



15 September 2000

ICTY WEEKLY UPDATE – 139

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAČ CASE (“OMARSKA & KERATERM CAMPS”)

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

The Trial Chamber reconvened on Monday 11 September, entering its eleventh week of hearings in the prosecution case-in-chief.

Having commenced in closed session on Friday 8 September, Ms. Nedzija Fazlić, a former detainee at the Omarska and Trnopolje camps, concluded her testimony in open session on Monday 11 September.

The next witness, Mr. Kerim Mešanović, worked in the Secretariat of National Defence decoding orders for mobilisation prior to the beginning of the conflict in the Prijedor area.

Mr. Mešanović testified about events following the take-over in Prijedor on 30 April 1992, and his transfer to the Omarska camp on 24 June 1992. On his arrival at Omarska, Mr. Mešanović was first taken to the “white house” then, after three days, he was detained in the toilet of the hangar building and later moved to the “glass house”.

Mr. Mešanović told the court that the interrogation rooms were directly above the “glass house” and he could hear interrogations and beatings taking place. Mr. Mešanović testified about being interrogated by Ratko Milosavljević, the daily beatings of prisoners, the conditions at the camp, the state of health of the prisoners and the killing of “Crnalić” in the presence of Zeljko Meakić and ‘Krlje’. Mr. Mešanović was subsequently taken to the Trnopolje camp on 6 August 1992.

KUNARAC, KOVAČ & VUKOVIĆ CASE (“FOČA”)

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

The Trial Chamber reconvened this week, having adjourned on 26 July 2000, entering its fifteenth week of hearings, with the fifth week of the defence case-in-chief.

On Monday 11 September, the Trial Chamber heard the testimony of a series of expert witnesses. Dr. Aleksandar Jovanović, a specialist in neuropsychiatry and forensic psychiatry from the Institute of Psychiatry of the Clinical Centre in Belgrade; Professor Stanko Bejatović, a specialist in criminal law, sociology and penology; and Professor Dusan Dunjić, a forensic medical expert.

Between 1993 and 1997, Professor Dunjić and Dr. Jovanović examined detainees from the Muslim and Croatian camps and several women who had been raped. They presented their findings to the court.

On Tuesday 12 September, the Trial Chamber heard the testimony of a further expert witness, Dr. Sanda Rasković-Ivić, a psychiatrist and psychotherapist.

On Wednesday 13 September, protected defence witness, “DJ”, gave evidence about the conflict which broke out on 23 July 1992 in his village of Podrid. Witness “DJ” told the court that on 23 July 1992 in the village of Podstijena between 9 a.m. and 10.00 a.m. he met Dragoljub Kunarac along with five or six other men in order to look for the dead and missing in that area. Witness “DJ” testified that he was with Kunarac day and night until 26 July 1992.

The next witness, “DK”, a cousin of Radomir Kovač, lived on the floor below Kovač in the ‘Lepa Brena’ building. The cross-examination of “DK” concluded on Thursday 14 September after which the Trial Chamber heard the testimony of witness “DL” who also lived in the ‘Lepa Brena’ building during the war.

The final witness to be called this week, "DM", the cousin of Kovač's father, testified about meeting "girl 87" in November 1992 when Kovač introduced her as his girlfriend at a family gathering. The Trial Chamber then adjourned until Monday 18 September.

KORDIĆ & ČERKEZ CASE ("LAŠVA VALLEY")

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

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

On Monday 11 September, the Trial Chamber reconvened with the testimony of Zdravko Zuljević, a former member of the HDZ, and now a member of the Nova Hrvatska Inicijativa (New Croat Initiative) political party and member of the Cantonal parliament in Travnik.

Mr. Zuljević, told the court of his experiences on 16 April 1993 when the conflict escalated in Vitez and of his later assignment to the Vitez Brigade of the HVO and the role of Darko Kraljević.

The next witness, Mr. Franjo Franjić, gave evidence about the Donja Dubravica village guard and the events around 15 April 1993.

On Tuesday 12 September, the Trial Chamber heard the testimony of Mr. Vlado Šantić who testified about the establishment and the main task of the Šantici village guards and gave evidence about the escalation of fighting in Vitez in April 1993.

The next witness, Mrs. Ljubica Grabovac, a resident of Krušćica, gave evidence about the conflict on 16 April 1993.

