



28 July 2000

## ICTY WEEKLY UPDATE – 135

*Please be informed that Weekly Update 136 will be published on 1 September 2000*

### LAST MINUTE NEWS:

#### **KRSTIĆ CASE (“SREBRENICA”)**

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

Further to the evidentiary hearing held partly in closed session on 28 July 2000, Trial Chamber I issued a decision on the same day ordering that the audio-visual recording of the session be unsealed and transmitted to the media on 4 August 2000 at 9.30 a.m. in the public gallery of Courtroom III. The exhibits tendered during the session will also be unsealed at that time.

### PROCEDURAL DEVELOPMENTS:

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

#### **KRSTIĆ CASE (“SREBRENICA”)**

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

The Trial Chamber reconvened this week, entering its eleventh and final week of hearings in the Prosecution case-in-chief.

On Monday 24 July, Major General Richard Dannatt commenced his testimony.

Presently commanding the 3rd United Kingdom Division, Major General Dannatt was called by the Prosecution as an expert witness, testifying with regard to a report he prepared for the Prosecution addressing:

- (1) military doctrine: the doctrines and methods of military command and control generally, and with specific reference to the army of Republika Srpska (the VRS) and the Drina Corps;
- (2) command and control responsibilities: the roles and responsibilities of a Corps Commander and the Corps Chief of Staff generally, with specific reference to the VRS and the Drina Corps; and
- (3) command and control regarding operations: issues relating to operational and logistic planning, tactical tempo, and the headquarters' command and control procedures relevant to this case.

Major General Dannatt's testimony concluded on Tuesday 25 July.

On Wednesday 26 July, Witness DD, a former resident of a village in the Srebrenica municipality, told the court that when the attack commenced on Srebrenica in July 1995 she, and her family, left their home and headed to the woods. Later, Witness DD went to the UNPROFOR area in Potočari where her 14 year old son was taken away, and she and other members of her family were transported to Tisca. Witness DD testified that she has not seen her husband or two of her sons since.

The next witness, Ms. Jasna Žečević is the director of the Vive Zene ("woman alive") organisation, an NGO established with aim of providing psycho-social support for the women and children who were victims of war. Ms. Žečević told the court about experiences the organisation had encountered with the Srebrenica community.

The final witness to be called by the Prosecution, Ms. Teufika Ibrahimfendić, testified on 27 July.

On Friday 28 July, the Trial Chamber held an evidentiary hearing partly in closed session (see above "Last Minute News"). The Prosecution case-in-chief has now concluded, the defence has been granted an extension of time, until 9 September 2000, to file any motion for judgement for acquittal.

During its case-in-chief the Prosecution called 56 witnesses. The Defence case has been scheduled to commence on **16 October 2000**.

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

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

The Trial Chamber entered its fourteenth week of hearings this week, with the fourth week of the defence case-in-chief.

On Monday 24 July, the Trial Chamber heard the testimony of protected defence witness “DD” who was called as an alibi witness for Kunarac.

Witness DD told the court that, upon joining the Foča territorial defence in May 1992, he was assigned as a sentry in the Velečevo complex and testified that, while he was on duty, he saw Kunarac at about 10.00 p.m. on 2 August 1992, Saint Ilius' day. Witness DD told the court that, after leaving the complex for a short time, Kunarac stayed at the complex that night and ate breakfast there the following morning.

The next witness, “DE”, who was also called as an alibi witness for Kunarac, told the court that he first saw Kunarac in Dobro Polje on 3 August 1992 at about 7.00 p.m. before Kunarac left in the direction of Kalinovik. The next time he saw Kunarac was on 7 August 1992 at about 8.00 p.m.

Reconvening on Wednesday 26 July, the Trial Chamber heard the testimony of three further alibi witnesses for Kunarac.

Mr. Radosav Đurović testified that he saw Kunarac on 2 August 1992 arriving in Dobro Polje from the direction of Rogoj. Mr. Đurović told the court that he and others, including Kunarac, headed to the Velečevo command post arriving between 9.30 p.m. and 10.00 p.m. The witness then testified that he saw Kunarac at breakfast the next morning.

