

## **Briefly Noted**

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Compiled by Emir Suljagic and Stacy Sullivan in The Hague (TU 318, 23-27 June 2003)

Just days away from the deadline for the government of Serbia and Montenegro to hand over transcripts of meetings between former Serbian president Slobodan Milosevic and his closest allies, Hague prosecutors have not yet received all the documents they asked for.

Tribunal judges had given Belgrade a month from June 6 to deliver the material.

Prosecutors want to see records of meetings of the Supreme Defence Council, the body which oversaw the Yugoslav army. These allegedly show that Milosevic played a dominant role in the council during the wars in Bosnia and Croatia.

The prosecutors said the documents would play a crucial role in the trial. The government of Serbia and Montenegro has repeatedly promised to cooperate fully in handing over any documentation.

Under tight deadlines to complete the trial, prosecutors are still hopeful that the government will come up with the documents before it is too late. If the notes are not handed over in time, the judges will no doubt have to take the issue up again - and they may be running out of patience.

### MILOSEVIC LAWYER GOES

It was announced this week that Branislav Tapuskovic, the Serbian lawyer appointed as "friend of the court" or amicus curiae for Slobodan Milosevic, will be leaving. Tribunal officials said his departure was part of a re-arrangement of priorities and a redefinition of the role of amicus curiae.

"We didn't fire him," says tribunal spokesman James Landale. "We thanked him for his services."

The eager Belgrade lawyer had often appeared more intent on representing Serbia as a whole than Milosevic.

Earlier this week, Tapuskovic argued in court that Croatian Serbs had been living in fear of "Operation Storm" - the summer 1995 offensive in which Croatia took back Serb-held areas - since 1992. Judge Richard May interrupted, "Mr Tapuskovic, you are not here to defend Serbia."

Tapuskovic also began talking about the role Yugoslavia's history had played in recent Balkan conflicts. When judge O-Gon Kwon asked him explain what the legal significance of all this was, Tapuskovic was at a loss for an answer.

The next day, the tribunal announced that Tapuskovic would be leaving.

Three remain in service - Steven Kay and Gillian Higgins, working from The Hague, and Timothy

McCormack who is providing legal analysis from Australia.

## WILL NASER ORIC BE RELEASED?

Naser Oric, the Bosnian Muslim commander from Srebrenica whose arrest in April sparked protests both in Bosnia and at The Hague, appeared before the court on July 1 seeking provisional release.

One of the reasons his lawyers cited was that Oric was unlikely to flee, and did not pose a danger to society. They argued that he had cooperated fully with the tribunal, having given 105 hours of interviews to war crimes prosecutors.

Oric was arrested by NATO forces in Bosnia on April 10 and charged with violations of the laws or customs of war.

Although Oric put up resistance when NATO forces showed up to arrest him, allegedly beating up five soldiers, his lawyers say he had no idea he was under indictment and would have turned himself in voluntarily if he had known.

The prosecution, however, has sought continued custody, arguing that he posed a grave danger to witnesses likely to testify against him.

The tribunal was told of two reports from Bosnian law enforcement authorities detailing Oric's likelihood to interfere with witnesses with "every means available, from force to bribery."

One of the documents attesting to the danger Oric posed was reportedly presented to the defence just five minutes before the hearing began - together with a second document contesting these allegations.

Discussion of these eleventh-hour documents took place in closed session, so the press was not privy to their nature or contents. Oric's smile as his lawyer presented the second document was, however, plain to see.

Whether he will await trial in the Scheveningen detention unit or at home in Bosnia will now be decided by the judges.

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