Mr. Anto Zirdum, a journalist and HVO Information and Propaganda Department officer, then testified about his reasons for reporting to the Territorial Defence in Vitez and later to the HVO. Mr. Zirdum also, when asked, testified about the functioning of the state, its organs of power and authority, the political opinions in Vitez in 1992 and the forum of intellectuals of the Croats and Muslims in the Lašva Valley. Mr. Zirdum told the court that his first assignment for the HVO was to found the regional informative centre in Central Bosnia. He was given the task of co-ordinator for technical matters and then went on to establishing radio and television. He was later sent as a soldier to the defence line.

Mr. Zirdum also testified that he conducted an interview with a witness of the massacre in the village of Miletici and talked to people who had been detained in the Vitez cinema building.

The cross-examination of Mr. Zirdum concluded on Wednesday 13 September after which the Trial Chamber heard the testimony of Mr. Zdenko Tibold, an employee at the Privredna Banka Sarajevo bank in Vitez. Mr. Tibold testified about monetary events and currencies in the former Yugoslavia and in Bosnia-Herzegovina.

On Thursday 14 September, Mr. Zvonimir Bekavac, testified about allowing the HVO to train their soldiers for defence against the Serbian aggression around his week-end house on the Zabrdze mountain overlooking Vitez and Čerkez's request to him to protect the Muslims at Rijeka. After the completion of Mr. Bekavac's testimony, the Trial Chamber adjourned until Monday 18 September.

KUPREŠKIĆ & OTHERS CASE ("LAŠVA VALLEY")

Appeals Chamber – Judges Bennouna (Presiding), Vohrah, Nieto-Navia, Wald and Pocar

On Wednesday 13 September, the Appeals Chamber held a status conference in open session.

MARTINOVIĆ & NALETILIĆ CASE ("ŠTELA & TUTA")

Trial Chamber I – Judge Wald

On Thursday 14 September, Judge Wald, the pre-trial Judge, held a status conference in open session during which matters outlined in the scheduling order of 1 September 2000 were discussed.

SIKIRICA & OTHERS CASE ("KERATERM CAMP")

Cont.

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

On Thursday 14 September, the Trial Chamber held a hearing on Sikirica's motion challenging the form of the indictment, filed on 15 August 2000, followed by a status conference in open session.

Rendering an oral decision on the motion, the Trial Chamber directed the Prosecution to:

- (1) amend Attachment A to specify the time and place of the alleged offences, the identity of the victims and co-perpetrators in respect of the charges against Mr. Sikirica which shall form part of the amended indictment against the accused.

- (2) provide details as to the relationship between the accused and the alleged plan of the Bosnian Serb authorities.
- (3) specify in Attachment A in respect of each incident where the victim, or victims, place and date is identified; the capacity in which each accused is alleged to have participated pursuant to Article 7(1); and where possible, specifying the form of participation, such as planning or instigating or ordering.

The date for the commencement of the trial has been re-scheduled from 6 November 2000 to **22 January 2001** to allow Sikirica to prepare for his defence.

II. OVERVIEW OF COURT DOCUMENTS

SIMIĆ, TADIĆ, TODORVIĆ & ZARIĆ CASE (“BOSANSKI ŠAMAC”)

APPLICATION FOR TADIĆ TO PROVISIONALLY LEAVE HIS RESIDENCE GRANTED

On 11 September 2000, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) granted Miroslav Tadić's application to provisionally leave his residence for medical examinations in Banja Luka, Republika Srpska, filed on 30 August 2000.

The Trial Chamber had previously denied Tadić's applications to travel to Belgrade for medical examinations on 29 June 2000 and 27 July 2000 (see Updates 131 and 135).

The Trial Chamber granted the application subject to the following conditions:

- (1) Tadić may leave the municipality of Bosanski Šamac to travel to the Clinical Hospital Center in Banja Luka and receive the specified medical examination for a period of seven consecutive days in September.
- (2) During this time, Tadić must continue to report to the local police in Bosanski Šamac every day.

However, if hospitalisation is required, Tadić shall report each day for the duration of that period from the Clinical Hospital Center by telephone to the police in Bosanski Šamac.

