



6 October 2000

## ICTY WEEKLY UPDATE – 142

### PROCEDURAL DEVELOPMENTS:

#### I. OVERVIEW OF COURT PROCEEDINGS

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

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

The Trial Chamber reconvened on Monday 2 October, entering its thirteenth week of hearings in the prosecution case-in-chief.

The first witness to be called this week, Mr. Šefik Zjakić, testified that he was detained at the Omarska, Manjača and Trnopolje camps.

Mr. Zjakić told the court that he was arrested on 30 May 1992 and taken to the Radio Prijedor building where the women and children were separated from the men. Mr. Zjakić testified that the men were beaten by Serb soldiers before being taken to the Omarska camp. The women and children were taken by buses to the Trnopolje camp.

According to Mr. Zjakić, upon their arrival at the camp, the detainees were beaten and, as they got off the bus, were shot at by a Serb soldier. The witness also testified about, amongst other things, his perception of the positions held by Kvočka, Kos and Radić, interrogations and the beating of Dr. Osman Mahmuljin, Asaf Kapetanović and Rezak Hukanović.

Mr. Zjakić told the court that he was taken to the Manjača camp on 6 August 1992 and subsequently transferred to the Trnopolje camp on 23 August where he was held for three days before being released. Mr. Zjakić testified that he had to relinquish his property to the “Republika Srpska” in order to be allowed to leave Prijedor.

The next witness, “AT”, who testified that she was detained in the Trnopolje, Keraterm and Omarska camps, commenced her testimony in private session.

In open session, witness “AT” told the court that she escaped from the Keraterm camp, but was later arrested and taken to the Prijedor Hotel. After being interrogated at the hotel she was taken to Dubica where she stayed for 52 days. On 20 July, witness “AT” was taken to the Dubica Secretariat of the Interior “SUP” for interrogation and then returned to the Prijedor “SUP” where she and her husband were imprisoned for four days before being taken to Omarska.

Witness “AT” testified about the conditions at the camp and the actions and roles of Radić and Prać. On 23 August 1992, witness “AT” was taken to the Trnopolje camp where she was held until 1 October.

After the completion of witness “AT”’s testimony on Tuesday 3 October, the court heard the testimony of witness “U”, a former detainee in the Keraterm, Omarska, and Trnopolje camps.

Witness “U” told the court that her husband was detained by Serb forces in mid-June 1992 and confined in the Keraterm camp. Witness “U” was able to visit her husband on two occasions, however, she has since been told that he was transferred to the Omarska camp where he was killed.

Witness “U” testified that she was detained by Serb forces on 14 July 1992 along with her neighbour, Ms. Zlata Bilajac, and taken to Keraterm. Upon their arrival at the camp, Sikirica ordered them to take off all their valuables and in the evening she was raped by Nedeljko Timarac and then by other men. The next day she and Ms. Bilajac were taken to Omarska.

Witness “U” testified about the roles of Prać and Radić at the Omarska camp and her transfer to Trnopolje on 3 August where she saw Žigić.

Witness “U”’s testimony concluded on Wednesday 4 October. The Trial Chamber then heard the testimony of Mr. Nihad Haskić, a former detainee in the Omarska and Manjača camps, who previously testified in the *Tadić* case on 20 June 1996.

Mr. Haskić testified about the attack on Prijedor on 30 May 1992 and his transfer, along with his neighbours, to Omarska. Mr. Haškić told the court that, upon his arrival at Omarska, he was taken to the administration building and was moved to the "pista" area of the camp the next day. He was also kept in the "white house" and the "hangar building" during his detention at the camp.

Mr. Haskić testified about the physical condition of Slavko Ećimović, the beating of Emir Beganović and Senad Muslimović and the interrogation of Pezo Čamil and Nedžad Šerić, the former President of the Prijedor court. Mr. Haskić also testified about his interrogation by Neso Babić and Nešo Tomić and his perception of the positions held by Kvočka, Radić and Kos at the camp.

Mr. Haškić told the court that he was taken to Manjača on 6 August 1992 where he was held until 17 December 1992.

