



20 July 2001

## ICTY WEEKLY UPDATE – 182

### LAST MINUTE NEWS

#### TODOROVIĆ CASE (“Bosanski Šamac”)

##### SENTENCING JUDGEMENT SCHEDULED

On 18 July 2001, Trial Chamber III (Judges Robinson (Presiding), May and Fassi Fihri) ordered that the sentencing judgement in this case will be delivered on **Tuesday 31 July 2001 at 4.30 p.m.**

### PROCEDURAL DEVELOPMENTS:

#### I. OVERVIEW OF COURT PROCEEDINGS:

#### SIKIRICA, DOŠEN & KOLUNDŽIJA CASE (“Keraterm Camp”)

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

The Trial Chamber reconvened this week to hear the defence case of Damir Došen.

On Monday 16 July, Counsel for Damir Došen made their defence opening statement followed by the testimony of the first witness, Mr. Ranko Došen.

Mr. Ranko Došen, testified that he was mobilised on 5 May 1992 to drive a water tanker for the needs of the military and held this position throughout the war. Mr. Ranko Došen told the court that he delivered water to Keraterm and testified that the detainees had free access to the water he delivered.

The Trial Chamber then heard the testimony of Witness DL, a member of the military police unit assigned to guard, amongst other things, the areas of Keraterm and the Gomionica bridge. Witness DL testified that reserve policemen guarded the detainees in the front part of Keraterm and on occasions the witness visited that area where he saw Damir Došen. Witness DL also told the court that he saw the water tanker at Keraterm and testified that the detainees had access to that water.

The testimony of Mr. Petar Sovilj followed. Mr. Sovilj, a resident of Prijedor, testified that the Crnalic family were brought to his house by Damir Došen to seek refuge at the beginning of the war.

After the conclusion of Mr. Sovilj’s testimony on Tuesday 17 July, the Trial Chamber heard the testimony of Mr. Husein Ganić, by video link from Banja Luka.

Mr. Ganić, who previously testified for the prosecution in the Kvočka case (see *Weekly Update* 141), told the court that he was arrested by his neighbours on 23 June 1992 along with his son, Edin, and taken to the Keraterm camp. Mr. Ganić testified that he was beaten by Zoran Žigić and his colleagues at the camp on 29 June 1992 and was hospitalised as a result of his injuries. Mr. Ganić told the court that, after being returned to Keraterm, he was transferred to the Omarska camp and testified about conditions in the Keraterm and Omarska camps and the availability of food.

The Trial Chamber then heard the testimony of Witness DM, a former detainee at Keraterm, via video-link. Witness DM testified about food and conditions at Keraterm.

On Wednesday 18 July, the Trial Chamber heard the testimony of Witness DN, a former detainee at the Keraterm camp. Witness DN gave details about food and water being brought to Keraterm and received by the detainees. Witness DN told the court that he was held in the Keraterm camp for about two months and then transferred to Trnopolje where he was held for 13 days.

The next witness, DO, described the situation in Ljubija after the Serb take-over of the area on the 30 April 1992 until 22 May 1992, and testified about his subsequent arrest by the military police following his failure to respond to his mobilisation call-up. Witness DO told the court that, on 10 June 1992, he was sent to Keraterm where he was detained until 7 July 1992. Witness DO testified about access to water in Keraterm and told the court that, during his time at Keraterm, he never saw or heard from any of the other detainees that Damir Došen had killed, beaten, or mistreated anyone.

On Thursday 19 July, the Trial Chamber heard the testimony of Witness DP, a former detainee in the Keraterm camp. Witness DP told the court that, a short time after his arrival at the camp he saw Damir Došen for the first time and testified about the assistance Damir Došen gave to enable the witness to telephone his wife. Witness DP told the court that he never saw Damir Došen beat or mistreat detainees since the witness arrived at the camp on 6 June 1992 until he left when the camp was dismantled.

The next witness, Mr. Karlo Petrinović, a long-term friend of Damir Došen testified as a character witness. The Trial Chamber then heard the testimony of Mrs. Mika Došen, the wife of the accused, Damir Došen. The Trial Chamber then adjourned until Tuesday 24 July.

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**KRNOJELAC CASE (“Foča – KP Dom Camp”)**

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

The Trial Chamber reconvened on Thursday 19 and Friday 20 July to hear the parties’ closing arguments. The prosecution requested the Trial Chamber to convict the accused and impose a sentence of 25 years’ imprisonment. Counsel for Krnojelac requested his acquittal.

