second preliminary motion on the form of the

indictment filed on 6 July 1999. The Trial Chamber considered that the Memorandum filed by the Prosecutor on 7 June 1999 satisfied the requirements of the decision on the first Defence motion on the form of the indictment, dated 6 May 1999, in which the Prosecution was ordered “to specify or clarify the indictment in respect of the points relating to the responsibility of the accused and his co-accused”.

However, considering that the interests of justice require that the grounds and charges brought against any person be submitted in a single document, the Trial Chamber ordered the Prosecutor to combine the indictment and the memorandum into one document entitled ‘Updated indictment’, a draft of which was to be submitted to the Trial Chamber and the Defence by 23 September 1999.

**1.7. The Prosecutor v. Mladen Naletilić and Vinko Martinović,
Case No. IT-98-34**

On 9 August 1999, Vinko Martinović, also known as ‘Štela’, was transferred from the custody of the Croatian authorities to the ICTY’s Detention Unit.

The indictment, dated 21 December 1998, charges Vinko Martinović on the basis of individual criminal responsibility and superior criminal responsibility with crimes against humanity (persecutions on political, racial and religious grounds; inhumane acts; murder; torture), grave breaches of the 1949 Geneva Conventions⁶ (inhuman treatment; wilful killing; torture; wilfully causing great suffering or serious injury to body or health; unlawful transfer of a civilian; extensive destruction of property), and violations of the laws or customs of war (cruel treatment; unlawful labour; murder; wanton destruction not justified by military necessity; plunder of public or private property; seizure, destruction or wilful damage done to institutions dedicated to religion).

At his initial appearance on 12 August 1999 Martinović pleaded ‘not guilty’ to all charges against him contained in the indictment.

1.8. The Prosecutor v. Radislav Brđanin, Case No. IT-99-36

On 6 July 1999 Radoslav Brđanin was detained by SFOR pursuant to a sealed indictment. Subsequently, on 25 August 1999, General Momir Talić was arrested, the part of the indictment relating to him had remained sealed until this date.

The indictment against Momir Talić, the Chief of Staff of the Army of Republika Srpska, and Radislav Brđanin, was confirmed by Judge Rodrigues on 14 March 1999 and remained under seal until their respective arrests. The accused are charged on the basis of individual criminal responsibility and superior crimi-

6. Art. 2 of the Statute of the Tribunal.

nal responsibility with crimes against humanity (persecutions on political, racial or religious grounds).

On 12 July 1999 and 31 August 1999 respectively, Radislav Brđanin and Momir Talić pleaded 'not guilty' to all charges against them in the indictment at their respective initial appearance before Trial Chamber II (Judges Cassese (Presiding), Mumba and Hunt).

2. CASES AT THE TRIAL STAGE

2.1. The Prosecutor v. Goran Jelisić, Case No. IT-95-10

On 30 August 1999, the genocide trial resumed before Trial Chamber I (Judges Jorda (Presiding), Riad and Rodrigues). The Prosecution completed its case-in-chief on 22 September 1999 whereupon the Trial Chamber adjourned until a later date when the Defence case-in-chief will commence.

2.2. The Prosecutor v. Tihomir Blaškić, Case No. IT-95-14

On 26 July 1999 the Trial Chamber reconvened to hear the closing arguments of the Prosecution and Defence. The Trial Chamber has now adjourned to consider its Judgement.

2.3. The Prosecutor v. Dario Kordić and Mario Čerkez, Case No. IT-95-14/2

On 29 July 1999, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) granted in part an application proposed by the Prosecution to admit into evidence a dossier containing evidence relating to the attack on the village of Tulić a on 12 June 1993 ('the Tulića Dossier') and a report compiled by an investigator in the Office of the Prosecutor summarising the dossier.