On Thursday 5 October, the Trial Chamber heard the testimony of Mr. Tariq Malik, an investigator working for the Office of the Prosecutor.

Mr. Malik told the court that he participated in the collection of evidence pertaining to the fate of the Omarska and Keraterm detainees who purportedly died at one of these two camps and was involved in the location and exhumation of gravesites in northern Bosnia where the bodies of former detainees in the Omarska camp were believed to be buried. Mr. Malik concluded his testimony on Friday 6 October.

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### **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.

Reconvening on Wednesday 4 October, the Trial Chamber heard the testimony of Major Anto Bertović, currently assigned to the 3rd Division Vitez, 3rd Brigade of the 1st Croat Guard Corps in the Federal Army of BiH as the Head of the operations and training section.

Major Bertović told the court that he joined the defence organised by the Croats in Vitez in February 1992 and, in December 1992, he was given the position of the commander of the 2nd Battalion of the Stjepan Tomašević Brigade. In mid-March 1993 he was appointed to the position of commander of the 1st Battalion of the newly established Vitez Brigade.

Major Bertović testified about, amongst other things, the municipal staff in 1992; the establishment of the HVO Stjepan Tomasević Brigade in December 1992; Čerkez's assignment to the role of the commander's representative in the Stjepan Tomašević Brigade; recruitment to, and the military task of, the Brigade; the establishment of the Vitez Brigade in 1993 and the appointment of Čerkez and then Major Bertović as its commander. Major Bertović also testified about events surrounding the 16 April 1993 hostilities.

In the afternoon, the Trial Chamber held the scheduled pre-rebuttal conference in closed session.

After the conclusion of Major Bertović's testimony on Thursday 5 October, the defence called Mr. Ljubomir Pavlović.

Mr. Pavlović testified that he was the chairman of the co-ordinating committee for the protection of citizens and property of the Stari Vitez neighbourhood, established by the citizens of Stari Vitez in 1992. Mr. Pavlović testified about, amongst other things, the principal task of the committee; its demise in January 1993 and events surrounding the 16 April 1993 conflict.

The Trial Chamber concluded the week's hearings on Friday 6 October with the testimony of Ms. Mira Pocrnje.

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### **KRSTIĆ CASE ("SREBRENICA")**

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

On Thursday 5 October, the Trial Chamber held the scheduled pre-defence conference. It was announced that Krstić will give evidence before the court. The defence case has been scheduled to commence on 16 October 2000 and concluded on 8 December 2000.

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### **DELALIĆ & OTHERS CASE ("ČELEBIĆI CAMP")**

*Appeals Chamber- Judges Hunt (Presiding), Riad, Nieto-Navia, Bennouna and Pocar*

On Friday 6 October, the Judge Hunt, the pre-appeal Judge, held the scheduled status conference.

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## **II. OVERVIEW OF COURT DOCUMENTS**

### **KUPREŠKIĆ & OTHERS CASE (“LAŠVA VALLEY”)**

#### **APPLICATION FOR EXTENSION OF TIME DENIED**

On 28 September 2000, Judge Bennouna, the pre-trial Judge, denied Zoran and Mirjan Kupreškić's motion for an extension of the time limit for presenting additional evidence, filed on 26 September 2000. In an order issued on 29 August 2000, the pre-trial Judge had ordered that any motion for additional evidence be filed by 4 October 2000.

In the present motion the appellants requested an extension of this time-limit on the ground that the additional evidence to be submitted consists of documents from the archives of the Republic of Croatia which are not yet translated into an official language of the Tribunal.

Finding that the motion arguing reasons for admittance of additional evidence and the attached original documents may be submitted regardless of whether all the translations have been completed, the pre-trial Judge held that the motion for extension of time had not shown good cause and thus reaffirmed the filing date for motions for additional evidence as 4 October 2000. The documents relied upon in any motion are to be filed as soon as they are translated.

