



16 March 2001

## ICTY WEEKLY UPDATE – 164

### LAST MINUTE NEWS:

#### SIKIRICA, DOŠEN & KOLUNDŽIJA CASE (“Keraterm Camp”)

##### JUDGE ROBINSON WILL BE THE PRESIDING JUDGE

Judge Robinson will preside over Trial Chamber III for the trial of Duško Sikirica, Damir Došen and Dragan Kolundžija which has been scheduled to begin on **Monday 19 March 2001** at **10.00 a.m.** Trial Chamber III is thus composed of Judge Robinson (Presiding), Judge May and Judge El Habib Fassi Fihri for this trial.

### PROCEDURAL DEVELOPMENTS:

#### I. OVERVIEW OF COURT PROCEEDINGS:

##### KRNOJELAC CASE (“KP Dom Camp”)

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

Having adjourned on Thursday 22 February, the trial of Milorad Krnojelac reconvened this week entering its ninth week of hearings with the ninth week of the prosecution case-in-chief.

On Monday 12 March, the testimony of Mr. Ekrem Zeković, a former detainee at the KP Dom, resumed. Mr. Zeković commenced giving testimony in this case on Wednesday 21 February (see Weekly Update 161). After the conclusion of Mr. Zeković’s testimony, the prosecution called Dr. Amir Berberkić, formerly a physician in the emergency ward of the Foča hospital.

Dr. Berberkić was first asked to testify about two of his colleagues, Dr. Radovan Mandić, the head of the haemology department, and Dr. Kronjača, from the hospital in Čajniče. Then Dr. Berberkić testified about events surrounding the outbreak of war in Foča in April 1992. Dr. Berberkić told the court that he stayed at the hospital from the beginning of the war until Foča fell on approximately 20 April 1992 and his family was with him for most of that time. Dr. Berberkić testified about the Serb take-over of the hospital on 17 April 1992 and the burning of Paunci and Filipovići villages and the killing of people in Filipovići.

Dr. Berberkić told the court that he was arrested on 30 April 1992 and beaten so badly that he had to be taken to the Foča hospital. Dr. Berberkić testified that he stayed in hospital until 21 May 1992 when he was taken to the KP Dom by two soldiers of the “special police”. According to Dr. Berberkić, he was held at the KP Dom for 479 days, leaving on 12 August 1993. Dr. Berberkić testified about living conditions and food supplies at the KP Dom and the treatment of the detainees including beatings, killings, interrogations and disappearances.

Dr. Berberkić’s testimony was then adjourned and completed on Thursday 15 March. The Trial Chamber held the hearing in closed session on Wednesday 14 March.

##### KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAĆ CASE (“Omarska & Keraterm Camps”)

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

The Trial Chamber reconvened this week continuing to hear Radić’s defence case-in-chief.

On Monday 12 March, the Trial Chamber heard the testimony of protected defence witness, DC7.

DC7 told the court that he was arrested on 14 July and taken with others to the police Station for interrogation before being transferred to the Keraterm camp. DC7 testified that, after a few hours at

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Keratem he was transferred to the Omarska camp and detained in the "White house" while he waited to be interrogated.

DC7 told the court that Radić helped him at Omarska and allowed the witness and his son to be detained together. DC7 also testified that Radić put all the detainees from Ljubija in the same room. DC7 was later transferred to Manjača.

The Trial Chamber then heard the testimony of Mr. Radovan Medić, followed by Mr. Miodrag Kicanović and then Mr. Darko Glušac (formerly called Adem Mehmedović).

On Tuesday 13 March, the Trial Chamber heard the testimony of Ms. Vinka Andžić, a cleaner at the Omarska camp. Ms. Andžić testified that she saw Mlado Radić at Omarska and testified about his behaviour towards the other women and the detainees at the camp.

The next witness, Ms. Borka Vrhovac, was a former neighbour of Mlado Radić and his family. Ms. Vrhovac told the court that she prepared clothes which Radić then gave to her friend and other detainees at the Omarska camp. Ms. Vrhovac's testimony was followed by the testimony of Mr. Miroslav Rosić. Mr. Rosić, an ambulance driver, testified about an incident in May 1992 when Radić asked him to take Senada Denić, a Muslim, and her child to hospital.

The Trial Chamber then heard the testimony of Mr. Bogdan Delić, the Chief of the Prijedor Public Security Station in 1993. Mr. Delić testified that Radić's colleagues from the Omarska police department proposed Radić to receive an award for his work merits over a period of 20 years and Mr. Delić forwarded this recommendation onto the authorities. Mr. Delić also gave details of the work of the security organs and how the organs performed their duties.

The next witness, Mrs Bosiljka Radić, Mlado Radić's wife, testified about the help her husband gave to Senada Denić and her family. Mrs. Radić told the court that she worked in the kitchen at the Separacija near the Omarska mine with Ms. Sadiha Česić whose brothers were later detained at the camp. Mrs. Radić testified about, amongst other things, the water supply and food preparation while the camp was operational.

