



31 March 2000

ICTY WEEKLY UPDATE – 119

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

SIMIĆ & AVRAMOVIĆ CONTEMPT CASE

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

On Wednesday 29 March, the Trial Chamber unanimously found that neither the contempt allegations against Milan Simić nor those against his counsel, Mr. Branislav Avramović, had been "established beyond reasonable doubt" and therefore neither Respondent was found to be in contempt of the Tribunal (see Press Release No. 483).

The Trial Chamber delivered an oral Judgement, its written opinion will follow in due course.

KUNARAC, KOVAČ & VUKOVIĆ CASE ("FOČA")

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

The trial of Dragoljub Kunarac, Radomir Kovač and Zoran Vuković entered its second week of hearings on Monday 27 March with the Trial Chamber continuing to hear the testimony of "Witness 52".

The Trial Chamber then heard the testimony of "Witness 62" who, with her husband, was taken to Buk Bijela where they were separated.

"Witness 62", who has never seen her husband since, testified about her subsequent detention at the Foča High School for 10 days, where her daughter ("Witness 51") and grand-daughter ("Witness 50") were also detained. All three were later taken to the Partizan Sports Hall where "Witness 62" was detained for one and a half months.

The testimony of "Witness 93" followed. "Witness 93" testified that, in June 1992, she was held at a motel in Bukovice for one night and then taken to the Foča High School where she remained for one night before being then taken in a bus to Nikšić.

On Tuesday 28 March "Witness 51" testified that she was held at Buk Bijela for one night where her 17 year old daughter was taken off for questioning and raped. "Witness 51" was subsequently taken to the High School building in Foča where she met up with her mother ("Witness 62"). The witness was held in the school for about 10 to 15 days and then taken to the Partizan Sports Hall where she was again raped. Her cross-examination concluded on Wednesday.

The testimony of "Witness 50", the daughter of "Witness 51" and "Witness 52" and grand-daughter of "Witness 62" followed.

"Witness 50" testified that she was taken to Buk Bijela where she was raped and then held at the Foča high school for 11 days where she was repeatedly raped. "Witness 50" was subsequently taken to the Partizan Sports Hall. During her time there the witness testified that she was taken with other girls to houses where she was kept for several days at a time and subjected to repeated rapes.

The following witness, "Witness 75" testified that she was taken to Buk Bijela where she was subjected to gang rape. She was then held at the Foča High School for 15 days, during which time she was taken out to several houses to carry out domestic chores and subjected to multiple rapes. This continued after she had been transferred to the Partizan Sport Hall, and at one point "Witness 75" was detained at "Karaman's House" for three months. Her examination-in-chief will continue on Monday 3 April.

KRSTIĆ CASE

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

The trial of Radislav Krstić entered its third week on Monday 27 March.

The Trial Chamber commenced the week's hearings in closed session and then proceeded to hear the testimony of "Witness E", a resident of Srebrenica, in open session.

Mr. David Vaasen, who was performing the duties of a medical orderly with DutchBat III based in the Srebrenica enclave in July 1995, then gave evidence. His cross-examination concluded on Tuesday 28 March and was followed by the testimony of "Witness F" who also a member of DutchBat in Bosnia in 1995.

On Wednesday 29 March, Judges Rodrigues and Riad, sitting in the absence of Judge Wald who was away from the Tribunal for "*urgent and pressing matters*", continued to hear the testimony of "Witness F".

The testimony of Mr. Bego Ademović, who fled from his home in Kutezero arriving in Potočari on 11 July 1995, followed.

On Thursday 30 March, "Witness H" testified. "Witness H" arrived at the UN compound on 11 July 1995 with his wife and two children.

Captain Leendert van Duijn then commenced his testimony. Captain van Duijn was deployed to Bosnia with DutchBat III as a platoon commander. During the assault on the enclave he was given the task of blocking the Serb forces coming from the south threatening the city of Srebrenica.

His testimony concluded on Friday 31 March after which the Trial Chamber heard the testimony of Lieutenant-Colonel Joseph Kingori, a Kenyan United Nations Military Observer (UNMO) deployed in the Srebrenica enclave.

