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JELISIĆ CASE: **PROSECUTION FILES MOTION TO WITHDRAW ARTICLE 2 CHARGES**

In a motion filed on 3 February 1998 the Prosecutor seeks leave to amend the indictment against Goran Jelisić.

The Prosecutor announced its intention to withdraw the charges under Article 2 of the Tribunal's Statute ("Grave breaches of the Geneva Conventions of 1949") at the initial appearance hearing of the accused on 26 January 1998.

In the course of the initial appearance hearing Jelisić pleaded not guilty to all the charges read out to him. The draft amended indictment annexed to the motion does not contain any additional charges to which the accused was not called to enter a plea on 26 January.

Background

For many of his alleged actions, Jelisić is cumulatively accused under Article 2 ("Grave breaches of the Geneva Conventions of 1949"), Article 3 ("Violations of the laws and customs of war") and Article 5 ("Crimes Against Humanity") of the Statute.

Under count 1 of the Indictment the accused is charged with genocide as well.

Pursuant to the *Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction*, rendered on 2 October 1995 by the Appeals Chamber in the *Tadić* case, grave breaches of the Geneva Conventions of 1949 can be committed only in the course of an international armed conflict. Charges under Article 2 of the Statute therefore require proof of the international character of the conflict, which involves complicated questions of fact and law.

The Prosecutor still maintains that the conflict was international in character. However, she takes the view that the withdrawal of those charges should "*significantly expedite the trial proceedings*", let it be understood that the charges maintained cover all the alleged criminal conduct of the accused.

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