



23 February 2001

ICTY WEEKLY UPDATE – 161

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 to hear Kos' defence case-in-chief.

On Monday 19 February, the Trial Chamber heard the opening statement of the Kos defence followed by the testimony of Ms. Nada Čurčić, Kos's sister, who testified about Kos' character and background.

The next witness, Mr. Milan Babić, testified that he was mobilised as a member of the reserve police force at the Lamovita police station in April 1992 and assigned to guard a transmitter at Mount Kozara and the surrounding villages. Mr. Babić told the court that he completed a police training course in June 1993, becoming an active-duty policeman, and gave details of the training scheme and his relationship with Kos while they were training together.

The next witness, Mr. Željko Srdić, testified that he was mobilised with the reserve force in Glamoč on 20 September 1991 and described his duties as a reserve police officer. Mr. Srdić told the court that he met Kos in December 1992 and gave his impression of Kos' personality. After the conclusion of Mr. Srdić's testimony the Trial Chamber held a status conference.

On Tuesday 20 February, the Trial Chamber heard the testimony of Mr. Želimir Škrbić, the last witness to be called by the Kos defence.

Mr. Škrbić testified that, in 1992, he was working in the Security Services Centre in Banja Luka as an examiner for logistics and a co-ordinator of courses in the Banja Luka police academy. Mr. Škrbić gave details of the course syllabus and told the court that he knew Kos when he attended the course in 1992/3. When asked, Mr. Škrbić also gave his impression of Kos' character. Mr. Škrbić's testimony was followed by a further status conference.

The Trial Chamber has now adjourned until 6 March 2001.

KRNOJELAC CASE (“KP Dom Camp”)

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

Having adjourned on Thursday 15 February, the trial of Milorad Krnojelac reconvened this week entering its eighth week of hearings with the eighth week of the prosecution case-in-chief.

On Monday 19 February, The Trial Chamber heard the testimony of FWS 73, a former detainee at the KP Dom.

FWS 73 testified that he and his wife were arrested on 17 April 1992 and taken to the KP Dom. FWS 73 told the court that his wife was released from the camp after a few days, however, he was subsequently held at the KP Dom for two years and six months, before being exchanged as part of a prisoner exchange.

FWS 73 testified that he saw Krnojelac upon his arrival at the camp. The witness also described the brutal living conditions at KP Dom and gave details of the atrocities committed there, especially beatings, disappearances, interrogations and killings. FWS 73 told the court about labour duties the detainees were assigned to and testified about being held in an isolation cell for 12 days. FWS 73 told the court about Krnojelac's activities as commander of the KP Dom, the hierarchy and control of the camp and described the relationship between the civil and military authorities within the camp.

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After the conclusion of FWS 73's testimony on Wednesday 21 February, the Trial Chamber heard the testimony of Mr. Ekrem Zeković (referred to as "EZ" in the indictment), a former detainee at the KP Dom.

Mr. Zeković, a Muslim, testified about the Serb pre-war preparations and the subsequent take-over of Foča. Mr. Zeković told the court that he was arrested by the military police on 20 May 1992 and taken to KP Dom where he was detained until 5 October 1994.

Mr. Zeković told the court that he knew Krnojelac before the war. Mr. Zeković described Krnojelac's position as the warden of the KP Dom and testified that he saw Krnojelac at the KP Dom on a daily basis.

Mr. Zeković described the living conditions at the KP Dom including beatings and killings and described the working group of detainees and their tasks. Mr. Zeković also told the court about detainees disappearing after having been taken out for work assignments and testified that he was detained in solitary confinement for 12 days.

Mr. Zeković's testimony continued on Thursday 22 February and will resume when the Trial Chamber reconvenes on Monday 12 March.

DELALIĆ & OTHERS CASE ("Čelebići Camp")

Appeals Chamber- Judges Hunt (Presiding), Riad, Nieto-Navia, Bennouna and Pocar

On Tuesday 20 February, the Appeals Chamber rendered its Judgement.

Affirming the acquittal of Delalić, but dismissing all convictions entered against Mucić, Delić and Landžo for Article 3 (violations of the laws or customs of war) of the Statute on the basis that the Trial Chamber erred in entering cumulative convictions under both Article 2 (grave breaches of the 1949 Geneva Conventions) and Article 3 for crimes arising from the same act, the Appeals Chamber remitted the remaining sentences of the convicted accused to a Trial Chamber for possible adjustment (see Press Release 564).

