



19 July 2000

ICTY WEEKLY UPDATE – 134

LAST MINUTE NEWS:

FURUNDŽIJA CASE (“LAŠVA VALLEY”)

Appeals Chamber- Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia, Robinson and Pocar

On Friday 21 July, the Appeals Chamber dismissed Furundžija's appeal against the judgement and sentence handed down by Trial Chamber II (Judges Mumba (Presiding), Cassese and May) on 10 December 1998 (see Press Release 519).

The Trial Chamber had found Furundžija guilty as a co-perpetrator of torture, a violation of the laws or customs of war, for which he was sentenced to 10 years' imprisonment and also found him guilty of aiding and abetting in outrages upon personal dignity, including rape, as a violation of the laws or customs of war, for which he was sentenced to eight years' imprisonment. As both sentences were to be served concurrently, Furundžija was sentenced to a total of 10 years' imprisonment.

The Appeals Chamber upheld the Trial Chamber judgement and sentence. Furundžija is entitled to credit for the time he has served in detention, since 18 December 1997, and will remain in the United Nations Detention Unit until he is transferred to a State to serve his sentence.

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

KRSTIĆ CASE (“SREBRENICA”)

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

Having adjourned on 30 June 2000, the Trial Chamber reconvened on this week, entering its tenth week of hearings in the Prosecution case-in-chief.

On Monday 17 July, the Prosecution continued its examination-in-chief of Mr. Richard Butler, an “all-source” military intelligence analyst with the United States Army, who was seconded by the United States government to the Office of the Prosecutor in April 1997.

Mr. Butler's testimony, which commenced on Wednesday 27 June (see Update 131), continued throughout this week.

KUNARAC, KOVAČ & VUKOVIĆ CASE (“FOČA”)

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

The Trial Chamber entered its thirteenth week of hearings this week, with the third week of the defence case-in-chief.

On Monday 17 July, sitting in the absence of Judge Pocar who was away from the Tribunal for urgent personal reasons, the Trial Chamber commenced the week's hearings with the testimony of protected defence witness “DA”.

Witness “DA” worked as an investigator for the Defence of Dragoljub Kunarac and Zoran Vuković collecting evidence as well as witness statements. Several documents were introduced into evidence through Witness “DA”'s testimony.

The next witness, “DC”, a doctor of medicine specialising in cardiology, lived in Foča until 1 April 1992 and was employed at the Foča hospital.

Witness “DC” testified about the relations between Muslims and Serbs at the time when he was living in Foča and the formation of political parties. Witness “DC” was also called to testify about circumstances in the hospital in rebuttal to the testimony of Prosecution witness FWS-33 who previously testified in this case on 21 and 22 March 2000 (see Update No. 118).

On Tuesday 18 July, the court heard the testimony of Mr. Velimir Đurović who was formerly the chief of analysis and information in the Communist Party committee in Foča, the director of the culture community for five municipalities in Podrinje and the director of the adult education centre, which included the radio station and the Foča newspaper.

Mr. Đurović was asked about the formation of the SDA and SDS political parties and gave his impression of the rallies held by these parties, as well as the situation for Serbs during the conflict.

Mr. Đurović testified that he only became aware of the allegations of rapes in the High School and Partizan Sports Hall from the media many years later.

The next witness, Mr. Rajko Marković was the final witness to be called with regard to the general situation in Foča.

Mr. Marković told the court that he attended both the SDA and SDS rallies and, when asked, gave his impression of the rallies and other political events in Foča.

The next witness, Mr. Vaso Blagojević lived in the village of Ostrmci, a hamlet in the Josanica area near Foča and joined the "Josanica Company" which was formed after Foča was taken over by Serb forces.

Mr. Blagojević told the court that he performed a military operation with Kunarac which began on 7 July 1992 and finished on 21 July 1992, when the Cerova Ravan feature was captured. During his examination-in-chief, Mr. Blagojević confirmed that he was with the accused Kunarac for the entire duration of the operation.

The next witness, Mr. Gordan Mastilo, who lived in Jabuka, about 25 to 30 kilometres away from Foča, told the court about the tensions between the Serbs and Muslims and gave details of the conflict which broke out on 23 July 1992.

Mr. Mastilo testified that he first saw Kunarac on 23 July 1992 when the latter spent the night in Podstijena with several other people. Mr. Mastilo said that he stayed with Kunarac until midnight on that night and between 23 and 26 July 1992, when Kunarac left the area, the witness and others including Kunarac searched together for dead bodies.

After the conclusion of Mr. Mastilo's testimony on Wednesday 19 July, the Trial Chamber adjourned until 24 July 2000.

