



12 April 2001

ICTY WEEKLY UPDATE – 168

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 30 March 2001, the Trial Chamber reconvened this week continuing to hear the Žigić defence case-in-chief.

On Monday 9 April, the Trial Chamber heard the testimony of protected defence witness, DD/5.

Witness DD/5, testified about the Serb take-over of power in Prijedor on 30 April 1992 and the subsequent Muslim attack on the town on 30 May 1992 and told the court that, after the latter attack, all men between the ages of 15 to 60, including the witness and his two brothers, were taken briefly to Omarska camp before being detained at the Keraterm camp.

Witness DD/5 told the court that he was held in Keraterm from 30 May until 13 June 1992 and testified that he saw Žigić at the camp during his this time. Witness DD/5 described Žigić’s behaviour and the help he gave to detainees at Keraterm and, having testified about the beating of Mr. Sead Jusufović (also known as “Car”) and Emsud Bahonjić, told the court that Žigić was not involved in Car’s death. Witness DD/5 told the court that he was transferred with 12 other people to Omarska on 13 June 1992 and testified about the beating of Jasmin Ramadanović, Bečir Medunjanin and Drago Tokmadžić. However, according to witness DD/5, he never saw Žigić at Omarska. Witness DD/5 told the court that he was transferred from Omarska to the Trnopolje camp in August and held there for 15 to 20 days before being released.

After the conclusion of witness DD/5’s testimony on Tuesday 10 April, the defence called Mr. Miroslav Džebrić who told the court that he socialised with Žigić on 24 July 1992 (the day the so-called “Room 3 massacre” is alleged to have taken place), first in a bar and later at Žigić’s house.

The following witness, Mr. Drago Bosančić, told the court that on 29 April 1992 he joined the reserve police force as part of a mobilisation drive and later assigned to escort the driver of a police van transferring people to the Keraterm, Trnopolje, and Omarska camps. Mr. Bosančić testified that he never saw Žigić at the camps during that time.

After the conclusion of Mr. Bosančić’s testimony on Wednesday 11 April, the Trial Chamber heard the testimony of Mr. Dragan Stojanović, a member of the military police in the 43rd Motorised Brigade of the Bosnian Serb Army during 1992.

Mr. Stojanović told the court that the headquarters of the command of the 43rd Motorised Brigade was moved to a building opposite the Keraterm camp after the attack on Prijedor and told the court that he was assigned to providing security of this command post and later posted as a sentry at the entrance to the headquarters from where he could see the Keraterm compound. Mr. Stojanović testified that he saw Žigić in the Keraterm camp but never witnessed him beating any of the detainees. Mr. Stojanović also told the court that he was on duty from 7 a.m. until 7 p.m. on 24 July 1992, the day of the so-called “Room 3 massacre”, and testified that he did not see Žigić at the camp during that time.

The Trial Chamber then heard the testimony of Mr. Željko Gavranović, a sentry on the shift following that of Mr. Stojanović. Mr. Gavranović said that he was on duty at the headquarters of the 43rd Motorised Brigade from 7 p.m. on 24 July 1992 until 7 a.m. the following morning and testified about the so-called “Room 3 massacre”. Mr. Gavranović told the court that he did not see Žigić in the Keraterm camp during the “Room 3 massacre”.

The Trial Chamber has now adjourned until 17 April 2001.

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 fourth week of hearings with the fourth week of the prosecution case-in-chief.

On Monday 9 April, the Trial Chamber heard the testimony of protected prosecution witness, I.

Witness I testified about events surrounding the Serb take-over of power in Prijedor in April 1992 and the subsequent Serb take-over of the village of Donja Ljubija when about 500 men were taken to the football stadium where they were abused and later released.

Witness I told the court that he and about 70 other men hid in the woods, however, on 23 June 1992 he was arrested by the police and taken to the Keraterm camp with about eight or nine other men. Witness I testified that, upon their arrival at Keraterm, the detainees, particularly, Jovo Radočaj, were beaten. He described the conditions at Keraterm including the food they were given and the beating and killing of Jovo Radočaj, Esad Islamović and Drago Tokmadžić.

