



17 September 1999

## ICTY WEEKLY UPDATE – 93

### PROCEDURAL DEVELOPMENTS: 13 – 17 SEPTEMBER

#### I. OVERVIEW OF COURT PROCEEDINGS

##### *JELISIĆ CASE*

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

Over Monday and Tuesday, the Trial Chamber heard the testimony of a total of three protected Prosecution witnesses who had been detained at the Luka facility and a further witness who had been detained at Batkovic Camp.

On Tuesday, the latter witness and a subsequent, also protected, Prosecution witness testified about events while they cleaned Brčko town centre after the attack in May 1992, particularly regarding the beating and killing of Muslims.

On Wednesday, the Trial Chamber heard the testimony of Mr. Mustafa Ramic, a member of SDA in Brčko. Mr. Ramic gave evidence regarding the SDS proclamation of Brčko as a Serb municipality and its subsequent take over. His cross-examination by the Defence concluded on Thursday after which the Prosecution read out an exhumation report prepared by Mr. Richard Wright, an ICTY investigator of mass grave sites in Brčko. The Trial Chamber then heard the testimony of Dr. Albert Hunt, a forensic pathologist who examined bodies recovered from mass grave sites.

Thursday's hearing concluded with the testimony of a protected Prosecution witness who was taken from his house by Jelesić and subsequently transfer to Luka. His examination-in-chief by the Prosecution continued on Friday.

Throughout the week, the hearings were intermittently held in private session.

##### *KORDIĆ & ČERKEZ CASE*

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

The Trial Chamber reconvened in closed session on Monday morning, after which the Prosecution began its re-examination of expert witness, sociologist Dr. Allcock regarding the inter-ethnic conflict between the Croats and Muslims in Bosnia. The witness was originally examined-in-chief and partially cross-examined on 22 July 1999, upon the request of the Defence his cross-examination was deferred, however, the Defence subsequently abstained from further cross-examination.

The Trial Chamber then heard the testimony of Mr. Fuad Zeco, a vet and former detainee at the Dubravica school. Mr. Zeco testified regarding the relationship between the Croats and Muslims in Vitez which, he said, were “good and harmonious” up to the point when the HVO established in Vitez in 1992. The witness then testified about the situation after this point, particularly for him as a Muslim, and the formation of a co-ordination committee for the protection of Muslim interests in July of 1992, of which Mr. Zeco was a member.

On Tuesday, the Trial Chamber began to hear the testimony of Mr. Dan Damon, a journalist for Sky News who gave evidence regarding events in 1992 in Bosnia, particularly his visit to Kaonik Camp. His cross-examination by the Defence was completed on Wednesday, after which the Trial Chamber heard

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evidence from a protected Prosecution witness regarding the attack on Ahmici in April 1993. Cross-examination of this witness was concluded on Thursday.

The Trial Chamber then heard the testimony of protected Prosecution witness L regarding the situation in Vitez, particularly that there were no difficulties between the Muslims and Croats in respect of the administration of the municipal government in Vitez, however the establishment of the authorities of "Herceg-Bosna" and the HVO in Vitez resulted in the formation of a co-ordination board for the protection of Muslim interests. The witness had also been detained in the cinema building and asked to contact the military authorities of the BH army in order to put a stop to the fighting. This witness was subsequently transferred to the Kaonik Camp.

Upon completion of the testimony of this witness the Trial Chamber went into closed session.

### **KRNOJELAC CASE**

*Trial Chamber II – Judge Hunt (sitting in the absence of Judges Cassese and Mumba)*

On Tuesday, Trial Chamber II held a further initial appearance during which Milorad Krnojelac pleaded "not guilty" to all counts against him contained in the amended indictment confirmed by Judge Vohrah on 21 July 1999.

At the status conference which followed the initial appearance, Judge Hunt ordered the Prosecution to fulfil its disclosure obligations by 15 November 1999.

## II. OVERVIEW OF COURT DOCUMENTS

### **KRSTIĆ CASE**

#### **DECISION ON SECOND DEFENCE MOTION ON FORM OF INDICTMENT**

On 10 September 1999, Trial Chamber I (Judges Jorda (Presiding), Riad and Rodrigues) rejected the Defence's second preliminary motion on the form of the indictment dated 6 July 1999 (see Update No. 85). The Trial Chamber considered that the Memorandum filed by the Prosecutor on 7 June 1999 (see Update No. 81) satisfied the requirements of the decision on the first Defence motion on the form of the indictment, dated 6 May 1999, in which the Prosecution was ordered "*to specify or clarify the indictment in respect of the points relating to the responsibility of the accused and his co-accused*".

