



10 November 2000

ICTY WEEKLY UPDATE – 147

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 fifteenth week of hearings, with the fourth week of the defence case-in-chief.

On Monday 6 November, the Trial Chamber heard the cross-examination of Mr. Željko Borovčanin whose testimony commenced on Friday 3 November.

Mr. Borovčanin told the court that he and his family lived in Sarajevo before the war, but when the attacks started they and about 1,000 other refugees escaped across this Hum mountain to Žuč, territory controlled by the Serbs, eventually arriving in Žunovi, his native village, on 18 May 1992.

Mr. Borovčanin testified that he joined the 2nd Romanija Motorised Brigade of the Bosnian Serb Army as a private in July 1992 under the command of General Krstić. The witness testified about the activities of his unit, the treatment of prisoners of war and particularly the unit's encounter with UNPROFOR at Alibegovac on 9 July 1995. According to Mr. Borovčanin, on 10 July 1995, his unit received orders to head towards the settlement of Slapovići. Passing through Slapovići, they reached Brdo and eventually assembled in the area of Jahorina, Viogora, and Sućeska on 12 July with the Zvornik and the Birač Brigades where they were addressed by General Mladić. Following Mladić's orders, they went to Žepa on 13 July to join the reserve for the Zvornik Brigade.

After the conclusion of Mr. Borovčanin's testimony, the Trial Chamber heard the testimony of witness DB.

Witness DB told the court that at the beginning of July 1995 he was ordered to establish a communications centre at the forward command post of the Drina Corps in the village of Pribićevac. According to witness DB, it was his duty to establish communication between the forward command post and the command of the Drina Corps in Vlasenica, and from the forward command post to the subordinate units which took part in the “Krivaja 95” operation. He told the court that the communications centre was in operation from 5 to 11 July 1995.

Witness DB testified about the development of combat operations from 6 to 9 July 1995, when General Krstić was present at Pribićevac and in command of the “Krivaja 95” operation. On 10 July they were visited by General Mladić and General Živanović and that the 10th Sabotage Detachment of Bosnian Serb Army, a unit directly subordinated to the Main Staff 10th Sabotage Detachment unit was not linked in the communications system.

Witness DB also testified about the conditions in Srebrenica on 11 July 1995 and a meeting held at the Bratunac Brigade headquarters on that day for all the commanders of the directly subordinated units that had taken part in the “Krivaja 95” operation, including General Krstić. The meeting was chaired by the commander of the Main Staff of the Bosnian Serb Army, General Ratko Mladić.

After the conclusion of witness DB's testimony on Wednesday 8 November, the Trial Chamber adjourned until 20 November 2000.

KRNOJELAC CASE (“KP DOM CAMP”)

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

The trial of Milorad Krnojelac entered its second week of hearings on Monday 6 November with the second week of the prosecution case-in-chief.

Cont.

The first witness to be called this week, Mr. Dževad Lojo, who was arrested on 19 April 1992 and taken to KP Dom, continued his testimony from Thursday 2 November (see Weekly Update 146).

On Tuesday 7 November, FWS-54, a former citizen of Foča testified about his arrest on 16 April 1992 and subsequent detention in KP Dom, where he was held for 136 days until 30 August 1992.

Witness FWS-54 testified about the conditions in the KP Dom as well as being subjected to forced labour and the interrogation, beating and disappearance of detainees. Witness FWS-54 told the court that he lost 37 kilogrammes in weight during his detention at the KP Dom due to the poor food and testified about the role of Krnojelac as warden in the KP Dom. Witness FWS-54 told the court that no military prisoners were brought into the camp, nor were there any military persons there during his detention, all of the people were civilians.

The next witness, FWS-215, told the court that he was arrested on 23 April 1992 and taken to the KP Dom where he was detained until 5 October 1994. FWS-215 testified about Krnojelac's position as warden and conditions in the camp, particularly the beatings and disappearances of detainees, especially in June 1992, and being placed on work duty. FWS-215 told the court that he was in a group of detainees hidden from the Red Cross while they tried to register the prisoners.

After the conclusion of FWS-215's testimony on Wednesday 8 November, the Trial Chamber heard the testimony of FWS-198.

FWS-198 testified that he was arrested on 25 April 1992 and taken to the KP Dom where he was detained until 6 October 1994. FWS-198 told the court about the conditions in the camp, including his work task in the Miljevina coal mine and the beatings and disappearances of detainees. FWS-198 also told the court that Krnojelac was in charge of the whole prison at KP Dom.

After the conclusion of FWS-198's testimony on Thursday 9 November, FWS-66 commenced his testimony.

The Trial Chamber has now adjourned until 23 November 2000.

KUNARAC, KOVAČ & VUKOVIĆ CASE ("FOČA")

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

Having adjourned on 23 September 2000, the Trial Chamber reconvened on Friday 10 November to hear the evidence of medical experts, Dr. Yvan de Grave and Dr. Dušan Dunjić.

The evidence was given following an order issued by the Trial Chamber on 21 September 2000, granting the defence motion for a medical examination of Vuković, filed the same day (see Weekly Update 140). In the motion the defence had requested that Vuković be medically examined in order to establish that he suffered an injury to his testicles on 15 June 1992, namely a "contusion with big hematomas".

The trial has now been adjourned until 20 November 2000 when the Trial Chamber will begin to hear the parties' closing arguments.

