



6 April 2001

ICTY WEEKLY UPDATE – 167

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

NALETILIĆ & MARTINOVIĆ CASE (“Tuta & Štela”)

Trial Chamber I – Judge Wald

On Monday 2 April, the Judge Wald held the scheduled status conference in open session during which trial matters, including the taking of depositions, were discussed. Judge Wald noted that the trial may commence in September 2001.

KRSTIĆ CASE (“Srebrenica”)

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

The Trial Chamber reconvened this week to conclude hearing the prosecution rebuttal evidence and to hear rejoinder witnesses of the defence and two witnesses called by the Trial Chamber.

On Monday 2 April, after the conclusion of Mr. Richard Butler’s testimony, the final prosecution witness in rebuttal, the defence called its first rejoinder witness, witness DG.

Witness DG, a member of the Bosnian Serb Army from 1993 to 1995, testified that he worked in the Drina Corps as an encrypter and tele-printer operator from 5 to 11 July 1995 at the forward command post of Pribićevac. Witness DG testified about a telegram he received on 11 July 1995 at 11.50 p.m. (The cross-examination of witness DG by the prosecution was postponed until Tuesday 3 April.)

The next witness, DB, who previously testified in this case from 6 to 8 November 2000 (see Weekly Update 147), testified about General Krstić’s arrival at the Krivace forward command post on 13 July 1995 and his continued presence there until 2 August 1995. Witness DB testified about the communication equipment that General Krstić used during the time he spent at the Krivace forward command post and told the court that the subordinate commanding officers addressed General Krstić as “General, sir” and not “Commander”.

After the conclusion of witness DB’s testimony on Tuesday 3 April, witness DG completed his testimony which had been postponed from Monday 2 April (see above).

On Wednesday 4 April, the defence called General Radinović, a military expert who previously testified in this case from 4 to 12 December 2000. General Radinović was recalled having been asked to review some conversations which were allegedly intercepted and to interpret their contents. The Trial Chamber then heard the testimony of a defence rejoinder witness in closed session.

On Thursday 5 April, the Trial Chamber called its own witnesses pursuant to orders issued on 13 March 2001 (see Weekly Update 164).

The Trial Chamber first heard the statement of General Sefer Halilović, the current Minister for Social Welfare Policy in the government of the Federation of Bosnia and Herzegovina.

General Halilović, the Chief of Staff of the Main Staff of the army of Bosnia-Herzegovina and member of the presidency of the Republic of Bosnia-Herzegovina up to June 1993, told the court that he was actively in command of the army of the Republic of Bosnia-Herzegovina during this time and took part in the negotiations on the demilitarisation of Srebrenica and Žepa in April and May 1993. From June 1993 until 1 November 1993 General Halilović was commander of the Main Staff in the army of Bosnia-Herzegovina. General Halilović made a statement with regard to the attack on the Srebrenica enclave by the Serb forces in July 1995, the fall of the enclave and the destiny of its military and civilian population.

The Trial Chamber then heard the statement made by General Enver Hadžihanović, former Chief of Staff of the General Staff of the Army of Bosnia and Herzegovina, concerning the attack against the Srebrenica enclave by Serb forces in July 1995, the subsequent fall of that enclave, and the destiny of the

civilian and military population of the area. The testimony of General Hadžihasanović concluded on Friday 6 April.

The Trial Chamber has now adjourned until 1 May 2001 when the closing arguments have been scheduled to commence.

So far, the trial has lasted 94 days. The prosecution has tendered 904 exhibits, the defence has tendered approximately 173 exhibits and the Trial Chamber has tendered 5 exhibits. The prosecution has called 102 witnesses, the defence has called 12 witnesses and 2 witnesses have been called by the Trial Chamber.

KRNOJELAC CASE (“KP Dom Camp”)

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

The trial of Milorad Krnojelac reconvened this week entering its twelfth week of hearings with the twelfth and final week of the prosecution case-in-chief.

On Monday 2 April, The trial Chamber heard the testimony of Mr. Muhamed Lisica.

Mr. Lisica testified about events surrounding the outbreak of war in Foča and subsequently being taken to KP Dom to be interrogated on 18 April 1992. Mr. Lisica told the court that he was first taken to “Sandal's house” on 17 April 1992 where he spent the night and was told by one of his former neighbours that he should go to the KP Dom and explained that he would have to spend 7 to 10 days there.

According to Mr. Lisica, his neighbour, Mirko Kunarac, told him the procedure at the KP Dom for the release of detainees: Muslims would be divided into three groups, the so-called honest people, the less honest people, and completely dishonest people, the middle and latter groups being tried and punished whilst the former would be released.

Mr. Lisica told the court that he arrived at the KP Dom the following day and was held there until he was exchanged in October 1994. Mr. Lisica testified that when he arrived at the KP Dom it was guarded by soldiers from Serbia who left after about two weeks and were replaced by Serbs from Foča with Krnojelac as the warden. Mr. Lisica estimated that about 600 people were detained at the camp and testified about the visit of reporters from Belgrade and France at the KP Dom in June or July 1992.