Pursuant to a Scheduling Order issued by the Trial Chamber on 18 June 1999, written responses from Kordić and Čerkez detailing which material in the dossier and the report was in dispute were filed on 5 July 1999 and 3 July 1999 respectively. Final arguments were heard on the matter on 17 and 19 July 1999.

The Trial Chamber rejected the application with regard to the report and parts of the dossier on the ground that they have little or no probative value. However, those parts of the dossier containing purely documentary evidence of fact were admitted.

On 6 August 1999, the Registrar of the Tribunal decided to withdraw the assignment of counsel for Mario Čerkez in light of the financial support which he

was presumed to have received from an organisation named “Hrvatski Uznik u Haagu” (“Croatian Prisoners in The Hague”).⁷

On 23 August 1999, a Bench of the Appeals Chamber (Judges Vohrah (Presiding), Wang and Nieto-Navia) denied an application filed by Kordić on 2 July 1999⁸ for leave to pursue an interlocutory appeal of the decision of Trial Chamber III dated 25 June 1999 rejecting the Defence motion to suppress evidence. In its decision, the Trial Chamber held that the investigation carried out by the Prosecution, resulting in the seizure of certain materials, was within the powers of the Prosecution as provided by the Statute of the Tribunal and further, the assistance of SFOR in this investigation was in accordance with its own mandate. Consequently, the materials seized pursuant to the execution of a search warrant at the Defence Office of Vitez on 23 September 1998 will be admitted as evidence.

Considering that the appellant had not shown that the decision had caused any prejudice to his case which could not be cured by the final disposal of the trial, including post-judgement appeal, and that the search and seizure at issue were conducted by the Prosecution in conformity with the Rules, the Bench found that the appellant had not established any issue of general importance to proceedings before the Tribunal or in international law generally.

On 9 September 1999, the Appeals Chamber (Judges Kirk McDonald (Presiding), Shahabudeen, Vohrah, Wang and Nieto-Navia) issued its decision on a request of the Republic of Croatia for review of a binding order for the disclosure of documents issued by Trial Chamber III on 4 February 1999.

The Republic of Croatia had requested the Appeals Chamber to quash the binding order on the basis of two main grounds: firstly, the binding order was issued without the Republic of Croatia having been given notice and an opportunity to be heard; and secondly, the binding order is inconsistent with the criteria for the issuance of such orders as established by the Tribunal.

Rejecting both these grounds, the Appeals Chamber affirmed the binding order and reinstated its execution which had been suspended pending review. However, further to a motion filed by the Republic of Croatia and considering that good cause was shown that an extension of time is reasonable, on 21 September 1999 the Trial Chamber order that the Republic of Croatia had until 18 October 1999 to comply with the terms of the binding order.

On 14 September 1999, Trial Chamber III issued a confidential order for the provisional release of Mario Čerkez from 17 to 20 September 1999 for family reasons under certain conditions, one such condition being that the order remained confidential for security reasons until Čerkez returned to the United Nations Detention Unit. The confidentiality of the order was subsequently lifted by

7. See paragraph 2.4 *The Prosecutor v. Zoran Kupreškić and others* (below) for details.

8. ICTY Weekly Update-88, 30 July 1999.

the Trial Chamber in private session on 22 September 1999, a written order to this effect was filed on 23 September 1999.

2.4. The Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Vladimir Sentić, Drago Josipović, Dragan Papić, Case No. IT-95-16

On 6 August 1999, the Registrar of the Tribunal decided to withdraw the assignment of counsel for Drago Josipović, Mirjan Kupreškić, Vlatko Kupreškić, Zoran Kupreškić, Dragan Papić and Vladimir Sentić in light of the financial support which they were presumed to have received from an organisation named “*Hrvatski Uznik u Haagu*” (“Croatian Prisoners in The Hague”).

According to media reports, at the beginning of this year and on 18 June 1999 *Hrvatski Uznik u Haagu* raised funds for the detainees, particularly through an auction of art works held in Mostar, Bosnia and Herzegovina, totalling an estimated DM 4,300,000.

