



3 August 2001

ICTY WEEKLY UPDATE – 184

Please note: Weekly Update 185 will be issued on 24 August 2001.

PROCEDURAL DEVELOPMENTS:

I. OVERVIEW OF COURT PROCEEDINGS:

MARTINOVIĆ and NALETILIĆ CASE (“Štela” and “Tuta”)

Presiding Officer – M. Olivier Fourmy

The parties reconvened this week continuing to take the depositions of witnesses, pursuant to Rule 71 of the Tribunal’s Rules of Procedure and Evidence, with M. Olivier Fourmy as the Presiding Officer appointed by the Trial Chamber (see *Press Release* 604).

On Monday 30 July, the hearing commenced in private session, going into open session to hear the testimony of Sulejman Hadžisalihović. Mr. Hadžisalihović testified that he was captured by HVO soldiers on 25 June 1993 and initially taken to the village of Radunice, where was held for approximately nine days with about 40 or 50 other Muslim prisoners, before being moved to the village of Perkovići for nine days. Mr. Hadžisalihović told the court that he was subsequently detained in a steel hangar at Vitina for about a month during which time he was used by the HVO to perform forced labour, such as digging trenches and fortifying bunkers. According to Mr. Hadžisalihović, at the end of December 1993 he was taken to the Heliodrom where he was held until about January 1994.

The next witness, H, testified about the composition of the Mostar government before and during the war and told the court about the political situation at these times. Witness H also testified about the Croatian Defence Council and the Croatian army attack on the Vranica building from 9 to 11 May 1993 and the surrender of the people in the building, including Witness H. According to the witness, the women and children were taken separately to the MUP building and the men were taken to the school of economics by soldiers of the Croatian Defence Council and of the Croatian army from where they were taken to the Bijeli Brijeg stadium and then transported to the Heliodrom. Eventually being released, Witness H was detained again at the Heliodrom on 30 June 1993.

Witness H described the conditions in Heliodrom and testified about being taken out for forced labour at the “Bulevar” where they were ordered to dig trenches and to fill bags with sand, to serve as a shield between the two warring parties.

After the conclusion of Witness H’s testimony on Tuesday 31 July, the court heard the testimony of Witness I. The witness told the court that he was arrested by members of the HVO and taken to the Dretelj camp on 4 July 1993 where he was mistreated and subsequently transferred to the Heliodrom on 21 July 1993. Witness I testified that, during his detention at the Heliodrom he was taken out to perform forced labour almost every day and eventually exchanged on 1 December 1993.

The depositions of further witnesses were taken over the period Wednesday 1 to Friday 3 August.

The trial has been scheduled to commence on **10 September 2001**, the Trial Chamber which will be assigned to hear the case will be appointed in due course.

TODOROVIĆ CASE (“Bosanski Šamac”)

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

On Tuesday 31 July, the Trial Chamber rendered its judgement on the guilty plea entered by Todorović on 13 December 2000 (see *Weekly Update* 152), sentencing Todorović to 10 years’ imprisonment. On 1 August 2001, Counsel for Todorović filed a notice stating that Todorović does not wish to file an appeal against this sentencing judgement.

Cont.

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

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

The Trial Chamber reconvened this week to hear the defence case of Damir Došen, sitting in the absence of Judge Fassi Fihri who was unavailable for medical reasons.

On Monday 30 July, Mr Dušan Lakčević concluded his testimony which began on Wednesday 25 July (see *Weekly Update* 183).

The next witness, DR, testified about being detained in the Keraterm camp for approximately 12 days and told the court that during his detention Došen helped him to telephone his family. Witness DR, testified that he never saw Damir Došen issuing any orders to either to the guards or to the detainees, nor did he see Došen mistreat anyone, beat anyone, or attend beatings administered by others.

Counsel for Došen then called their final witness, Dr. Dušica Lečić-Tosevski, a neuropsychiatrist.

The Trial Chamber then adjourned until 27 August 2001.

KRAJIŠNIK and PLAVŠIĆ CASE (“Bosnia and Herzegovina”)

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

On Wednesday 1 August, the Trial Chamber held a hearing, partly in open session, on the motion for provisional release, filed by Plavšić on 11 July 2001, attended by the Government of the Netherlands, the Registrar of the Tribunal and the parties to motion (see *Weekly Update* 183).

