



20 April 2001

## ICTY WEEKLY UPDATE – 169

### 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*

The Trial Chamber reconvened this week continuing to hear the Žigić defence case-in-chief.

On Tuesday 17 April, the Trial Chamber heard the testimony of Dr. Dušanka Andjelković, the former coroner for the municipality of Prijedor. Dr. Andjelković, told the court that Mr. Živko Knežević, the former Commander of the police station in Prijedor, asked her to visit Keraterm on one occasion in June 1992 to establish the cause of death of Mr. Drago Tokmadžić, a policeman from Ljubija.

The next witness, Mr. Dušan Jugoslav Gnjatović, a former member of the Bosnian Serb Army, testified that he was arrested on the night of 31 May 1992 for stealing a motorbike and taken to the Keraterm camp. Mr. Gnjatović told the court that he was initially held with non-Serbs who were detained for taking part in the attack on Prijedor but, after a few days, was transferred to the military part of the prison. Mr. Gnjatović told the court that he has known the accused Zoran Žigić for 25 years and testified that he saw Žigić in the Keraterm compound bringing bread and chatting with the detainees. Mr. Gnjatović testified about seeing dead bodies in Keraterm and identified two of them as being Emsud Bahonjić and Drago Tokmadžić but told the court that Žigić was not involved in the death of these men. Mr. Gnjatović told the court that he was released from the military prison on 22 June 1992.

The next witness, Mr. Mile Ivanković, a former member of the 1st Battalion of the 43rd Brigade of the Bosnian Serb Army in Prijedor and neighbour of Žigić, testified about Žigić's character before and during the war.

On Wednesday 18 April, the Trial Chamber heard the testimony of Mr. Draško Džervida, a former member of the 143rd Prijedor Brigade and acquaintance of Dragoljub Prać.

Mr. Džervida told the court that he was assigned to work in the kitchen of the Omarska camp and assisted in the preparation of food. Mr. Džervida testified that he was subsequently taken prisoner by the Muslim soldiers on 12 September 1994 and held for approximately nine months until he was exchanged on 8 June 1995.

The next witness, DD/9, told the court that from 4 to about 14 June 1992 he was assigned by Živko Knežević, the former Commander of the police station in Prijedor, as a guard at the Keraterm camp. Witness DD/9 testified that Žigić was a guard with the same duties at Keraterm and told the court that Žigić was not involved in the beating and killing of Said Jusufagić (also known as “Car”) and was not in Keraterm at the time of the so-called “Room 3 massacre” on 24 June 1992. Witness DD/9 testified that Žigić was arrested in July 1992 and detained in the prison in Banja Luka at Tunjice for about 10 days.

On Thursday 19 April, the Žigić defence called protected witness DD/4, a former guard at the Keraterm camp, to testify. Witness DD/4 told the court that Živko Knežević assigned him to a guard post at Keraterm on 2 June 1992 and testified about the procedure for interrogating detainees and the layout of the camp.

Witness DD/4 told the court that Žigić arrived at Keraterm on 2 or 4 June 1992 and testified that Žigić's duties included responsibility for a minibus used for bringing supplies, water and food into Keraterm. Witness DD/4 testified that Žigić was in Keraterm camp for about two weeks and was not involved in the beating and killing of Sead Jusufagić (also known as “Car”) as he was attending the funeral of Zoran Karlica. Witness DD/4 also testified that he saw Drago Tokmadžić's body on 21 June

1992 and that Žigić was not involved in his death. Witness DD/4 told the court that he was sent away from Keraterm on 22 June 1992.

The next witness, Mr. Danilo Dejanović, who is a childhood friend of Žigić, testified about Žigić's personality before and during the war.

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**OBRENOVIĆ CASE ("Srebrenica")**

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

Following the detention of Dragan Obrenović on 15 April 2001, and his transfer to the Detention Unit of the ICTY later on the same day (see Press Release 586), on Wednesday 18 April, the accused pleaded "not guilty" to all counts charged in the indictment confirmed on 9 April 2001.

**II. OVERVIEW OF COURT DOCUMENTS:**

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**KUPREŠKIĆ & OTHERS CASE ("Lašva Valley")**

SCHEDULING ORDER ISSUED

On 12 April 2001, Judge Wald, the Pre-appeal Judge, issued an ordered scheduling an evidentiary hearing for 17 and 18 May 2001, in which certain witnesses shall be called to give evidence.

The scheduling was issued further to a decision handed down by the Appeals Chamber on 11 April 2001 in which a motion to admit additional evidence filed by Vlatko Kupreškić was granted in part.

In the decision Judge Wald ordered that Vlatko Kupreškić may call the evidence of witness AVK 4 and has the opportunity to call the evidence of witnesses Miro Lazarević, Muhamed Trako and Ivan Ćosić but invited the Appellant to call only one of these three witnesses at the hearing and to seek the admission of the evidence of the other two named witnesses in the form of a written statement.

