SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR Freetown – Sierra Leone

Before:

Hon. Justice Bankole Thompson, Presiding

Hon. Justice Benjamin Itoe Hon. Justice Pierre Boutet

Registrar:

Mr. Lovemore G. Munlo SC

Date filed:

13 July 2006

THE PROSECUTOR

Against

Issa Hassan Sesay Morris Kallon

Augustine Gbao

Case No. SCSL-2004-15-T

CORRECTED ANNEX TO PROSECUTION POSITION PAPER ON IMPLEMENTING MODALITIES FOR RULE 98

Office of the Prosecutor:

Mr. James C. Johnson

Mr. Peter Harrison

Ms. Wendy van Tongeren

Defense Counsel for Issa Hassan Sesay

Mr. Wayne Jordash

Ms. Sareta Ashraph

Defense Counsel for Morris Kallon

Mr. Shekou Touray Mr. Charles Taku

Mr. Melron Nicol-Wilson

Defense Counsel for Augustine Gbao

Mr. Andreas O'Shea Mr. John Cammegh

SPECIAL COURT FOR SIERRA LEDNE

RECEIVED

GOURT MANAGEMENT

13 JUL 2006

NAME COURD GEOR LINER

SIGN

TIME

12.07

- 1. On 11 July 2006 the Prosecution filed the *Prosecution Position Paper on Implementing Modalities for Rule 98*, SCSL-04-15-597, starting at page 24087.
- 2. Annex A, attached hereto, is to be read as reference documents referred to in this 11 July 2006 filing.
- 3. Annex A of the Prosecution Position Paper consists of :
 - a. Scheduling Order from the *Prosecutor v. Milan Martić*, 9 June 2006 (3 pages),
 - b. Scheduling Order from the *Prosecutor v. Momčilo Krajišnik*, 26 April 2005 (3 pages),
 - c. ICTY Weekly Press Briefing, 21 June, 2006, (4 pages),
 - d. ICTY Weekly Press Briefing, 28 June, 2006, (4 pages).
- 4. These documents were inadvertently omitted from the said *Prosecution Position Paper* at the original filing on 11 July 2006.
- 5. A document containing the same information was filed on 12 July 2006 as the *Annex to Prosecution Position Paper On Implementing Modalities For Rule 98*, SCSL-04-15-598, starting at page 24105. However, the word "admitted" was erroneously used in paragraph 3 of the said document.

Filed in Freetown

13 July 2006

Wendy van Tongeren

ANNEX A

UNITED NATIONS



International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 Case No. IT-95-11-T

Date:

9 June 2006

Original:

English

IN TRIAL CHAMBER I

Before:

Judge Bakone Justice Moloto, Presiding

Judge Janet Nosworthy Judge Frank Höpfel

Registrar:

Mr. Hans Holthuis

Order of:

9 June 2006

PROSECUTOR

V.

MILAN MARTIĆ

SCHEDULING ORDER

The Office of the Prosecutor:

Mr. Alex Whiting

Ms. Anna Richterova

Mr. Colin Black

Ms. Nisha Valabhji

Counsel for the Accused:

Mr. Predrag Milovančević

Mr. Nikola Perović

TRIAL CHAMBER I ("Trial Chamber") of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 ("Tribunal");

CONSIDERING that pursuant to Article 20 (1) the Trial Chamber shall ensure that the trial is fair and expeditious;

CONSIDERING that pursuant to Article 21 (4) (b) the Accused has a right to have adequate time for the preparation of his defence, and that pursuant to Article 21 (4) (c) the Accused has a right to be tried without undue delay;

NOTING the submissions of the Prosecution at the hearing on 3 May 2006 concerning the scheduling of the trial after the close of the Prosecution case;¹

NOTING that the Defence did not have any comments to the Prosecution's submission;²

NOTING that the court recess is scheduled from Monday 17 July 2006 until Friday 4 August 2006;