The Registrar considered beyond reasonable doubt that a considerable sum of money has been made available to the accused and that, in consequence, their state of indigence ended at the very latest on 18 June 1999.

Between 13 and 20 August 1999 the accused filed their requests to the President of the Tribunal for the decision to be reviewed. Subsequently, on 30 August 1999, President McDonald referred the matter to the appropriate Trial Chambers.

On 3 September 1999, Trial Chamber II reversed the Registrar’s decisions. In reaching its decision, the Trial Chamber stated that, in the circumstances, the burden of proof in determining whether or not the accused were indigent lay with the Registrar. Having considered the evidence before the Registrar, the Trial Chamber found that the evidence was not sufficient.

The Trial Chamber ordered that the assignment of Defence counsel “*continue without interruption with regard to all accused*”.⁹

On 15 July 1999, the Appeals Chamber (Judges Vohrah (Presiding), Wang, Nieto-Navia, Hunt and Bennouna) allowed the appeal and Appeal by Dragan Papić from an oral decision of Trial Chamber II (Judges Cassese (Presiding), May and Mumba) that, in the absence of one of its Judges through illness, evidence was to be taken by deposition with the two other Judges of the Chamber acting as Presiding Officers for that purpose.

Directing the Trial Chamber to hear the defence witnesses whose deposition was taken should the appellant so request, the Appeals Chamber held, *inter alia*, that the ruling as to the taking of the deposition was ‘null and void’ since it was rendered by only two Judges, and the accused did not give his consent to depo-

9. ICTY Press Releases-JL/PIS/434-E, 431-E and 428-E, 6 September 1999, 23 and 11 August 1999.

sitions being taken. (Judge David Hunt issued a separate Opinion agreeing with the joint Decision allowing the appeal, but detailing his own reasoning.)

On 23 July 1999, Counsel for Vlatko Kupreškić filed a motion for judgement of acquittal which was denied by Trial Chamber II on 28 July 1999. The Trial Chamber held, *inter alia*, that the Prosecution has reserved its right to call rebuttal witnesses with regard to this accused, therefore there is no certainty that all the relevant evidence has been heard.

On 23 July 1999, Counsel for Zoran Kupreškić, Mirjan Kupreškić and Drago Josipović submitted oral motions for the provisional release of the respective accused, Dragan Papić filed a written motion on 27 July 1999. On 30 July 1999, Trial Chamber II issued its decision on the matter.

Noting that the authorities of Bosnia and Herzegovina refused to undertake to provide certain security measures with regard to Zoran Kupreškić and Mirjan Kupreškić, *inter alia*, to guarantee the re-arrest and return of the indictees should they attempt to go into hiding while in the territory of the Federation of Bosnia and Herzegovina, the Trial Chamber denied their motion for provisional release.

Further, the Trial Chamber denied the motions of Josipović and Papić for provisional release on the basis that it may justifiably be inferred from the abovementioned response of the authorities of Bosnia and Herzegovina, that adequate security measures would also not be forthcoming with respect to these two accused.

Subsequently, on 5 and 6 August 1999 respectively, Drago Josipović and jointly Zoran Kupreškić and Mirjan Kupreškić, filed applications for leave to appeal the above orders. Further to which, on 18 August 1999, a Bench of the Appeals Chamber (Judges Vohrah (Presiding), Wang and Nieto-Navia) issued two orders dismissing the applications.

The Bench considered that neither the request for leave to appeal against the order denying provisional release filed by Zoran Kupreškić and Mirjan Kupreškić, nor that filed by Drago Josipović, had established any grounds which would constitute good cause for granting leave.

Once again, on 3, 9 and 10 September 1999 respectively, Zoran Kupreškić, Mirjan Kupreškić and Drago Josipović; Vladimir Santić; and Dragan Papić filed motions for provisional release which were denied in a series of three motions issued by Trial Chamber II on 13 and 14 September 1999. The Trial Chamber stated that the accused had not shown any circumstances which went beyond the usual consequences of their detention, and as such, no exceptional circumstances existed.

