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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

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CHAMBERS

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The Hague, 7 October 2002
CC / P.I.S / 699-e

CHAMBERS HAVE ISSUED DECISIONS ON:

- **THE ACQUITTAL MOTION OF STANISLAV GALIĆ**
- **THE PROVISIONAL RELEASE APPEAL
OF VIDOJE BLAGOJEVIĆ AND DRAGAN OBRENOVIĆ**

THE PROSECUTOR V. STANISLAV GALIĆ:

Trial Chamber partially grants Defence Motion for the entry of a judgement of acquittal.

On Thursday 3 October 2002, Trial Chamber I Section B, consisting of Judge Orić (Presiding), Judge El Mahdi and Judge Nieto Navia partially granted the Defence Motion for the entry of a judgement of acquittal of the Accused.

This Motion, for a judgement of total acquittal, was filed on 2 September 2002 by the Defence Counsel for Stanislav Galić, following the close of the Prosecution case on 2 August 2002. The Prosecution responded to the Motion on 16 September. Both parties made oral submissions in front of the Chamber on 20 September 2002.

The Chamber rejected the Motion with respect to 23 sniping incidents listed in the Indictment but granted it in respect of three others, namely sniping incidents 7, 12 and 19.

The Chamber rejected the Motion with respect to the five shelling incidents listed in the Indictment.

Finally, with regard to the Defence's submission that terror was experienced by the population of Sarajevo, but as consequence of urban warfare as opposed to a specific intent from the accused to inflict terror, the Chamber rejected the Motion.

In its Decision, the Trial Chamber also considered general issues related to the allegations of shelling and sniping, and observed that both parties have made extensive submissions raising various issues which it will consider at the time of the final judgement of this trial.

THE PROSECUTOR V. VIDOJE BLAGOJEVIĆ, DRAGAN OBRENOVIĆ, DRAGAN JOKIĆ, MOMIR NIKOLIĆ:

Appeals Chamber returns the matter of the provisional release of accused Blagojević and Obrenović to the consideration of the Trial Chamber.

On Thursday 3 October 2002, the Appeals Chamber, consisting of Judge Mohamed Shahabuddeen (Presiding), Judge Hunt, Judge Güney, Judge Pocar and Judge Meron, issued its Decision on Provisional Release of Vidoje Blagojević and Dragan Obrenović.

Internet address: <http://www.un.org/ictv>

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Both Accused had been granted leave to appeal against the Decisions of Trial Chamber II on 22 July 2002 denying their request for provisional release. One of the grounds of appeal by both accused was the determination by the Trial Chamber that guarantees and undertakings by the Republika Srpska were inadmissible.

The Appeals Chamber found that the Trial Chamber was bound to accept and to apply the Decision of the Appeals Chamber in the Jokić case that, as a matter of law and for the purpose of the International Tribunal, an undertaking by Republika Srpska qualifies for acceptance. The Appeals Chamber considered that an *a priori* exclusion of such undertakings amounted to an error of law. Although mindful that the Trial Chamber, should it have taken these guarantees into consideration, could have come to the same final Decision (denying the provisional release requests), the Appeals Chamber decided to return the matter to the Trial Chamber for reconsideration.

Judge Shahabuddeen appended a Declaration and Judge Hunt submitted a Separate Opinion.

*A copy of the Decisions mentioned above can be obtained from the Public Information Services. The Decisions are also being released on the Tribunal's internet site:
www.un.org/icty*