On Wednesday 14 March, the Trial Chamber heard the testimony of Mr. Branko Starčević. Mr. Starčević told the court that he was called up and assigned as a village guard or village watch at the checkpoints around Omarska in April 1992. Mr. Starčević testified that after about a month he was reassigned to guard the hangars in the Omarska mine. According to Mr. Starčević, a special unit initially guarded the camp but later he saw Kvočka and Radić, active policemen, working there. Mr. Starčević testified about the condition of the detainees in the Omarska camp and what happened to them while they were at the camp as well as the reasons for their detention. Mr. Starčević also gave details of the living conditions for the detainees at the camp. When asked, Mr. Starčević told the court that, in his opinion, Mlado Radić was not in a position to issue orders to him.

The defence then called Mr. Stanko Bejatović, an expert on the Criminal Code. Mr. Bejatović had prepared a report on the basis of an analysis of the legal practice of present-day Yugoslavia, Serbia and Montenegro, and the former Yugoslavia linked to the criminal offence of rape.

The Trial Chamber then heard the final witness to be called by the Radić defence, Dr. van den Bussche, a psychiatrist. Dr. van den Bussche prepared a joint report with Mrs. Ana Najman, a psychologist (Mrs. Najman testified on Tuesday 6 March (see Weekly Update 163)) further to an order of the Trial Chamber dated 19 April 2000 (see Weekly Update 122).

The cross-examination of Radić which was due to take place on Thursday 15 March was postponed until a later date and the Trial Chamber has now adjourned until 26 March 2001 when the Žigić defence case will commence.

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### **Milan SIMIĆ, Blagoje SIMIĆ, TADIĆ, & ZARIĆ CASE ("Bosanski Šamac")**

*Trial Chamber III – Judge Robinson*

Following the voluntary surrender of Blagoje Simić on 12 March 2001 (see Press Release 574), at his initial appearance hearing on Thursday 15 March, the accused pleaded "not guilty" to all counts charged against him.

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### **GALIĆ CASE ("Sarajevo")**

*Trial Chamber I – Judges Rodrigues*

On Thursday 15 March, Judge Rodrigues held the scheduled status conference partly in open session during which the protocol for the proposed trip to Sarajevo and the progress of pre-trial preparation were discussed.

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**PLAVŠIĆ & KRAJIŠNIK CASE (“Bosnia and Herzegovina”)**

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

The hearing on a request for provisional release of Biljana Plavšić, scheduled to take place on Friday 16 March, was cancelled following a request filed by the newly assigned defence counsel, Mr. Robert Pavich. Mr. Pavich is expected to file again for provisional release, once he has become familiar with the case.

**II. OVERVIEW OF COURT DOCUMENTS**

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**TODOROVIĆ CASE (“Bosanski Šamac”)**

**SCHEDULING ORDER ISSUED**

On 9 March 2001, the Appeals Chamber (Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia, Wald and Pocar) issued a scheduling order giving liberty to the relevant States, NATO, the Prosecutor, the defence for accused Milan Simić, Miroslav Tadić, Stevan Todorović and Simo Zarić to submit briefs within 10 days of the order as to the effect of:

- (1) the plea hearing held on 19 January 2001, in which Trial Chamber accepted the guilty plea entered by Todorović before Judge Robinson on 13 December 2000 (see Weekly Update 156); and
- (2) the decisions on the motions for withdrawal dated 26 February 2001 (see Weekly Update 162), on the continuance of the proceedings relating to the requests for review of Trial Chamber III’s decision on Todorović’s motion for judicial assistance dated 18 October 2000 (see Weekly Update 144) which were postponed on 18 December 2000 in light of a plea agreement entered into by the prosecution and Todorović, dated 13 December 2000 (see Weekly Update 154).

In particular, the briefs should address the question whether there is still need to consider the Trial Chamber’s order of 18 October 2000 and the issue of the subpoena in due course to General Shinseki requiring him to provide evidence in an evidentiary hearing.

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**KORDIĆ & ČERKEZ CASE (“Lašva Valley”)**

**NOTICES OF APPEAL FILED**

On 12 March 2001, Kordić and Čerkez filed their respective Notices of Appeal against the Judgement handed down by Trial Chamber III (Judges May (Presiding), Bennouna and Robinson) on 26 February 2001 (see Weekly Update 162). The prosecution filed its notice of appeal the following day.

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**KRSTIĆ CASE (“Srebrenica”)**

**ORDER FOR GENERALS HALILOVIĆ AND HADŽIHASANOVIĆ TO APPEAR AS WITNESSES**

On 13 March 2001, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald), issued orders to General Halilović and General Hadžihasanović to appear before the Trial Chamber on 5 and 6 April 2001 respectively as witnesses and called upon the competent authorities of Bosnia and Herzegovina to take all measures for the appearance of the witnesses.