Mirjan and Zoran Kupreškić filed applications for leave to appeal against the decision. However, on 29 September 1999, a Bench of the Appeals Chamber (Judges Nieto-Navia (Presiding), Bennouna and Robinson) denied the applications, considering that the appellants had failed to establish an error on the part of the Trial Chamber in determining an absence of exceptional circumstances and as such the application for leave to appeal did not show good cause.

3. CASES AT THE APPEAL STAGE

3.1. The Prosecutor v. Duško Tadić, Case No. IT-94-1

On 15 July 1999, the Appeals Chamber (Judges Shahabuddeen (Presiding), Cassese, Wang, Nieto-Navia and Mumba) handed down its judgement on the appeal lodged by the accused Duško Tadić and the cross-appeal filed by the Prosecution against the judgement of Trial Chamber II (Judge Kirk McDonald (Presiding), Stephen and Vohrah) of 7 May 1997.¹⁰

Denying Tadić's appeal on all grounds, but allowing the Prosecution's cross-appeal, the Appeals Chamber found the accused guilty on counts 8, 9, 12, 15, 21, 29 and 32 of the indictment charging him with grave breaches of the 1949 Geneva Conventions (wilful killing, torture or inhumane treatment, and wilfully causing great suffering or serious injury to body or health). In addition the Appeals Chamber also found the accused guilty in respect of counts 30 and 31 of the indictment. The former charging him with a violation of the laws or customs of war (murder) and the latter charging a crime against humanity (murder).

The Appeals Chamber's Judgement pronounced on two grounds for appeal submitted by the accused. Leave to include another ground of appeal concerning the conduct of former counsel was not granted by the Appeals Chamber and was not addressed in the Judgement. The Appeals Chamber rejected the accused's contention that his right to a fair trial was prejudiced as there was no 'equality of arms' between the Prosecution and the Defence due to the prevailing circumstances in which the trial was conducted and held that the Trial Chamber did not err when it decided that it was satisfied beyond reasonable doubt that the accused was guilty of the murder of two Muslim policemen.

As to the five grounds for cross-appeal submitted by the Prosecution, the Appeals Chamber found that there was an international armed conflict and in consequence the grave breaches regime of the 1949 Geneva Conventions applied. Furthermore, the victims were 'protected persons' under the Fourth Geneva Convention. The Appeals Chamber also held that the Trial Chamber erred in deciding that it could not, on the evidence before it, be satisfied beyond reasonable doubt that the accused had played any part in the killing of the five men from the village of Jaskići. The Trial Chamber also erred on the doctrine of common purpose. In addition the Appeals Chamber held that an act carried out for purely personal motives can constitute a crime against humanity; a discriminatory intent is not required for all crimes against humanity, but only for such crimes relating to persecution; and a Trial Chamber may order, depending on the circumstances of the case before it, the disclosure of a defence witness statement after examination-in-chief of the witness.

10. ICTY Press Release TH/PIS/419-E, 15 July 1999.

In conclusion, the Appeals Chamber scheduled a hearing of oral arguments on sentencing for the additional counts on which the accused was found guilty to take place on 30 August 1999. Subsequently, on 27 July 1999, the Appeals Chamber ordered that the parties address the issue of whether the Appeals Chamber should remit the question of sentencing to a Trial Chamber, and if so, which Trial Chamber, by 25 August 1999.

Noting the above written submissions, on 27 August 1999, the Appeals Chamber ordered that the parties be heard on the matter of the sentencing forum on 30 August 1999. With regard to the issue of the appropriate venue for sentencing proceedings, the Prosecution submitted that the matter should be remitted to a Trial Chamber composed of Judges assigned by the President. However, counsel for Tadić submitted that this Appeals Chamber should decide on sentencing.