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**KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAĆ CASE ("Omarska & Keraterm Camps")**

DECISION ON DEFENCE MOTION TO INTRODUCE EXHIBIT EVIDENCE

On 17 April 2001, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued its decision on the motion filed by Kvočka on 26 January 2001, requesting the admission into evidence of certain documents.

In the order the Trial Chamber admitted into evidence the following documents:

D51/1: Judgements rendered by the Military Court of Banja Luka for the offences of evading military service, failing to respond to a draft order, wilful abandonment and desertion of armed forces. The documents were admitted as being indicative of the practice followed by the national military judicial organs of the "Republika Srpska" regarding individuals who commit offences relating to failure to comply with government or military orders during the period of armed conflict in the territory of the "Republic" and of the resulting sentences. Further, the Trial Chamber held that such documents are relevant to the case and have probative value as to what may constitute mitigating circumstances for sentencing according to Article 7(4) of the Statute of the Tribunal;

D41/1: a request for an investigation to the Investigating Judge of the Military Court for the offence of failure to carry out a material obligation addressed by the Military Prosecutor's office in Banja Luka and the two consequent Military Court decisions respectively ordering and suspending the requested investigation. These documents were admitted on the same grounds of relevance and probative value as exhibits D51/1.

D53/1: a letter addressed to Defence Counsel Mr. Krstan Simić by the Ministry of Justice of Republika Srpska. This document was admitted on the basis of its relevance and probative value with regard to the alleged facts and the role of the accused insofar as it states that the accused Kvočka was never appointed to the position of warden in any penal and correctional facility or remand prison and also refers to the existence of an *ad hoc* investigation centre in Omarska.

D49/1: a fax addressed to the law office of Defence Counsel Mr. Krstan Simić by the Prijedor Public Security Centre. This document was admitted on the basis of its relevance and probative value with regard to witness testimony and credibility insofar as it contains information on prior convictions of witness Emir Beganović who testified on 4 and 5 May 2000, and about which the witness was asked during the course of the trial (see Weekly Update 124).

**Cont.**

D48/1 and D52/1: documents concerning the hospitalisation and medical status of Miroslav Nišić and Emir Zjakić respectively were admitted on the basis of their relevance and probative value with regard to the testimonies of witnesses Branko Rosić and Milenko Rosić, who testified before the Trial Chamber on 6 February 2001 (See Weekly Update 159).

D50/1: a document entitled “*Report on the implementation of the conclusions of the Prijedor Municipal Crisis Staff*” issued by the Municipal Assembly Administrative Services, dated 13 July 1992. This document was admitted on the basis of its relevance with regard to the temporal and territorial circumstances of the case as well as to previously admitted evidence such as Crisis Staff decision and orders of probative value in that respect.

D45/1: a document entitled “*Certificate for the temporary confiscation of items*”, signed by Ž. Mejakić, R. Bunić and the accused Kvočka was admitted on the basis of its relevance with regard to the testimony of the accused Kvočka given before this Trial Chamber on 15 February 2001 (see Weekly Update 160) and of probative value as to the persons and incidents related to the case.

The Trial Chamber further stated that “*the weight to be attached to the documents hereby admitted will be the object of evaluation during the deliberations of the Chamber.*”

## COURTROOM SCHEDULE: 23 APRIL – 27 APRIL \*

### MONDAY 23 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
14:30 - 17:15, **Sikirica/Došen/Kolundžija**, Trial  
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial  
13:50 - 15:00, **Kvočka et al.**, Trial

### TUESDAY 24 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
14:30 - 17:15, **Sikirica/Došen/Kolundžija**, Trial  
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial  
13:50 - 15:00, **Kvočka et al.**, Trial

### WEDNESDAY 25 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
14:30 - 17:15, **Sikirica/Došen/Kolundžija**, Trial  
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial  
13:50 - 15:00, **Kvočka et al.**, Trial

### THURSDAY 26 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
14:30 - 17:15, **Sikirica/Došen/Kolundžija**, Trial  
Courtroom II 09:30 - 13:00, **Krnojelac**, Pre-Defence conference  
14:30 - 16:00, **Krnojelac**, Pre-Defence conference  
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial  
13:50 - 15:00, **Kvočka et al.**, Trial

### FRIDAY 27 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
14:30 - 17:15, **Sikirica/Došen/Kolundžija**, Trial  
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).

## PRESS RELEASES ISSUED SINCE 13 APRIL:

DATE	NO.	TITLE	E	F	A	B/C/S
16/04/2001	586	DRAGAN OBRENOVIC TRANSFERRED INTO THE CUSTODY OF THE TRIBUNAL	E		A	B/C/S
17/04/2001	587	RESULTS OF EXTRAORDINARY PLENARY HELD ON 12 APRIL, 2001	E		A	B/C/S

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](#)