



30 March 2001

ICTY WEEKLY UPDATE – 166

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

Having adjourned on 15 March 2001, the Trial Chamber reconvened this week to hear the Žigić defence case-in-chief.

On Monday 26 March, the Trial Chamber heard the defence opening statement followed by a statement by the accused, Žigić. Counsel for Žigić then called their first defence witness, Ms. Soka Sikić, a former neighbour of Žigić in Prijedor.

Ms. Sikić testified about the Serb take over of Prijedor on 30 April 1992 and the Muslim attack on the town on 30 May 1992. Ms. Sikić testified about the establishment of the Keraterm, Trnopolje, and Omarska “investigation” or “collection centres” in Prijedor and who was detained in these centres. Ms. Sikić also testified about the so-called “Room 3 massacre” in Keraterm on the night of 24 July 1992 and told the court that she and her husband were socialising at Žigić’s house with Žigić and his family when this massacre took place. When asked, Ms. Sikić also described Žigić’s personality.

On Tuesday 27 March, the Trial Chamber heard the testimony of protected defence witness DD/1.

Witness DD/1 testified about events surrounding the outbreak of war in the area of Prijedor municipality and in Bosnia and Herzegovina, particularly the Serb take-over of Prijedor on 30 April 1992 and the subsequent attack on Prijedor on 30 May 1992. Witness DD/1 testified that after the 30 May attack he and his brothers were rounded up by the Bosnian Serb Army and taken to Keraterm. Witness DD/1 told the court that he met Žigić two or three days after his arrival at Keraterm and later Žigić “saved his life” and gave him food and drink.

Witness DD/1 also testified about the beating and killing of Sead Jusufagić, also known as “Car” in June 1992, the killing of Drago Tokmadžić, as well as the so-called “Room 3 massacre”. However, witness DD/1 testified that he never saw Žigić kill or beat anyone at Keraterm and told the court that Žigić helped him during the time he was detained at Keraterm. Witness DD/1 told the court that he was transferred to the Trnopolje camp in mid-August 1992 where he was held for 15 days.

On Wednesday 28 March, the Trial Chamber heard the testimony of Witness DD/2. This witness testified about the Serb take-over of Prijedor on 30 April 1992 and the subsequent attack on the town on 30 May 1992. Witness DD/2 told the court that after the attack everybody over the age of 60, including the witness and his brothers, were collected by the Bosnian Serb Army and taken to Keraterm.

Witness DD/2 told the court that he met Žigić three or four days after his arrival at Keraterm and testified about the beating and killing of “Car” at Keraterm and the “Room 3 massacre” on the night of 24 July 1992. Witness DD/2 told the court that he was transferred to Trnopolje in mid-August 1992 where he was detained for about 15 days before being released.

After the conclusion of witness DD/2’s testimony on Thursday 29 March, the Trial Chamber heard the testimony of Mr. Ivica Sikić, the husband of Ms. Soka Sikić (see above).

Mr. Sikić testified about the Serb take-over of Prijedor and Muslim attack on the town a month later. Mr. Sikić also testified about the establishment of the Keraterm, Omarska and Trnopolje “investigation centres” and why the detainees were held there. Mr. Sikić told the court that he was socialising with Žigić when the “Room 3 massacre” took place at Keraterm on the night of 24 July 1992.

The next witness, Mr. Nedeljko Mužička, testified about the Serb take-over of Prijedor, the subsequent Muslim attack on the town and the establishment of the Keraterm, Trnopolje, and Omarska

camps. Testifying that he knew Žigić during this time, Mr. Mužička also told the court about Žigić's character and reputation.

KRNOJELAC CASE ("KP Dom Camp")

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

The trial of Milorad Krnojelac reconvened this week entering its eleventh week of hearings with the eleventh week of the prosecution case-in-chief.

On Monday 26 March, FWS-249 concluded his testimony that commenced on Thursday 22 March (see Weekly Update 165).

The testimony of FWS-172, a resident of Foča in 1992, followed. FWS-172 described the Serb take-over of the Foča hospital in April 1992 and his subsequent arrest on 25 April 1992 when he was transferred to the KP Dom where he was held until 30 August 1992.

FWS-172 testified about living conditions at the KP Dom, particularly the beating and disappearance of detainees and identified people who were taken out and beaten but never heard of again. FWS-172 testified that Krnojelac was the warden of the KP Dom during his detention and testified about "work groups", particularly detainees who were taken to work at a fishpond in Jelec. FWS-172 also testified about the visit of a television crew to the KP Dom in July 1992.