Mr. Lisica told the court that he worked whilst detained at the KP Dom. A welder by occupation, Mr. Lisica initially worked with a metal workers' group and told the court that as such he worked in various places around the town of Foča, including at the Hotel Zelengora, on the Brioni farm and the Foča hospital. Mr. Lisica told the court that he also worked at Krnojelac's house with, amongst others, FWS-144, FWS-162, Telo Mustafa, Telo Aziz. Mr. Lisica also testified about the vehicles used at the camp by the camp personnel and told the court that he worked in several of the rooms at the KP Dom. According to Mr. Lisica, other detainees worked sweeping the yard, in the kitchen and doing odd jobs around Foča.

After the completion of Mr. Lisica's testimony on Tuesday 3 April, the Trial Chamber heard the testimony of FWS-250.

FWS-250 told the court that he was transferred from the Livade camp to the KP Dom on 17 April 1992 with about 120 other Muslim detainees and was held at the KP Dom until 6 October 1994. FWS-250 testified about the interrogations, beatings and killing of detainees, particularly the beating and killing of Juso Džamalića and Nurko Nisić and the detention of detainees in isolation cells. FWS-250 also testified about dead human bodies stranded in the Drina river in May or June and told the court that he and others were ordered to move the bodies further into the river. FWS-250 told the court that he was a member of a working group that worked on Milorad Krnojelac's house in November 1992 along with FWS-73, FWS-144, Mustafa Telo, Aziz Telo and other people.

FWS-250 also testified about the attempted escape from KP Dom by Muhamed Zeković in July 1993 and the subsequent change of wardens at the KP Dom. FWS-250 told the court that at this point the conditions at the KP Dom started getting better. The testimony of FWS-250, the final witness to be called by the prosecution concluded on 4 April 2001.

The Trial Chamber has now adjourned until 26 April 2001 when it is scheduled to hold the pre-defence conference. The defence case is scheduled to commence on 1 May 2001.

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

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

The joint trial of Duško Sikirica, Damir Došen and Dragan Kolundžija reconvened this week entering its third week of hearings with the third week of the prosecution case-in-chief.

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On Monday 2 April, Witness F completed his testimony that commenced on Thursday 29 March (see Weekly Update 166). The Trial Chamber then heard the testimony of Mr. Jusuf Arifagić, a former detainee at the Keraterm camp.

Mr. Arifagić testified about events surrounding the Serb take-over of Prijedor in April 1992, the attack on Kozarac on 24 May 1992 and the subsequent surrender by part of the population of Kozarac to the Serbs on 26 May. Mr. Arifagić told the court that the people who surrendered were taken to Prijedor-Banja Luka highway at Kozarac and the men were separated from women and children. The latter being sent to Trnopolje and the men were sent to either Omarska or Keraterm camps. Mr. Arifagić testified that he did not surrender but tried to join a resistance group. However, according to Mr. Arifagić, on 14 June 1992, he was arrested and eventually taken to Keraterm where he was held until August 1992.

Mr. Arifagić testified that, upon their arrival at Keraterm, the detainees were ordered to lie down on the asphalt with their hands on the back of their heads and beaten. Mr. Arifagić told the court that during his detention, he and six or seven other prisoners were taken to the hospital in Prijedor under the escort of Zoran Žigić. Mr. Arifagić testified that Žigić beat one of the other detainees, Emsud Bahonjić, throughout the journey to the hospital and at the hospital prevented doctors from treating Mr. Bahonjić who later died after again being beaten by Žigić at Keraterm. Mr. Arifagić also testified about the command structure at Keraterm and the so-called "*Room 3 massacre*".

According to Mr. Arifagić, his father was also detained at Keraterm in July 1992 and held for about a two weeks before being transferred to the camp at Trnopolje with other detainees over 60 years of age.

Mr. Arifagić told the court that he was transferred from Keraterm to Trnopolje in August 1992 where he was held until 1 October 1992. According to Mr. Arifagić, before leaving the camp, he had to sign a document applying for authorisation to emigrate from the municipality of Prijedor.

After the conclusion of Mr. Arifagić's testimony on Tuesday 3 April, the Trial Chamber heard the testimony of protected prosecution witness, G. Witness G testified that he and his family were taken to the Trnopolje camp in May 1992. Upon their arrival, the men were separated from the women and the children and the elderly and witness G was held at Trnopolje for about 12 days before being transferred to Keraterm.

Witness G told the court that, upon their arrival at Keraterm, some prisoners were singled out for "special treatment" and severely beaten by Žigić and several other men. Witness G described conditions in the camp with regard to water, food and sanitary conditions. The witness also testified about beating and interrogations at the camp and told the court that on one occasion, Žigić made prisoners fight each other whilst beating them with metal rods. Witness G testified about the "*Room 3 massacre*" during which, according to witness G, between 120 and 170 people were killed.

Witness G told the court that when the Keraterm camp closed he was transferred with other prisoners to the camp at Trnopolje while other detainees were taken to Omarska. Witness G told the court that he was eventually released from Trnopolje as part of a prisoner exchange after about one month.

