



4 May 2001

ICTY WEEKLY UPDATE – 171

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

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

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

Having adjourned on 24 April 2001 pending a medical examination of the accused, Kolundžija (see Weekly Update 170), the Trial Chamber reconvened this week in light of a report being filed indicating that Kolundžija is “capable of understanding the nature of the charges and of participating in the case.”

On Tuesday 1 May, the Trial Chamber heard the testimony of Witness L, a former detainee at the Keraterm and Trnopolje camps.

Witness L testified that he surrendered to the Serb forces on 23 July 1992 and was then taken, with other people, to Keraterm. Witness L told the court that upon their arrival the detainees were beaten and mistreated and their personal property was confiscated. The witness told the court that he was detained in room 3 where, at one point, 570 detainees were held and testified about the conditions in the room. Witness L told the court that he saw Duško Sikirica at the camp and testified about the beatings, disappearances and mistreatment of detainees, particularly the so-called “room 3 massacre”. Witness L was transferred from Keraterm to the Trnopolje camp on 5 August 1992 where he was held until 3 October 1992.

The next witness, Mr. Hajrudin Zubović, was a former detainee in the Keraterm and Trnopolje camps. Mr. Zubović told the court that, on 14 June 1992, all men between 25 and 30 years of age who lived in Ljubija were ordered by the Serbs to go to the stadium in Ljubija, but, after being interrogated, he was later released. Subsequently, on 19 July 1992, all refugees in Ljubija were ordered to go to the stadium and on this occasion the men were separated from the women and children and taken to Keraterm.

Mr. Zubović told the court that, upon his arrival at Keraterm, he was detained in room 3 but moved to room 2 the following day where he stayed until the Keraterm camp was dismantled on 5 August 1992 and he was transferred to the Trnopolje camp where he was held until 2 October 1992. Mr. Zubović described the layout of the camp and the conditions for the detainees, as well as the hierarchy within the guards.

On Wednesday 3 May, the Trial Chamber first ordered that the trial would be adjourned for 12 days, from 4 May to 15 May 2001, in light of the recent reassignment of counsel for Kolundžija. The Trial Chamber then granted a prosecution motion to admit the transcripts in relation to the following witnesses: 1) Mr. Edward Vulliamy’s testimony from the Kovacevic trial with cross-examination being confined to the accused Sikirica in relation to facts going to proof of genocide and the requisite intent; 2) Mr. Osman Selak’s testimony from the Tadić trial. No cross-examination will be allowed; 3) Mr. Vasif Gutić’s testimony from the Tadić trial and the Kvočka trial. Cross-examination will be confined to the accused Sikirica as to the conditions in the Trnopolje camp, including the incidents of rape; 4) Mr. Emsud Garibović’s testimony from the Kvočka trial. No cross-examination will be allowed; 5) Dr. Hanne Greve’s testimony from the Tadić trial and the Kovačević trial. No cross-examination will be allowed; and 6) Mr. Mevludin Sejmenović’s testimony from the Tadić trial and the Kovačević trial with cross-examination for all three accused. A written decision will follow.

After the conclusion of Mr. Zubović’s testimony, the Trial Chamber heard the testimony of Witness M, a former detainee at the Keraterm and Trnopolje camps. Witness M told the court that he was detained in the Keraterm camp on 7 June 1992 and testified about the hierarchy among the guards at the Keraterm and the way the prisoners were treated in the camp, particularly the so-called “room 3 massacre”. Witness

M told the court that when the Keraterm camp was closed down he was transferred to the Trnopolje camp.

After the conclusion of Witness M's testimony on Thursday 3 May, the Trial Chamber heard the testimony of Witness N, a former Keraterm detainee. Witness N told the court that he was arrested by Serb soldiers along with other men from the Brdo area on 20 July 1992 and taken to the Keraterm camp where they were searched and their personal belongings were seized. Witness N told the court that he was first detained in room 3 and the following day six detainees were taken out for work duties and never returned. Witness N testified about conditions and food at the camp.

The Trial Chamber then adjourned until 16 May 2001 when witness N is scheduled to continue his testimony.

KRNOJELAC CASE ("Foča – KP Dom Camp")

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

The Trial Chamber reconvened this week to hear the first week of the defence case-in-chief.

On Tuesday 1 May, the Counsel for the defence made an opening statement and then called their first witness, Mr. Milenko Dundjer, an investigator with the Milorad Krnojelac defence team since 14 March 2000. Mr. Dundjer was called to tender certain defence exhibits including documents to show that: the Foča Brigade a "Muslim military unit", had been established prior to the 8 April 1992 Serb forces attack on the town of Foča and thus rebutting claims that the attack was sudden and aimed on the civilian population of the town which was not armed or organised in a military way; decisions on the formation of and instructions for work of "Crisis Staffs of the Serbian people and municipalities"; the establishment of prisons and the detention of Muslim fighters in the KP Dom, Foča; the appointment of Krnojelac as warden of the KP Dom; and provisions for prisoners of war vis-à-vis the military courts.

After the conclusion of Mr. Dundjer's testimony on Thursday 3 May, the Trial Chamber heard the testimony of Mr. Slobodan Šolaja, the owner of a bakery in Foča. Mr. Šolaja testified about shortages of food, particularly flour and yeast, in 1992 and told the court that the situation did not start to improve until the end of 1993 and the beginning of 1994 when they began to receive flour from the Red Cross. Mr. Šolaja told the court that the bakery suffered from frequent power cuts and therefore Milorad Krnojelac gave him permission to go into the KP Dom and to bake some bread. Mr. Šolaja testified that when the bakery began functioning again, priority was given first to the army, then the hospital and lastly to the citizens. The Trial Chamber has now adjourned until 7 May 2001.

