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Tribunal Pénal
International pour
l'ex-Yougoslavie

Press Release . Communiqué de presse

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OFFICE OF THE PROSECUTOR

BUREAU DU PROCUREUR

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STATEMENT BY THE PROSECUTOR CONCERNING THE GOTOVINA AND ADEMI CASES

Following the voluntary surrender of the accused Rahim Ademi on 25 July, the Prosecutor of the ICTY, Carla Del Ponte, has taken action to unseal the indictment concerning a second accused who is also charged in connection with crimes allegedly committed in Croatia between 1991 and 1995, namely Ante Gotovina, a retired Croatian Army General.

Ante Gotovina is charged with Crimes Against Humanity and Violations of the Laws or Customs of War, allegedly committed during and after a military offensive launched by Croatian forces on 4 August 1995, to re-take the Krajina region, in an operation known as "Oluja" or "Storm".

The indictment against Ante Gotovina was confirmed on 8 June 2001 by Judge Fouad Riad, who ordered that there be no public disclosure of the indictment until it was served on the accused. The warrant of arrest was subsequently delivered to the Government of Croatia, however, in light of reports that the accused is already aware of the indictment, the Prosecutor has sought an order from Judge Riad removing the earlier non-publication order.

The Prosecutor expects the Government of Croatia to take immediate action to apprehend the accused.

The case of Rahim Ademi is now before the Trial Chamber. The trial process will in due course determine whether the evidence establishes beyond reasonable doubt that Rahim Ademi is guilty of any of the crimes charged in the indictment which involves offences allegedly committed in September 1993 in an area known as the Medak Pocket in Croatia.

The Prosecutor is aware that the indictments against Ante Gotovina and Rahim Ademi have generated heated debate within Croatia as to the role of the Tribunal in relation to the "Homeland War", as the armed conflicts are known in Croatia.

The United Nations Security Council, which established the Tribunal by Statute, confined its jurisdiction to serious violations of international humanitarian law which are alleged to have been committed by individuals, within the territory of the former Yugoslavia since 1991. The Tribunal has no jurisdiction over, and therefore the Prosecutor takes no position concerning, whether or not a state has the legal right to use force in particular circumstances to accomplish its objectives.

It is important to remember that, even within a lawful armed conflict, an individual may nevertheless commit serious violations of international humanitarian law, such as war crimes and crimes against humanity.

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