



7 April 2000

ICTY WEEKLY UPDATE – 120

LAST MINUTE NEWS:

KRAJIŠNIK CASE

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

On Friday 7 April, Momičilo Krajišnik pleaded "not guilty" to all charges against him in the amended indictment, dated 21 March 2000.

The accused was detained by SFOR on 3 April 2000 and transferred to the UN Detention Unit later the same day (see Press Release No. 485).

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS

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 third week of hearings on Monday 3 April with the Trial Chamber continuing to hear the testimony of "Witness 75".

Following the conclusion of the cross-examination of "Witness 75" on Tuesday 4 April the Trial Chamber heard the testimony of "Witness 87" who was 15 years' old at the time of the events in April 1992 and the sister of "DB".

"Witness 87" testified that she was firstly taken to Buk Bijela where she was raped and then taken with her mother, sister, and other women to the Nikola Tesla Secondary School centre in Aladza where she was held for about two weeks.

"Witness 87" testified that she was subsequently taken to the Partizan Sports Hall. During her time there she was taken out to houses on numerous occasions and subjected to rapes, including at "Karaman's House" where she was forced to perform domestic chores. "Witness 87" was subsequently taken to the "Brena building" where she was kept for about four months. Throughout this period the witness was raped and, on occasions, forced, alone and with other girls, to dance naked. "Witness 87" testified that she was eventually sold by Kostić and Kovač to two Montenegrins for 500 German marks.

KRSTIĆ CASE

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

The trial of Radislav Krstić entered its fourth week on Monday 3 April with the Trial Chamber continuing to hear the testimony of Lieutenant-Colonel Joseph Kingori a Kenyan United Nations Military Observer (UNMO) deployed in the Srebrenica enclave.

The following witness, Mrs. Mirsada Malagić lived in the village of Voljavica, near to the town of Bratunac, prior to the commencement of the war in 1992. Mrs. Malagić arrived in Srebrenica with her husband and three sons, after being forced out of her village by Serb forces in mid-1992 and remained in the enclave until its fall in July 1995. She testified that she has never seen her husband and sons since. Her cross-examination continued on Tuesday.

The following witness, Major Robert Franken, was the Deputy Commanding Officer of the 1st Netherlands United Nations Infantry Battalion in Srebrenica, based in Potočari from January to July 1995. His mission was to deter any attack on the safe area of Srebrenica, to demilitarise the area of the enclave, and to support NGOs and other humanitarian organisations in their task.

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As Deputy Commander the witness was in charge of all internal affairs and most operational affairs of the battalion. He was also the staff officer responsible for the logistics, that is, food, fuel, ammunition and medical care.

On Wednesday 5 April, the Trial Chamber began to hear the testimony of Captain Johannes Rutten, who served in DutchBat III in the Srebrenica enclave from January 1995 until the 21 July 1995. One of his mandates while serving in DutchBat was to assist in the delivery of humanitarian aid.

The following witness, Captain Vincentius Egbers, was deployed to Srebrenica with DutchBat III in January 1995, remaining in the enclave of Srebrenica until 21 July 1995. As a platoon commander Captain Egbers was responsible for the section of his company's terrain.

His cross-examination continued on Thursday.

Due to technical difficulties the proceedings on Wednesday, Thursday and Friday will be summarised in Weekly Update 121.

II. OVERVIEW OF COURT DOCUMENTS

DELALIĆ, MUCIĆ, DELIĆ & LANDŽO CASE

ORDER ON NOTICE TO "JOIN" LANDZO'S FOURTH GROUND OF APPEAL FILED BY MUCIC AND DELIC

On 31 March 2000, the Appeals Chamber (Judges Hunt (Presiding), Riad, Nieto-Navia, Bennouna and Pocar) issued its order on a notice filed by Mucić and Delić on 17 February 2000, seeking to "join" the arguments of Landžo on the substance of the latter's fourth ground of appeal, namely that his right to a fair and expeditious trial "*were violated when verdict and sentence were rendered by a Trial Chamber whose presiding Judge was permitted to sleep through much of the proceedings*".

Considering that Delić did not raise the issue in his Appeal Brief, dated 2 July 1999, and therefore the indication of the intention to join Landžo's arguments related to the presiding Judge sleeping during the trial does constitute an implied application for leave to add an additional ground of appeal, the Appeals Chamber granted leave to Delić to add the additional ground.

With regard to Mucić's notice, the Trial Chamber granted leave to Mucić to file additional submissions in relation to his eleventh ground of appeal, in which Mucić referred to Landžo's fourth ground of appeal. Delić was also granted leave to file additional submissions made in the notice.

ORDER ON MOTIONS FOR LEAVE TO FILE SUPPLEMENTARY BRIEFS ISSUED

On 31 March the Appeals Chamber issued its order on a motion filed by Delić and Mucić for leave to file a supplementary brief, dated 14 February 2000, and on the Prosecutor's motion for leave to file a supplementary brief, dated 28 February 2000.