During the case, which commenced on 30 October 2000 and lasted for 76 days, the prosecution called 45 witnesses and the defence called 31 witnesses. The prosecution and defence tendered 283 and 279 exhibits respectively.

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**KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAČ CASE (“Omarska & Keraterm Camps”)**

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

The Trial Chamber reconvened this week to hear the parties’ closing arguments.

On Monday 16 July, the prosecution requested the Trial Chamber to convict the accused and sentence them as follows: Kvočka: 35 years' imprisonment; Prcač: 35 years' imprisonment; Kos: 25 years' imprisonment; Radić: life imprisonment; and Žigić: life imprisonment.

On Tuesday 17 July, Counsel for Kvočka presented their closing arguments, requesting the Trial Chamber to acquit Kvočka of all counts charged in the indictment. Followed by Counsel for Kos who submitted that the prosecution has not met the burden of proving its case against Kos beyond reasonable doubt, and therefore requested the Trial Chamber to acquit Kos of all charges.

On Wednesday 18 July, Counsel for Radić submitted that the prosecution has not proven beyond reasonable doubt the guilt of the accused. Counsel for Žigić then presented their closing arguments requesting “the right decision pertaining to responsibility, a just decision on sentencing, and a well-expounded judgement.” The closing arguments concluded on Thursday 19 July with the submissions of counsel for Prcač requesting the acquittal of the accused.

The judgement will be rendered in due course.

**II. OVERVIEW OF COURT DOCUMENTS:**

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**ŽUPLJANIN CASE (“Krajina”)**

NON-DISCLOSURE ORDER VACATED IN PART

On 13 July 2001, Judge Rodrigues, issued an order vacating in part the order for non-disclosure of the amended indictment against Stojan Župljanin, dated 17 December 1999. In addition, Judge Rodrigues ordered that the amended indictment, warrant of arrest and accompanying documents issued to the authorities of Bosnia and Herzegovina in respect of the accused be transmitted by the Registrar to the authorities of Bosnia and Herzegovina forthwith.

Stojan Župljanin is a co-accused on the original Radoslav Brđanin and Momir Talić indictment which remained confidential until the arrest of the respective accused.

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**BRĐANIN & TALIC CASE (“Krajina”)**

THIRD AMENDED INDICTMENT FILED

On 16 July 2001, the prosecution filed a Third Amended Indictment pursuant to the Trial Chamber’s decision on the form of the further amended indictment and prosecution application to amend, dated 26 June 2001 (see *Weekly Update* 179), and the decision varying the decision on the form of the amended indictment, dated 2 July 2001.

**NIKOLIĆ CASE (“Sušica Camp”); VASILJEVIĆ CASE (“Višegrad”); BRĐANIN & TALIĆ CASE (“Krajina”)**

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DECISION ON REQUEST FOR VARYING PROTECTIVE MEASURES ORDER

On 16 July 2001, Judge Hunt, the pre-trial Judge in the above cases, refused the prosecution’s application to Trial Chamber III in the *Krajišnik and Plavšić* case requesting that Trial Chamber to refer its application to vary orders made by Trial Chamber II in the *Nikolić*, case, *Brđanin and Talić* case and *Vasiljević* case granting protective measures.

In reaching his decision, Judge Hunt noted that none of the above three cases before Trial Chamber II has yet reached trial, “*there has been no material relevant to the facts of the case tendered upon a confidential basis and no evidence relevant to the facts of the case has been given in closed or private sessions.*” Further, Judge Hunt stated that there is nothing in the orders made by Trial Chamber II which prevents the prosecution from using the same witness statements in the *Krajišnik and Plavšić* case as it proposes to use in the three cases above, or from disclosing those statements to the defence in that case or from calling the witnesses in that case.

**KUPREŠKIĆ & OTHERS CASE (“Lašva Valley”)**

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DECISIONS ON MOTIONS FOR ADDITIONAL EVIDENCE

On 17 July 2001, the Appeals Chamber (Judges Wald (Presiding), Vohrah, Nieto-Navia, Pocar and Liu) issued its decisions dismissing three motions filed by Counsels for Zoran and Mirjan Kupreškić to admit additional evidence on appeal pursuant to Rule 115.