However, considering that the interests of justice require that the grounds and charges brought against any person be submitted in a single document, the Trial Chamber ordered the Prosecutor to combine the indictment and the memorandum into one document entitled "Updated indictment", a draft of which is to be submitted to the Trial Chamber and the Defence by 23 September 1999.

### **TADIĆ CASE**

#### **TRIAL CHAMBER ASSIGNED TO DECIDE SENTENCING ON ADDITIONAL COUNTS**

Further to the hearing on the sentencing forum held on 30 August 1999 (see Update No. 90), on 10 September 1999 the Appeals Chamber (Judges Shahabuddeen (Presiding), Cassese, Wang, Nieto-Navia and Mumba) ordered that sentencing for the additional counts of which it found the accused guilty in its Judgement of 15 July 1999, be remitted to a Trial Chamber designated by the President.

Subsequently, on 15 September 1999, the President of the Tribunal assigned Judges Kirk McDonald (Presiding), Vohrah and Robinson to that Trial Chamber for the purpose of deciding on the appropriate sentence for the additional convictions.

### **KUPREŠKIĆ & OTHERS CASE**

#### **APPLICATIONS FOR PROVISIONAL RELEASE DENIED**

On 13 and 14 September 1999, Trial Chamber II issued three decisions denying motions for provisional release filed by Zoran Kupreškić, Mirjan Kupreškić and Drago Josipović; Vladimir Šantić; and Dragan Papić on 3, 9 and 10 September 1999 respectively.

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The Trial Chamber stated that the accused had not shown any circumstances which went beyond the usual consequences of their detention, and as such, no exception circumstances existed.

**DELALIĆ & OTHERS CASE**

**MOTION TO DISQUALIFY JUDGE REFERRED TO BUREAU**

In light of a motion to disqualify Judges, or in the alternative that certain Judges recuse themselves from hearing the Appeal against the Judgement and sentencing judgement handed down by Trial Chamber II (Judges Karibi-Whyte (Presiding), Odio-Benito and Jan) on 16 November 1998, filed by Mucić, Delić and Landžo on 30 July 1999.

On 15 September 1999, Judge Hunt, Presiding Judge of the Appeals Chamber for the purpose of the Appeal, referred the motion to the Bureau for determination. Judge Hunt considered the subject matter of the motion not to be a matter for consideration of the Appeals Chamber stating that it is necessary to obtain the opinion of the Bureau as to whether the circumstances stated in the Motion, i.e. that the Judges have already expressed an opinion and taken part in a decision on an issue which will be before the Appeals Chamber in this appeal, constitute a valid ground for disqualification.

**COURTROOM SCHEDULE: 20 – 24 SEPTEMBER\***

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>Courtroom I</b>	9.30-13.00, TC III <b>Kordic/Cerkez Trial</b>	11.30-13.00, TC III <b>Kordic/Cerkez Trial</b>	9.30-13.00, TC III <b>Kordic/Cerkez Trial</b>	10.00-13.00, TC III <b>Kordic/Cerkez Trial</b>	10.00-13.00, TC III <b>Kordic/Cerkez Trial</b>
	14.30-16.15, TC III <b>Kordic/Cerkez Trial</b>	14.30-16.15, TC III <b>Kordic/Cerkez Trial</b>	14.30-16.15, TC III <b>Kordic/Cerkez Trial</b>	14.30-16.15, TC III <b>Kordic/Cerkez Trial</b>	16.00, TC II <b>Kunarac/Kovac-</b> Kovac further int. app-Status conf.
<b>Courtroom III</b>	No proceedings	No proceedings	11.00-13.00, TC I <b>Jelusic Trial</b>	10.00-13.00, TC I <b>Jelusic Trial</b>	9.00-13.30, TC I <b>Jelusic Trial</b>
	No proceedings	14.00-18.00, TC I <b>Jelusic Trial</b>	14.30-17.30, TC I <b>Jelusic Trial</b>	14.30-17.30, TC I <b>Jelusic Trial</b>	No proceedings

\*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.

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