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Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

## Press Release . Communiqué de presse

(Exclusively for the use of the media. Not an official document)

The Hague, 19 October 1999

JL/P.I.S./441-E

### **GORAN JELISIC ACQUITTED OF GENOCIDE AND FOUND GUILTY OF CRIMES AGAINST HUMANITY AND VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**

Today, Tuesday 19 October 1999, Trial Chamber I (consisting of Judges Claude Jorda, Presiding, Fouad Riad and Almiro Rodrigues) pronounced its oral Judgement in the case of Goran Jelasic. A full written Judgement will be issued in due time.

The Chamber acquitted the accused of genocide, considering that the Prosecutor had failed to prove beyond a reasonable doubt that Jelasic acted with the required intent to destroy in whole or in part a national, ethnic or religious group.

The Chamber found the accused guilty of all remaining counts (31) in the indictment, namely crimes against humanity and violations of the laws or customs of war.

The Trial Chamber will sentence Jelasic at a later stage, following submissions by the Parties.

#### **BACKGROUND ON THE CASE**

Goran Jelasic (born on 7 June 1968) was indicted on 21 July 1995 for his alleged participation in 1992 in the illegal confinement, illegal treatment and killings of Muslims and Croats at the Luka camp, a makeshift detention facility in Brcko, northern Bosnia, following the take over of the city by Bosnian Serb forces.

Jelasic was detained by SFOR forces on 22 January 1998.

At his first initial appearance on 26 January 1998, Jelasic pleaded not guilty to all counts (genocide, crimes against humanity and violations of the laws or customs of war).

However, following discussions between the Prosecution and the Defence, the accused entered, on 29 October 1998, a guilty plea to the counts of crimes against humanity and violations of the laws or customs of war, and a not guilty plea on the count of genocide.

The accused's trial on the count of genocide opened on 30 November 1998, but was adjourned shortly after for various reasons. The trial resumed on 30 August 1999.

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## **THE JUDGEMENT ON GENOCIDE**

The Trial Chamber considered that in order to convict an accused of genocide, it must be proven that the accused had the intent to destroy, at least in part, a given group, or that the accused had at least the clear knowledge that he was participating in genocide, that is to say the destruction, at least in part, of a given group.

The Trial Chamber considered that the Prosecutor had not proved the sufficient elements required to establish beyond a reasonable doubt that Goran Jelisic planned, incited, ordered or otherwise participated with the intent of destroying, even in part, the Bosnian Muslim population as a national, ethnic or religious group.

## **THE JUDGEMENT ON CRIMES AGAINST HUMANITY AND VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR**

Pursuant to Article 62 *bis* of the Rules of Procedure and Evidence, the Trial Chamber had to be satisfied that the guilty plea entered by the accused on the counts of crimes against humanity and violations of the laws or customs of war was made “*voluntarily*”, was “*not equivocal*”, and “*that there is a sufficient factual basis for the crime and the accused’s participation in it...*”

The Judges first considered that the testimonies produced by the Prosecution did not leave any doubt as to the actual commission by Jelisic of the crimes he admitted. Secondly, the Judges agreed with the Prosecutor’s legal qualification of the crimes, namely crimes against humanity and violations of the laws or customs of war.

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Attached to this press release is the French text as read out by Presiding Judge Claude Jorda at the hearing on 19 October, 1999. A translation will be released in due time on the ICTY internet homepage.