After the conclusion of FWS-172's testimony on Tuesday 27 March, the Trial Chamber heard the testimony of FWS-89, a former detainee at the KP Dom.

FWS-89 testified about events surrounding the outbreak of war in Foča on 8 April 1992 and his subsequent arrest on 24 April 1992. FWS-89 told the court that he was detained at the KP Dom where he was held until 10 May 1994.

FWS-89 testified that he volunteered to work during his detention and was assigned to work in the heating room. FWS-89 described heating at the camp and told the court that the Muslim detainees did not have access to the warm water or heating. FWS-89 testified about his later work assignment on a farm near the KP Dom, and other detainees who were taken out to pick plums in September 1992 but never returned.

On Wednesday 28 March, the Trial Chamber first heard the testimony of Mr. Nezir Čengić via video-link. Mr. Čengić testified about events surrounding the outbreak of war in Foča and told the court that he was arrested on 17 August 1992 and taken to the police station with five other Muslims.

Mr. Čengić told the court that he was beaten into unconsciousness at the police station, which resulted in him being hospitalised for 50 days. Mr. Čengić testified that he was later taken from the hospital to the KP Dom where he was detained until 15 January 1993. After the conclusion of Mr. Čengić's testimony the Trial Chamber heard the remainder of FWS-89's testimony which was adjourned the previous day (see above).

The next witness, FWS-137, a former detainee at the KP Dom, told the court that he was arrested on 13 April 1992 with about 30 other Muslims from his neighbourhood and detained in a house until 17 April 1992, when he was transferred to the KP Dom. FWS-137 testified about being interrogated and beaten at KP Dom and told the court about the beating and disappearance of other detainees.

FWS-137 testified that he was held in the KP Dom until November or December 1992, when he was taken to Kalinovik from where he was exchanged on 9 February 1993.

After the conclusion of FWS-137's testimony on Thursday 29 March, the Trial Chamber adjourned until Monday 2 April.

SIKIRICA, DOŠEN & KOLUNDŽIJA CASE ("Keraterm Camp")

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

The joint trial of Duško Sikirica, Damir Došen and Dragan Kolundžija reconvened this week entering its second week of hearings with the second week of the prosecution case-in-chief.

On Monday 26 March, protected witness, C, concluded his testimony that commenced on Thursday 22 March (see Weekly Update 165).

The next witness, D, testified about being arrested in June 1992 and taken to the stadium in Gornja Ljubija with several hundred other people. According to witness D, about 20 to 30 people were separated out and the rest of them, including the witness, were released. Witness D, told the court that he was later arrested again on 18 June 1992 and taken to Keraterm where he was held until 4 July 1992.

Witness D, testified about the general conditions in Keraterm, including food and access to water as well as the sanitary conditions, the mistreatment of other detainees and organisational structure of the

camp personnel and the shifts they worked on. Witness D told the court that he was subsequently transferred to the camp at Manjača on 5 August 1992 and released in December 1992 in return for signing all his property over to the “Republika Srpska”.

After the conclusion of Witness D’s testimony on Wednesday 27 March, the Trial Chamber heard the testimony of witness E.

Witness E testified about the Serb take-over of Prijedor on 1 May 1992 and his subsequent arrest on 31 May. Witness E told the court that he and his brother were placed on buses along with about 200 other people and taken to Keraterm. Witness E testified about the beating and killing of detainees, particularly, “Car” and the “Room 3 massacre” in July 1992, and the mistreatment of detainees.

Witness E told the court that he was transferred to Trnopolje on 5 August 1992 but was released on 12 August on the condition that he signed all his property over to the “Republika Srpska”.

After the conclusion of witness E’s testimony on Thursday 29 March, the Trial Chamber heard the testimony of witness F. The witness testified about events surrounding the Serb take-over of Prijedor, his arrest on 12 June 1992 and subsequent detention at Keraterm. Witness F told the court that when he arrived at Keraterm he was made to watch people being severely beaten by guards, including Zigić. Witness F testified about conditions in the camp, including other beatings and the killing of detainees, as well as the provision of food and drinking water. Witness F also testified about the “Room 3 massacre” on the night of 24 July 1992 and described the command structure, with Sikirica as the Commander, and organisation of shifts within the camp.