NOTING that, at the request of the parties, the Trial Chamber granted the parties a further period of one week for preparations to take place immediately after the court recess, and that, as a consequence, the trial is to resume on Monday 14 August 2006;³

NOTING that on 6 June 2006 the Prosecution informally advised the Trial Chamber that its previous estimate of concluding its case by 16 June 2006⁴ has been slightly revised and that according to the new estimate the Prosecution's evidence is to conclude on or about 19 June 2006;

NOTING Rules 65 ter (G) and (M), 73 ter, 84, 85 (A) (ii), and 98 bis of the Rules of Procedure and Evidence ("Rules");

NOTING that at the start of the Prosecution case the Defence elected to postpone its opening statement pursuant to Rule 84 until the beginning of the Defence case;⁵

CONSIDERING that it is in the interests of a fair and expeditious trial, and of the right of the Accused to a trial without undue delay, to regulate the schedule of the trial for the period following the close of the Prosecution case until the start of the Defence case:

¹ Hearing, 3 May 2006, T. 3985-91.

² Hearing, 3 May 2006, T. 3989-90.

³ Hearing, 3 May 2006, T. 3991-93.

⁴ Hearing, 31 May 2006, T. 4798.

⁵ Pre-Trial Conference, 12 Dec 2005, T. 14.

PURSUANT TO Articles 20 (1) and 21 (4) (b) and (c) of the Statute and Rules 54, 65 ter (G) and (M), 73 ter, 84, 85 (A) (ii), and 98 bis,

ORDERS:

- 1. The Prosecution evidence shall conclude at the latest on Tuesday 20 June 2006;
- 2. Oral submissions of both parties pursuant to Rule 98 bis, if any, shall be made on Wednesday 21 June 2006;
- 3. Oral judgement pursuant to Rule 98 *bis*, if necessary, shall be delivered on Wednesday 28 June 2006;
- 4. The Defence shall file its submission pursuant to Rule 65 ter (G) by Wednesday 28 June 2006:
- 5. The Pre-Defence Conference shall take place on Friday 30 June 2006 at a time to be determined;
- 6. The Defence opening statement shall take place on Friday 7 July 2006;
- 7. The presentation of Defence evidence shall begin on Monday 10 July 2006;
- 8. The trial shall stand adjourned on Friday 14 July and shall be resumed on Monday 14 August 2006 in a courtroom to be decided.

Done in English and French, the English version being authoritative,

Judge Bakone Justice Moloto

Presiding

Dated this ninth day of June 2006

At The Hague

The Netherlands

[Seal of the Tribunal]

24132

UNITED **NATIONS** International Tribunal for the Prosecution of Case: IT-00-39-T Persons Responsible for Serious Violations of International Humanitarian Law Committed Date: 26 April 2005

in the Territory of the Former Yugoslavia

since 1991

Original: English

IN TRIAL CHAMBER I

Before:

Judge Alphons Orie, presiding

Judge Joaquín Martín Canivell

Judge Claude Hanoteau

Registrar:

Mr Hans Holthuis

Order of:

26 April 2005

PROSECUTOR

MOMČILO KRAJIŠNIK

SCHEDULING ORDER (PERIOD APRIL 2005 TO DELIVERY OF JUDGEMENT)

Office of the Prosecutor

Mr Mark Harmon Mr Alan Tieger Mr Thomas Hannis

Counsel for the Defence

Mr Nicholas Stewart, QC Ms Chrissa Loukas

THE CHAMBER,

NOTING that the trial in this case commenced on 3 February 2004;

CONSIDERING that setting a schedule for the remainder of the case enables the parties to better organize and present their cases within the allotted time frame and gives the Accused notice of when he can expect to receive the Chamber's judgement;

HAVING considered the submissions of the parties given in open court on 29 October 2004;¹

HAVING analysed the past and future requirements of this case, including the Defence's recurrent requests for time in preparation;

REITERATING the Chamber's commitment, expressed in its decision of 4 March 2005, that "whether the case will be concluded by [April 2006] or some other date is for the Chamber to decide in proper consultation with the parties and subject to the requirements of a fair trial";²

