



8 December 2000

ICTY WEEKLY UPDATE – 151

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

KRSTIĆ CASE (“SREBRENICA”)

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

Having adjourned on 24 November 2000, the Trial Chamber reconvened this week entering its seventeenth week of hearings, with the sixth week of the defence case-in-chief.

On Monday 4 December, the defence called a military expert, General Radovan Radinović. General Radinović's testimony continued on Tuesday 5, Wednesday 6 and Thursday 7 December. The cross-examination of General Radinović by the Prosecution commenced on Thursday 7 December and continued on Friday 8 December.

KORDIĆ & ČERKEZ CASE (“LAŠVA VALLEY”)

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

This week the Trial Chamber heard the testimony of rebuttal and rejoinder witnesses.

On Monday 4 December, the prosecution called Witness “AW”. Witness “AW” told the court that he joined the Busovača Territorial Defence in April 1992 and joined the 333rd Mountain Brigade in Busovača following its establishment in December 1992. In January 1993, he became a member of the Sabotage Reconnaissance Group of that brigade, leaving in March 1993 to become a member of the brigade's military police stationed in Kacuni.

Witness “AW” testified about HVO checkpoints set up in January 1993 around the town of Busovača and in the territory of the municipality of Busovača and other events that took place in the area at that time.

The next rebuttal witness, Witness “AX”, a member of the ABiH, and later the army of the Federation of Bosnia and Herzegovina from 1992 to 1996, told the court that, between January and April 1993, he was engaged in audio-surveilling various telephone communications under the command of Colonel Edin Husić (Colonel Husić previously testified in this case on 2 February 2000 and 15 November 2000, see Weekly Updates 111 and 148).

The testimony of Halid Genjac followed. Mr. Genjac told the court that, from 6 February 1991 to mid-1995, he was the President of the Municipal SDA organisation in Travnik, during which time he was present at meetings with Kordić as a representative of the HDZ on three occasions. However, Mr. Genjac testified that he himself was not present at a meeting in Travnik with Kordić and Ignjac Koštroman in January 1993.

Mr. Genjac also testified about the political relationships in Travnik from 1992 and the degree of participation by the Croat Community in the municipal government of Travnik in April 1992.

On Tuesday 5 December, the Trial Chamber held an evidentiary hearing on the “Zagreb Exhibits” and evidence to be presented by rebuttal and rejoinder witnesses.

On Wednesday 6 December, the Trial Chamber began to hear defence rejoinder witnesses.

Mr. Zoran Marić, currently the President of the Parliament in the central Bosnia province of the Federation of Bosnia and Herzegovina and a member of the House of Representatives both of the Federation and of Bosnia and Herzegovina, was the first rejoinder witness to be called.

Rebutting claims that he was in the headquarters of the central Bosnia Operative Zone at a meeting supposedly held between civilian political leaders and the military commanders in the central Bosnia

Cont.

Operative Zone, including Colonel Blaškić during the afternoon of 15 April 1993. Mr. Marić testified that he was not in Vitez on that date nor was he involved in the meeting.

The next rejoinder witness, Jozo Sekić, was the President of the HVO government of Novi Travnik municipality from July 1992 until August 1993.

Mr. Sekić was called to rebut a claim that he was also present at the meeting of political leaders and military leaders held at the headquarters of the central Bosnia Operative Zone on 15 April 1993.

The next witness, Brigadier Duško Grubešić, commander of the 3rd Zdrug, 3rd Detachment of the Federation of Bosnia and Herzegovina army, told the court that, in September 1991, he was called up to serve with the reserve police forces of the Ministry of the Interior of the Republic of Bosnia and Herzegovina and served with them until April 1992 when he was appointed as the deputy commander to the municipal staff of the HVO in Busovača. In June 1992, he became commander and remained in that position until October 1992.

