

## **Tadic update : defence and Prosecutor file pre-trial motions.**

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### **TADIC UPDATE: DEFENCE AND PROSECUTOR FILE PRE-TRIAL MOTIONS**

Three pre-trial motions were filed by counsel for Mr. Dusko TADIC on **10 April 1996**.

In the first motion, the Defence seeks an order to prevent the contamination of witness testimony; in the second, the Defence notified the Prosecution of its intention to offer a defence of alibi for Mr. Tadic; in the third, Mr. Tadic's counsel seeks an order to sever some of the charges in the indictment and have them tried separately.

On **12 April 1996**, the Prosecutor filed a motion to compel disclosure of statements taken by the defence of witnesses slated to testify.

The prosecutor's response to the motion on severance of the indictment must be filed before **19 April 1996**. The response to the motion offering an alibi must be filed by **20 April 1996**. No date has been set for the filing of responses to the third defence motion or to the prosecutor's motion. The motions will be heard at the commencement of the Trial, which will begin on **7 May 1996**.

#### **The Defence Motions**

In its **motion seeking an order to prevent the contamination of witness testimony**, the defence seeks to bar media coverage of *"any evidence given which is likely to contaminate the testimony of subsequent witnesses."*

If the Trial Chamber refuses the Defence's request that certain evidence be withheld from the media and/or that images of Tadic not be broadcast before witnesses likely to testify as to Tadic's identity have had an opportunity to give their evidence, the Defence requests, in the alternative, that *"appropriate measures be taken to ensure that all witnesses who have not yet given evidence be kept in such a way that they will not be exposed to any media coverage of the trial in progress.."*

In its motion notifying the Prosecutor of its intention to offer a defence of alibi, the Defence claims that the accused was in Banja Luka at the time of the alleged offences, except for specified dates, for which the accused offers an alibi. The Defence also offers a list of witnesses which it claims can corroborate the accused's alibi.

In its motion on severance of the indictment, the Defence seeks to sever the charges set out in paragraphs 4, 11 and 12 of the indictment from the indictment and for them to become the subject of separate trials.

Paragraph 4, charging Tadic with persecution, describes crimes allegedly committed by Tadic both inside and outside the camps of Omarska, Keraterm and Trnopolje. Paragraph 11 describes crimes in which Tadic allegedly participated in the Kozarac region, and Paragraph 12 refers to crimes said to have been committed by Tadic in the areas of Jaskici and Sivci.

In contrast, the other paragraphs of the indictment, detail crimes allegedly perpetrated by Tadic inside Omarska camp.

The motion argues that the alleged crimes committed in Omarska *"cannot be said to form the same transaction with other alleged crimes committed in other camps, and/or committed in the course of events outside the camps."*

#### **Prosecutor's Motion**

In his **motion of 12 April 1996**, the Prosecutor seeks to compel disclosure of statements taken by the Defence of witnesses who will testify, at least 30 days before they take the stand.

The motion argues that "*[I]n view of the fact that the names of the Defence witnesses have been disclosed to the prosecution, the publication of these names has in part destroyed any privilege which could otherwise arguably apply,*" and that "*fairness and prevailing trends dictate disclosure of witness statements*".