Mr. Radivoje Pavlović told the court that he saw Kunarac at about 10.00 p.m. on the evening of 2 August 1992 at the Velečevo compound and the following day he drove Kunarac to Kalinovik, arriving at about 4.00 p.m.

Mr. Mirko Przulj testified that he met Kunarac on 31 July 1992 at around 5.00 p.m. in Kalinovik. The witness also told the court that, on 2 August 1992, he noticed his vehicle had been stolen and reported this to the police. This vehicle was used, according to the indictment, to drive girls from Kalinovik to Foča.

The Trial Chamber has now adjourned until **11 September 2000**.

## **KRNOJELAC CASE (“KP DOM CAMP”)**

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

On 28 July 2000, the Trial Chamber held the scheduled status conference in open session.

## **NIKOLIĆ CASE (“SUŠICA CAMP”)**

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

On 28 July 2000, the Trial Chamber held the scheduled status conference in open session.

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

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

The Trial Chamber continues to hear Kordić's defence case-in-chief.

The week's hearings commenced on Monday 24 July with the testimony of Major Zlatko Senkić who presently works for the administration and mobilisation and structuring at the joint headquarters of the army of Bosnia and Herzegovina.

In April 1992, Major Senkić was appointed assistant commander of the municipality staff of the HVO for personnel affairs in Novi Travnik, later being appointed as assistant commander for structuring and personnel affairs in the Stjepan Tomasevic Brigade, headed by Mario Čerkez. Major Senić testified about the formation, task and structure of the Stjepan Tomasević Brigade and Čerkez's role within the Brigade.

Major Senić also told the court about the formation of the Viteska Brigade, the military tasks of the HVO in Novi Travnik in 1992, and addressed the topic of inter-ethnic relations.

The next witness, Mr. Bozo Perić was a volunteer to the HVO and testified that he had never met Kordić nor Čerkez.

*Due to technical difficulties it was not possible to provide a complete summary of the proceedings in the Kordić and Čerkez case this week.*

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**TODOROVIĆ CASE (“BOSANSKI ŠAMAC”)**

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

On Tuesday 25 July, the Trial Chamber held a hearing on the notice of motion for Judicial Assistance, filed by Todorović on 24 November 1999, in connection with the Peace Stabilisation Force ("SFOR") or other military forces operating on the territory of Bosnia and Herzegovina.

In the motion, Todorović had sought the assistance of the Trial Chamber in obtaining information and documents in connection with the evidentiary hearing to be held on the motion for an order directing the Todorović's return to the country of refuge and Todorović's petition for a writ of *habeas corpus*, filed on 21 October and 15 November 1999 respectively.

A decision on the motion will be issued in due course.

**II. OVERVIEW OF COURT DOCUMENTS**

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

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DECISION ON ZIGIC ALIBI DEFENCE

On 21 July 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued its decision authorising Žigić to pursue a defence of alibi for the facts referred to in paragraph 34(d) of the indictment, dated 31 May 1999, and to call three potential alibi witness.

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**BRĐANIN & TALIĆ CASE (“KRAJINA”)**

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BRĐANIN'S MOTION FOR PROVISIONAL RELEASE REFUSED

On 25 July 2000, Trial Chamber II (Judges Hunt (Presiding), Mumba and Liu) refused Brđanin's motion for provisional release pending his trial, filed by counsel for the accused on 28 April 2000. A hearing on this motion was held on 20 July 2000 (see Update No. 134).

In reaching its decision, the Trial Chamber held that it had not been satisfied by Brđanin that he would appear for his trial, “...*Brđanin has reason enough for not wanting to appear. Again, common experience suggests that any person in his position, even if he is innocent, is likely to take advantage of the refuge which Republika Srpska presently provides to other high-level indicted persons*”.