KORDIĆ & ČERKEZ CASE ("LAŠVA VALLEY")

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

The Trial Chamber continues to hear Kordić's defence case-in-chief.

The defence called two witnesses this week, both were granted protective measures and heard in closed session.

On Thursday 20 July, the Trial Chamber adjourned until Monday 24 July.

JELISIĆ CASE ("BRČKO-LUKA CAMP")

Appeals Chamber – Judge Shahabuddeen

On Monday 17 July, the scheduled status conference was held in open session. Judge Shahabuddeen stated that the hearing on the appeal may take place sometime in September or October 2000.

MARTINOVIĆ & NALETILIĆ CASE ("ŠTELA & TUTA")

Trial Chamber I – Judge Wald

On Thursday 20 July, Judge Wald, the Pre-trial Judge, held a status conference in open session during which pre-trial matters were discussed.

BRĐANIN & TALIĆ CASE ("KRAJINA")

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

On Thursday 20 July, the Trial Chamber held a hearing on the motion for provisional release, filed by Brđanin on 28 April 2000, followed by a status conference. A decision on the motion will be rendered at a later date.

KRAJIŠNIK CASE ("BOSNIA AND HERZEGOVINA")

Trial Chamber III – Judges May (Presiding) and Robinson

On Wednesday 19 July, the Trial Chamber, sitting in the absence of Judge Bennouna, heard oral submissions of the parties with regard to the defence preliminary motions (1) challenging the jurisdiction

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of the ICTY, and (2) alleging defects in the form of the indictment. Both motions were filed on 8 June 2000. A status conference followed. Decisions on the motions will be rendered in due course.

II. OVERVIEW OF COURT DOCUMENTS

JELISIĆ CASE (“BRČKO-LUKA CAMP”)

EXTENSION OF TIME TO FILE DEFENCE APPEAL BRIEF GRANTED

On 19 July 2000, the Appeals Chamber (Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia Wald and Pocar) ordered that the Jelisić’s Appeal Brief be filed by **7 August 2000**.

The defence had filed an “Urgent motion to extend time for filing of appeal brief” on 7 July 2000 submitting two grounds of appeal in support of its application for extension of time.

Considering that ground one, “*the present unavailability of an expert report necessary for the proper formulation of one ground of appeal*”, concerned an issue “*lately identified*” and that the motion did not disclose a satisfactory reason why the alleged issue could not have been identified earlier, the Appeals Chamber held that this ground of appeal had not been made out. However, finding that, with respect to ground two, “*the need for more time for a recently appointed legal assistant to identify passages from the video-tapes of trial proceedings to be annexed to the Appellant’s Brief*”, there was good cause for granting an extension of time, the Appeals Chamber issued a revised schedule for the filing of the Appellant’s and Respondent’s Briefs.

COURTROOM SCHEDULE: 24 JULY – 28 JULY *

MONDAY 24 JULY

Courtroom I 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom II 09:30, **Krstic**, Trial
Courtroom III 09:30, **Kunarac/Kovac/Vukovic**, Trial
14:30, **Kunarac/Kovac/Vukovic**, Trial

TUESDAY 25 JULY

Courtroom I 09:30, **Simic et al**, SFOR Hearing/Todorovic
11:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom II 09:30, **Krstic**, Trial
Courtroom III 09:30, **Kunarac/Kovac/Vukovic**, Trial
14:30, **Kunarac/Kovac/Vukovic**, Trial

WEDNESDAY 26 JULY

Courtroom I 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom II 09:30, **Krstic**, Trial
Courtroom III 09:30, **Kunarac/Kovac/Vukovic**, Trial
14:30, **Kunarac/Kovac/Vukovic**, Trial

THURSDAY 27 JULY

Courtroom I 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom II 09:30, **Krstic**, Trial
Courtroom III 09:30, **Kunarac/Kovac/Vukovic**, Trial
14:30, **Kunarac/Kovac/Vukovic**, Trial

FRIDAY 28 JULY

Courtroom I 09:30, **Kordic/Cerkez**, Trial
Courtroom II 09:30, **Krstic**, Trial
Courtroom III 10:00, **Krnojelac**, Status Conference
10:15, **Nikolic**, Status Conference

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 17 JULY

DATE	NUMBER	TITLE	E	F	B/C/S
17/07/00	518	THE 22 ND PLENARY SESSION OF THE ICTY	E		B/C/S
21/07/00	519	APPEALS CHAMBER UNANIMOUSLY DISMISSES FURUNDZIJA APPEAL AND AFFIRMS CONVICTIONS AND SENTENCES	E	F	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](#)