After the conclusion of witness G's testimony on Wednesday 4 April, the Trial Chamber heard the testimony of witness H. This witness told the court that in June 1992 soldiers arrived in Trnopolje, where he was living, and ordered him and his cousin to dig graves for bodies which had been brought from the Trnopolje camp. Witness H testified about the expulsion of Muslims from Trnopolje and told the court that people, including the witness, were rounded up on 9 July 1992 and marched to the Trnopolje camp during which they were beaten and 26 Muslims were killed.

Witness H told the court that, upon their arrival at the Trnopolje camp, the remaining survivors were lined up and beaten for about two hours and then transferred to the Keraterm camp. Arriving at the Keraterm camp on the night of 9 July 1992, according to the witness H, the detainees were beaten and had their documents and valuables taken away. Witness H testified about the personnel in Keraterm camp and their organisational structure and gave details of beatings and killings of detainees at the camp, particularly, Emsud Bahonjić, "Turkanović", "Fikro", Šaban Elezović and Mr. Mešić. Witness H also testified about the "*Room 3 massacre*".

According to witness H, when the camp was closed on 5 or 6 August 1992, Kajin and Sikirica read out a list of names of detainees to be transferred to the Omarska camp, the remainder of the men were taken to the Trnopolje camp. Witness H told the court that he was one of the men taken to Trnopolje, the men who were taken to Omarska had not been heard from since.

After the conclusion of witness H's testimony on Thursday 5 April, the prosecution called Mr. Ante Tomić.

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Mr. Tomić testified about events surrounding the Serb take-over of Prijedor on 30 April 1992 and his subsequent arrest on 13 June 1992 along with 12 other people. Mr. Tomić told the court that those arrested were first taken to the Rudar soccer stadium and then moved to Keraterm.

Mr. Tomić testified about the command structure at Keraterm and the interrogation, beating and killing of detainees including “Singapurac”, Drago Tokmadžić, Esad Islamović and “Jusufi”. Mr. Tomić told the court that he was transferred to the Omarska Detention Centre on 4 July 1992 where he was held until 6 August 1992 when he was transferred to Trnopolje. Mr. Tomić testified about daily beatings at Omarska and told the court that he was once beaten so badly he was in a coma for four days and thrown out onto a heap of corpses.

The testimony of Mr. Tomić concluded on Friday 6 April.

PLAVŠIĆ & KRAJIŠNIK CASE (“Bosnia and Herzegovina”)

Trial Chamber III – Judge May (Presiding)

On Wednesday 4 April, the scheduled status conference was held in open session. Judge May said that the trial may commence in mid-November 2001 after the new Judges have been installed and the Trial Chambers have been reconstituted and proposed the following timetable leading up to the commencement of the trial: 17 May 2001, a further status conference; 22 June 2001, completion of the Prosecution disclosure; prosecution pre-trial brief to be filed by 29 June 2001; status conferences at the beginning of July and September 2001; defence pre-trial briefs to be filed by 28 September 2001; 5 November 2001, pre-trial conference; and a further status conference to be held on 3 October 2001.

COURTROOM SCHEDULE: 9 APRIL – 13 APRIL *

MONDAY 9 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 - 17:00, **Sikirica/Došen/Kolundžija**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial

TUESDAY 10 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 - 17:00, **Sikirica/Došen/Kolundžija**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 14:45, **Kvočka et al.**, Trial
16:00, **Kupreškić et al.**, Status Conference

WEDNESDAY 11 APRIL

Courtroom I 09:30 - 13:00, **Sikirica/Došen/Kolundžija**, Trial
14:30 - 17:00, **Sikirica/Došen/Kolundžija**, Trial
Courtroom III 09:20 - 12:50, **Kvočka et al.**, Trial
13:50 - 15:00, **Kvočka et al.**, Trial
16:00 - 18:00, **Krstić**, Hearing

THURSDAY 12 APRIL

Plenary

FRIDAY 13 APRIL

UN Holiday

*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 31 MARCH:

DATE	NO	TITLE	A	B/C/S	E	F
03/04/01	582	PRESIDENT AND PROSECUTOR OF THE ICTY MANDATE THE REGISTRAR TO TRAVEL TO BELGRADE	A	B/C/S	E	F
04/04/01	583	THE REGISTRAR OF THE INTERNATIONAL TRIBUNAL, MR. HANS HOLTHUIS, TO HOLD LEGAL MEETINGS IN BELGRADE	A	B/C/S	E	
04/04/01	584	ICTY PRESIDENT AND PROSECUTOR INSIST ON THE INTERNATIONAL OBLIGATION OF THE FEDERAL REPUBLIC OF YUGOSLAVIA TO PROMPTLY TRANSFER SLOBODAN MILOŠEVIĆ TO THE HAGUE	A	B/C/S	E	
06/04/01	585	JUSTICE MINISTER OF THE FEDERAL REPUBLIC OF YUGOSLAVIA GIVES COMMITMENT TO SERVE ICTY ARREST WARRANT ON SLOBODAN MILOSEVIC	A	B/C/S	E	F

A - Albanian; **B/C/S** – Bosnian/Croatian/Serbian; **E** – English; **F** – French.

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