The Appeals Chamber granted leave to Delić and Mucić to add an additional ground of appeal based on the *Kupreškić* Judgement, considering, among others things, that, if upheld, the additional ground of appeal would invalidate the convictions of the appellants on one or more of the different charges based upon the same acts.

In the additional ground the appellants alleged that the Trial Chamber in the present case erred in convicting the accused of "*both grave breaches and violations of the laws and customs of war for the same acts*".

The Appeals Chamber also granted leave to Delić and Mucić to file the appellant's supplementary brief to introduce submissions and documents referred to in the appellant's motion.

The Prosecution was also granted leave to file a supplementary brief in relation to grounds of appeal raised by the appellants Mucić, Delić and Landžo.

KOLUNDŽIJA & DOŠEN CASE

SCHEDULING ORDER

On 31 March 2000, Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) issued a scheduling order for pre-trial matters. In particular, the Prosecution was ordered to file its pre-trial brief by 11 April 2000 and list of exhibits and witnesses by 28 April 2000.

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VASILJEVIĆ CASE; KRNOJELAC CASE; BRDANIN & TALIC CASE

ASSIGNMENT OF JUDGE

On 3 April 2000, the President of the Tribunal, Judge Claude Jorda, assigned Judge Liu Daqun to sit on Trial Chamber II in place of Judge Fausto Pocar in the *Vasiljević case, Krnojelac case and Brdanin & Talić case*. Judge Liu will join Judges Mumba and Hunt.

SIMIĆ & OTHERS CASE

ORDER ON PROVISIONAL RELEASE OF TADIC AND ZARIC

On 4 April 2000, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna) granted motions for the provisional release of Miroslav Tadić and Simo Zarić, filed by the accused on 19 January 2000.

Pursuant to a Prosecution application for a stay of any decision granting the accused's motion for provisional release, and subsequent filing of a Prosecution application for leave to appeal on 5 April 2000, the Trial Chamber's decision, has been stayed until either (1) a bench of the Appeals Chamber rejects the application for leave; or (2) the Appeals Chamber dismisses the appeal; or (3) a Bench of the Appeals Chamber or the Appeals Chamber otherwise orders (see Press Release No. 487).

ORDER ON TODOROVIC'S REQUEST FOR JUDICIAL ASSISTANCE FOR THE PRODUCTION OF INFORMATION STAYED

On 4 April 2000, the Trial Chamber granted the Prosecution motion, filed on 22 March 2000, for stay of the order on Todorović's request for judicial assistance for the production of information, dated 7 March 2000 (see Update No. 116). The Prosecution had filed an application for leave to appeal the decision on 14 March 2000.

In its motion the Prosecution sought: (1) a stay of the 7 March 2000 order until 28 days after the final resolution of the Prosecution's application for leave to appeal, and (2) an order from the Trial Chamber requiring defence counsel for Todorović, to desist from further unauthorised requests for information.

Considering that failure to grant the requested stay would effectively exclude the Prosecution's ability to challenge the 7 March 2000, the Trial Chamber granted a stay of the order, pending the final resolution of the application for leave to appeal, or any appeals that may arise therefrom, whichever is the later.

However, the Trial Chamber declined to issue an order to the Todorović defence to desist from issuing unauthorised requests for information, considering that "*counsel for an accused before the International Tribunal is entitled to seek co-operation of any individual, entity or State in providing information pertinent to the preparation of his defence*".

COURTROOM SCHEDULE: 10 APRIL – 14 APRIL *

MONDAY 10 APRIL

Courtroom I 09:30, **Kordic/Cerkez**, Start in presentation of case-in-chief by Defence
14:30, **Kordic/Cerkez**, Trial
Courtroom III 09:30, **Krstic**, Trial

TUESDAY 11 APRIL

Courtroom I 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom III 09:30, **Krstic**, Trial
16:00, **Galic**, Status Conference

WEDNESDAY 12 APRIL

Courtroom I 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom III 09:30, **Krstic**, Trial
16:00, **Prcac**, Pre-trial Conference

THURSDAY 13 APRIL

Courtroom I 09:30, **Kordic/Cerkez**, Trial
14:30, **Kordic/Cerkez**, Trial
Courtroom III 09:30, **Krstic**, Trial

FRIDAY 14 APRIL

Courtroom I 09:30, **Kordic/Cerkez**, Trial
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 31 MARCH

DATE	NUMBER	TITLE	E	F	B/C/S
3/4/2000	485	STATEMENT BY THE PROSECUTOR FOLLOWING THE ARREST OF MOMČILO KRAJIŠNIK ON 3 APRIL 2000	E		B/C/S
3/4/2000	486	JUDGE LIU DAQUN SWORN IN TODAY	E	F	B/C/S
5/4/2000	487	"BOSANSKI SAMAC" CASE: PROVISIONAL RELEASE OF MIROSLAV TADIC AND SIMO ZARIC ON HOLD WHILE PROSECUTOR SEEKS LEAVE TO APPEAL	E		B/C/S
6/4/2000	488	PRESS STATEMENT MADE BY THE PROSECUTOR CARLA DEL PONTE IN ZAGREB	E		B/C/S

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](#)