KORDIĆ & ČERKEZ CASE

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

On Thursday 30 March the Trial Chamber reconvened to hear oral submissions on the motions for a Judgement of acquittal filed by Kordić and Čerkez on 17 March 2000 (see Update No. 118).

The Trial Chamber will render its decision on the motions at a later date.

II. OVERVIEW OF COURT DOCUMENTS

KVOČKA, KOS, RADIĆ & ŽIGIĆ CASE

ORDER ON DEFENCE MOTION FOR MEDICAL EXAMINATION OF RADIC

On 29 March 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued its order on the Radić's request for a medical examination, filed on 9 March 2000, and reference made orally by the defence during the status conference on 24 February 2000 to an injury sustained by the accused upon his arrest, as well as to the need to take this injury into account so as to assess its impact on the accused's personality.

Considering that the defence listed the psychological tests which it required but did not demonstrate the relevance of these tests to the trial, nor did it provide sufficiently precise explanation of the need for these particular tests, the Trial Chamber ordered the defence to give information with regard to specific questions detailed in the order.

KUNARAC, KOVAČ & VUKOVIĆ CASE

ORDER ON DEFENCE EXPERTS

On 29 March 2000, Trial Chamber II (Judges Mumba (Presiding), Hunt and Pocar) granted in part the confidential joint motion of the defence for the presence of defence experts during the trial.

In the motion the accused applied, firstly, for three medical experts to be permitted access to the statements of five witnesses who are presently the subject of protective orders, and secondly, for the medical experts to be permitted to examine these witnesses. The issue was also raised as to whether the medical experts could give evidence in the trial.

Considering that expert medical evidence is not required in relation to the evidence of witnesses to crimes such as rape, torture, outrages upon personal dignity and enslavement, and the circumstances in which expert medical evidence would even be relevant are rare, the Trial Chamber stated that it would not be appropriate to permit a medical examination unless there is shown to be a reasonable likelihood in a particular case that it will assist the accused.

Thus, the Trial Chamber ordered that the defence may disclose the witness statements of the five witnesses to Prof. Dr. Dušan Dunjić, a forensic expert; Dr. Aleksandar Jovanović, a neuro-psychiatrist;

and Dr. Milan Kostić, a psychologist, and, if it considers necessary, may call any or all of these medical experts to testify as expert witnesses.

With regard to physical examinations of the witnesses, the Trial Chamber held that the defence must apply on an individual basis, showing good cause, for leave to physically examine one or more of the witnesses. The Prosecution will be given an opportunity to respond to such applications.

PRCAČ CASE

PROSECUTION PRE-TRIAL BRIEF FILED

On 24 March 2000, the Prosecution filed its pre-trial brief in the Dragoljub Prcač case. A pre-trial conference has been scheduled to take place on **12 April 2000** at **4 p.m.** in Courtroom III.

COURTROOM SCHEDULE: 3 APRIL – 7 APRIL *

MONDAY 3 APRIL

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

TUESDAY 4 APRIL

Courtroom I 09:30, **Kunarac/Kovac/Vukovic**, Trial
14:30, **Kunarac/Kovac/Vukovic**, Trial
Courtroom III 09:30, **Krstic**, Trial
16:15, **Jelusic**, Status Conference

WEDNESDAY 5 APRIL

Courtroom I 09:30, **Kunarac/Kovac/Vukovic**, Trial
14:30, **Kunarac/Kovac/Vukovic**, Trial
Courtroom III 09:30, **Krstic**, Trial
15:30, **Galic**, Status Conference

THURSDAY 6 APRIL

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

FRIDAY 7 APRIL

Courtroom III 09:30, **Krstic**, 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.

PRESS RELEASES ISSUED SINCE 24 MARCH

DATE	NUMBER	TITLE	E	F	B/C/S
28/03/00	482	SPAIN TO BECOME THE SEVENTH STATE TO SIGN AN AGREEMENT ON THE ENFORCEMENT OF SENTENCES	X		X
29/03/00	483	SIMIC AND AVRAMOVIC FOUND NOT GUILTY OF CONTEMPT OF COURT	X	X	X

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](#)