



21 September 2001

ICTY WEEKLY UPDATE – 189

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

VASILJEVIĆ CASE (“Višegrad”)

Trial Chamber II – Judges Hunt (Presiding), Janč and Taya

The Trial Chamber reconvened this week to hear the second week of the prosecution case-in-chief.

On Monday 17 September, Mr. Ib Jul Hansen, an investigator working for the Office of the Prosecutor, resumed his testimony which commenced on Thursday 13 September.

Mr. Hansen, testified about investigations he has conducted since being assigned to the case against Milan Lukić, Sredoje Lukić, and Mitar Vasiljević in December 1999, including the interview of Mr. Vasiljević on 16 and 17 November 2000 in The Hague.

The prosecution then called protected witness VG55, who resided with her former husband and two children in the village of Musici in Višegrad in 1992. Witness VG55 testified about an incident at the end of March 1992 when Milan Lukić and Mitar Vasiljević, amongst others, raided houses in the village and took some men away who were never heard from again.

The Trial Chamber then heard the testimony of protected witness VG116, a resident of the village of Brstanica in Višegrad. Witness VG116 testified about being taken with other villagers in a convoy of trucks to the bus station in Višegrad and then on to the football stadium in Višegrad. Witness VG116 told the court that they were searched by soldiers from the Yugoslav People's Army at the stadium before being told that the villages of Musici and Brstanica had been liberated and that the residents of those villages could return home. However, Witness VG116 testified that later all the Muslim houses in his village were burnt down.

The Trial Chamber then heard the testimony of Mr. Mevsud Poljo, a former resident of the village of Vlahovici. Mr. Poljo told the court that he left his village in early 1992 and lived in the village of Slap, on the banks of the River Drina until the autumn of 1992. Mr. Poljo testified that he was part of a group pulling out bodies from the River Drina which were heading downstream from Višegrad from May until October 1992. Mr. Poljo told the court that about 170 or 180 bodies were recovered from the Drina about eight of which were women and two or three were babies of a few months old. Mr. Poljo testified that only about 20 per cent of the bodies flowing down the river could be pulled out.

After the conclusion of Mr. Poljo's testimony on Tuesday 18 September, the Trial Chamber heard the testimony of protected Witness VG59. Witness VG59 testified about the presence of the Uzice Corps of the JNA in Višegrad from the end of April to 19 May 1992 and the subsequent arrival of the “White Eagles”.

The Trial Chamber then heard the testimony of Witness VG77, a former resident of Višegrad, who testified about events in the area until she left on 17 or 18 June 1992.

The prosecution has indicated to the Trial Chamber that its case-in-chief should be completed by 1 or 2 October 2001.

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

Trial Chamber II – Judges Mumba (Presiding), Singh and Williams

The Trial Chamber reconvened this week to hear the second week of the prosecution case-in-chief.

On Monday 17 September, Mr. Sulejman Tihić resumed his testimony which commenced on Thursday 13 September.

Mr. Tihić, a former judge and public prosecutor for the municipalities of Modrica, Bosanski Šamac, and Odžak, told the court that he was elected President of the SDA for Bosanski Šamac in 1991 and is

currently the Vice-President of the SDA party and Vice-President of the People's Assembly of Republika Srpska. Mr. Tihic testified about, amongst other things, the social, military and political situation in Bosanski Šamac in 1992.

Mr. Tihic's testimony continued on Tuesday, Wednesday and Thursday. Mr. Tihic will return at a later date to be cross-examined by the defence.

The Trial Chamber then heard the testimony of Mr. Dragan Lukac, currently the acting director of the federal police under the Federal Ministry of Interior with the responsibility for planning and supervising all police operations within the Federal Ministry of Interior of the Federation of Bosnia and Herzegovina.

Mr. Lukac, who was appointed acting chief of the public security station in the Bosanski Šamac municipality on 11 April 1992, testified about the structure of the Territorial Defence in the former Yugoslavia and the role of the accused.

The Trial Chamber then adjourned until Monday 24 September when Mr. Lukac will continue his testimony.

NALETILIĆ and MARTINOVIĆ CASE (“Tuta” and “Štela”)

Trial Chamber I – Judges Liu (Presiding), Harding Clark and Diarra

The trial resumed on Monday in closed session but went into open session to hear the testimony of protected witness Q, a former member of the Danish Army.