II. OVERVIEW OF COURT DOCUMENTS

KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAĆ CASE ("OMARSKA & KERATERM CAMPS")

DECISION ON PROSECUTION NOTICE OF AFFIDAVITS

On 30 October 2000, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued its decision on the prosecution notice of 10 affidavits filed on 15 September 2000.

Rejecting the notice, the Trial Chamber held that the proposed affidavits did not meet the requirements of Rule 94^{ter} and, as such, were not admissible as affidavit evidence.

TODOROVIĆ CASE ("BOSANSKI ŠAMAC")

SUBMISSIONS FILED REGARDING DECISION ON MOTION FOR JUDICIAL ASSISTANCE

On 2 November 2000, Canada, Denmark, Germany, Italy, The Netherlands, the North Atlantic Treaty Organisation (NATO), Norway, the United Kingdom and the United States of America filed submissions in relation to the decision of Trial Chamber III (Judges Robinson (Presiding), Hunt and Bennouna), dated 18 October 2000. France filed its request for review of the decision on 6 November 2000.

In the decision, the Trial Chamber granted Todorović's motion for judicial assistance ordering SFOR, its responsible authority, the North Atlantic Council, and the 33 States participating in SFOR to

disclose specific documents to Todorović by 17 November 2000. The Trial Chamber also ordered that, in due course, a subpoena be issued to General Eric Shinseki, Commanding General of SFOR, in his individual capacity requiring General Shinseki to provide evidence in the on-going evidentiary hearing (see Weekly Update 144). The Prosecutor filed an appeal, or alternatively, application for leave to appeal the decision on 25 October 2000 (see Weekly Update 145).

Denmark notified the Trial Chamber that it had not been possible to identify information relevant to the decision. Eight states and NATO filed requests for review. Germany, Norway, the United States of America, Canada, The Netherlands, and the United Kingdom have filed written arguments. France, Italy and NATO sought an extension of time to file further submissions.

DECISION TO STAY TRIAL CHAMBER DECISION/SCHEDULING ORDER FOR REVIEW HEARING

On 8 November 2000, the Appeals Chamber (Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia, Wald and Pocar, having been assigned to hear the case by the President of the Tribunal, Judge Jorda, on the same day), issued its decision and scheduling order with regard to the above-mentioned filings. A Press Release has been issued separately (Press Release No. 539).

The Appeals Chamber suspended the execution of the decision of 18 October 2000 “*in its entirety, pending the final conclusion of a review by the Appeals Chamber*”, pursuant to rule 108bis(C).

Further, the Appeals Chamber decided that the States shall file written briefs in support of their applications for review by 15 November 2000. Considering that the Prosecutor is also to be heard in the course of the review proceedings pursuant to Rule 108bis of the Tribunal’s Rules of Procedure and Evidence and as required by the interests of justice, the Appeals Chamber directed that the Prosecutor may also file a written brief by 15 November 2000. The Chamber directed that Todorović as well as his co-accused, Simić, Miroslav Tadić and Zarić, may, by 22 November 2000, file a response to the written briefs by the States, NATO and the Prosecutor.

In addition the Appeals Chamber scheduled an oral hearing in this matter for **28 November 2000**.

BRĐANIN & TALJIĆ CASE (“KRAJINA”)

DECISION ON MOTION BY PROSECUTION FOR PROTECTIVE MEASURES

On 27 October 2000, Trial Chamber II (Judges Hunt (Presiding), Mumba and Liu) issued its decision on the third motion of the prosecution for protective measures, filed on 31 August 2000.

The Trial Chamber ordered that: (1) “*the prosecution is granted leave to redact from the statements all witnesses whom it proposes to call to give evidence in this case and any information concerning the current whereabouts of each witness*”; (2) “*in relation to the witnesses for whom protective measures have been sought on an ex parte basis, the prosecution was directed to file, on a confidential basis only and without revealing the identity of the witnesses, its justification for non-disclosure of their identity to the accused in such a way that the accused are given sufficient information to enable them to determine whether to oppose the relief sought*”; (3) the application for protective measures in relation to witnesses 7.72 and 7.73, by which their identity will not be disclosed to the accused or their defence teams at this stage, was refused.

Corrigendum

Contrary to what was reported in *Weekly Update 146*, the composition of Trial Chamber II in the *Krnjelac* case is Judges Hunt (Presiding), Mumba and Liu, and in the *Brđanin & Talić* case Judges Hunt (Presiding), Mumba and Liu.

COURTROOM SCHEDULE: 13 NOVEMBER – 17 NOVEMBER *

MONDAY 13 NOVEMBER

Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, Trial
14:30 - 16:00, **Kordic/Cerkez**, Trial

TUESDAY 14 NOVEMBER

Courtroom II 10:00, **Jelusic**, Status conference
Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, Trial
14:30 - 16:00, **Kordic/Cerkez**, Trial

WEDNESDAY 15 NOVEMBER

Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, Trial
14:30 - 16:00, **Kordic/Cerkez**, Trial

THURSDAY 16 NOVEMBER

Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, Trial
14:30 - 16:00, **Kordic/Cerkez**, Trial

FRIDAY 17 NOVEMBER

Courtroom II 10:30, **Brđanin/Talić**, Status conference
Courtroom III 09:30 - 13:00, **Kordic/Cerkez**, 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.

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](#)