Brigadier Grubešić, testified about the formation of the Nikola Šubic-Zrinski Brigade in Busovača on 19 December 1992, and his appointment as the commander of the brigade in May 1993. Later, at the end of October 1993, Jure Cavara was appointed to command the brigade. Brigadier Grubešić also testified about the establishment of a 3rd Guards Brigade and his appointment as the chief of staff, as well as the chain of command in the HVO. Brigadier Grubešić told the court about events in January and April 1993, and testified about the role and activities of Kordić.

Brigadier Grubešić's testimony concluded on Thursday 7 December.

The parties' closing arguments have been scheduled to take place on **14 December 2000** and **15 December 2000**.

NALETILIĆ & MARTINOVIĆ CASE ("TUTA & ŠTELA")

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

On Thursday 7 December, the Trial Chamber held the scheduled pre-trial conference and further initial appearance in open session, during which the accused pleaded "not guilty" to amended Count 5: Unlawful labour, a violation of the laws or customs of war, under Statute Article 3, as recognised by Article 51 of Geneva Convention IV and Articles 49, 50, and 52 of Geneva Convention III, and Statute Articles 7(1) and 7(3) further to the amended indictment filed by the prosecution on 4 December 2000 (see Weekly Update 150).

During the status conference, Judge Wald, the pre-trial Judge, presented a summary of pre-trial matters. No date for the trial has been set as yet.

II. OVERVIEW OF COURT DOCUMENTS:

TODOROVIĆ CASE ("BOSANSKI ŠAMAC")

SUBMISSIONS FILED REGARDING DECISION ON MOTION FOR JUDICIAL ASSISTANCE

On 1 December 2000, Canada, Denmark, Germany, The Netherlands, Norway, the United States of America and the United Kingdom (on 30 November) filed their responses in relation to the scheduling order of the Appeals Chamber (Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia, Wald and Pocar) dated 23 November 2000.

In the scheduling order, the Appeals Chamber gave liberty to the relevant States to respond to Todorović's motion for additional evidence, filed on 22 November 2000. In the motion, Todorović sought an order allowing for additional evidence as to whether the States have actual notice of the application for the binding orders which have been served upon SFOR, and did NATO/SFOR advise the States of the application, or that the Appeals Chamber *proprio motu* issue certain interrogatories to the States and to NATO/SFOR.

DECISION ON PROSECUTION INTERLOCUTORY APPEAL/APPLICATION FOR LEAVE TO APPEAL

On 4 and 5 December 2000, the Appeals Chamber issued two decisions rejecting the prosecution's appeal against the Trial Chamber's decision on the motion for judicial assistance to be provided by SFOR and others, dated 18 October 2000 (see Weekly Update 144), or alternatively, application for leave to appeal against the decision and request for a stay of the decision.

Cont.

KORDIĆ & ČERKEZ CASE (“LAŠVA VALLEY”)

WRITTEN DECISION ON PROSECUTOR'S SUBMISSIONS CONCERNING “ZAGREB EXHIBITS”
AND PRESIDENTIAL TRANSCRIPTS

On 1 December 2000, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) issued its written decision on the prosecution's application to produce documentary evidence collected since April 2000 in and around Zagreb, Croatia (“Zagreb Evidence”). An oral decision on the matter was rendered on 27 November 2000 (see Weekly Update 150).

BLAŠKIĆ CASE (“LAŠVA VALLEY”)

ORDER FOR THE IMMEDIATE CESSATION OF VIOLATIONS OF PROTECTIVE MEASURES FOR
WITNESSES

On 1 December 2000, Trial Chamber I (Judges Jorda (Presiding), Rodrigues and Shahabuddeen) issued an order further to a motion by the Prosecutor that media in the Republic of Croatia, namely the papers “Globus” (article of Mr. Antun Masle, November 2000) and “Slobodna” (several articles dated 28, 29 and 30 November 2000 authored by a so-called “Slobodna Dalmacija Investigative Team”) recently published statements or transcripts of a testimony, or excerpts thereof given by a witness who had been granted protective measures by the Tribunal.