A further hearing has been scheduled to take place on **29 August 2001 at 4.30 p.m.**

KRSTIĆ CASE (“Srebrenica”)

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

On Thursday 2 August the Trial Chamber rendered its judgement. Convicting Radislav Krstić of genocide; persecution for murders, cruel and inhumane treatment, terrorising the civilian population, forcible transfer and destruction of personal property of Bosnian Muslim civilians; and murder as a violation of the laws and customs of war, the Trial Chamber sentenced Krstić to 46 years’ imprisonment. Krstić is entitled to credit for time already served in detention: since 3 December 1998.

STAKIĆ CASE (“Priedor”)

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

On Thursday 2 August, the Trial Chamber held a hearing on a prosecution application for leave to amend the indictment which includes the addition of 11 counts. Granting the application, the Trial Chamber then held a further initial appearance during which Stakić pleaded “not guilty” to all counts charged against him in the amended indictment.

II. OVERVIEW OF COURT DOCUMENTS:

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

DECISION ON APPLICATION BY KVOČKA FOR LEAVE TO APPEAL

On 31 July 2001, a Bench of the Appeals Chamber (Judges Vohrah (Presiding), Shahabudeen and Nieto-Navia) dismissed Kvočka’s application for leave to appeal the decision of Trial Chamber I, dated 30 May 2001, on the defence request to order the prosecution to disclose relevant documents regarding Witness AW, filed on 5 June 2001.

In reaching its decision, the Bench found that “*there has been no showing either that there is such prejudice or that the issue in the proposed appeal is of general importance to proceedings before the International Tribunal or in international law generally.*”

KRAJIŠNIK and PLAVŠIĆ CASE (“Bosnia and Herzegovina”)

DECISION ON PROSECUTION MOTION FOR CLARIFICATION

On 1 August 2001, Trial Chamber III (Judges May (Presiding), Robinson and Fassi Fihri) issued its decision in relation to the prosecution motion seeking clarification in respect of the application of Rules 65ter, 66(B) and 67(C) of the Rules of Procedure and Evidence.

Discussing the issue in its decision, the Trial Chamber ordered the prosecution to serve on the defence the balance of the core documents together with all documents listed pursuant to Rule 65ter(E)(iii) at the time of filing its pre-trial brief.

DECISION ON KRAJIŠNIK'S NOTICE OF MOTION TO STRIKE

On 1 August 2001, the Trial Chamber issued its decision denying the notice of motion to strike, filed by Krajišnik on 17 July 2001. In the notice, the accused sought to have the words "ordered", "ordering", "committed" and "committing" removed from the consolidated indictment on the basis that the indictment does not intend to charge that Krajišnik physically perpetrated or personally ordered offences set out in the consolidated indictment and that the material supporting the consolidated indictment fails to elicit evidence supporting the proposition that the accused ordered the perpetration of the offences.

In reaching its decision, the Trial Chamber considered that the motion "*amounts to a fourth attempt by the accused to obtain particulars which the Trial Chamber has ruled are not required to be provided by the prosecution at this stage of the proceedings.*" Further, "*this Motion constitutes a waste of the resources of all parties concerned, as well as those of the Trial Chamber.*"

Corrigendum

Weekly Update 183 erroneously reported two orders as having been issued by Trial Chamber II in the Obrenović case. The orders, authorising a medical examination of the accused and separating accused, were in fact issued in the Vasiljević case as indicated in the list of documents filed.

A comprehensive summary of the status of all cases currently before the Tribunal can be found on the Tribunal's web site: <http://www.un.org/icty/glance/casestatus.htm>

PRESS RELEASES ISSUED SINCE 27 JULY:

DATE	NO	TITLE	E	F	B/C/S
31/07/2001	607	THE FIRST SIX AD-LITEM JUDGES APPOINTED BY UNITED NATIONS SECRETARY-GENERAL, KOFI ANNAN	E		B/C/S
02/08/2001	608	SENTENCING JUDGEMENT OF TRIAL CHAMBER III IN THE TODOROVIĆ CASE	E		B/C/S
02/08/2001	609	RADISLAV KRSTIĆ BECOMES THE FIRST PERSON TO BE CONVICTED OF GENOCIDE AT THE ICTY AND IS SENTENCED TO 46 YEARS IMPRISONMENT	E	F	B/C/S
03/08/2001	609	ARREST OF GENERAL ENVER HADŽIHASANOVIĆ, GENERAL MEHMED ALAGIĆ AND COLONEL AMIR KUBURA	E		B/C/S

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