



8 October 2001

## ICTY WEEKLY UPDATE – 192

### LAST MINUTE NEWS:

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#### KUPREŠKIĆ and OTHERS CASE (“Lašva Valley”)

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##### SCHEDULING ORDER FOR DELIVERY OF JUDGEMENT

The Appeals Chamber Judgement (Judges Wald (Presiding), Vohrah, Nieto-Navia, Pocar and Liu) will be rendered on **23 October 2001** at **1.30 p.m.**

### PROCEDURAL DEVELOPMENTS:

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#### I. OVERVIEW OF COURT PROCEEDINGS:

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

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

The trial resumed on Monday 8 October with the testimony of protected Witness Y, a former resident of the village of Sovići. Witness Y testified about events in Sovići beginning on 17 April 1993 and told the court that he was detained in Ljubuški from 19 April 1993 for 47 days before being transferred to the Heliodrom where he was held until 1 March 1994. According to Witness Y, at both these places he and other detainees were taken out to perform forced labour.

After the conclusion of Witness Y’s testimony on Tuesday 9 October, the Trial Chamber held the remainder of the hearing in closed session.

On Wednesday 10 October, the Trial Chamber heard the testimony of protected Witness AA partly in open session. Witness AA, a former member of the 2nd Mostar Battalion of the Army of Bosnia and Herzegovina (“ABiH”), testified about the Croatian Defence Council (“HVO”) attacks against the 4th Corps of the ABiH headquarters at the Vranica building in May 1993. Witness AA told the court that he was detained at the Ministry of Internal Affairs (“MUP”) building in Listica and testified that he was subjected to beatings and forced labour during his detention.

Witness AA’s testimony continued on Thursday 11 October. The Trial Chamber then adjourned until 15 October 2001.

##### VASILJEVIĆ CASE (“Višegrad”)

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*Trial Chamber II, Section A – Judges Hunt (Presiding), Janů and Taya*

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

On Monday 8 October, the Trial Chamber heard the testimony of Witness VG18, a former resident of the village of Koritnik in the Višegrad municipality. Witness VG18 told the court that he left Koritnik for the last time on 14 July 1992 and testified about the events that subsequently took place in Pionirska Street.

The Trial Chamber then heard the testimony of Witness 84, a 13 year old resident of Koritnik in 1992. Witness 84 testified about fleeing to the town of Brstanica on 14 June 1992 and events in Pionirska Street.

On Tuesday 9 October, the Trial Chamber first heard the testimony of Dr. Yven De Grave, an expert witness who testified about two medical x-rays of Vasiljević which were submitted to him, before concluding the testimony of Witness 84.

The prosecution concluded its case-in-chief with the testimony of Mr. Yves Roy, an investigator working in the Office of the Prosecutor who, since June 1998, has investigated some of the crimes alleged to have been committed in the town of Višegrad.

The witness summaries of all the above witnesses in the Vasiljević case can be found in the Prosecution's pre-trial brief dated 24 July 2001.

During its case-in-chief, which commenced on 10 September 2001, the prosecution called 30 witnesses and presented 133 exhibits. The Trial Chamber will reconvene on **22 October 2001** for the pre-defence conference. The defence case is scheduled to commence on **23 October 2001**.

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### **MUCIĆ and OTHERS CASE (“Čelebići Camp”)**

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

On Tuesday 9 October, the Trial Chamber rendered its Judgement sentencing the accused as follows: Zdravko Mucić, nine years' imprisonment; Hazim Delić, 18 years' imprisonment; and Esad Landžo, 15 years' imprisonment. The convicted persons are entitled to credit for the period of detention in custody pending trial (Zdravko Mucić: since 18 March 1996; Hazim Delić and Esad Landžo: since 2 May 1996). This period of time will be deducted from the sentence imposed.

On 10 October 2001, Delić filed a notice of intent to appeal against the Judgement.

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### **SIKIRICA, DOŠEN AND KOLUNDŽIJA CASE (“Keraterm Camp”)**

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

On Monday 8 and Tuesday 9 September, the parties' presented their arguments on sentencing. The Trial Chamber has now adjourned to consider its Sentencing Judgement which will be rendered in due course.

On 4 September 2001 (Dragan Kolundžija) and on 19 September 2001 (Duško Sikirica and Damir Došen) the accused 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 (see *Press Release 620*).

## **II. OVERVIEW OF COURT DOCUMENTS:**

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### **GALIĆ CASE (“Sarajevo”)**

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#### **SCHEDULING ORDER ISSUED**

On 5 October 2001, the Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) ordered the prosecution to file its final pre-trial brief by **15 October 2001** and the defence to file its final pre-trial brief by **23 October 2001**. The pre-trial conference has been scheduled to take place on **8 November 2001** in the afternoon.

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

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#### **MOTION FOR ON-SITE VISIT DENIED**

On 5 October 2001, Trial Chamber I, Section A (Judges Liu (Presiding), Harding Clark and Diarra) denied Naletilić's motion requesting the Chamber to undertake an on-site visit “*to the locals and places as encompassed in the indictment, prior to the submission of evidence*”, filed on 31 August 2001.

In reaching its decision, the Trial Chamber considered that “*an on-site visit is not required in order to guarantee a fair hearing*” and “*following consultation with the Security Section of the Tribunal ... an on-site visit at this stage is not advisable*”.

However, the Trial Chamber noted that, “*in the event the Chamber is of the opinion that an on-site visit would assist it in assessing the evidence at a later stage of these proceedings, the Chamber will make such decision proprio motu*”.

