



2 February 2001

ICTY WEEKLY UPDATE – 158

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

KRNOJELAC CASE (“KP Dom Camp”)

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

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

On Monday 29 January, FWS 144 concluded his testimony which commenced on Thursday 25 January. The Trial Chamber then heard the testimony of FWS 109, a former detainee at the KP Dom and Kula camp.

FWS 109 testified that he was arrested in Igalo in May 1992 and taken to the police station in Herceg-Novci before being transferred to the KP Dom. FWS 109 testified about the conditions at KP Dom including the interrogation, mistreatment and beating of detainees. FWS 109 described tasks assigned to the detainees and told the court that he was made to drive vehicles as mine detectors at the front of convoys. FWS 109 told the court that he went to school with Krnojelac and testified about Krnojelac's role at KP Dom.

FWS 109 testified that he was taken to the police station at Kalinovik on 18 September 1992 and remained there until 21 March 1993. FWS 109 was then taken to a police station in Miljevina and the following morning he was transferred to camp Kula in Sarajevo. FWS 109 told the court that after three days at camp Kula he was released through an exchange.

The next witness, FWS 159, a former member of the Bosnian army, testified that he was captured by the Bosnian Serb army near Kacelj and taken to the KP Dom on 28 January 1993. FWS 159 testified that upon his arrival at KP Dom, he was detained in an isolation cell where he was held for about three months. FWS 159 testified about being interviewed and interrogated on 15 occasions whilst at KP Dom. FWS 159 told the court that he was taken to the police station in Cajnice in May 1993 where he was kept until he was exchanged on 7 July 1993.

After the conclusion of FWS 159's testimony on Tuesday 30 January, the Trial Chamber heard the testimony of Mr. Dževad S. Lojo.

Mr. Lojo told the court that he was arrested on 23 May 1992 and taken to the KP Dom and testified about beatings, disappearances and the torture of detainees at KP Dom. Mr. Lojo gave details concerning those detainees who worked whilst in detention and testified about a visit to KP Dom by a group of journalists and the role of Krnojelac at the KP Dom. Mr. Lojo told the court that he was released from KP Dom on 4 April 1993 in return for 80,000 Deutsche Marks.

After the conclusion of Mr. Lojo's evidence on Wednesday 31 January, the Trial Chamber heard the testimony of FWS 58, a former detainee at KP Dom.

FWS 58 testified that he was arrested in July 1992 and taken to the school in Aladža where he was held for seven days before being taken to KP Dom. FWS 58 told the court that he was detained in solitary confinement at KP Dom for seven days and remained in the camp until 31 August 1992.

FWS 58 described the prison camp structure including the accused's position in the camp and testified about the pattern of torture, murder and disappearances of detainees.

After the conclusion of FWS 58's testimony on Thursday 1 February, the Trial Chamber heard the testimony of FWS 35. FWS 35, a member of the Democratic party in Foča in 1992, described the political development before the war and the harassment of the Muslim population and restrictions imposed upon them after the outbreak of the war.

The Trial Chamber has now adjourned until 12 February 2001.

Cont.

GALIĆ CASE (“Sarajevo”)

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

On Tuesday 30 January, Trial Chamber I held the scheduled status conference in open session. During the status conference the proposals for the Trial Chamber to travel to Sarajevo and pre-trial preparations were discussed.

BRĐANIN & TALJIĆ CASE (“Krajina”)

Trial Chamber II – Judges Hunt (Presiding) and Liu

On Friday 2 February, the Trial Chamber held the scheduled hearing on Talić’s motion for provisional release, filed on 8 December 2000.

During the motion hearing, the Trial Chamber heard the testimony of Mr. Perica Bundalo, Minister of Interior in the government of Republika Srpska, who was called by the defence to provide guarantees on behalf of the government of Republika Srpska in respect of General Talić. The Trial Chamber will render its judgement in due course.

The Trial Chamber then held a status conference in open session during which it was noted by Judge Hunt that the trial is due to start in May 2001.

II. OVERVIEW OF COURT DOCUMENTS:

JELISIĆ CASE (“Luka Camp”)

DATE SCHEDULED FOR APPEAL HEARING

On 30 January 2001, the Appeals Chamber (Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia, Wald and Pocar) ordered that a hearing of the appeal will take place on **22 February 2001 at 10.00 a.m.**

The Appeals Chamber further ordered that the parties file, by 15 February 2001, public versions of the confidential appellant’s brief, dated 7 August 2000, respondent’s brief of the prosecution, dated 6 September 2000, and the appellant’s reply to the prosecution’s brief, dated 6 October 2000.

