



27 April 2001

## ICTY WEEKLY UPDATE – 170

### PROCEDURAL DEVELOPMENTS:

#### I. OVERVIEW OF COURT PROCEEDINGS:

##### **KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAĆ CASE (“Omarska & Keraterm Camps”)**

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

The Trial Chamber reconvened this week continuing to hear the Žigić defence case-in-chief.

On Monday 23 April, the Trial Chamber heard the testimony of Witness DD/7, a former guard at the Keraterm camp from 2 June 1992.

Witness DD/7 told the court that he was assigned by Commander Živko Knežević to the guard post in Keraterm situated near the Banja Luka-Prijedor road and given the duties of providing security for the camp and taking detainees for interrogation by inspectors from Prijedor and Banja Luka. Witness DD/7 testified that after the detainees were questioned they were either released, returned to another room in the Keraterm camp or transferred to the Omarska camp.

Witness DD/7 told the court that he has known Zoran Žigić for about 20 years and testified that he saw Žigić at the Keraterm camp on a daily basis for about two weeks after the witness first arrived at the camp up until Žigić was removed from Keraterm by Živko Knežević. Witness DD/7 told the court that Žigić was assigned to drive a van transporting food and water for the detainees and testified that Žigić was not involved in the beating of Drago Tokmadžić. Witness DD/7 told the court that he was on duty at Keraterm on the evening of 24 July 1992 and gave details of events surrounding the so-called “Room 3 Massacre” that took place that evening.

On Tuesday 24 April, the Trial Chamber heard the testimony of Witness DD/8, a former detainee in the Keraterm camp. Witness DD/8 told the court that he, his family and two of his employees were arrested on 30 May 1992 and taken to the Prijedor police station where they were kept for a short while and then taken briefly to the Mladost sports hall. Witness DD/8 told the court that he and his employees were then taken to the Keraterm camp and his wife and children were released. Witness DD/8 testified that he was released on 5 June 1992 however, one of his employees remained in Keraterm and was later transferred to Omarska before being released. Witness DD/8 told the court that he has known Žigić about 15 years and testified that he saw Žigić at the Keraterm Camp.

The Trial Chamber then heard the testimony of Dr. Mirko Barudžija, a surgeon and forensic expert. Dr. Barudžija told the court that he was appointed as the head of the Prijedor hospital surgery department in May 1992 and testified about two injuries sustained by Žigić. The first was an injury to Žigić’s index finger sustained on 29 May 1992 and the second was an injury on Žigić’s head and chin from 19 August 1992. Dr. Barudžija told the court that Žigić was admitted into hospital for the former injury on 21 June 1992 and discharged on 26 June 1992.

After the conclusion of Dr. Barudžija’s testimony on Wednesday 25 April, the Trial Chamber heard the testimony of Professor Živojin Aleksić, a legal expert in evidence and judicial proof, and particularly, graphoscopy, the study of handwriting and letters.

Professor Aleksić testified about a report he prepared analysing the authenticity of a document allegedly representing a prior statement by Husein Ganić, a former detainee at the Keraterm and Omarska camps, who testified in this trial on 26 September 2000 (see Weekly Update 141). On Thursday 26 April, Professor Aleksić presented his report on the probative value of testimony in criminal proceedings.

The Trial Chamber then heard the testimony of a further expert witness, Mr. Bora Cejovic, a professor of criminal law and the chief of the criminal law department at the school of law in Kragujevac. Professor Cejovic testified about the determination of sentences in Yugoslav criminal law.

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The Trial Chamber then adjourned until 7 May 2001 when it will hear the cross-examination of the accused Mlado Radić (Radić gave evidence before the Trial Chamber on 6 March 2000, see Weekly Update 116). The defence for Preać is scheduled to commence on 8 May and continue until 18 May 2001.

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### KRNOJELAC CASE (“Foča – KP Dom Camp”)

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

On Thursday 26 April, the Trial Chamber held the scheduled pre-defence conference in open session. The defence case is scheduled to commence 1 May 2001.

## II. OVERVIEW OF COURT DOCUMENTS:

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

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#### TRIAL PROCEEDINGS STAYED

On 24 April 2001, the Trial Chamber (Judges Robinson (Presiding), May and Fassi Fihri) issued an order granting a stay of the proceedings in this case until further notice.

The order was issued following an emergency motion for a stay of the trial proceedings filed confidentially on behalf of Kolundžija on 20 April 2001 and a hearing held in closed session on 23 April 2001 on the matter. Ordering that a medical examination of Kolundžija is to be carried out to ascertain his current fitness to stand trial, the Trial Chamber held that an expert shall be assigned to provide an oral or written report to the Trial Chamber by 1 May 2001.

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

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#### MOTION FOR THE PROVISIONAL RELEASE OF ZORAN AND MIRJAN KUPREŠKIĆ OR SEPARATION OF PROCEEDINGS DENIED

On 24 April 2001, the Appeals Chamber (Judges Wald (Presiding), Vohrah, Nieto-Navia, Pocar and Liu) issued its decision denying Zoran and Mirjan Kupreškić’s motion for provisional release, or alternatively, separation of their appeal proceedings from the appeals of their co-appellants, Vlatko Kupreškić, Drago Josipović and Vladimir Šantić, filed confidentially and *ex parte* on 22 February 2001.

The Appeals Chamber denied the part of the motion requesting provisional release on the basis of the appellants’ failure to present the necessary information with regard to the place and proposed conditions under which they could be released. As such the Appeals Chamber was not satisfied that, if released, the appellants “*would appear for appeal proceedings and would not pose a danger to any victim, witness or other person*”. Further, the appellants “*failed to show special circumstances, as required by Rule 65(I)(iii), exist to warrant their release pending appeal, and that their appeals are expected to be decided within the next several months*”.

With regard to the request for separation, the Appeals Chamber considered that “*no valid reasons*” were submitted to support the request and therefore the appellants had “*not demonstrated that a separation of proceedings is necessary in order to avoid a conflict of interest that might cause serious prejudice to the appellants, or to protect the interests of justice.*”

*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>*

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## COURTROOM SCHEDULE: 30 APRIL – 4 MAY\*

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#### MONDAY 30 APRIL

U.N. Holiday

#### TUESDAY 1 MAY

Courtroom I 09:30 - 13:00, Sikirica/Došen/Kolundžija, Trial  
14:30 - 17:15, Sikirica/Došen/Kolundžija, Trial

Courtroom II 09:30 - 13:00, Krnojelac, Trial  
14:30 - 16:00, Krnojelac, Trial

#### WEDNESDAY 2 MAY

Courtroom I 09:30 - 13:00, Sikirica/Došen/Kolundžija, Trial  
14:30 - 17:15, Sikirica/Došen/Kolundžija, Trial

Courtroom II 09:30 - 13:00, Krnojelac, Trial  
14:30 - 16:00, Krnojelac, Trial

#### THURSDAY 3 MAY

Courtroom I 09:30 - 13:00, Sikirica/Došen/Kolundžija, Trial  
14:30 - 17:15, Sikirica/Došen/Kolundžija, Trial

Courtroom II 09:30 - 13:00, Krnojelac, Trial  
14:30 - 16:00, Krnojelac, Trial

#### FRIDAY 4 MAY

Courtroom I 09:30 - 13:00, Todorovic, Sentencing hearing  
14:30 - 16:00, Todorovic, Sentencing hearing

\*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](#)