HEREBY ORDERS that:

- a) The Prosecution's case shall close on or before **Friday 22 July 2005** (should the Prosecution's case close prior to that date, the other deadlines in this list shall be adjusted accordingly; the same applies to the Defence case);
- b) Should the Defence decide to move for acquittal pursuant to Rule 98 bis of the Tribunal's Rules of Procedure and Evidence, oral submissions by the parties shall be heard on **Tuesday 16 August 2005**; a decision on the motion for acquittal shall be rendered on or before **Friday 19 August 2005**;
- c) Should there be an acquittal motion, and should it be denied in whole or in part, the Defence case shall commence on **Monday 12 September 2005** (should there be no acquittal motion, the Defence case shall commence on 5 September 2005);
- d) The Defence case shall close on or before **Friday 10 March 2006** (this period includes a recess of one week in October, in addition to the regular winter recess);
- e) Rebuttal and Chamber witnesses, if any, shall be heard between Monday 13 March and Friday 17 March 2006;
- f) Final trial briefs shall be filed on or before Monday 27 March 2006;
- g) Closing arguments shall be heard on Thursday 6 April and Friday 7 April 2006;
- h) The Chamber's judgement shall be delivered on or before Friday 28 April 2006.

¹ T. 7662-7679.

The dates of this schedule may be adjusted at the discretion of the Chamber upon a motion by a party showing good cause.

Done in English and French, the English version being authoritative.

Judge Alphons Orie Presiding Judge

Dated this 26th day of April 2005 At The Hague The Netherlands

[Seal of the Tribunal]

² Decision on (second) Defence motion for adjournment.



United Nations Nations Unies

International Criminal Tribunal for the former Yugoslavia

Tribunal Pénal International pour l'ex-Yougoslavie

ICTY Weekly Press Briefing

Date: 21.06.2006 Time: 12:00 p.m.

Registry and Chambers:

Three new ad litem Judges have been appointed to the ICTY and will be sworn-in in the coming weeks: this Tuesday, at 9am in courtroom 1, Judge Ali Nawaz Chowhan (Pakistan) and Judge Tsvetana Kamenova (Bulgaria) will make their Solemn Declaration. Judge Kimberly Prost (Canada) will do the same on Monday 3 July at 4:30 p.m in courtroom 1.

Judge Chowhan and Judge Kamenova will be assigned to the trial in the case Milutinovic et al., while Judge Prost will sit in the case Popovic et al.

Both trials, involving multiple accused, are due to start on 10 July and 14 July respectively.

COURT PROCEEDINGS:

Following the timely completion of the Prosecution case, there will be no more proceeding in the trial of Milan Martic until next Monday when at 14:15 in courtroom I the Trial Chamber will hear oral submissions pursuant to rule 98bis.

The Vukovar trial of former Yugoslav Army high-ranking officers Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin, will continue this and next week in courtroom I, sitting from 9:30 to 16:30 today and next Tuesday. On Friday it will sit from 9:00 to 13:45 and next Monday from 12:30 to 17:00.

The trial of Momcilo Krajisnik will continue in courtroom II, sitting today at 14:15. Tomorrow it will sit in the afternoon and on Thursday from 9:00 to 15:00, with a break from 11:00 to 12:30. On Friday morning the trial will move to courtroom III, returning to courtroom II next week, sitting in the mornings.

The proceedings against the six accused in the Prlic et al. case Jadranko Prlic, Bruno Stojic, Slobodan Praljak, Milivoj Petkovic, Valentin Coric and Berislav Pusic, former high-ranking political and military officials of the then Herceg-Bosna continues. Next week the case will sit Monday at 14:15 and Tuesday and Wednesday at 9:00 to 17:15.

WITH REGARDS TO CHAMBERS FILINGS:

The trial of Josip Jovic on charges of contempt of court has been scheduled to take place on Monday 3 July, before Trial Chamber III. If necessary, it will continue on Wednesday 5 July.

