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BUREAU DE PRESSE AT D'INFORMATION

CC/PIO/011-E

The Hague, 10 July 1995

PRESS RELEASE

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CASE No. IT-94-1-T / DEFENDANT: Mr. Dusko Tadic. UPDATE-3.

As expected, the Prosecutor has filed on Friday 7 July 1995 in the late afternoon its response to the three motions filed two weeks earlier by the Defence (see press release dated 23 June 1995).

- 1) As to the Defence motion challenging the Jurisdiction of the Tribunal, the Prosecutor contends that *"the establishment of the ICTY is a legitimate exercise of Security Council powers under Chapter VII of the United Nations Charter"* and that the Tribunal *"has the power to prosecute the accused under Article 2 (grave breaches of the Geneva Conventions of 1949), Article 3 (violations of the laws or customs of war), Article 5 (crimes against humanity) of the Statute"*.
- 2) As to the Defence motion on the Principle of *non-bis-in-idem*, the Prosecutor *"submits that the doctrine of non-bis-in-idem is not applicable in this case.(...)the key factor in the application of non-bis-in-idem is that the accused has been the subject of a final conviction or punishment (...)"*.
- 3) As to the Defence motion on the Form of the Indictment, the Prosecutor *"submits that the indictment (...) provides the accused with sufficient notice of the nature of the crimes with which he is charged and the facts which support those charges (...)"*. This fact is *"reflected by the statements of Defence Counsel at the initial appearance before the Tribunal that the accused had read a copy of the indictment in his own language and understood the charges. The accused then entered a plea by stating that " I never took part in any of the crimes with which I am charged". (...)*
Further, *"the Prosecution submits that there is no unreasonable multiplication of charges in the indictment (...). Each Article of the Statute has a distinct purpose and object. Each Article also contains different elements of proof, and it is, therefore, permissible that for each particular act or course of conduct with which the accused is charged that those provisions of each Article that are violated be charged together. If the accused is found guilty for the acts charged, then he should be subject to conviction for the provisions of each Article violated"*.

The Defence motions and the Prosecutor response thereto will be considered by Trial Chamber II at an hearing scheduled to begin on 25 July 1995. It is expected that this hearing will be public.

NOTE

The above-mentioned response will be released on Monday 10 July 1995, a copy can be picked-up at the entrance of the Tribunal as of 4 p.m.