According to witness F, he was transferred to the Trnopolje camp on 6 August 1992 from where he was subsequently released on 13 August in return for signing his property over to the “Republika Srpska”. The Trial Chamber then adjourned until Monday 2 April.

STAKIĆ CASE (“Prijedor”)

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

Following the arrest of Milimir Stakić on 23 March 2001 and his subsequent transfer to the Tribunal (see Press Release 581), the accused pleaded “not guilty” to the count of genocide charged in the indictment against him at his initial appearance hearing on Wednesday 28 March.

KUPREŠKIĆ & OTHERS CASE (“Lašva Valley”)

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

On Friday 30 March, the Appeals Chamber held the scheduled oral hearing in order to discuss defence motions on the admission of additional evidence (see Weekly Update 164).

NIKOLIĆ CASE (“Sušica Camp”)

Trial Chamber II – Judges Hunt (Presiding) and Liu

On Friday 30 March, the Trial Chamber held the scheduled status conference in open session.

II. OVERVIEW OF COURT DOCUMENTS:

BRĐANIN & TALIĆ CASE (“Krajina”)

DECISION ON TALIĆ’S MOTION FOR PROVISIONAL RELEASE

On 28 March 2001, Trial Chamber II (Judges Hunt (Presiding), Mumba and Liu) issued its decision refusing Talić’s motion for provisional release, dated 8 December 2001. An oral hearing was held with regard to the motion on 2 February 2001 (see Weekly Update 158).

Rejecting Talić’s argument that the time which Talić has spent in custody exceeds what is reasonable in this Tribunal, the Trial Chamber went on to address the issues of whether Talić “*will appear for trial and, if released, will not pose a danger to any victim, witness or other person.*”

Stating that it “*is true that there is now a new Government of [Republika Srpska], but that the Trial Chamber prefers to wait and see whether that new Government demonstrates by its actions that it will arrest persons indicted by the Tribunal who are within its territory before it promises to do so are accepted. There are many such indicted persons within that territory who could be arrested by it*”, the Trial Chamber held that it “*was not persuaded by the evidence of Mr. Bundalo [Minister of Interior in the government of the Republika Srpska who testified at the abovementioned oral hearing] that this will be done.*”

Further, the Trial Chamber observed that a “willingness by Republika Srpska to permit Talić to surrender where he is willing to do so is hardly the same as a guarantee to arrest him if he is not willing to do so. The guarantee that Republika Srpska will arrest him where he is not willing to appear is an essential element in his case that he will appear for trial.” Accepting that Talić has reason enough for not wanting to appear for trial, the Trial Chamber stated that he “has been charged with very serious offences for which, if convicted, he faces a very substantial sentence because of his high level position in relation to those crimes. The Trial Chamber also accepts that, as a matter of common experience, any person in the position of Talić, even if he is innocent, is likely to take advantage of the refuge which Republika Srpska presently provides to other high-level indicted persons, and not withstanding the “bail bond” which he is prepared to execute.”

The Trial Chamber thus concluded that it was not satisfied that, if released, Talić would appear for trial and on this basis, it was unnecessary for the Trial Chamber to go on to make a finding as to whether, if released, Talić would pose a threat to any victim, witness or other person.

COURTROOM SCHEDULE: 2 APRIL – 6 APRIL *

MONDAY 2 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 - 16:00, **Sikirica/Došen/Kolundžija**, Trial
Courtroom II 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Krstić**, Defence rejoinder case
13:50 - 15:00, **Krstić**, Defence rejoinder case
16:00, **Naletilić/Martinović**, Status Conference

TUESDAY 3 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 - 16:00, **Sikirica/Došen/Kolundžija**, Trial
Courtroom II 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Krstić**, Defence rejoinder case
13:50 - 15:00, **Krstić**, Defence rejoinder case

WEDNESDAY 4 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 - 16:00, **Sikirica/Došen/Kolundžija**, Trial
16:30 **Krajišnik/Plavšić**, Status conference
Courtroom II 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Krstić**, Defence rejoinder case
13:50 - 15:00, **Krstić**, Defence rejoinder case

*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/week-b.htm> (na bosanskom/hrvatskom/srpskom).

PRESS RELEASES ISSUED SINCE 23 MARCH:

DATE	NUMBER	TITLE	E	F	B/C/S
23/03/01	580	SECOND DIPLOMATIC INFORMATION SEMINAR HELD AT THE ICTY	E		B/C/S
23/03/01	581	MILOMIR STAKIĆ TRANSFERRED TO THE ICTY	E		B/C/S

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