Last Friday, Trial Chamber I, dismissed a Motion by the Defence for Momcilo Krajisnik which was seeking for Judge Canivell to be declared unable to continue sitting in the case. The Bench found that the SC Resolution which extended Judge Canivell's mandate as an ad litem Judge (1668/2006) was a mere administrative act, allowing the Chamber to complete the case without any further undue delay, and did not constitute an interference by the Security Council in the judicial functions of the Tribunal.

Finally, two Decisions concerning the case The Prosecutor v. Vojislav Seselj:

- On 15 June, the President of the Tribunal, Judge Fausto Pocar, denied a request by the Accused who had requested that those detainees who had reached a plea agreement with the Office of the Prosecutor be segregated from the other detainees. The President also issued a warning to Vojislav Seselj, saying that any other Motion containing statements of an insulting or otherwise offensive nature will not be considered.

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands Churchillplein 1, 2517 JW La Haye. B.P. 13888, 2501 La Haye. Pays-Bas Tel.: +31 (0)70 512 5343 or 512 5356 Fax: +31 (0)70 512 5355

- On 16 June, Trial Chamber I dismissed a Motion by the accused raising various matters and reminded him of his obligation not to disclose confidential material to any unauthorized person, including his so-called expert team.

Office of the Prosecutor:

Anton Nikiforov, Advisor to the Prosecutor and acting Spokesperson of the Office of the Prosecutor, made the following statement:

I have only one announcement to make: today, the Prosecutor Del Ponte is travelling to Monaco to attend the Crans Montana Forum 'Addressing a New World'. She will participate in a session which is dealing with the challenges of fighting crimes against humanity tomorrow, Friday. The session will also be attended by other practitioners of criminal law, including war crime Prosecutor from Belgrade Vladimir Vukčević, and State Prosecutor from Bosnia and Herzegovina, Marinko Jurčević The session will be chaired by former Secretary General of Council of Europe, Mr. Walter Schwimmer.

Questions:

A journalist referred to the start of the Popovic et al. case on 14 July 2006. Asked whether or not opening statements would be given on this day, Chartier said that the scheduling order indicated that the trial would begin by discussing procedural matters. The opening statements and the presentation of evidence by the Prosecution would take place after the summer recess.

Nikiforov added that the Prosecutor would attend the start of the trial on 14 July and will have a statement during the proceedings, which will be more than procedural and is expected to be of interest.

Asked what procedural matters were on the agenda since it was unusual to have a procedural hearing before the opening statements, Charter said that the order does not specify the agenda but that it was not unusual. Chartier pointed out that recently a similar procedural hearing took place in the opening of the Prlic et al. case. The Presiding judge asked the Prosecution how evidence was to be presented, how much time was needed and discussed with the defence how to share the time for cross examination.

Asked if this typically took place in a pre-trial conference, Chartier said yes, but that this was a highly complicated case dealing with eight accused, like the Milutinovic et al. case involving six accused. Charter said that these matters needed to be discussed publicly and that it was a sign of transparency.

Asked if Chambers would call its witnesses next week in the Krajisnik case and if so was there a list available, Chartier said yes was true but that a list of witnesses was never provided. He had not seen any order with such a list.

Asked which judge was presiding in the Milutinovic et al. case, Chartier answered that Judge Bonomy was presiding on the case.

Asked if there was a comment on the separate opinion of Judge Bonomy in the Blaskic contempt cases, Nikiforov said that the Prosecution would make a comment in court on 3 July in the proceedings against Josip Jovic. He said that no motion could be filed in regard to a separate opinion to the decision.

Chartier said that it was important to note that in Jude Bonomy's opinion he agreed with the final outcome to grant the Prosecution's motion to dismiss the indictment.

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Criminal Tribunal for the former Yugoslavia

Tribunal Pénal International pour l'ex-Yougoslavie

ICTY Weekly Press Briefing

Date: 28.06.2006 Time: 12:00 p.m.