NALETILIĆ & MARTINOVIĆ CASE (“Tuta & Štela”)

DEFENCE APPLICATION FOR LEAVE TO APPEAL DECISION ON MOTION TO TAKE DEPOSITIONS FOR USE AT TRIAL DISMISSED

On 31 January 2001, a Bench of the Appeals Chamber (Judges Vohrah (Presiding), Shahabuddeen and Nieto-Navia) issued its decision on the defence application for leave to appeal the decision issued by Trial Chamber I (Judges Rodrigues (Presiding), Riad and Wald), dated 10 November 2000, granting a prosecution motion to take depositions for 23 named witnesses in Sarajevo for use at trial pursuant to Rule 71 (see Weekly Update 148).

Finding that the defence application did not show that either there is “*such prejudice to its case as could not be cured by the final disposal of the trial including post-judgement appeal, or that the issue in the proposed appeal is of general importance to proceedings before the International Tribunal or in international law generally*”, the Bench dismissed the application for leave to appeal.

DELALIĆ, MUCIĆ, DELIĆ & LANDŽO CASE (“Čelebići Camp”)

DELIĆ’S MOTION FOR LEAVE TO FILE A SUPPLEMENTARY BRIEF DISMISSED

On 1 February 2001, the Appeals Chamber (Judges Hunt (Presiding), Riad, Nieto-Navia, Bennouna and Pocar) dismissed Delić’s motion for leave to file a supplementary brief in relation to the appeal, filed on 30 January 2001.

Refusing leave to file the Supplementary Brief, the Appeals Chamber stated that “*after considering the material supplied, it is clear to the Appeals Chamber that the submissions in the Supplementary Brief add nothing of substance at all to the submissions which have already been made*”. Further, there is “*no unfairness to Delić in refusing leave at this time to admit submissions based on a piece or academic writing which was published in late September last year, and in which in any case has been available to the Appeals Chamber from public sources*”.

KRNOJELAC CASE (“Foča - KP Dom Camp”)

ORDER FOR PSYCHOLOGICAL EXAMINATION OF THE ACCUSED

On 29 January 2001, Trial Chamber II (Judges Hunt (Presiding), Mumba and Liu) granted the defence request for a medical examination of the accused, dated 5 January 2001, in which the defence sought the appointment of Ms. Ana Najman to perform a psychological examination of the accused.

Further to filings by the parties and having heard arguments on the request in open session on 25 January 2001, the Trial Chamber ordered that a psychological examination of the accused be carried out in order to “*establish the personality structure of the accused in order to help clarify his conduct in the situations of receiving orders, their understanding and execution, within the professional tasks he was assigned as head of a part of the prison, as well as of other requirements as asked from him in the war circumstances.*” The examination is to be conducted by Ms. Ana Najman and an expert to be nominated by the prosecution.

COURTROOM SCHEDULE: 5 FEBRUARY – 9 FEBRUARY*

MONDAY 5 FEBRUARY

Courtroom III 09:20 - 12:50, **Kvočka et al./Prcac**, Trial
13:50 - 15:00, **Kvočka et al./Prcac**, Trial

TUESDAY 6 FEBRUARY

Courtroom III 09:20 - 12:50, **Kvočka et al./Prcac**, Trial
13:50 - 15:00, **Kvočka et al./Prcac**, Trial

WEDNESDAY 7 FEBRUARY

Courtroom III 09:20 - 12:50, **Kvočka et al./Prcac**, Trial
13:50 - 15:00, **Kvočka et al./Prcac**, Trial

THURSDAY 8 FEBRUARY

Courtroom I 10:00, **Simić et. al.**, Status Conference
14:00, **Sikirica/Kolunzija/Dosen**, Status Conference
Courtroom III 09:20 - 12:50, **Kvočka et al./Prcac**, Trial
13:50 - 15:00, **Kvočka et al./Prcac**, Trial

FRIDAY 9 FEBRUARY

Courtroom III 09:20 - 12:50, **Kvočka et al./Prcac**, Trial
13:50 - 15:00, **Kvočka et al./Prcac**, 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.

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 26 JANUARY:

DATE	NO.	TITLE	E	F	B/C/S
30/01/2001	558	STATEMENT BY PROSECUTOR, CARLA DEL PONTE ON THE OCCASION OF HER VISIT TO BELGRADE	E		B/C/S
31/01/2001	559	APPOINTMENT OF HIS EXCELLENCY MOHAMED EL HABIB FASSI FIHRI TO REPLACE JUDGE MOHAMED BENNOUNA AS OF 1 MARCH 2001	E	F	B/C/S
31/01/2001	560	ADDENDUM TO PRESS RELEASE 559	E	F	B/C/S

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