In reaching its decision, on the two motions filed confidentially on 6 July 2001 and 26 June 2001 respectively, the Appeals Chamber found that, “*as the Appellants have failed to “probably show that the conviction or sentence is unsafe” it is not in the interest of justice to admit the...additional evidence.*” With regard to the third motion, also filed confidentially on 6 July 2001, the Appeals Chamber found “*that it would not be in the interest of justice to authorise the presentation of the proposed additional evidence.*”

**KRAJIŠNIK & PLAVŠIĆ CASE (“Bosnia and Herzegovina”)**

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DECISION ON KRAJIŠNIK MOTION TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE

On 19 July 2001, Trial Chamber III (Judges May (Presiding), Robinson and Fassi Fihri) issued its decision on Krajišnik’s notice of motion to compel disclosure of exculpatory evidence, pursuant to Rule 68, filed on 13 May 2001. In the motion, the accused sought to compel the prosecution to identify the material served on the defence pursuant to Rule 68, not to simply serve, as it has done, material without such identification.

Noting oral submissions made by the parties in respect of this motion on 10 July 2001 (see *Weekly Update* 181), the Trial Chamber considered that “*in the instant case, the material has been disclosed and the defence has had the opportunity of reviewing it and, therefore, no injustice is done to the defence.*” Further, “*given the resources expended already and the stage of pre-trial development, it would not be efficient or reasonable to order the prosecution to identify material that has already been disclosed in this way.*” Thus, the Trial Chamber ordered that “*the prosecution is not obliged to indicate whether material previously disclosed falls under Rule 68 or not, but that it will be required to do so for all material disclosed from the date of this decision.*”

DECISION ON KRAJIŠNIK MOTION TO COMPEL PROSECUTION TO PROVIDE IDENTITY OF SUBORDINATES

On 19 July 2001, Trial Chamber III denied Krajišnik’s motion to compel the prosecution to provide identity of subordinates, filed on 25 June 2001. In the motion, the accused sought to compel the prosecution to provide the name and identity of each individual that the prosecution will claim at trial is a co-conspirator or a subordinate over whom the accused is said to have exercised command responsibility.

In reaching its decision, the Trial Chamber considered that “*this motion amounts essentially to a request for particulars of the indictment and that the Trial Chamber has already twice ruled on motions by the accused which raised similar issues (in its decision of 1 August 2000 and 8 May 2001)*” (see *Weekly Update* 172) and further, “*the instant motion raises no new relevant argument.*”

Cont.

***A comprehensive summary of the status of all cases currently before the Tribunal can be found on the Tribunal's web site: <http://www.un.org/icty/glance/casestatus.htm>***

## COURTROOM SCHEDULE: 23 JULY – 27 JULY\*

### **MONDAY 23 JULY**

Courtroom II 09:15 - 12:30, **Martinović/Naletilić**, Rule 71  
14:00 - 17:30, **Martinović/Naletilić**, Rule 71  
Courtroom III 09:00 - 13:00, **Kupreškić et al.**, Appeal hearing  
14:30, **Kupreškić et al.**, Appeal hearing

### **TUESDAY 24 JULY**

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
14:30 - 17:15, **Sikirica/Došen/Kolundžija**, Trial  
Courtroom II 09:15 - 12:30, **Martinović/Naletilić**, Rule 71  
14:00 - 17:30, **Martinović/Naletilić**, Rule 71  
Courtroom III 09:30 - 13:00, **Kupreškić et al.**, Appeal hearing  
14:30, **Kupreškić et al.**, Appeal hearing

### **WEDNESDAY 25 JULY**

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
14:30, **Simić**, Motion hearing  
Courtroom II 09:15 - 12:30, **Martinović/Naletilić**, Rule 71  
14:00 - 17:30, **Martinović/Naletilić**, Rule 71  
Courtroom III 09:30 - 13:00, **Kupreškić et al.**, Appeal hearing  
14:30, **Kupreškić et al.**, Appeal hearing

### **THURSDAY 26 JULY**

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
14:30 - 17:15, **Sikirica/Došen/Kolundžija**, Trial  
Courtroom II 09:15 - 12:30, **Martinović/Naletilić**, Rule 71  
14:00 - 17:30, **Martinović/Naletilić**, Rule 71

### **FRIDAY 27 JULY**

Courtroom I 10:00, **Celebići et al.**, Sentencing hearing  
Courtroom II 09:15 - 12:30, **Martinović/Naletilić**, Rule 71  
14:00 - 17:30, **Martinović/Naletilić**, Rule 71

*\*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 14 JULY:

DATE	NUMBER	TITLE	E	F	B/C/S
19/07/2001	604	NALETILIĆ & MARTINOVIĆ CASE: FIRST APPLICATION OF RULE 71 OF THE RULES OF PROCEDURE AND EVIDENCE	E		B/C/S

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

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