Registry and Chambers:

Christian Chartier, Senior Information Officer, made the following statement:

Tomorrow morning, the Judges of the Tribunal will hold a regular Plenary Session at which they will discuss the Annual Report for the period August 2005/July 2006. Once adopted, this Report will be sent to New York and will be formally presented by President Pocar in early October. While the Judges hold their Plenary, there will be no proceedings.

On Friday, Trial Chamber II, presided over by Judge Carmel Agius, will deliver its Judgement in the Orić case. The Judgement hearing will take place at 2:15pm in courtroom 1. The Chamber has thus met the deadline it had fixed itself when closing the trial on 10 April. The trial had commenced on 6 October 2004. The Prosecution completed its case-in-chief on 1 June 2005 and the Defence case-in-chief commenced on 4 July 2005.

Another Judgement will be rendered next Monday, at 9am, in courtroom II, which is the oral Rule 98bis Judgement in the trial of Milan Martic. Following this, the Defence will make its opening statement on Friday 7 July and will commence presenting its evidence on Monday 10 July.

10 July is also the date set for the commencement of the trial in the Milutinovic et al. case, on the Kosovo indictment from which Vladimir Djordjevic, who is in the run, has been severed.

Milorad Trbic has also been severed from his co-accused on the indictment in the Popovic et al. case, the Srebrenica case. This trial will thus open on Friday 14 July with seven accused in court, representing the biggest "multiple accused trial" ever held at the ICTY. In view of this trial, a new ad litem Judge, Judge Kimberley Prost (from Canada), will be sworn in next Monday during a ceremony at 4:30pm in courtroom I.

Also noteworthy for next Monday, 3 July, is the trial of Josip Jovic on charges of contempt of court. Trial Chamber III will open the proceedings at 8.30am in courtroom III, and will sit until 7pm if necessary.

TURNING TO ON-GOING PROCEEDINGS:

The Vukovar trial, the Krajisnik trial and the Prlic et al. trial continue at times and venues indicated on the Tribunal's website.

In terms of Status Conferences, there will be one in the Brdjanin case, later today (5pm in courtroom I), and two tomorrow afternoon; in the Galic case (3:30pm in courtroom II) and in the Delic case (5:00pm in courtroom I). Next Tuesday there will be a status conference in the Seselj case at 5:00pm in courtroom I.

WITH REGARD TO CHAMBERS' FILINGS:

I would like to draw your attention to an important Decision issued two days ago by the Appeals Chamber which denied the Motion for reconsideration filed by Zoran Zigic.

One of the co-accused in the Omarska/Keraterm and Trnopolje camps case, Zoran Zigic was sentenced on 2 November 2001 for crimes against humanity. On 28 February 2005, the



Appeals Chamber affirmed his conviction for crimes against humanity and war crimes and upheld the sentence of 25 years' imprisonment.

Zoran Zigic filed in December last year a Motion seeking a retrial or, in the alternative, an acquittal on all the convictions but one.

Departing from its exiting jurisprudence, the Appeals Chamber found that "there is no power to reconsider a final judgement," that "victims of the crimes and convicted persons are both entitled to certainty and finality of legal judgments," and that "the existing appeal and review proceedings provide sufficient guarantees to persons convicted that they have been tried fairly and in accordance with the norms of due process."

As a result of this Decision, the Zigic case is closed and, as you may remember, Zoran Zigic was recently transferred to Austria to serve the remainder of his sentence.

Office of the Prosecutor:

Anton Nikiforov, Advisor to the Prosecutor and acting Spokesperson of the Office of the Prosecutor, made no statement.

Questions:

A journalist asked whether this year the Association of Defence Council (ADC) would be allowed to contribute to the Annual Report to be presented to the Security Council by President Pocar on October. He added that last year the ADC had complained that they were not allowed to contribute to the Annual Report in the same way that the OTP did. Chartier replied that he would find out whether the complaint had been heard and what the outcome was.