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

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DECISION ON APPEAL REGARDING STATEMENT OF DECEASED WITNESS

On 21 July 2000, the Appeals Chamber (Judges Wald (Presiding), Vohrah, Nieto-Navia, Pocar and Liu) allowed Kordić's appeal against an oral ruling, made by Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) on 21 February 2000, admitting into evidence a prior unsworn, uncorroborated, out-of-court witness statement, whose maker Kordić could neither confront nor cross-examine.

The statement had been taken by a Prosecution investigator in 1995 from, the now deceased, Mr. Midhat Haskić, whose statement was the only proof of the accused's presence in a particular place at a particular time.

In reaching its decision, the Appeals Chamber found that, “*the statement is so lacking in reliability that it should have been excluded*” and directed the Trial Chamber to do so.

ORDER RELEASING CONFIDENTIAL DECISION OF THE TRIAL CHAMBER

On 25 July 2000, Trial Chamber III issued two orders lifting the confidential status of the decisions, issued by the Trial Chamber on 17 December 1999, denying applications for provisional release, filed by Kordić and Čerkez on 6 December 1999.

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**GALIĆ CASE (“SARAJEVO”)**

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GALIC MOTION FOR PROVISIONAL RELEASE DENIED

On 27 July 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) denied Galić's motion for provisional release, filed on 13 April 2000. A hearing on this motion was held on 10 July 2000 (see Update No. 133).

In reaching its decision, the Trial Chamber considered that, “*the burden rests on the Defence to satisfy the Trial Chamber that the accused will appear for trial and, if released, will not pose a danger to*

any victim, witness or other person, and that if any of those criteria is not met, the Trial Chamber is not authorised to order the provisional release of the accused”.

**SIMIĆ, TADIĆ, TODORVIĆ & ZARIĆ CASE (“BOSANSKI ŠAMAC”)**

**DE NOVO APPLICATION FOR TADIC TO PROVISIONALLY LEAVE HIS RESIDENCE DENIED**

On 27 July 2000, Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna), denied Miroslav Tadić’s *De Novo* application to provisionally leave his residence for a medical examination, filed on 12 July 2000.

Tadić was granted provisional release on 4 April 2000 (see Press Release No. 487) subject to certain conditions, including the requirement “to remain within the confines of the municipality of *Bosanski Šamac*”.

Tadić had filed a similar application on 15 June 2000 in which he sought permission to leave the municipality to travel to Belgrade, Federal Republic of Yugoslavia (FRY), for a specified medical examination. On 29 June 2000, the Trial Chamber denied the application “without prejudice to any further application, supported by a second opinion, for the specified examination in a different location” (see Update No. 131).

In reaching its decision, the Trial Chamber noted that, although the accused had submitted, with the *De Novo* application, a second opinion supporting the need for a specific medical examination and that he “should not be deprived of obtaining treatment indispensable for his health”, Tadić had not specified a different location for the examination as required by the decision of 29 June 2000.

**COURTROOM SCHEDULE: 31 JULY – 4 AUGUST \***

**MONDAY 31 JULY**

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

**TUESDAY 1 AUGUST**

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

**WEDNESDAY 2 AUGUST**

Courtroom I 09:30, **Kordic/Cerkez**, Trial  
14:30, **Kordic/Cerkez**, Trial (to be confirmed)

**THURSDAY 3 AUGUST**

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

**FRIDAY 4 AUGUST**

Courtroom I 09:30, **Kordic/Cerkez**, Trial  
Courtroom III 09:30, **Krstic**, Hearing of 28 July 2000 to be broadcast

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 21 JULY:**

DATE	NUMBER	TITLE	E	F	B/C/S
21/07/00	519	APPEALS CHAMBER UNANIMOUSLY DISMISSES FURUNDŽIJA APPEAL AND AFFIRMS CONVICTIONS AND SENTENCES	E	F	B/C/S
28/07/00	520	REPUBLIKA SRPSKA MINISTER OF JUSTICE VISITS THE TRIBUNAL	E		B/C/S

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