Ordering that *“the publication of statements or testimonies of the witness concerned, and generally, of any protected witness, shall cease immediately”*, the Trial Chamber stated that *“any publication of these statements or testimonies, shall expose its author(s) and those responsible to be found in contempt of the Tribunal”*.

In addition, the Trial Chamber requested the relevant authorities of the Republic of Croatia to *“take immediately all measures necessary to bring the publication of the Statements to an end and to provide the Chamber with all and any information regarding the sources or authors of the unauthorised disclosure of the Statements”*. The Trial Chamber also called upon the authorities of the Republic of Croatia and the Prosecutor to provide the Chamber with any information *“regarding the identity of those potentially responsible for the illegal disclosure of the Statements and violations of the related orders and decisions of the Chamber regarding the protection of witnesses”*.

KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAĆ CASE (“OMARSKA & KERATERM CAMPS”)

DECISION ON ŽIGIĆ'S MOTION ON CONCURRENT PROCEDURES BY THE ICTY AND THE ICJ

On 5 December 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) dismissed the motion regarding the concurrent procedures before the International Tribunal for the former Yugoslavia (“ICTY”) and the International Court of Justice (“ICJ”) on the same question, filed by Žigić on 24 October 2000.

In the motion Žigić requested the Trial Chamber to suspend its decision on questions pending before the ICJ or to rule that such questions will not be decided and to request an advisory opinion from the ICJ.

The accused's submission that questions such as the nature of the armed conflict in Bosnia and Herzegovina, the identity of the parties to the conflict, and whether crimes were committed in the course of that conflict are subject to determination by both the ICTY in the current matter and by the ICJ in an application filed by Bosnia and Herzegovina on 20 March 1993, alleging violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and of several other international obligations by the FRY.

In reaching its decision, the Trial Chamber considered that the ICJ, the principal judicial organ of the United Nations, deals with State responsibility, while the ICTY, established by the Security Council on the basis of Chapter VII of the United Nations Charter, deals with individual criminal responsibility, and further that staying the proceedings in this case until the ICJ makes a final determination in the application of Bosnia and Herzegovina would run contrary to the purpose of the establishment of the ICTY and deprive the accused of his right to a fair and expeditious trial.

Cont.

COURTROOM SCHEDULE: 11 DECEMBER – 15 DECEMBER *

MONDAY 11 DECEMBER

Courtroom I 09:20 - 12:50, **Krstic**, Trial
13:50 - 15:00, **Krstic**, Trial

TUESDAY 12 DECEMBER

Courtroom I 09:20 - 12:50, **Krstic**, Trial
13:50 - 15:00, **Krstic**, Trial

WEDNESDAY 13 DECEMBER

Courtroom I 09:20 - 12:50, **Krstic**, Trial
13:50 - 15:00, **Krstic**, Trial
Courtroom III 14:00, **Kupreskic et al.**, Status Conference

THURSDAY 14 DECEMBER

Courtroom I 09:20 - 12:50, **Krstic**, Trial
13:50 - 15:00, **Krstic**, Trial
Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, Closing arguments
14:30 - 16:00, **Kordic/Cerkez**, Closing arguments

FRIDAY 15 DECEMBER

Courtroom I 09:20 - 12:50, **Krstic**, Trial
13:50 - 15:00, **Krstic**, Trial
Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, Closing arguments
14:30 - 16:00, **Kordic/Cerkez**, Closing arguments

*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.

PRESS RELEASES ISSUED SINCE 1 DECEMBER:

DATE	NUMBER	TITLE	E	F	B/C/S
04/12/2000	544	THE ICTY WELCOMES THE ESTABLISHMENT OF A POOL OF ADDITIONAL JUDGES	E		B/C/S
04/12/2000	545	THE 23 RD PLENARY SESSION OF THE ICTY	E		B/C/S
06/12/2000	546	AUDIO BROADCAST OF PROCEEDINGS ON THE ICTY'S INTERNET SITE	E	F	B/C/S
08/12/2000	547	SUPPORT FROM THE EU TO THE ICTY	E		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](#)