



26 May 2000

## ICTY WEEKLY UPDATE – 127

### PROCEDURAL DEVELOPMENTS:

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#### **I. OVERVIEW OF COURT PROCEEDINGS**

##### **KRSTIĆ CASE**

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

The trial of Radislav Krstić resumed on Monday 22 May entering its sixth week with the continuance of the Prosecution case-in-chief.

On Monday morning Mr. Drazen Erdemović gave evidence with regard to events surrounding the attack on Srebrenica. Mr. Erdemović recently completed a sentence of five years' imprisonment handed down by the Tribunal on 5 March 1998. The sentence was imposed further to his pleading guilty to a charge that he and members of his unit, along with soldiers from another unit of the Bosnian Serb army, shot, killed and participated in the execution of unarmed Muslim men at the Branjevo Military Farm on 16 July 1995.

On Tuesday 23 May, protected Prosecution witness “R” testified about his experiences during the fall of the Srebrenica enclave in July 1995. On hearing that the enclave had fallen to the Serbs, on 11 July “Witness R” sent his family to the UNPROFOR base in Potočari while he headed towards the woods in the direction of Tuzla with other men.

“Witness R” told the court that a group of the men, including himself were caught by Serb soldiers sometime after 19 July. Upon capture they were shot and left for dead. According to “Witness R”, he was the only survivor.

The Trial Chamber then heard the testimony of “Witness S” who also told the court of his experiences of the fall of the enclave.

“Witness S” testified that on 11 July 1995 he headed towards the wood with other men having sent his family to the UNPROFOR base at Potočari. On 13 July, he was captured and questioned by Serb police before being taken to a warehouse situated on the banks of the River Jadar where he, and 11 other Muslims, were beaten and eventually taken to be executed. “Witness S” told the court that he managed to escape by jumping into the river.

On Wednesday 24 May, the Trial Chamber heard the testimony of “Witness T”, followed by the testimony of Mr. Jean-Rene Ruez, an investigator in the Office of the Prosecutor who previously testified on 13 to 15 March 2000 (see Update No. 117).

Mr. Ruez’s testimony concluded on Friday 26 May. The next witness, Mr. Dean Manning, an investigator from the Office of the Prosecutor, summarised the findings of exhumation experts.

The week’s hearings concluded with the testimony of an expert witness.

##### **KUNARAC, KOVAČ & VUKOVIĆ CASE (“FOČA”)**

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

Having adjourned on Thursday 18 May, the trial resumed on Monday 15 May, entering its seventh week of hearings with the conclusion of the testimony of protected Prosecution witness, “175”.

“Witness 175”, who was sixteen years old during the war, told the court that, in August 1992, she and witness “RK” were taken to a house in Trnovace by Kunarac. When they arrived, Gojko Janković was there with witnesses “191”, “186” and “JG”. “Witness 175” and witness “RK” were then taken to a house at Brod where, according to “Witness 175”, “RK” was raped. The next day they were taken to “Gica’s” apartment also in Brod. Witnesses “205” and “50” were already at the house, and it is alleged that “Witness 50” told “Witness 175” that she was pregnant with Kunarac’s child.

“Witness 175” testified that, during the one or two days she was kept at the house she was raped and was eventually returned, with witness “RK”, to the house at Trnovace where she was kept for a further five or six days with witnesses “191”, “186” and “JG” (fourteen years old at the time). In August 1992 she was taken to Serbia where she stayed until 1997.

The Prosecution then called “Witness 183”, a neighbour of witnesses “61”, “80” and “81”.

“Witness 183” told the court that she could see the Partizan Sports Hall from her apartment and testified about conditions in the town of Foča between 23 April and 13 August 1992. Particularly, in mid-July 1992, three Serb soldiers, including Kunarac, looted her home and took her away towards Velecevo on banks of the Cehotina River where she was gang raped by the soldiers and Kunarac and then returned to her home.