Nikiforov was asked to comment on the reports coming from the Bosnian and Serbian press on the whereabouts and health of ICTY fugitive Ratko Mladic. Nikiforov responded that the OTP had no information to corroborate the reports that Mladic had suffered a third stroke or that he was in hospital. He added that there was no new information about his whereabouts and that the OTP had been assured that the Serbian authorities were still trying to locate Mladic. There were no indications that he was outside Serbia and if the authorities wanted they could find him, arrest him and transfer him to The Hague.

Asked which of the two new ad litem Judges would sit on the Milutinovic trial and which one would serve as reserve, Chartier replied that both would sit on the bench with Judge Bonomy presiding. He added that he was not aware that there was a reserve Judge on this case, pointing out that all the ad litem Judges were now sitting on cases. He further pointed out that it was not mandatory to have a reserve Judge on any case.

Document List:

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Martic (Interlocutory)	Prosecution's Response To Defence Motion For Enlargement Of Time-Limit For Filing The Appeal	23-Jun-06
Mrksic	Prosecution Response To Defence Objection To The Admission Of Documents	23-Jun-06
Martic (Interlocutory)	Decision On Motion For Enlargement Of Time	23-Jun-06
Stanisic & Simatovic	Defence Response To Prosecution Motion To Vacate Order To File Consolidated Pre-Trial Brief	23-Jun-06
Prlic and Others	Motion For Judicial Notice Of Adjudicated Facts (Prosecutor V. Blaskic)	23-Jun-06
Prlic and Others (Interlocutory)	Corrigendum To Prosecution Response To Joint Defence Interlocutory Appeal Against The Trial Chamber's Decision Relating To Cross-Examination By Defence	23-Jun-06

Krajisnik	Decision On Defence Application For Certification To Appeal Against Trial Chamber's Decision Of 16 June 2006	23-Jun-06
Jankovic G. et al.	Decision On Former Counsel's Motion For Leave To Hand Over Confidential Documents To New Counsel	23-Jun-06
	Decision On Prosecution's Motion For Extension Of Time To Complete Motions Concerning Admission Of Written	
Boskoski et al	Statements Pursuant To Rule 92 Bis	23-Jun-06
Boskoski et al	Prosecution's Response To The "Assigned Pro Bono Counsel Addendum To The Second Motion For Provisional Release" Opinion Dissidente Du Juge Jean-Claude Antonetti President De La Chambre De Premiere Instance Concernant La Décision Du 23 Juin 2006 Relative À La Demande De Certification De L'appel Déposée Par L'accusation Portant Sur	23-Jun-06
Prlic and Others	La Décision Du 25 Mai 2006 Relative	23-Jun-06
Martic	Decision On Defence Application For Certification Of Appeal Pursuant To Rule 73(B) And Defence Motion For Stay Of Proceedings Décision Relative À La Demande De Certification De L'appel	23-Jun-06
Prlic and Others	Déposée Par L'accusation Portant Sur La Décision Du 25 Mai 2006 Relative À La Désignation Par Le Conseil Principal De Monsieur Orsat Miljenic En Qualité De Co-Conseil Non Rémunéré À La Défense De	23-Jun-06
Popovic et al	Decision By The Registrar Re. Remuneration	23-Jun-06
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Milorad Trbic	Certificate	26-Jun-06
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Kvocka et al. (Appeal)	Decision On Zoran Zigic's 'Motion For Reconsideration Of Appeals Chamber Judgement It-98-30/1-A Delivered On 28 February 2005'	26-Jun-06
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Seselj	Decision On Seselj's Appeal Against The Registry Decision Of 9 May 2006	26-Jun-06
Popovic et al	Decision By The Registrar Re. Remuneration Decision On Prosecution's Request To File A Consolidated Reply To Defence Responses To Prosecution Motion For Admission Of Written Evidence In Lieu Of Viva Voce	26-Jun-06
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Halilovic (Appeal)	Notice Of Delivery Of The Bcs Translation Of The Trial Judgement Prosecution Notification Of Additional Witness For The Week	27-Jun-06
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