Witness I told the court that on 3 or 4 July he was taken from Keraterm and transferred to the Omarska camp. Witness I described for the Court the conditions in the Omarska camp including the food and access to water in Omarska. Witness I also testified about beatings, particularly by a guard who called himself the “Karate Kid” and told the court that a classification scheme emerged whereby it became apparent that those detainees sent to the “white house” would be killed and those sent to the “pista” (an open concrete paved area of the camp between the administration building and the garage) would live longer.

Witness I told the court that he remained in Omarska approximately 32 days before being transferred to Manjača on 6 August 1992 where he was held until 16 December 1992 when he was freed on the condition that he signed documents that he leave the territory and not return. After the conclusion of Witness I’s testimony the Trial Chamber held the remainder of the hearing in closed session.

The Trial Chamber held the hearing on Tuesday 10 April in closed session. On Wednesday 11 April, the hearing commenced in closed session but was followed by the open session testimony of Mr. Fikret Hidić, a former detainee at the Keraterm and Trnopolje camps.

Mr. Hidić testified about events in Prijedor from May 1992 and told the court that he was arrested on 23 June 1992. Mr. Hidić gave details of the different shifts and testified about severe beatings he had to endure during his detention and gave details of the so-called “Room 3 massacre” which, according to the witness, took place on Kolundžija’s shift. Mr. Hidić told the court that he was transferred from Keraterm to Trnopolje on 3 August 1992 where he was held until 13 August 1992.

The Trial Chamber has now adjourned until 23 April 2001.

KRSTIĆ CASE (“Srebrenica”)

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

On Wednesday 11 April, the Trial Chamber held an Exhibit Motion Hearing in order to discuss certain exhibits. A decision will be published in due course.

KUPREŠKIĆ & OTHERS CASE (“Lašva Valley”)

Appeals Chamber – Judge Wald

On Tuesday 10 April, Judge Wald held the scheduled status conference in open session.

II. OVERVIEW OF COURT DOCUMENTS:

DELALIĆ, MUCIĆ, DELIĆ & LANDŽO CASE (“Čelebići Camp”)

TRIAL CHAMBER ASSIGNED

On 11 April 2001, Judge Jorda, the President of the Tribunal, assigned Trial Chamber III (Judges May (Presiding), Robinson and Fassi Fihri) to determine the sentences of the accused on the convictions under Article 2 of the Tribunal’s Statute (grave breaches of the 1949 Geneva Conventions).

In its judgement of 20 February 2001, the Appeals Chamber ordered that the remaining sentences of the convicted accused be remitted to a Trial Chamber for possible adjustment (see Weekly Update 161).

Cont.

Milan SIMIĆ, Blagoje SIMIĆ, TADIĆ, & ZARIĆ CASE (“Bosanski Šamac”)

ORDER FOR FILING STATEMENT OF MATTERS NOT IN DISPUTE

On 11 April, Judge Robinson, pre-trial judge, granted the prosecution and defence joint request for an extension of time to submit certain documents, filed on 3 April 2001. Judge Robinson ordered that the prosecution files admissions by the parties and statement of matters not in dispute and a statement of contested matters of fact and law, pursuant to Rule 65ter(E)(ii) and (iii) of the Tribunal’s Rules of Procedure and Evidence, by 27 April 2001.

TODOROVIĆ CASE (“Bosanski Šamac”)

SCHEDULING ORDER ISSUED FOR SENTENCING HEARING

On 29 March 2001, Trial Chamber III (Judges Robinson (Presiding), May and Fassi Fihri) scheduled a sentencing hearing to take place on 4 May 2001 at 9.30 a.m. further to Todorović’s “guilty” plea to one count of persecution on 19 January 2001 (see Weekly Update 156).

COURTROOM SCHEDULE: 16 APRIL – 20 APRIL *

MONDAY 16 APRIL

UN Holiday

TUESDAY 17 APRIL

Courtroom I 09:20 - 12:50, **Kvočka et al**, Video-link Conference
13:50 - 15:00, **Kvočka et al**, Video-link Conference

WEDNESDAY 18 APRIL

Courtroom I 09:20 - 12:50, **Kvočka et al**, Video-link Conference
13:50 - 15:00, **Kvočka et al**, Video-link Conference

THURSDAY 19 APRIL

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

FRIDAY 20 APRIL

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

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