



2 June 2000

## ICTY WEEKLY UPDATE – 128

### PROCEDURAL DEVELOPMENTS:

#### **I. OVERVIEW OF COURT PROCEEDINGS**

##### **KRSTIĆ CASE**

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

The trial of Radislav Krstić entered its seventh week of hearings on Monday 29 May with the conclusion of the testimony of Professor Richard Wright which began on Friday 26 May.

Professor Wright was the supervising archaeologist for the exhumations conducted by the Office of the Prosecutor in 1998 and 1999, and prepared reports on both these exhumations.

The next witness, Dr. Bill Haglund, a forensic anthropologist, was chief of exhumations in 1996.

Dr. Haglund's testimony was followed by that of Jose Pablo Baraybar, an anthropologist who worked on exhumations in connection with the alleged events in and around Srebrenica and prepared reports on the anthropological remains of the graves.

After the conclusion of Jose Baraybar's testimony on Tuesday 30 May, the Prosecution called Dr. John Clark, a forensic pathologist, who worked on the Srebrenica investigation in 1998 and 1999. His testimony concluded on Wednesday 31 May.

The next witness, Christopher Lawrence, was the chief forensic pathologist in Bosnia for the ICTY in 1998.

The court has now adjourned until 19 June 2000.

##### **KUNARAC, KOVAČ & VUKOVIĆ CASE (“FOČA”)**

*Trial Chamber II – Judges Mumba (Presiding), Hunt and Pocar*

Having adjourned on Wednesday 17 May, the trial resumed on Monday 29 May, entering its eighth week of hearings and continuing to hear the Prosecution case-in-chief.

Mr. Osman Subasić, who was called on Monday morning, told the court that he worked with the police in Foča before the war and testified about the situation in Foča leading up to the conflict and fall of the municipality on 15 April 1992. Mr. Subasić gave details of the Muslim and Serb Crisis Staffs in Foča and the division of the police into the Serb and Muslim parts on 7 April 1992.

On 15 May 1992, Mr. Subasić joined the 1st Drina Brigade of the Bosnian Army in Goražde as the assistant commander for intelligence with the task of gathering intelligence information about the enemy, including Kunarac's unit.

Mr. Subasić also gave evidence about his investigations of bodies found floating in the River Drina between Osanice and Mravinac, particularly, reports he prepared on 28 June 1992 (16 bodies), 8 July 1992 (10 bodies) and 16 July 1992 (1 body). As well as a report he prepared on 25 October 1992 based on interviews he held with a group of primarily Muslim women, who, on the 23 October 1992, were expelled from the area of Foča.

On Tuesday 30 May, the Trial Chamber held a status conference during which the arrangements for the defence case were discussed. Counsel for Kunarac told the court that, after the three defence opening speeches, the first witness will be Kunarac himself, followed by three joint expert witnesses, four joint witnesses and finally 10 or 12 witnesses for Kunarac only. Counsel for Kovač indicated that they will call six or seven witnesses, besides the joint witnesses. Counsel for Vuković indicated that they intend to have five or six ordinary witnesses. Kovač and Vuković will indicate whether they will testify themselves after the close of the Prosecution case.

The court has now adjourned until 13 June 2000.

**Cont**

## KORDIĆ & ČERKEZ CASE (“LAŠVA VALLEY”)

*Trial Chamber III – Judges May (Presiding), Bennouna and Robinson*

The Trial Chamber reconvened this week continuing to hear Kordić’s defence case-in-chief.

On Monday 29 May, the court heard the testimony of one protected witness in closed session.

The next witness, Mr. Mario Šantić, a member of the “Vitezovi”, was called to corroborate the evidence of Josip Buha who testified in this case on 15 May 2000 (see Update No. 126).

In his statement, which was filed with the court on 15 May 2000, Mr Šantić gave an account of events at the Dubravica Elementary school, the temporary barracks of the “Vitezovi” on 15 April 1993. He confirmed that neither Kordić nor Blaškić nor any other senior officer or politician visited the barracks on that day and stated that he did not know of Anto Breljaš before the latter’s arrest on 16 April 1993 when he was taken to the elementary school as a prisoner.

The Trial Chamber then heard the testimony of another protected Prosecution witness in closed session, this testimony concluded on Wednesday 31 May.

The Trial Chamber then heard the testimony of Mr. Milenko Arapović who was called to corroborate the evidence given by Josip Grubešić and Ivo Arar on 10 and 11 May 2000 respectively.

In his witness statement, which was filed with the court on 9 May 2000, Mr. Arapović gives details about the Kaćuni checkpoint incident on 20 and 21 January 1993.

The Trial Chamber then heard the testimony of Mr. Zoran Bilić.

*Due to technical difficulties it has not been possible to summarise all of this week’s proceedings.*

## II. OVERVIEW OF COURT DOCUMENTS

### SIMIĆ & OTHERS CASE (“BOSANSKI ŠAMAC”)

#### DECISION ON MILAN SIMIĆ’S APPLICATION FOR PROVISIONAL RELEASE

On 29 May 2000, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) ordered the provisional release of Milan Simić under certain terms and conditions detailed in the decision (see Press Release 506).