The next witness, “61”, told the court that in April 1992 she fled with her family to the Filipovići military barracks in Ustikolina before returning to Foča, about 20 days later, to live with witness “183” in the latter’s apartment. “Witness 61” testified that she was present when “Witness 183” was taken from her apartment by the three Serb soldiers, including Kunarac, in July 1992. “Witness 61” left Foča on 13 August 1992.

After the conclusion of “Witness 61”’s testimony on Tuesday 23 May, the next witness testified in closed session.

On Wednesday 24 May, Colonel Muhamed Nogo was called as an expert as well as fact witness. Currently a chief of staff of the Centre for Combat Training of the army of Bosnia and Herzegovina (ABiH) in Glamoc, Colonel Nogo testified regarding his experiences during the war and his training of soldiers in the principles of the international laws of war.

The Trial Chamber then heard the testimony of Mr. Husein Alić. Mr. Alić, a former member of the reserve force of the JNA testified, amongst other things, about receiving instructions in the Geneva Conventions as part of compulsory training.

The Trial Chamber has now adjourned until 28 May 2000 due to the non-availability of Prosecution witnesses.

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### **KORDIĆ & ČERKEZ CASE (“LAŠVA VALLEY”)**

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

The Trial Chamber reconvened this week continuing to hear Kordić’s defence case-in-chief.

The hearing began in closed session on Monday 22 May. Counsel for Kordić then called protected witness “DD”.

“Witness DD” told the court that he, his son and several other Croats, were taken prisoner by the ABiH on 2 July 1993 and driven to the Silos detention camp in Kacuni. In his testimony, which covered the conditions he was subjected to during his detention at the camp, “Witness DD” told the court that he was beaten and kicked every day for a month with ropes, rifles, and boots.

The next witness, Mr. Niko Grubesić, a Croat from Bosnia-Herzegovina, testified regarding the political situation in Bosnia and Herzegovina during the war. Initially a Vice-President of the Busovača branch of the Croat Democratic Union of Bosnia-Herzegovina (HDZ-BiH) he was appointed as Secretary of the Busovača municipal assembly in late January 1991.

Mr. Grubesić told the court that from 2 April 1992 to 9 May 1992 he was a member of the Crisis Staff established in Busovača and from mid-1992 until March 1994 he worked as the Secretary of the Busovača municipal Croat Defence Council (HVO). Between March 1994 and November 1995 he was an official of the Busovača municipality and subsequently became the mayor of the Busovača municipality in November 1995.

Mr. Grubesić’s testimony concluded on Tuesday 23 May.

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### **VASILJEVIĆ CASE (“VIŠEGRAD”)**

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

The Trial Chamber held a status conference in open session on Friday 26 May.

The Prosecution told the court that its case-in-chief against Vasiljević is estimated to take only 14 days once the trial begins.

*Due to technical difficulties it has not been possible to summarise all of this week’s proceedings.*

## II. OVERVIEW OF COURT DOCUMENTS

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

#### DECISION ON PRCAČ’S MOTION TO ASSIGN EXPERTS

On 18 May 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) ordered a psychiatric and medical-psychiatric examination of Prcač with the purpose, among other things, of:

- (1) giving information regarding the past and present physical and mental ability of the accused;
- (2) making any necessary observations on the mental state of the accused during the commission of the alleged crimes and interpreting the results obtained;
- (3) giving information on the present psychological state of the accused and on his potential ability to be reintegrated into society, and formulating any needed recommendations in this regard.

The order follows a “Request for Medical Examination”, filed by counsel for Prcač on 11 May 2000.

In reaching its decision, the Trial Chamber considered that a psychological and medical-psychiatric examination of the accused might provide relevant information regarding his mental state before, during and after the commission of acts attributed to him, which might be taken into consideration, if and where appropriate, for sentencing the accused.

The Trial Chamber also requested the Registry to assign this task to two experts. A joint written report of the evaluations, observations and recommendations formulated by the experts is to be transmitted to the Registry by 25 June 2000.

