

Statement by the Prosecutor following the withdrawal of the charges against 14 accused.

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**OFFICE OF THE PROSECUTOR
BUREAU DU PROCUREUR**

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STATEMENT BY THE PROSECUTOR FOLLOWING

THE WITHDRAWAL OF THE CHARGES AGAINST 14 ACCUSED

On 5 May and 8 May respectively, Judge VOHRAH and Judge RIAD granted the leave requested by the Office of the Prosecutor to withdraw the charges against 14 accused in the Omarska and Keraterm indictments:

The charges against the following 11 accused in the Omarska indictment are withdrawn: Zdravko GOVEDARICA, GRUBAN, Predrag KOSTIC, Nedeljko PASPALJ, Milan PAVLIC, Milutin POPOVIC, Drazenko PREDOJEVIC, Zeljko SAVIC, Mirko BABIC, Nikica JANJIC and Dragomir SAPONJA

The charges against the following 5 accused in the Keraterm indictment are withdrawn: Nikica JANJIC(also named in the initial Omarska indictment), Dragan KONDIC, Goran LAJIC, Dragomir SAPONJA (also named in the initial Omarska indictment) and Nedjeljko TIMARAC.

STATEMENT BY THE PROSECUTOR

" Over recent months there has been a steady increase in the number of accused who have either been arrested or who have surrendered voluntarily to the jurisdiction of the Tribunal. I welcome both initiatives and I continue to encourage other indicted accused to surrender voluntarily to the Tribunal, so as to avoid the inevitable use of force involved in effecting arrests.

The arrest and surrender process has been unavoidably piecemeal and sporadic and it appears that this is likely to continue. One result of this situation is that accused, who have been jointly indicted, must be tried separately, thereby committing the Tribunal to a much larger than anticipated number of trials.

In light of that situation I have re-evaluated all outstanding indictments *vis-à-vis* the overall investigative and prosecutorial strategies of my Office. Consistent with those strategies, which involve maintaining an investigative focus on persons holding higher levels of responsibility, or on those who have been personally responsible for the exceptionally brutal or otherwise extremely serious offences, I decided that it was appropriate to withdraw the charges against a number of accused in what have become

known as the Omarska and Keraterm indictments, which were confirmed in February 1995 and July 1995 respectively.

This decision was taken in an attempt to balance the available resources within the Tribunal and in recognition of the need to prosecute cases fairly and expeditiously. I wish to emphasize that this decision is not based on any lack of evidence in respect of these accused. I do not consider it feasible at this time to hold multiple separate trials for related offences committed by perpetrators who could appropriately be tried in another judicial forum, such as a State Court.

Consistent with this approach, on 28 April 1998, I filed two motions with the relevant Judges of this Tribunal seeking to withdraw all of the charges, and the associated warrants of arrest, against a total of 14 accused named in the two subject indictments, none of whom have yet been arrested or surrendered to the Tribunal. On 8 May Judge Riad granted my motion in respect of the Omarska

indictment and on 5 May Judge Vohrah did so in respect of the Keraterm indictment.

I took this course of action without prejudice to my right to pursue the same or other charges against these accused if, in the future, the circumstances change. I am also prepared to provide assistance to those domestic jurisdictions which pursue, in good faith, charges of serious violations of international humanitarian law against any of these fourteen accused.

I have examined all other indictments where there are indictees still at large and I do not

contemplate withdrawing any further charges against any other accused in those indictments. Accordingly I continue to encourage all indictees to surrender voluntarily to the Tribunal. I will also continue to pursue all other available avenues to ensure that all indicted accused are brought for trial before the Tribunal."

Background

The Omarska indictment was issued in February 1995 with regard to 19 individuals:

the charges are maintained against 5 accused who are still at large, namely Zeljko MEAKIC (the alleged Omarska camp commander, who is charged with genocide), Dragoljub PRČAC (one of the two alleged deputy commanders), Milojica KOS and Momcilo GRUBAN (one the three alleged guards shift commanders) and Dušan KNEZEVIĆ (one of the five persons who allegedly visited the camp to commit atrocities)

3 of them are currently in the custody of the ICTY awaiting their trial: Miroslav KVOČKA and Mladen RADIĆ (detained by S-for on 8 April and transferred to The Hague), and Zoran ŽIGIĆ (who surrendered voluntarily on 16 April)

The Keraterm indictment was issued in July 1995 with regard to 13 individuals:

the charges are maintained against 7 accused who are still at large: Dusko SIKIRIĆA (the alleged camp commander who is charged with genocide); Damir DOSEN, Dragan FUŠTAR and Dragan KULUNDŽIJA (the three alleged guards shift commanders); Nenad BANOVIĆ and Predrag BANOVIĆ (two among the alleged camp guards or interrogators) and Dusan KNEZEVIĆ (already named in the Omarska indictment, see above)

1 of them is currently in the custody of the ICTY awaiting his trial: Zoran ŽIGIĆ (already named in the Omarska indictment, see above)
