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International  
Criminal Tribunal  
for the former  
Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

**Press Release . Communiqué de presse**

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APPEALS CHAMBER

CHAMBRE D'APPEL

The Hague, 19 March 2004

JL/P.I.S./833e

**PROSECUTOR V. RADOSLAV BRĐANIN**

**APPEALS CHAMBER REINSTATES COUNT 1, GENOCIDE, TO THE INDICTMENT**

On 19 March 2004, the Appeals Chamber of the ICTY comprised of Judges Meron, presiding, Shahabuddeen, Güney, El Mahdi and Weinberg de Roca, issued a Decision on a Prosecution Interlocutory Appeal concerning Trial Chamber II's acquittal of Radoslav Brđanin on Count 1, genocide, of his Indictment on 28 November 2003, following a Motion for Acquittal Pursuant to Rule 98*bis* of the Tribunal's Rules of Procedure and Evidence.

In the Disposition of its Decision, the Appeals Chamber stated the following: "*The Prosecution's appeal is allowed. The Decision of the Trial Chamber to acquit Brđanin of Count 1 of the Indictment, genocide, with respect to the third category of joint criminal enterprise liability is reversed, and that Count is re-instated*".

Judge Shahabuddeen appended a separate opinion to the Decision.

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*The full text of the Decision and the separate opinion is available upon request at the Public Information Services of the ICTY and is also available on the ICTY Internet site at: [www.un.org/icty](http://www.un.org/icty)*

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

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