Witness Q told the court that he went to Zagreb to join the Croatian army in March 1993, whereupon he was enlisted in the 106 Brigade in Orašje. Witness Q testified that six months later he and three other foreigners went to Mostar and were accepted into the “ATG Vinko Skrobo” unit. Witness Q testified about events which took place regarding the unit until he left in December 1993.

After the conclusion of Witness Q's testimony on Tuesday 18 September, the Trial Chamber heard the testimony of protected Witness R.

Witness R told the court that he travelled to Novi Travnik in November 1992 and testified about meeting Naletilić. Witness R testified about the “Kaznenicka Bojna” and the “ATG Vinko Skrobo” and told the court that he later met Martinović in the area of the Rondo.

On Wednesday 19 September, the Trial Chamber heard the testimony of Witness S, a former resident of Mostar and member of the 4th Battalion of the Croatian Defence Council (“HVO”) until 19 September 1993. Witness S described situations concerning Naletilić and Martinović.

After the conclusion of Witness S's testimony on Thursday 20 September, the Trial Chamber heard the testimony of Ralf Rudiger Mrachacz, an East German Captain of the Convicts' Battalion from August 1992. Mr. Mrachacz testified as to general background issues, superior authority, and general allegations in the indictment including the procedures and practices followed by the Convicts' Battalion and the role of Naletilić and Martinović. Mr. Mrachacz's testimony continued on Friday 21 September.

SIKIRICA, DOŠEN and KOLUNDŽIJA CASE (“Keraterm Camp”)

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

On Wednesday 19 September, Duško Sikirica and Damir Došen entered guilty pleas to one count of persecutions, a crime against humanity, charged in Count 3 of the second amended indictment, dated 20 December 2000. The pleas were made pursuant to agreements entered into between the respective accused and the prosecution, both dated 7 September 2001 (see *Press Release 620*).

KRAJIŠNIK and PLAVŠIĆ CASE (“Bosnia and Herzegovina”)

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

On Thursday 20 September, the Trial Chamber held the scheduled hearing on Krajišnik's motion for provisional release pending trial, filed on 9 August 2001. A written decision on the motion will be issued in due course.

Also on Thursday 20 September, the Trial Chamber held an *ex parte* hearing on an application by Krajišnik for judicial assistance under Rule 54*bis* seeking an order directing the authorities of Republika Srpska to assist in securing the attendance of 23 witnesses for interview and for the production of documents. During the hearing, the Trial Chamber granted the application orally, but limited to witnesses who are on the territory of the Republika Srpska.

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MUCIĆ and OTHERS CASE (“Čelebići Camp”)

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

On Friday 21 September, the Trial Chamber held the scheduled hearing on the parties’ oral submissions on sentencing as ordered by the Appeals Chamber in its Judgement of 20 February 2001 (see Press Release 564). The Sentencing Judgement will be rendered in due course.

II. OVERVIEW OF COURT DOCUMENTS:

BRĐANIN and TALIC CASE (“Krajina”)

TRIAL DATE SCHEDULED

On 18 September 2001, Judge Hunt, the pre-trial Judge in this case, issued an order scheduling the trial to commence on **21 January 2002**. The pre-trial briefs are to be filed by **26 October 2001**.

OBRENOVIĆ CASE (“Srebrenica-Zvornik Brigade”); BLAGOJEVIĆ CASE (“Srebrenica-Bratunac Brigade”); JOKIĆ CASE (“Srebrenica-Zvornik Brigade”)

SCHEDULING ORDER FOR FILING OF RESPONSE REGARDING JOINDER

Following the requests for joinder of the cases of Dragan Obrenović, Vidoje Blagojević and Dragan Jokić, filed by the prosecution on 6 and 11 September 2001, and the assignment of the issue to Trial Chamber II (Judges Hunt (Presiding), Mumba and Liu) for determination, Judge Hunt, the pre-trial Judge of Trial Chamber II, issued an order on 18 September 2001 for the accused to file their response to the prosecution’s motion within 14 days of the date of the order and the prosecution to file any reply to the responses 14 days thereafter.