BLAŠKIĆ CASE ("Lašva Valley")

Appeals Chamber – Judges Vohrah, Nieto-Navia, Wald, Pocar and Liu

On Wednesday 21 February, Judge Pocar held the scheduled status conference in open session.

JELISIĆ CASE ("Luka Camp")

Appeals Chamber – Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia, Wald and Pocar

On Thursday 22 and Friday 23 February the Appeals Chamber heard the parties' oral submissions on the appeal.

KUNARAC, KOVAČ & VUKOVIĆ CASE ("Foča")

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

On Thursday 22 February the Trial Chamber rendered its Judgement.

Finding that rape was "used by members of the Bosnian Serb armed forces as an instrument of terror" and stating that "lawless opportunists should expect no mercy, no matter how low their position in the chain of command may be", the Trial Chamber sentenced Kunarac to 28 years' imprisonment; Kovač to 20 years' imprisonment and Vuković to 12 years' imprisonment (see Press Release 566).

II. OVERVIEW OF COURT DOCUMENTS:

BRĐANIN & TALIC CASE ("Krajina")

DECISION ON TALIC'S OBJECTIONS TO THE FORM OF THE AMENDED INDICTMENT

On 20 February 2001, Trial Chamber II (Judges Hunt (Presiding), Mumba and Liu) issued its decision on a motion for dismissal of the indictment, filed by counsel for Talić on 8 February 2000.

Partly granting the motion the Trial Chamber determined that:

"(i) The complaint by Momir Talić that he is impermissibly charged with cumulative offences based upon the same facts is dismissed.

(ii) The complaint by Momir Talić that, in absence of any allegation that the acts charged occurred during an international armed conflict, the allegations of grave breaches of the Geneva Conventions are irrelevant is upheld.

(iii) *The complaint by Momir Talić that the amended indictment does not comply with the requirements of the Tribunal's Statute and Rules as interpreted by the jurisprudence of the Tribunal is upheld insofar as it related to a lack of particularity in the pleading, but is otherwise dismissed.*"

The prosecution was therefore ordered to file a further amended indictment by 13 March 2001.

GALIĆ CASE ("Sarajevo")

SCHEDULING ORDER ISSUED

On 21 February 2001, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued an order scheduling the next status conference to take place on **15 March 2001** at **3.30 p.m.** in order to discuss the progress of the pre-trial preparation of the case and hear the parties' oral argument on the protocol for the Trial Chamber's proposed visit to Sarajevo.

KRSTIĆ CASE ("Srebrenica")

SCHEDULING ORDER ISSUED FOR THE REMAINDER OF THE TRIAL

On 21 February 2001, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) issued an order setting the timetable for the remainder of the trial which was adjourned by an order of 15 January 2001 due to the ill health of the accused (see Weekly Update 156).

Noting reports filed by medical experts that the accused requires a convalescence period of three to six weeks following a surgical operation he underwent on 2 February 2001, the Trial Chamber set the schedule for as follows: **19 to 23 March 2001** prosecution rebuttal evidence; **2 to 6 April 2001** defence evidence in rejoinder and questioning of witnesses called by the Trial Chamber. The parties' closing briefs are to be filed by **20 April 2001** and closing arguments are scheduled to take place from **1 to 4 May 2001**.

COURTROOM SCHEDULE: 26 FEBRUARY – 2 MARCH*

MONDAY 26 FEBRUARY

Courtroom I 14:00, **Kordić/Čerkez**, *Judgement*

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).

PRESS RELEASES ISSUED SINCE 16 FEBRUARY:

DATE	NO	TITLE	E	F	B/C/S
20/02/2001	563	JUDGEMENT TO BE HANDED DOWN BY TRIAL CHAMBER II IN THE KUNARAC, KOVAČ & VUKOVIĆ CASE ("Foča")	E		B/C/S
20/02/2001	564	APPEAL JUDGEMENT IN THE ČELEBIĆI CASE	E	F	B/C/S
21/02/2001	565	STATEMENT BY THE PROSECUTOR CONCERNING THE CROATIAN JUDICIARY'S INVESTIGATION OF GENERAL MIRKO NORAC	E		B/C/S
22/02/2001	566	JUDGEMENT OF TRIAL CHAMBER II IN THE KUNARAC, KOVAČ AND VUKOVIĆ CASE	E	F	B/C/S

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