KRSTIĆ CASE (“SREBRENICA”)

SCHEDULING ORDER ISSUED FOR REMAINDER OF TRIAL

On 12 September, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued a scheduling order setting a time frame for the remainder of the trial. The defence case-in-chief has been scheduled to commence on 16 October and conclude on 8 December 2000. Evidence in rebuttal and rejoinder is to be heard from 22 January to 9 February 2001 and the closing arguments will take place from 26 February to 2 March 2001.

KRAJIŠNIK CASE (“BOSNIA AND HERZEGOVINA”)

APPLICATION FOR LEAVE TO APPEAL REJECTED

On 13 September 2000, a Bench of the Appeals Chamber (Judges Vohrah (Presiding), Shahabuddeen and Nieto-Navia) rejected the application for leave to appeal the decision of Trial Chamber III (Judges May (Presiding), Bennouna and Robinson), dated 2 August 2000, dismissing the defence motion on the form of the indictment, filed by counsel for Krajišnik on 8 August 2000 (see Update No. 136).

In reaching its decision, the Bench considered that:

- (1) in the first three grounds of appeal it was asserted that the Trial Chamber abused its discretion, however, no basis was shown for suggesting any error on the part of the Trial Chamber in reaching its decision in the first three grounds and there is therefore no showing of good cause as to these grounds;
- (2) in the fourth ground it was asserted that the impugned decision would cause irreparable and incurable prejudice to the appellant, however, as no arguable case to prove there has been such an abuse or error was disclosed then no good cause as to this ground has been proven either;
- (3) in the fifth ground it was asserted that the issues raised in the proposed appeal were of **Cont.** significance to the Tribunal or international law, but the Bench held that the appellant's case **Cont.** disclose an arguable case in support of this, and considering that a mere assertion that an issue is one of general importance to the Tribunal or international law generally does not in itself establish good cause.

COURTROOM SCHEDULE: 18 SEPTEMBER – 22 SEPTEMBER *

MONDAY 18 SEPTEMBER

Courtroom I 09:30 – 13:00, **Kunarac/Kovac/Vukovic**, Trial
14:30 – 16.00, **Kunarac/Kovac/Vukovic**, Trial
Courtroom II 09:30 – 13:00, **Kordic/Cerkez**, Trial
14:30 – 16.00, **Kordic/Cerkez**, Trial

TUESDAY 19 SEPTEMBER

Courtroom I 09:30 – 13:00, **Kunarac/Kovac/Vukovic**, Trial
14:30 – 16.00, **Kunarac/Kovac/Vukovic**, Trial
Courtroom II 09:30 – 13:00, **Kordic/Cerkez**, Trial
14:30 – 16.00, **Kordic/Cerkez**, Trial

WEDNESDAY 20 SEPTEMBER

Courtroom I 09:30 – 13:00, **Kunarac/Kovac/Vukovic**, Trial
14:30 – 16.00, **Kunarac/Kovac/Vukovic**, Trial
Courtroom II 09:30 – 13:00, **Kordic/Cerkez**, Trial
14:30 – 16.00, **Kordic/Cerkez**, Trial

THURSDAY 21 SEPTEMBER

Courtroom I 09:30 – 13:00, **Kunarac/Kovac/Vukovic**, Trial
14:30 – 16.00, **Kunarac/Kovac/Vukovic**, Trial
Courtroom II 09:30 – 13:00, **Kordic/Cerkez**, Trial
14:30 – 16.00, **Kordic/Cerkez**, Trial

FRIDAY 22 SEPTEMBER

Courtroom I 10:00, **Vasiljevic**, Status Conference
Courtroom II 09:30 – 13:00, **Kordic/Cerkez**, Trial

*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 11 SEPTEMBER:

DATE	NUMBER	TITLE	E	F	B/C/S
11/09/00	526	THREE ICTY JUDGES TO VISIT ZAGREB	E	F	B/C/S
12/09/00	527	BELGIUM TO PROVIDE EXPERTS TO ASSIST THE INVESTIGATIONS OF THE OFFICE OF THE PROSECUTOR IN KOSOVO	E		B/C/S
14/09/00	528	THE JUDGES OF THE ICTY ACKNOWLEDGE THE RIGHT OF VICTIMS OF CRIMES COMMITTED IN THE FORMER YUGOSLAVIA TO SEEK COMPENSATION	E	F	B/C/S

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