### **KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAĆ CASE (“OMARSKA & KERATERM CAMPS”)**

#### **ORDER ON MOTIONS FOR ACCESS TO CONFIDENTIAL INFORMATION**

On 3 October 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) ordered that the transcripts, exhibits and confidential materials filed to date in the *Kvočka & others* case be disclosed to Trial Chamber II for “*any purposes that it will deem appropriate in accordance with its jurisprudence in practice, which might allow for disclosure to the Defence in the Brđanin and Talić case*” subject to:

- (1) measures being taken to guarantee the witnesses, documentary or other evidence the same degree of protection as they enjoyed previously and, if necessary,
- (2) additional measures being taken, such as the adoption of different pseudonyms and the prohibition of disclosing the fact that a witness may have already testified before the Tribunal.

The order follows decisions issued by Judge Hunt, the pre-trial Judge in the *Brđanin and Talić* case, on 31 July and 22 August 2000, inviting the Registrar to forward motions, filed by Talić and Brđanin on 12 July and 1 August 2000 respectively, to Trial Chamber I to rule on the requested modifications to the protective measures ordered in the *Kvočka & others* case (see Update No. 136). Similar motions have already been ruled upon by the President (with regard to the *Tadić* case and *Kovačević*) and Trial Chamber III (for the *Sikirica & others* case) (see Update No.s 140 and 136).

In reaching its decision, Trial Chamber I held that the material required from the *Kvočka & others* case concerning offences in Omarska, Trnopolje and Keraterm camps in the so-called “Autonomous Region of Krajina”, could be of “significant value” to the accused Brđanin and Talić. However, the Trial Chamber also considered that “*it belongs to the Prosecutor to determine which of the witnesses who have appeared in the case Kvočka she intends to call in the case Brđanin and Talić; that once such a decision is made, the Prosecutor has to ensure full disclosure ...; that the identifying materials and complete scope of the testimony of these witnesses, as well as the exhibits produced during their testimony, should be disclosed to the Defence counsel for the accused; that the Prosecutor is under a constant obligation to disclose to the Defence in the Brđanin and Talić case.*”

### **GALIĆ CASE (“SARAJEVO”)**

#### **SCHEDULING ORDER / ORDER ON MOTION FOR TRIAL CHAMBER TO TRAVEL TO SARAJEVO**

On 4 October 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued its order on the prosecution motion for the Trial Chamber to travel to Sarajevo, dated 14 July 2000.

In the motion to travel, the prosecution requested the Trial Chamber to consider travelling to Sarajevo and its immediate surroundings in Bosnia and Herzegovina after the filing of the parties' pre-trial briefs but prior to the start of the trial.

Holding that the Trial Chamber is considering granting the motion and that it is in the interests of justice that the parties meet in order to discuss the various aspects of the proposed travel, Trial Chamber I ordered the parties to negotiate a draft protocol for the proposed travel to Sarajevo and its surroundings. The parties are to discuss the proposed visit during a status conference scheduled for 18 October 2000.

The pre-trial conference in this case has been rescheduled to 23 January 2001.

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## COURTROOM SCHEDULE: 9 OCTOBER – 13 OCTOBER \*

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### MONDAY 9 OCTOBER

Courtroom II 10:15 - 13:00, **Kordic/Cerkez**, Trial  
14:30 - 17:00, **Kordic/Cerkez**, Trial

### TUESDAY 10 OCTOBER

Courtroom II 09:30 - 13:00, **Kordic/Cerkez**, Trial  
14:30 - 16:00, **Kordic/Cerkez**, Trial

### WEDNESDAY 11 OCTOBER

Courtroom I 16:00 – 17:00, **Simic et al**, Status Conference  
Courtroom II 09:30 - 13:00, **Kordic/Cerkez**, Trial  
14:30 - 16:00, **Kordic/Cerkez**, Trial

### THURSDAY 12 OCTOBER

Courtroom II 09:30 - 13:00, **Kordic/Cerkez**, Trial  
14:30 - 16:00, **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 28 SEPTEMBER:

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DATE	NO.	TITLE	E	F	B/C/S
04/10/00	531	VISIT BY MR. WOLFGANG PETRITSCH, HIGH REPRESENTATIVE IN BOSNIA AND HERZEGOVINA, TO THE ICTY	E	F	B/C/S

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