The Appeals Chamber subsequently ordered on 10 September 1999 that the sentencing for the additional counts should be remitted to a Trial Chamber designated by the President of the Tribunal.

On 15 September 1999, the President assigned Judge Kirk McDonald (Presiding), Vohrah and Robinson to that Trial Chamber, which, on 16 September 1999, ordered that the parties file written briefs by 30 September 1999 identifying the relevant information and factors which may assist the Trial Chamber to determine an appropriate sentence for Duško Tadić in respect of the additional counts of which he was convicted by the Appeals Chamber. The Trial Chamber also ordered that a sentencing hearing in respect of the additional counts be held on 15 October 1999.

Only after a decision on the sentencing on those counts will the Appeals Chamber determine the accused's appeal against the Trial Chamber's sentencing judgement of 14 July 1997.

On 30 August 1999, the Appeals Chamber resumed the contempt of court proceedings against Tadić's former counsel, Mr. Milan Vujin.

3.2. The Prosecutor v. Zlatko Aleksovski, Case No. IT-95-14/1

On 1 July 1999, the President of the Tribunal, assigned Judge Patrick Robinson to the Appeals Chamber, further to the withdrawal of Judge Mohamed Shahabuddeen, for the purpose of hearing the appeals against the Judgement and sentencing handed down by Trial Chamber I (Judges Rodrigues (Presiding), Vohrah and Nieto-Navia) on 25 June 1999.¹¹ Thus, the Appeals Chamber is now comprised of Judges May, Wang, Mumba, Hunt and Robinson.

On 24 September 1999, both the Prosecution and counsel for Zlatko Aleksovski filed their respective appeal briefs.

11. ICTY Press Release CC/PIS/413-E, 29 June 1999.

**3.3. The Prosecutor v. Anto Furundžija (“Lašva Valley”),
Case No. IT-95-17/1**

The public version of Anto Furundžija’s appellate brief was made available on 2 August 1999. On the same date the Appeals Chamber granted a Defence motion to amend the appellant brief, which was to be filed by 13 September 1999.

**3.4. The Prosecutor v. Zejnil Delalić, Zdravko Mucić, Hazim Delić and
Esad Landžo, Case No. IT-96-21**

Having initially reserved its judgement on a motion by Delalić to sever his appeal from that of the other appellants in the appeal against the Judgement and sentencing judgement handed down by Trial Chamber II (Judges Karibi-Whyte (Presiding), Odio-Benito and Jan) on 16 November 1998¹², the Appeals Chamber (Judges Hunt (Presiding), Riad, Wang, Nieto-Navia and Bennouna) issued its order on the motion on 29 July 1999.

Considering that the issue of command responsibility raised in the Prosecution’s appeal against Delalić’s acquittal is raised in two other appeals filed and thus severance would not expedite the judgement in that appeal, the Appeals Chamber dismissed the motion.

On 15 September 1999, Judge Hunt, Presiding Judge of the Appeals Chamber for the purpose of the Appeal, referred the motion to disqualify Judges, or in the alternative that certain Judges recuse themselves from hearing the appeal filed by Mucić, Delić and Landžo on 30 July 1999 to the Bureau for determination.

Judge Hunt considered the subject matter of the motion not to be a matter for consideration of the Appeals Chamber stating that it is necessary to obtain the opinion of the Bureau as to whether the circumstances stated in the Motion, that is, that the Judges have already expressed an opinion and taken part in a decision on an issue which will be before the Appeals Chamber in this appeal, constitute a valid ground for disqualification.

On 30 September 1999, following emergency motions filed by Delić and Mucić on 28 and 29 September 1999 respectively, the Appeals Chamber ordered that the Briefs in reply of all parties, including the Prosecutor and cross-appellant, be filed by 25 October 1999.

12. ICTY Weekly Update-82, 18 June 1999.