



19 January 2001

ICTY WEEKLY UPDATE – 156

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

KRNOJELAC CASE (“KP Dom Camp”)

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

Having adjourned on 28 November 2000, the trial of Milorad Krnojelac reconvened this week entering its fifth week of hearings with the fifth week of the prosecution case-in-chief.

On Monday 15 January, the Trial Chamber heard the conclusion of the testimony of protected witness FWS 162, a former detainee at KP Dom, whose testimony initially commenced on 28 November 2000.

The next witness, FWS 86, a former inhabitant of Foča, described the pre-war politics and the anti-Muslim propaganda as well as the arming and training of the local Serbs by SDS politicians. FWS 86 told the court about being arrested on 19 April 1992 and the witness's subsequent transfer to KP Dom where he was detained until the end of August 1992.

FWS 86 testified about the conditions at KP Dom including interrogations, torture and the disappearance of detainees. The witness also testified about the involvement of detainees in the performance of labour including driving lorries to clear mines in front of other vehicles.

After the conclusion of FWS 86's testimony on Tuesday 16 January, the Trial Chamber heard the testimony of FWS 182, a journalist and former citizen of Foča.

FWS 182 testified about the pre-war political development and the ensuing ethnic tension. FWS 182 told the court about being arrested on 14 April 1992 and, after short periods of detention in the Ozren company building in Brod and in the warehouse in Livade, being transferred to KP Dom.

FWS 182 described the living conditions at KP Dom, particularly the beatings, disappearances of detainees and the periods of time the witness spent in solitary confinement. FWS 182 remained in KP Dom until August 1994.

After the conclusion of FWS 182's testimony on Wednesday 17 January, the Trial Chamber heard the testimony of Rasim Taranin.

Mr. Taranin testified that he was arrested on 27 April 1992 by Serb soldiers and taken to KP Dom where he remained until about June 1993. Three or four days after his initial detention Mr. Taranin was given his first labour assignment, to transport flour from Ustikolina to Foča and later was assigned to demolish a school in Aladza.

Mr. Taranin also testified that he saw Krnojelac at KP Dom and described the conditions in the KP Dom including the beatings, interrogations and disappearances of detainees.

According to the witness, after his release from KP Dom he was taken along with other detainees to Rudo where they were detained in the cellar of the cultural centre for eight or nine months before being taken to the Kula prison in Sarajevo. Mr. Taranin testified that he was eventually exchanged in October 1994.

After the conclusion of Mr. Taranin's testimony on Thursday 18 January the Trial Chamber heard FWS 08 who testified about being arrested on 25 May 1992 and then being transferred to KP Dom where the witness was detained until 18 June 1993.

The next witness, FWS 142 testified about being arrested on 13 May 1992 and subsequent transfer to KP Dom. FWS 142 testified about the conditions at KP Dom including the pattern of mistreatment and disappearance of the detainees. FWS 142 told the court that he was detained at KP Dom until 16 August 1994.

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The next witness, Racine Manas, an investigator working in the Office of the Prosecutor, testified about the investigations she undertook in Foča in 1996.

The Trial Chamber then adjourned until Monday 22 January.

PLAVŠIĆ CASE (“Bosnia and Herzegovina”)

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

On Wednesday 17 January, the President of the Tribunal, Judge Jorda, resumed the hearing in closed session on the motion to modify the detention conditions of Biljana Plavšić. The hearing commenced in closed session on Thursday 11 January (see Weekly Update 155). Judge Jorda issued his written decision on Friday 19 January (see Press Release 555).

TODOROVIĆ CASE (“Bosanski Šamac”)

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

On Friday 19 January, the fully constituted Trial Chamber held the plea hearing on the guilty plea entered by Todorović before Judge Robinson on 13 December 2000 (see Weekly Update 152).

The Trial Chamber satisfied itself that the guilty plea was made pursuant to the requirements of Rule 62bis of the Rules of Procedure and Evidence and thus entered a finding of guilt on behalf of Todorović (see Press Release 556).

VASILJEVIĆ CASE (“Višegrad”)

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

Judges Hunt and Liu (sitting in the absence of Judge Mumba) held the scheduled status conference.

KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAČ CASE (“Omarska & Keraterm Camps”)

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

On Friday 19 January, the Trial Chamber held the scheduled pre-defence status conference. The defence case is scheduled to commence on **22 January 2001 at 10.00 a.m.**

II. OVERVIEW OF COURT DOCUMENTS:

BRDANIN & TALIĆ CASE (“Krajina”)

ORDER ON THE PROSECUTION MOTION FOR RECONSIDERATION

On 11 January 2001, the President of the Tribunal, Judge Jorda, issued a decision on the prosecution’s motion for reconsideration of the order for the disclosure of confidential transcripts and exhibits relating to the *Tadić* case and *Kovačević* case to the parties in the *Brdanin and Talić* case, dated 11 September 2000 (see Weekly Update 140).

Subject to certain clarifications, Judge Jorda considered that the prosecution had not provided any new ground such as to justify a reconsideration of the order.

HEARING SCHEDULED ON TALIĆ’S MOTION FOR RELEASE

On 17 January 2001, Judge Hunt, the pre-trial Judge, ordered that a hearing on Talić’s motion for release, filed on 8 December 2000, will take place on 2 February 2001 at 10.30 a.m. A list of witness to be called by the accused at the hearing and any materials are to be filed by 26 January 2001.

KRSTIĆ CASE (“Srebrenica”)

DECISION TO ADJOURN THE TRIAL

On 15 January 2001, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) granted a defence motion for an adjournment of the trial session, filed on 9 January 2001.

In reaching its decision, the Trial Chamber considered a medical examination submitted by physicians proposed by the accused which concluded that Krstić’s medical condition is incompatible with his attendance at the hearings, that being a valid reason to adjourn the trial. The Trial Chamber thus adjourned the trial and ordered that a medical report on the physical or mental health of the accused be submitted to it regularly and at least every seven days from the date of the decision.

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ORDER FOR A MEDICAL EXAMINATION OF THE ACCUSED

On 17 January 2001, considering that the above-mentioned report did not “specify precisely what medical problems the accused is experiencing or the means to remedy these problems or when and, if applicable, under what conditions the normal course of the trial might resume”, Trial Chamber I ordered that a detailed evaluation of Krstić’s medical condition be performed so that the Trial Chamber may hold “all the information which will permit it to ensure that the trial can conclude fairly but also as expeditiously as possible”. The Trial Chamber noted that three more weeks of hearings are necessary in order to declare the hearing closed in accordance with Rule 87 of the Rules of Procedure and Evidence.

The Trial Chamber thus invited the Registrar to appoint experts to compile a joint report on the medical evaluation of the accused, to be filed by 15 February 2001.

In addition, the Trial Chamber ordered that an interim report be submitted by 26 January 2001 detailing the “compatibility of the health condition of the accused with detention and the degree of urgency, if necessary, of a specific treatment” and whether the accused may continue to attend the final stage of his trial and, if so, under what conditions.

KOVAČEVIĆ CASE (“Prijedor”)

ORDER FOR RELEASE OF CLOSED SESSION TRANSCRIPT

On 18 January 2001, Judge May ordered that the transcript of the testimony of Mr. Edward Vulliamy, given in closed session on 16 July 1998, be released to the public.

In issuing the order, Judge May considered that Mr. Vulliamy did not raise any objection to the release of the transcript and the “the reasons for non-disclosure of the transcript no longer exist and it would be in the interests of justice for the transcript to be released publicly, but that certain of the exhibits, Exhibit nos. 57, 58 and 59, being the witness’s personal notes, should remain under seal.”

COURTROOM SCHEDULE: 22 JANUARY – 26 JANUARY*

MONDAY 22 JANUARY

Courtroom I 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 10:00 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial

TUESDAY 23 JANUARY

Courtroom I 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial

WEDNESDAY 24 JANUARY

Courtroom I 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial

THURSDAY 25 JANUARY

Courtroom I 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom II 10:00, **Krajišnik**, Status Conference
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial

FRIDAY 26 JANUARY

Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, 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.

Public proceedings are also broadcast with a 30 minute delay on the ICTY’s web site:

<http://www.un.org/icty/schedule/week-e.htm> (in English);

<http://www.un.org/icty/bhs/glance/week-b.htm> (na bosanskom/hrvatskom/srpskom).

PRESS RELEASES ISSUED SINCE 12 JANUARY:

DATE	NO	TITLE	E	F	B/C/S
19/01/2001	555	PLAVŠIĆ CASE: THE ACCUSED WILL REMAIN DETAINED AT THE DETENTION UNIT IN ADAPTED CONDITIONS	E	F	B/C/S
19/01/2001	556	TODOROVIĆ CASE: GUILTY PLEA ACCEPTED BY TRIAL CHAMBER	E		B/C/S

E – English; F – French; B/C/S – Bosnian/Croatian/Serbian

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