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REGISTRY

GREFFE

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**DECISION ON MOTION FOR JUDGEMENT OF ACQUITTAL IN THE
MILOŠEVIĆ CASE**

Today, 16 June 2004, Trial Chamber III, comprised of Judge Robinson (Presiding), Judge Kwon and Judge Bonomy, issued its *Decision on Motion for Judgement of Acquittal* in the Slobodan Milošević case. This followed the *Amici Curie Motion for Judgement of Acquittal Pursuant to Rule 98bis* of the Tribunal's Rules of Procedure and Evidence filed on 3 March 2004.

The Disposition of the Decision reads as follows:

“316. The effect of the Trial Chamber’s determinations is that it has found sufficient evidence to support each count challenged in the three Indictments, but there is no or insufficient evidence to support certain allegations relevant to some of the charges in the Indictments.

317. In summary, the Trial Chamber holds as follows:

Kosovo

318. With respect to the submission that there was no evidence of an armed conflict in Kosovo in the FRY prior to 24 March 1999, that date being the commencement of the NATO bombing campaign, the Motion is **DISMISSED**.

[Section IV.A.1 of the Decision]

319. With respect to each of the specific challenges to the Kosovo Indictment as to sufficiency of evidence, the Motion is **DISMISSED**.

[Section IV.A.4 of the Decision]

Croatia

320. With respect to the submission that Croatia only became a state some time between 15 January and 22 May 1992, and that consequently the conflict in Croatia was not international before that time and therefore all grave breaches counts in the Croatia Indictment which go to alleged crimes committed before these dates must be dismissed, the Motion is **DISMISSED**.

[Section IV.B.1 of the Decision]

321. With respect to the specific challenges to the Croatia Indictment as to sufficiency of evidence in paragraphs 64(b), 64(f), 64(h), 64(p), and 71 (Ćelija) of that Indictment, the Motion is **GRANTED**.

322. With respect to the specific challenges to the Croatia Indictment as to sufficiency of evidence in paragraphs 36(l), 40-41, 50-51, 53, 55-58, 64(j), and 71 (Nadin, Šarengrad, Bruška, and Bapska) of the Indictment, the Motion is **DISMISSED**.

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[Section IV.B.2 of the Decision]

Bosnia

323. With respect to the *Amici Curiae* submissions concerning genocide, the Trial Chamber, except for its holding in paragraph 324, **DISMISSES** the Motion and holds that there is sufficient evidence that

(1) there existed a joint criminal enterprise, which included members of the Bosnian Serb leadership, the aim and intention of which was to destroy a part of the Bosnian Muslims as a group, and that its participants committed genocide in Brčko, Prijedor, Sanski Most, Srebrenica, Bijeljina, Ključ and Bosanski Novi;

(2) the Accused was a participant in that joint criminal enterprise, Judge Kwon dissenting;

(3) the Accused was a participant in a joint criminal enterprise, which included members of the Bosnian Serb leadership, to commit other crimes than genocide and it was reasonably foreseeable to him that, as a consequence of the commission of those crimes, genocide of a part of the Bosnian Muslims as a group would be committed by other participants in the joint criminal enterprise, and it was committed;

(4) the Accused aided and abetted or was complicit in the commission of the crime of genocide in that he had knowledge of the joint criminal enterprise, and that he gave its participants substantial assistance, being aware that its aim and intention was the destruction of a part of the Bosnian Muslims as group;

(5) the Accused was a superior to certain persons whom he knew or had reason to know were about to commit or had committed genocide of a part of the Bosnian Muslims as a group, and he failed to take the necessary measures to prevent the commission of genocide, or punish the perpetrators thereof.

324. The Trial Chamber finds no evidence that genocide was committed in Kotor Varoš.

[Section IV.C.1 of the Decision]

325. With respect to each of the specific challenges to Schedule A of the Bosnia Indictment as to sufficiency of evidence:

- (1) Concerning items 2, 5, 6, 7, 8, 9, 10, 12 (Donji Kruhari in Sanski Most), 15 (Zaklopača in Vlasenica), and 17, the Motion is **GRANTED**.
- (2) Concerning items 11, 12 (Sasina in Sanski Most), 13, 14, and 15 (Drum in Vlasenica), the Motion is **DISMISSED**.

[Section IV.C.2.a of the Decision]

326. With respect to each of the specific challenges to Schedule B of the Bosnia Indictment as to sufficiency of evidence:

- (1) Concerning items 1, 2, 7, 9, 15, and 17 the Motion is **GRANTED**.
- (2) Concerning items 4, 10, and 14, the Motion is **DISMISSED**.

[Section IV.C.2.b of the Decision]

327. With respect to each of the specific challenges to Schedule C of the Bosnia Indictment as to sufficiency of evidence:

- (3) Concerning items 4, 8, 11 (Čajniče SUP Building in Čajniče), 12, 16, 17, 18, 21, and 22 (Uzamnica in Višegrad), the Motion is **GRANTED**.
- (4) Concerning items 2, 11 (Mostina Hunting Lodge in Čajniče), 15, 20, and 22 (detention centre in tourist hotel in Vilina Vlas in Višegrad), the Motion is **DISMISSED**.

[Section IV.C.2.c of the Decision]

328. With respect to each of the specific challenges to Schedule D of the Bosnia Indictment as to sufficiency of evidence:

- (1) Concerning items 2, 5, 7, 9, 12, 13, 14, 16, 20, 22, 26, 27, 30, 31, 32, and 34, the Motion is **GRANTED**.
- (2) Concerning items 1, 6, 19, 23, 25, 33, 36, 38, 39, 40, 41, 43, 44, and 45, the Motion is **DISMISSED**.

[Section IV.C.2.d of the Decision]

329. With respect to each of the specific challenges to Schedule E of the Bosnia Indictment as to sufficiency of evidence, the Motion is **GRANTED**.

[Section IV.C.2.e of the Decision]

330. With respect to each of the specific challenges to Schedule F of the Bosnia Indictment as to sufficiency of evidence, the Motion is **GRANTED**.”

[Section IV.C.2.f of the Decision]

The full text of the Trial Chamber’s Decision, including a Separate Opinion from Judge Robinson and a Dissenting Opinion from Judge Kwon is available on the Tribunal’s website at www.un.org/icty.
