



10 March 2000

ICTY WEEKLY UPDATE – 116

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

KORDIĆ & ČERKEZ CASE

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

The Trial Chamber reconvened to hear the final week of the Prosecution case-in-chief.

On Monday 6 March, Witness AN gave evidence. Working in the Kiseljak municipality police force in 1992, the witness was assigned to the Kiseljak barracks as a member of the military police in April 1992. The witness testified regarding incidents leading up to the Croatian Defence Council (HVO) attack on Tulica on 12 June 1993.

The following witness, given the pseudonym “AO”, joined the 9th Battalion Visoka unit of the Croatian Armed Forces (of the “Croatian Party of Rights) (HOS) in 1991, and gave evidence regarding the general preparatory steps to the establishment of the HVO and the take-over of the Vares authorities in June 1992.

On Tuesday the cross-examination of Witness AO concluded. Witness AP then testified regarding the HVO attack on the village of Gacice on 20 April 1993.

The following witness, Mr. Sulejman Kalco, held the rank of Major and was the deputy-commander of the army of Bosnia and Herzegovina (ABiH) in Vitez during the conflict in Bosnia. Before the war, Mr. Kalco worked with Mario Čerkez at the Secretariat of the People's Defence Office in Vitez and then at the Slobodan Princip Factory. Mr. Kalco, testified about military training of the Vitez Croats, which Čerkez attended, prior to the conflict and the subsequent role of Čerkez in the Vitez HVO.

The cross-examination of Mr. Kalco concluded on Wednesday 8 March. The testimony of Brigadier Guy Hayes followed. Brigadier Hayes testified regarding events after 6 April 1993, when he went to Kiseljak.

The next witness, Mr. John Hamill, an artillery ballistics expert witness, undertook an examination of the shelling at Zenica and gave evidence with regard to this examination.

On Thursday 9 March, Witness AQ, a resident of Ahmići, gave evidence. The following witness, Witness AR mobilised in the Territorial Defence in April 1992, and was later arrested by the HVO and taken to the Kaonik camp.

Witness AS, a Muslim who belonged to several HVO units in the municipality of Vitez between 1992 and 1993 followed. First serving in the Vitez Brigade, then the 4th Battalion of the military police and finally a member of the special unit of the military police, the “Jokers”, this witness testified about, amongst other things, taking part in an oath-taking ceremony at the stadium in Vitez.

On Friday 10 March the Trial Chamber held a motion hearing.

The Trial Chamber has now adjourned until 30 March when it will hear the defence motion for a Judgement of acquittal.

So far the Trial Chamber has sat for 33 weeks (136 trial days) and heard 114 witnesses.

KVOČKA & OTHERS CASE

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

The trial of Miroslav Kvočka, Milojica Kos, Mlado Radić and Zoran Žigić entered its second week of hearings on Monday 6 March when Kvočka completed his testimony. Radić then began to give evidence. However, after holding a status conference in closed session on Tuesday 7 March the Trial Chamber adjourned to a later date.

Cont.

KRSTIĆ CASE

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

On Monday 6 and Tuesday 7 March, the pre-trial conference took place in closed session.

II. OVERVIEW OF COURT DOCUMENTS

ALEKSOVSKI CASE

NOBILO FILES SUBMISSION IN CONTEMPT APPEAL

On 3 March 2000, Mr. Anto Nobilo filed a submission in his appeal against the decision of Trial Chamber I (Judges Rodrigues (Presiding), Vohrah and Nieto-Navia), dated 11 December 1998, finding him in contempt of the Tribunal and fining him 10,000 guilders (see Press Release No. 375).

SIMIĆ & OTHERS CASE

DECISION ON TODOROVIC'S REQUESTS FOR JUDICIAL ASSISTANCE FOR THE PRODUCTION OF INFORMATION

On 7 March 2000, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) issued its decision on an *ex parte* notice of a motion for judicial assistance in connection with SFOR or other military and security forces operating on the territory of Bosnia and Herzegovina, and a motion compelling the Prosecutor to allow discovery and inspection, filed by Counsel for Todorović on 24 November 1999 and 6 December 1999 respectively.

Considering that Todorović has made a *prima facie* case showing that the requested evidence is in the custody or control of the Prosecution, has identified expressly and precisely the "legitimate forensic purpose" for which access is sought, and has demonstrated to the satisfaction of the Trial Chamber that production of the material sought is likely to assist materially in the presentation of the case in the motions for release, the Trial Chamber ordered:

- (1) The Prosecution to disclose certain specified documents to Todorović by 4 April 2000, or indicate to the Trial Chamber and Todorović if such material is not within its custody or control.
- (2) Todorović to inform the Trial Chamber, by 18 April 2000, of the steps that it has taken to obtain information from SFOR, or other military and security forces operating on the territory of Bosnia and Herzegovina.

TADIĆ CASE

BENCH OF THE APPEALS CHAMBER APPOINTED IN CONTEMPT APPEAL

On 8 March 2000, the President of the Tribunal, Judge Claude Jorda, assigned a Bench of the Appeals Chamber for the purpose of deciding on the request for leave to appeal the Judgement of 31 January 2000 filed confidentially by Mr. Milan Vujin on 7 February 2000.

The Bench will be composed of Judges Jorda (Presiding), Bennouna and Pocar.

BRĐANIN & TALIĆ CASE

TALIC'S MOTION FOR A SEPARATE TRIAL DISMISSED

On 9 March 2000, Trial Chamber II (Judges Hunt (Presiding), Mumba and Pocar) dismissed the motion for a separation of trials, filed by Talić on 9 February 2000.

The Trial Chamber considered that the joint trial of Talić and Brđanin does not cause any conflict of interest or serious prejudice to either accused, and a separate trial would be contrary to the interests of justice.

COURTROOM SCHEDULE: 13 MARCH – 17 MARCH *

MONDAY 13 MARCH

Courtroom I 09:30, Krstić, Start of Trial

TUESDAY 14 MARCH

Courtroom I 09:30, Krstić, Trial

WEDNESDAY 15 MARCH

Courtroom I 09:30, Krstić, Trial

FRIDAY 17 MARCH

Courtroom I 09:30, Krstić, 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 3 MARCH

DATE	NO.	TITLE	E	F	BCS
06/03/00	475	DRAGOLJUB PRCAĆ DETAINED BY SFOR IN BOSNIA AND HERZEGOVINA AND TRANSFERRED TO THE HAGUE	X		X
08/03/00	476	THE TRIAL OF GENERAL KRSTIĆ WILL BEGIN ON MONDAY 13 MARCH 2000	X		X
09/03/00	477	STATEMENT BY CARLA DEL PONTE, PROSECUTOR OF THE ICTY	X		X

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](#)