



1 October 1999

ICTY WEEKLY UPDATE – 95

PROCEDURAL DEVELOPMENTS: 22 SEPTEMBER – 1 OCTOBER

I. OVERVIEW OF COURT PROCEEDINGS (22 - 28 September)

JELISIĆ CASE

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

On Wednesday 22 September, after the completion of Mr. O'Donnell's testimony which began the day before, Mr. Paul Basham, an investigator for the Office of the Prosecutor (OTP) gave evidence.

Mr. Basham, who attended many of the interviews with Jelisić which were conducted by Mr. O'Donnell, gave evidence regarding a series of photographs which show the defendant apparently shooting and killing men and also photographs of a mass grave site.

Mr. John Ralston, chief of investigations at the Office of the Prosecutor (OTP), followed this witness. Mr. Ralston gave evidence regarding Brčko's strategic importance for all parties to the conflict and the situation after the 30 April 1992, particularly, the establishment of the Luka facility, the abuse of Muslims and the discovery of mass graves in Brčko.

This testimony completed the presentation of the Prosecution case-in-chief. The Trial Chamber has now adjourned until a later date when the Defence case-in-chief will commence.

KORDIĆ & ČERKEZ CASE

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

Upon completion of the testimony of witness P on Wednesday 22 September, the Trial Chamber heard the evidence of Mr. Kavazovic, an officer of the army of the Federation of Bosnia and Herzegovina and former lieutenant in the JNA. Mr. Kavazovic testified about his arrest by members of the Ludvig Pavlovic Unit and subsequent release as part of a prisoner exchange.

The witness also gave evidence regarding the situation in Vitez, particularly the treatment of Muslims; his detention in the SDK building, the "Bungalow" headquarters of the "Jokers", and Kaonik; and being forced to dig trenches and lay mines.

On Thursday 23 September, the Trial Chamber heard the testimony of Major Lars Baggesen of the Danish army who served as part of the European Community Monitoring Mission in Bosnia in 1993. Major Baggesen testified regarding the structure and activities of the HVO and Kordić's perceived status as the most powerful HVO political leader in Central Bosnia during that time.

His examination-in-chief by the Prosecution concluded on Friday 24 September. The Defence began, but did not complete, its cross-examination, which subsequently resumed on Wednesday 29 September and concluded on Thursday 30 September.

The Trial Chamber reconvened on Tuesday 28 September with the testimony of protected prosecution witness Q who worked in the police station at Novi Travnik. He testified regarding official notes compiled by police officers in connection with the expulsion of Muslims from the part of the town

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under the control of the HVO and their harassment by members of the HVO. As a member of the war prisoners exchange commission created by the war presidency of Novi Travnik at the beginning of 1993, the witness also gave evidence regarding prisoner exchanges. His cross-examination was completed on Wednesday 29 September.

KUNARAC & KOVAĆ CASE

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

Pursuant to an order issued on 9 September 1999 in light of the confirmation of the second amended indictment on 3 September 1999 joining Radomir Kovać to the case of Dragoljub Kunarac and in which two new counts have been added against the former (see Update No 92). On Friday 24 September, Trial Chamber II held a further initial appearance during which both accused pleaded “not guilty” to all counts charged against them in the second amended indictment.

After the further initial appearance the Trial Chamber held a Status conference in open session to discuss procedural issues.

KUPREŠKIĆ et al CASE

Trial Chamber II – Judges Cassese (Presiding), May and Mumba

Having adjourned on 23 July 1999, the Trial Chamber reconvened on Monday 27 September morning to hear witnesses called in rebuttal. After discussing procedural matters in open session the Trial Chamber went into closed session to hear the evidence of the first rebuttal witness.

On Tuesday the Trial Chamber began to hear the testimony of Mr. Howard Tucker, an investigator with the ICTY. Mr. Tucker previously gave evidence in this case on 17 October 1998 and returned as a witness to testify regarding investigative missions he conducted subsequent to that time, particularly a mission on 10 December 1998 when he returned to the village of Ahmici in Central Bosnia accompanied by protected witness R to conduct a reconstruction of her recollections of the events that took place in the village on 16 April 1993. In addition Mr. Tucker prepared a schedule of measurements and distances in relation to certain locations within the village. His cross-examination was concluded on Wednesday.

Mr. Tucker was followed by expert Prosecution witness Brigadier Asim Dzambasovic, presently head of the political affairs with the Federal Ministry of Defence. Mr. Dzambasovic gave evidence regarding the strategic role assigned to the Yugoslav national army and mobilisation, organisation and formation of the Yugoslav People's Army, units of the military police and HVO. He concluded his testimony on Wednesday after which the Trial Chamber went into closed session.

KOLUNDŽIJA CASE & KVOČKA et al CASE

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

On Monday 27 September 1999, further to an order issued by the Trial Chamber III on 17 September 1999, the Trial Chamber was due to hold a further initial appearance for Dragan Kolundžija to plead to the new counts charged against him in an amended indictment confirmed on 30 August 1999, to be followed by a status conference.