MILOŠEVIĆ CASE (“Kosovo”)

ORDER CONCERNING PROVISION OF DOCUMENTS TO *AMICI CURIAE*

On 19 September 2001, Judge May, the pre-trial Judge in this case, issued an order directing the Registrar of the Tribunal to immediately provide the *amici curiae* with copies of all material, including confidential material, provided to the accused. However, the Registrar is not required to provide any filing that may have been made on an *ex parte* basis. The *amici curiae* were ordered to maintain and preserve the confidentiality of such documents.

PROSECUTION MOTION TO DISCLOSE WITNESS STATEMENTS IN ENGLISH DISMISSED

Also on 19 September 2001, Trial Chamber III (Judges May (Presiding), Robinson and Fassi Fihri) denied the prosecution’s motion for permission to disclose witness statements to the accused only in English pursuant to Rule 66(A)(ii), filed on 7 September 2001.

In reaching its decision, the Trial Chamber considered that the native language of the accused is not English and that, although the reasons put forward to support the motion are based largely on matter of judicial economy, the minimum rights to the accused guaranteed in Article 21(4) of the Tribunal’s Statute and the disclosure obligations pursuant to Rule 66(A)(ii), which are intended to ensure that the accused is informed of the charge against him and to ensure a fair trial, in this particular case are “*so fundamental as to outweigh the considerations of judicial economy*”.

For a summary of the indictments in the above cases please see the information sheets on the Tribunal’s website: <http://www.un.org/icty/glance>

In addition, a comprehensive summary of the status of all cases currently before the Tribunal can also be found on the Tribunal’s web site: <http://www.un.org/icty/glance/casestatus.htm>

Composition of Chambers

In light of the inauguration of the six newly appointed *ad litem* Judges on 6 September 2001 (see *Press Release 618*), the composition of the Trial Chambers and Appeals Chamber for pending and future cases will be as follows:

TRIAL CHAMBER I

For all new cases, Trial Chamber I will be composed as follows: Judge Almiro Rodrigues (Presiding), Judge Fouad Riad and Judge Liu Daqun.

The cases currently assigned to Trial Chamber I and its composition for those cases are as follows:

Trial Chamber I, Section A - Judge Liu Daqun (Presiding), Judge Maureen Harding Clark and Judge Fatoumata Diarra: Vinko Martinović and Mladen Naletilić (IT-98-34-T).

Trial Chamber I - Judge Almiro Rodrigues (Presiding), Judge Fouad Riad and Judge Patricia Wald: Miroslav Kvočka, Milojica Kos, Mlado Radić, Zoran Žigić and Dragoljub Prcać (IT-98-30/1-T); Stanislav Galić (IT-98-29-PT); Milomir Stakić (IT-97-24-PT) and Rahim Ademi (IT-01-46-PT).

Trial Chamber I - Judge Almiro Rodrigues (Presiding), Judge Fouad Riad and Judge Liu Daqun: Dragan Jokić (IT-01-44-PT).

TRIAL CHAMBER II

For all new cases, Trial Chamber II will be composed as follows: Judge David Hunt (Presiding), Judge Florence Mumba and Judge Patricia Wald.

The cases currently assigned to Trial Chamber II and its composition for those cases are as follows:

Trial Chamber II - Judge David Hunt (Presiding), Judge Florence Mumba and Judge Liu Daqun: Milorad Krnojelac (IT-97-25-T); Radoslav Brđanin and Milomir Talić (IT-99-39-PT); Dragan Nikolić (IT-94-2-PT) and Dragan Obrenović (IT-01-43-PT).

Trial Chamber II, Section A - Judge David Hunt (Presiding), Judge Ivana Janů and Judge Chikako Taya: Mitar Vasiljević (IT-98-32-T).

Trial Chamber II, Section B - Judge Florence Mumba (Presiding), Judge Amarjeet Singh and Judge Sharon Williams: Blagoje Simić, Milan Simić, Miroslav Tadić and Simo Zarić (IT-95-9-T).

Trial Chamber II - Judge David Hunt (Presiding), Judge Florence Mumba and Judge Patricia Wald: Enver Hadžihasanović, Mehmed Alagić and Amir Kubura (IT-01-47-PT).

TRIAL CHAMBER III

For all new cases, Trial Chamber III will be composed as follows: Judge Richard May (Presiding), Judge Patrick Robinson and Judge El Habib Fassi Fihri.