General Halilović and General Hadžihasanović orders were initially issued on 12 and 15 December 2000 for the accused to appear in February (see Weekly Update 152 and 153), however due to the ill-health of the accused, their appearance was postponed.

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**BRDANIN & TALIĆ CASE (“Krajina”)**

**FURTHER AMENDED INDICTMENT FILED**

On 12 March 2001, the prosecution filed a further amended indictment pursuant to the Trial Chamber’s decisions on the objections by the accused to the form of the amended indictment, dated 20 and 23 February 2001 (see Weekly Updates 161 and 162).

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**KVOČKA, KOS, RADIĆ, ŽIGIĆ & PRCAĆ CASE (“Omarska & Keraterm Camps”)**

**ORDER FOR FILING OF REPORT**

On 14 March 2001, Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald) ordered the defence of the accused Kos to file a report prepared by the Commander of the United Nations Detention Unit (UNDU), Mr. McFadden, on the character and demeanour of Kos during his detention at the UNDU.

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Considering that the report satisfies the provisions of Rule 89(C) of the Tribunal's Rules of Procedure and Evidence, in that it is relevant to the character of the accused Kos and has probative value, the Trial Chamber admitted the report into evidence.

### KUPREŠKIĆ & OTHERS CASE ("Lašva Valley")

#### SCHEDULING ORDER ISSUED

On 14 March 2001, Judge Wald, the pre-Appeal Judge, ordered that an oral hearing will be held on 30 March 2001 at 10 a.m. in order to determine motions by the defence for the admission of additional evidence.

The scheduling order follows a decision issued confidentially by the Appeals Chamber (Judges Bennouna (Presiding), Vohrah, Nieto-Navia, Wald and Pocar) on 26 February 2001 ordering that an oral hearing be scheduled and that the motions for the admission of additional evidence be determined following oral argument at the oral hearing.

The order concerns the following motions for the admission of additional evidence:

- (1) Confidential motion filed by Vlatko Kupreškić on 5 September 2000 seeking the admission of the evidence of additional witnesses;
- (2) Motions filed by Josipović on 31 August and 4 October 2000, seeking the admission of (a) a video-recording of visibility of Santići on 16 April 2000, and (b) four documents obtained from Croatian State archives;
- (3) Motions filed jointly by Zoran and Mirjan Kupreškić on 4 October and 18 December 2000, seeking the admission of (a) documents from Croatian State archives consisting of eight documents relating to the command role of Zoran Kupreškić and two documents relating to the identification of HVO units involved in the attack on Ahmići, and (b) two video-recordings of the visibility in Ahmići on 16 and 17 April 2000.

#### COURTROOM SCHEDULE: 19 MARCH – 23 MARCH\*

##### MONDAY 19 MARCH

Courtroom I 10:00 - 13:00, **Sikirica/Došen/Kolundžija**, Start of Trial  
 14:30 - 16:00, **Sikirica/Došen/Kolundžija**, Start of Trial

Courtroom II 09:30 - 13:00, **Krnojelac**, Trial  
 14:30 - 16:00, **Krnojelac**, Trial

Courtroom III 09:20 - 12:50, **Krstić**, Rebuttal  
 13:50 - 15:00, **Krstić**, Rebuttal

##### TUESDAY 20 MARCH

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
 14:30 - 16:00, **Sikirica/Došen/Kolundžija**, Trial

Courtroom II 09:30 - 13:00, **Krnojelac**, Trial  
 14:30 - 16:00, **Krnojelac**, Trial

Courtroom III 09:20 - 12:50, **Krstić**, Rebuttal  
 13:50 - 15:00, **Krstić**, Rebuttal

##### WEDNESDAY 21 MARCH

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial  
 14:30 - 16:00, **Sikirica/Došen/Kolundžija**, Trial

Courtroom II 09:30 - 13:00, **Krnojelac**, Trial  
 14:30 - 16:00, **Krnojelac**, Trial

Courtroom III 09:20 - 12:50, **Krstić**, Rebuttal  
 13:50 - 15:00, **Krstić**, Rebuttal

\*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.

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 9 MARCH:

DATE	NUMBER	TITLE	E	F	B/C/S
12/03/2001	574	STATEMENT BY THE PROSECUTOR, CARLA DEL PONTE	E		B/C/S
14/03/2001	575	JUDGE MOHAMED EL HABIB FASSI FIHRI SWORN IN TODAY	E	F	B/C/S
14/03/2001	576	THE TRIAL OF SIKIRICA, DOŠEN AND KOLUNDŽIJA WILL BEGIN ON MONDAY 19 MARCH 2001	E		B/C/S
15/03/2001	577	THE FOURTEEN ELECTED JUDGES WILL TAKE UP OFFICE IN NOVEMBER	E	F	B/C/S

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