#### DECISION ON TODOROVIC MOTION TO SEVER HIS TRIAL FROM THAT OF MILAN SIMIĆ

On 31 May 2000, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) denied a confidential motion to sever the trial of Todorović from that of Milan Simić, filed by Counsel for Todorović on 21 September 1999.

Todorović had argued that any ruling “*adverse to the accused Milan Simić and his counsel Branislav Avramović will “poison” this Trial Chamber’s impartiality*”.

The Trial Chamber had deferred consideration of the motion pending the outcome of the contempt proceedings against Milan Simić and his former counsel, Mr. Branislav Avramović. A judgement of acquittal was rendered in those proceedings on 29 March 2000 (see Update No. 119), which, the Trial Chamber held, removed the only new ground relied upon by the accused.

In reaching its decision the Trial Chamber noted that Todorović had filed a previous application for separate trial on 11 February 1999, which was denied by the Trial Chamber on 15 March 1999 on the ground that the “*interests of justice are best served by a joint trial in this case*” (see Update No. 70), and considered that the interests of justice continue to be best served by a joint trial in this case.

The Trial Chamber also denied Todorović’s motion of 3 May 2000, requesting the Trial Chamber to defer the decision on the motion for separate trial until after the status conference, scheduled for 28 June 2000, on the ground that “*should a trial date not be set, the Todorović defence would then invoke further argument ... for a separate trial based on “speedy trial” grounds*”.

#### HEARING ON DEFENCE MOTION FOR JUDICIAL ASSISTANCE SCHEDULED

On 1 June 2000, the Trial Chamber ordered that, on **23 June 2000**, a hearing be held on the “Notice of Motion for Judicial Assistance” in connection with the Peace Stabilisation Force (“SFOR”) or other military forces operating on the territory of Bosnia and Herzegovina, filed by Todorović on 24 November 1999.

In the motion Todorović had sought the assistance of the Trial Chamber in obtaining information and documents in connection with the evidentiary hearing to be held on a “Motion for an order directing

the Prosecutor to forthwith return Todorović to the country of refuge and Todorović's petition for a writ of *habeas corpus*, filed on 21 October and 15 November 1999 respectively.

The Trial Chamber also ordered that SFOR may, by 16 June 2000, file a written response to the application.

## COURTROOM SCHEDULE: 5 JUNE – 9 JUNE \*

### MONDAY 5 JUNE

Courtroom I 10:00 - 13:00, **Celebici**, Appeal Hearing  
14:30 - 17:30, **Celebici**, Appeal Hearing  
Courtroom II 09:30 - 13:00, **Kordic/Cerkez**, Trial  
14:30 - 16:00, **Kordic/Cerkez**, Trial  
Courtroom III 09:30 - 14:30, **Kvocka et al./Prcac**, Trial

### TUESDAY 6 JUNE

Courtroom I 10:00 - 13:00, **Celebici**, Appeal Hearing  
14:30 - 17:30, **Celebici**, Appeal Hearing  
Courtroom II 09:30 - 13:00, **Kordic/Cerkez**, Trial  
14:30 - 16:00, **Kordic/Cerkez**, Trial  
Courtroom III 09:30 - 14:30, **Kvocka et al./Prcac**, Trial  
16:00, **Kvocka et al./Prcac**, Status Conference

### WEDNESDAY 7 JUNE

Courtroom I 10:00 - 13:00, **Celebici**, Appeal Hearing  
14:30 - 16:00, **Celebici**, Appeal Hearing  
Courtroom II 09:30 - 13:00, **Kordic/Cerkez**, Trial  
16:30, **Kolundzija/Dosen**, Status Conference  
Courtroom III 09:30 - 14:30, **Kvocka et al./Prcac**, Trial

### THURSDAY 8 JUNE

Courtroom I 10:00 - 13:00, **Celebici**, Appeal Hearing  
14:30 - 17:30, **Celebici**, Appeal Hearing  
Courtroom II 09:30 - 13:00, **Kordic/Cerkez**, Trial  
14:30 - 16:00, **Kordic/Cerkez**, Trial  
Courtroom III 09:30 - 14:30, **Kvocka et al./Prcac**, Trial

### FRIDAY 9 JUNE

Courtroom I 10:00 - 13:00, **Celebici**, Appeal Hearing  
14:30 - 17:30, **Celebici**, Appeal Hearing  
Courtroom II 09:30 - 13:00, **Kordic/Cerkez**, Trial  
Courtroom III 09:30 - 14:30, **Kvocka et al./Prcac**, Trial

Coverage of the proceedings in Courtroom II will be broadcast in the viewing area in the lobby.

\*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.

## PRESS RELEASES ISSUED SINCE 25 MAY

DATE	No.	TITLE	E	F	B/C/S
26/5/2000	505	PROSECUTOR CARLA DEL PONTE MEETS US SECRETARY OF STATE MADELEINE ALBRIGHT.	E		B/C/S
29/5/2000	506	TRIAL CHAMBER III ORDERS THE PROVISIONAL RELEASE OF MILAN SIMIĆ.	E		B/C/S

For the latest list of all court filings, please visit the [ICTY Court Records](#)

For a selection of the latest public documents, please visit the [ICTY Website](#)