### DELALIĆ, MUCIĆ, DELIĆ & LANDŽO CASE (“ČELEBIĆI CAMP”)

#### ORDER IN RELATION TO WITNESSES ON APPEAL

On 19 May 2000, the Appeals Chamber (Judges Hunt (Presiding), Riad, Nieto-Navia, Bennouna and Pocar) rejected the “Designated Proposed Evidence” filed by counsel for Landžo on 15 May 2000, and dismissed Landžo’s motions for the issuance of subpoenas to these proposed witnesses. Further, pursuant to a request filed by the Prosecution on 15 May 2000, the Appeals Chamber admitted into evidence the expert opinion of Mr. Alejandro Batalla, an expert in the law of Costa Rica.

The defence had sought to include the statements of four witnesses in relation to the Landžo’s fourth ground of appeal, however, the Appeals Chamber considered that the witness statements did not show that the evidence of the proposed witnesses “*would advance the appellants’ case beyond what is already shown in the Extracts Tapes*” and therefore rejected the “Designated Proposed Evidence” “*in order to avoid needless consumption of time*”.

Noting that the expert opinion of Villalobos Brenes, submitted on behalf of Landžo in relation to the second ground of appeal, was admitted into evidence on 14 February 2000 (see Update No. 113), the Appeals Chamber considered that the Prosecution expert opinion “*offers a degree of relevance and probative value to the issues raised by the second ground of appeal which is sufficient to warrant its admission into evidence*”.

## COURTROOM SCHEDULE: 29 MAY – 2 JUNE \*

### MONDAY 29 MAY

Courtroom I 09:30, **Kunarac/Kovac/Vukovic**, Trial  
14:30, **Kunarac/Kovac/Vukovic**, Trial  
Courtroom III 09:30, **Krstic**, Trial

### TUESDAY 30 MAY

Courtroom I 09:30, **Kunarac/Kovac/Vukovic**, Trial  
14:30, **Kunarac/Kovac/Vukovic**, Trial  
Courtroom II 09:30, **Kordic/Cerkez**, Trial  
14:30, **Kordic/Cerkez**, Trial  
Courtroom III 09:30, **Krstic**, Trial

### WEDNESDAY 31 MAY

Courtroom I 09:30, **Kunarac/Kovac/Vukovic**, Trial  
14:30, **Kunarac/Kovac/Vukovic**, Trial  
Courtroom II 09:30, **Kordic/Cerkez**, Trial  
14:30, **Kordic/Cerkez**, Trial  
Courtroom III 09:30, **Krstic**, Trial

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**THURSDAY 1 JUNE**

Courtroom I 09:30, **Kunarac/Kovac/Vukovic**, Trial  
14:30, **Kunarac/Kovac/Vukovic**, Trial  
Courtroom II 09:30, **Kordic/Cerkez**, Trial  
14:30, **Kordic/Cerkez**, Trial  
Courtroom III 09:30, **Krstic**, Trial

**FRIDAY 2 JUNE**

Courtroom II 09:30, **Kordic/Cerkez**, Trial  
Courtroom III 09:30, **Krstic**, Trial

Coverage of the proceedings in Courtroom II will be broadcast in the viewing area in the lobby.

\*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 19 MAY**

DATE	NUMBER	TITLE	E	F	B/C/S
24/5/2000	502	STATEMENT BY PRESIDENT JORDA TO THE PLENARY MEETING OF THE PEACE IMPLEMENTATION COUNCIL	E	F	B/C/S
25/5/2000	503	VISIT BY MEMBERS OF THE FINNISH PARLIAMENTARY CONSTITUTIONAL LAW COMMITTEE TO THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA	E		B/C/S
25/5/2000	504	OJDANIC CASE: HIS EXCELLENCY MR. KHODAKOV AMBASSADOR OF THE RUSSIAN FEDERATION TO THE NETHERLANDS MET WITH THE PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA	E	F	B/C/S

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