#### **DECISION ON PROSECUTION MOTION TO ADMIT TRANSCRIPTS AND EXHIBITS FROM OTHER ICTY PROCEEDINGS**

On 11 October 2001, Trial Chamber I, Section A granted the Prosecution's motion for the admission of additional transcripts and exhibits from other ICTY proceedings, filed on 16 August 2001.

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In the motion the prosecution requested that the transcripts and exhibits tendered during the testimony of the following three witnesses: Mr Ashdown in the *Blaškić* case; Mr. Ribičić and Mr. Donia in the *Kordić* case, be admitted into evidence in the *Naletilić and Martinović* case.

Granting the motion, the Trial Chamber considered that “*the transcript evidence is not relating to a critical element of the Prosecution’s case with regard to the acts and conduct of either the accused as it goes to prove the existence of an international armed conflict.*”

**MILOŠEVIĆ CASE (“Croatia”)**

**CROATIA INDICTMENT CONFIRMED**

On 8 October 2001, Judge Almiro Rodrigues confirmed an indictment charging Slobodan Milošević with crimes committed in Croatia between at least 1 August 1991 and June 1992 (see *Press Release 627*).

The initial appearance for Milošević to plead to the counts charged in this indictment has been scheduled to take place on **29 October 2001 at 10 a.m.**

**KRAJIŠNIK and PLAVŠIĆ CASE (“Bosnia and Herzegovina”)**

**KRAJIŠNIK’S MOTION FOR PROVISIONAL RELEASE DISMISSED**

On 8 October 2001, Trial Chamber III (Judges May (Presiding), Robinson and Fassi Fihri) by a majority, Judge Robinson dissenting, rejected Krajišnik’s motion for provisional release, dated 9 August 2001. A hearing on the motion was held on 20 September 2001 (see *Weekly Update 189*).

In reaching their decision, the majority found that the “*accused has not discharged the burden upon him and satisfied the Trial Chamber that, if provisionally released, he would appear for trial and would not pose a danger to any victim, witness or other person.*”

**HADŽIHASANOVIĆ, ALAGIĆ and KUBURA CASE (“Central Bosnia”)**

**ORDER ON MOTION FOR ACCESS TO CONFIDENTIAL INFORMATION**

On 8 October 2001, Judge Jorda, the President of the Tribunal, rejected the motion filed by the accused Hadžihasanović, Alagić and Kubura on 6 September 2001 requesting: (i) the disclosure of all confidential material in the *Kupreškić et al* case to date, in particular, exhibits and confidential transcripts; and (ii) that the Registrar be obliged to provide to the defence on an ongoing basis all the public and confidential hearing transcripts and exhibits in the *Kupreškić et al.* case until the conclusion of the appeal.

In reaching his decision, Judge Jorda considered that “*the purpose of the protective measures granted to the witnesses heard in another case would be rendered ineffective should the benefit of such measures be lost simply because it is highly likely that their testimony would be of considerable assistance to the accused in another case.*” Further, “*the applicants have not demonstrated satisfactorily how unlimited access to all the confidential documents in the case The Prosecutor v. Kupreškić et al., including documents identifying the witnesses, is necessary for the preparation of the case The Prosecutor v. Hadžihasanović et al.*”

In addition, Judge Jorda noted that, “*for the same reasons the President may not impose upon the Registrar an on-going obligation to provide the confidential hearing transcripts and exhibits in the case The Prosecutor v. Kupreškić et al., since each motion seeking a modification of witness protective measures must be reviewed on a case by case basis.*”

**DECISION ON MOTION BY ČERKEZ FOR ACCESS TO CONFIDENTIAL INFORMATION**

On 10 October 2001, Trial Chamber II granted Čerkez’s application, dated 8 September 2001, for access to the confidential supporting material filed with the indictment in the *Hadžihasanović et al.* case.

In the decision, the Trial Chamber held that it was satisfied that the material sought by the Applicant “*sufficiently relates to facts and issues litigated at trial as to warrant access being granted, subject only to the imposition of appropriate protective measures.*”

**PRESS RELEASES ISSUED SINCE 5 OCTOBER:**

DATE	NO.	TITLE	E	F	B/C/S
9/10/01	627	JUDGE RODRIGUES CONFIRMS INDICTMENT CHARGING SLOBODAN MILOŠEVIĆ WITH CRIMES COMMITTED IN CROATIA	E		B/C/S
9/10/01	628	SENTENCING JUDGEMENT IN THE “ČELEBIĆI CASE”	E		B/C/S

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## **COURTROOM SCHEDULE: 15 – 19 OCTOBER \***

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### **MONDAY 15 OCTOBER**

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial  
14:30 - 16:00, **Martinović/Naletilić**, Trial

### **TUESDAY 16 OCTOBER**

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial  
14:30 - 16:00, **Martinović/Naletilić**, Trial  
Courtroom III 09:30 - 13:00, **Simić et al.**, Trial  
14:30, **Kunarac/Kovač/Vuković**, Status conference

### **WEDNESDAY 17 OCTOBER**

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

### **THURSDAY 18 OCTOBER**

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial  
14:30 - 16:00, **Martinović/Naletilić**, Trial  
Courtroom II 10:00, **Kordić/Čerkez**, Status conference  
Courtroom III 09:30 - 13:00, **Simić et al.**, Trial  
15:00, **Blaškić**, Status conference

### **FRIDAY 19 OCTOBER**

Courtroom I 09:30 - 13:00, **Martinović/Naletilić**, Trial  
Courtroom II 14:30, **Obrenović**, Status conference  
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).

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](#)