The cases currently assigned to Trial Chamber III and its composition for those cases are as follows:

Trial Chamber III - Judge Richard May (Presiding), Judge Patrick Robinson and Judge El Habib Fassi Fihri: Zdravko Mucić, Hazim Delić and Esad Landžo (IT-96-21-Tbis); Momčilo Krajišnik and Biljana Plavšić (IT-00-39&40-PT); Slobodan Milošević (IT-99-37-PT) and Vidoje Blagojević (IT-98-33/1-PT).

Trial Chamber III - Judge Patrick Robinson (Presiding), Judge Richard May and Judge El Habib Fassi Fihri: Duško Sikirića, Damir Došen and Dragan Kolundžija (IT-95-8-T).

APPEALS CHAMBER

At the exception of the below-mentioned cases, the composition of the Appeals Chamber will be taken from the following Judges: Judge Claude Jorda (Presiding), Judge Lal Vohrah, Judge Mohamed Shahabuddeen, Judge Rafael Nieto-Navia, Judge Mehmet Güney, Judge Asoka de Zoysa Gunawardana and Judge Fausto Pocar.

Cases currently pending before the Appeals Chamber:

Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović and Vladimir Šantić (IT-95-16-A): Judge Lal Vohrah, Judge Rafael Nieto-Navia, Judge Patricia Wald (Presiding), Judge Fausto Pocar and Judge Liu Daqun.

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Tihomir Blaškić (IT-95-14-A): Judge Lal Vohrah (Presiding), Judge Rafael Nieto-Navia, Judge Patricia Wald, Judge Fausto Pocar and Judge Liu Daqun.

Dragoljub Kunarac, Radomir Kovač and Zoran Vuković (IT-96-22&23-A): Judge Claude Jorda (Presiding), Judge Lal Vohrah, Judge Mohamed Shahabuddeen, Judge Rafael Nieto-Navia and Judge Liu Daqun.

Dario Kordić and Mario Čerkez (IT-95-14/2-A): Judge David Hunt (Presiding), Judge Lal Vohrah, Judge Rafael Nieto-Navia, Judge Fausto Pocar and Judge Liu Daqun.

Radislav Krstić (IT-98-33-A): Judge David Hunt, Judge Mohamed Shahabuddeen, Judge Mehmet Güney, Judge Asoka de Zoysa Gunawardana and Judge Fausto Pocar.

COURTROOM SCHEDULE: 24 SEPTEMBER – 28 SEPTEMBER*

MONDAY 24 SEPTEMBER

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial
14:30 - 16:00, **Martinović/Naletilić**, Trial
Courtroom II 09:30 - 13:00, **Vasiljević**, Trial
14:30 - 16:00, **Vasiljević**, Trial
Courtroom III 09:30 - 13:00, **Simić et al.**, Trial

TUESDAY 25 SEPTEMBER

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial
14:30 - 16:00, **Martinović/Naletilić**, Trial
Courtroom II 09:30 - 13:00, **Vasiljević**, Trial
14:30 - 16:00, **Vasiljević**, Trial
Courtroom III 09:30 - 13:00, **Simić et al.**, Trial

WEDNESDAY 26 SEPTEMBER

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial
14:30 - 16:00, **Martinović/Naletilić**, Trial
Courtroom II 09:30 - 13:00, **Vasiljević**, Trial
14:30 - 16:00, **Vasiljević**, Trial
Courtroom III 09:30 - 13:00, **Simić et al.**, Trial

THURSDAY 27 SEPTEMBER

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial
14:30 - 16:00, **Martinović/Naletilić**, Trial
Courtroom II 09:30 - 13:00, **Vasiljević**, Trial
14:30 - 16:00, **Vasiljević**, Trial
Courtroom III 09:30 - 13:00, **Simić et al.**, Trial

FRIDAY 28 SEPTEMBER

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial
Courtroom II 09:30 - 13:00, **Vasiljević**, Trial
14:30 - 16:00, **Vasiljević**, Trial
Courtroom III 09:30 - 13:00, **Simić 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 14 SEPTEMBER:

DATE	NUMBER	TITLE	E	F	B/C/S
19/09/2001	620	DUŠKO SIKIRICA AND DAMIR DOŠEN ENTER GUILTY PLEAS	E		B/C/S
21/09/2001	621	REGISTRARS OF ICTY AND ICTR SIGN STATEMENT ON CO-OPERATION	E		B/C/S

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