GALIĆ CASE ("Sarajevo")

Trial Chamber I – Judges Rodrigues

On Wednesday 2 May, Judge Rodrigues held the scheduled status conference partly in open session during which the protocol for the proposed trip to Sarajevo and the progress of pre-trial preparation were discussed.

STAKIĆ CASE ("Prijeđor")

Trial Chamber I – Judges Rodrigues

On Thursday 3 May, Judge Rodrigues held the scheduled status conference partly in open session in order to discuss the progress of the pre-trial preparation.

TODORVIĆ CASE ("Bosanski Šamac")

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

On Friday 4 May, the Trial Chamber held the scheduled sentencing hearing on the count of persecution to which Todorović pleaded "guilty" on 19 January 2001 (see Weekly Update 156). The Trial Chamber's sentencing judgement will be rendered in due course.

II. OVERVIEW OF COURT DOCUMENTS:

KRAJIŠNIK CASE and PLAVŠIĆ CASE ("Bosnia and Herzegovina")

DECISION ON PLAVŠIĆ MOTION FOR SEPARATE TRIAL

On 27 April 2001, Trial Chamber III (Judges May (Presiding), Robinson and Fassi Fihri) denied Plavšić's motion for separate trial, filed on 9 April 2001.

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In reaching its decision, the Trial Chamber noted that the accused “*has raised no new relevant arguments*” since the Trial Chamber’s order of 23 February 2001, in which it decided that there would be no conflict of interest in joining the trials and that to do so would be in the interests of justice and therefore ordered the trials to be joined (see Weekly Update 162).

KRSTIĆ CASE (“Srebrenica”)

SCHEDULING ORDER FOR CLOSING BRIEFS AND ARGUMENTS ISSUED

On 27 April 2001, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) ordered that the final briefs in the case be filed by 29 May 2001 and the closing arguments be presented from 5 to 8 June 2001.

The closing submissions were rescheduled in light of a confidential prosecution motion to re-open the prosecutor’s case for the purpose of introducing fresh evidence, dated 24 April 2001. The Trial Chamber noted that the resolution of issues raised in the motion “*appear to be ... of some importance for the case*” and as such, “*it is in the interests of justice to allow some time for the parties to exchange their arguments in this matter*”.

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

PRE-TRIAL CONFERENCE SCHEDULED

On 2 May 2001, Trial Chamber III (Judges Robinson (Presiding), May and Fassi Fihri) rescheduled the pre-trial conference in this case to take place on 15 May 2001 at 10 a.m. instead of 16 May 2001 as previously scheduled.

MUCIĆ, DELIĆ & LANDŽO CASE (“Čelebići Camp”)

SCHEDULING ORDER ISSUED

On 2 May 2001, Trial Chamber III (Judges May (Presiding), Robinson and Fassi Fihri) ordered that the parties file their submission on the issues remitted by the Appeals Chamber (see Weekly Update 161) to the Trial Chamber for determination by 28 May 2001. The parties will have until 18 June 2001 to respond to such submissions and oral argument will be heard on 6 July 2001, commencing at 9.30 a.m.

BRĐANIN & TALIĆ CASE (“Krajina”)

DECISION ON PROSECUTION’S REQUEST FOR INDICATION OF A TRIAL DATE

On 3 May 2001, Judge Hunt, the pre-trial Judge, issued a decision on the prosecution’s motion for an indication as to the date upon which the trial in this case will commence, dated 23 March 2001.

Holding that “*it is not appropriate to give the indication sought by the prosecution at this stage*”, Judge Hunt noted that “*before any indication of the trial date can be given in any meaningful way, there are a number of issues to be resolved. The Trial Chamber has already indicated to the parties that ... the trial cannot now start until early September.*”

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

COURTROOM SCHEDULE: 7 MAY – 11 MAY*

MONDAY 7 MAY

Courtroom II 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al. Prcac**, Trial
13:50 - 15:00, **Kvočka et al. Prcac**, Trial

TUESDAY 8 MAY

Courtroom II 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al. Prcac**, Trial
13:50 - 15:00, **Kvočka et al. Prcac**, Trial

WEDNESDAY 9 MAY

Courtroom II 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al. Prcac**, Trial
13:50 - 15:00, **Kvočka et al. Prcac**, Trial

THURSDAY 10 MAY

Courtroom II 09:30 - 13:00, **Krnojelac**, Trial
14:30 - 16:00, **Krnojelac**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al. Prcac**, Trial
13:50 - 15:00, **Kvočka et al. Prcac**, Trial

FRIDAY 11 MAY

Courtroom II 10:30 **Brdanin/Talic**, Rule 92bis issues
Courtroom III 09:20 - 12:50, **Kvočka et al. Prcac**, Trial
13:50 - 15:00, **Kvočka et al. Prcac**, 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 27 APRIL:

DATE	NO.	TITLE	E	F	A	B/C/S
03/05/2001	588	LETTER FROM THE REGISTRAR OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, MR. HANS HOLTHUIS, TO THE FEDERAL MINISTER OF JUSTICE OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (FRY), MR. MOMČILO GRUBAČ	E		A	B/C/S

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