The Trial Chamber held the status conference as scheduled, hearing oral submissions on the issues of joining the Kolundžija and Kvočka cases and the status of deposition evidence. The Trial Chamber will decide on these issues and that of the objections to the amended indictment in due course.

However, the further initial appearance was postponed until Tuesday due to the absence of Mr. Dušan Vučićević, Kolundžija's Counsel.

The further initial appearance, which was again postponed on Tuesday, took place on Wednesday. Kolundžija pleaded “not guilty” to all counts charged against him in the amended indictment.

SIMIĆ & AVRAMOVIĆ

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

On Wednesday 29 September, Trial Chamber began to hear the contempt allegations against Milan Simic and his counsel Mr. Branislav Avramovic. The majority of the session on Wednesday was closed to the public as well as the session held on Thursday. The proceedings in this matter are due to resume on Tuesday 5 October.

This contempt hearing follows confidential Orders issued on 7 July and on 17 September by Trial Chamber III, which issued on 29 September a further Order “*releasing confidential documents in the matter of contempt allegations against Defence Counsel and an accused*”.

The 7 July Order mentions that on 25 May 1999, the Prosecution filed an *ex parte* confidential request for a hearing on “*bribery, intimidation of witness and suborning perjury of witness*” said to have been committed by the accused Milan Simić and his lead counsel Mr. Branislav Avramović.

The Prosecution alleges that between July and September 1998 Milan Simić made threats by telephone to potential witness “Agnes” and drove to the witness’s house at night, and on one occasion fired a shot in the air. It is also alleged that between January and May 1999, Milan Simić offered a bribe to and interfered with potential witness “Agnes”, inviting him to give false evidence in favour of the accused and promising money, an apartment and employment after he had given evidence in the trial.

Similar allegations are made by the Prosecution with regard to Mr. Branislav Avramović, the accused’s lead counsel. Additionally, the Prosecution alleges that between July and September 1998 Mr. Branislav Avramović told potential witness “Agnes” to give false testimony, coached “Agnes” to tell a false version and rehearsed it with a tape recorder, and recorded the false exculpatory version given by “Agnes”.

II. OVERVIEW OF COURT DOCUMENTS

ALEKSOVSKI CASE

APPEAL BRIEFS FILED

On 24 September 1999, both the Prosecution and counsel for Zlatko Aleksovski filed their respective appeal briefs against the Judgement handed down by Trial Chamber I (Judges Rodrigues (Presiding), Vohrah and Nieto-Navia) on 25 June 1999 (see Press Release No. 413, 30 June 1999).

SIKIRICA & OTHERS CASE

NON-PARTY MOTION FOR DISCOVERY DENIED

Further to a motion filed by non-parties Milan and Miroslav Vuckovic for an order compelling discovery, filed on 21 September 1999.

On 29 September 1999, noting that neither of the above are named on the Sikirica and others indictment and considering that neither party has appeared before them, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) dismissed the motion considering that the relief sought is not a matter for resolution by this Trial Chamber.

KUPREŠKIĆ & OTHERS CASE

APPLICATION BY ZORAN AND MIRJAN KUPREŠKIĆ FOR LEAVE TO APPEAL DECISIONS ON PROVISIONAL RELEASE DENIED

On 29 September 1999, a Bench of the Appeals Chamber (Judges Nieto-Navia (Presiding), Bennouna and Robinson) refused to grant Zoran Kupreškić and Mirjan Kupreškić leave to appeal against the

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Decision on the motions for provisional release issued by Trial Chamber II (Judges Cassese (Presiding), May and Mumba) on 13 September 1999 (see Update No. 93).

The Bench considered that the Appellants failed to establish an error on the part of the Trial Chamber in determining an absence of exceptional circumstances and therefore this application for leave to appeal did not show good cause.

CELEBICI CASE

FILING ORDER FOR APPELLANT'S BRIEFS

Following emergency motions filed on 28 September 1999 and 29 September by Hazim Delić and Zdravko Mucić, the Appeals Chamber ordered on 30 September that the Briefs in reply of all appellants, including the Prosecutor, and cross-appellant be filed on 25 October 1999 before noon.

PRESS RELEASES ISSUED SINCE 24 SEPTEMBER

DATE	NUMBER	TITLE
29/09/99	437	STATEMENT BY CARLA DEL PONTE ON THE INVESTIGATION AND PROSECUTION OF CRIMES COMMITTED IN KOSOVO
29/09/99	438	LETTER FROM JUDGE GABRIELLE KIRK MCDONALD, TO THE PRESIDENT OF THE UNITED NATIONS SECURITY COUNCIL, CONCERNING CROATIA

COURTROOM SCHEDULE: 4 – 8 OCTOBER*

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom III	9.00-13.30, TC II Kupreskic Trial	9.00-13.30, TC II Kupreskic Trial	9.00-13.30, TC II Kupreskic Trial	9.00-13.30, TC II Kupreskic Trial	9.00-13.30, TC II Kupreskic Trial
	14.30-17.15, TC III Kordic/Cerkez Trial	14.30, TC III Simic/Avramovic R77 hearing	14.30-17.15, TC III Kordic/Cerkez Trial	No proceedings	No proceedings

*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.

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](#)

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