

## Press Release . Communiqué de presse

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TRIAL CHAMBERS  
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### TADIĆ CASE: THE VERDICT

- . Charges in 11 counts declared inapplicable
- . Accused not guilty on 9 counts of murder
- . Accused guilty on 11 counts of persecution and beatings

Today, one year to the day after the beginning of the trial of the Accused Dusko TADIĆ, Trial Chamber II (composed of Judge Gabrielle Kirk McDonald, Presiding, Judge Ninian Stephen and Judge Lal Chand Vohrah) has handed down its "Opinion and Judgement".

#### **Out of 31 counts, the Accused has been found:**

- **not guilty on 20 counts** (9 murder counts because of insufficient evidence and 11 counts declared inapplicable) **and**
- **guilty on 11 counts** (persecution and beatings).

As pointed out by the Chamber itself, this judgement is "*the first determination of individual guilt or innocence in connection with serious violations of international humanitarian law by a truly international tribunal (...). The international military tribunals at Nürnberg and Tokyo, ..., were multinational in nature, representing only part of the world community*". It is thus a landmark in the Tribunal's history and in the development of international humanitarian law.

It is the result of a thorough and meticulous consideration of a voluminous quantity of testimonial and written evidence: during the six months-long trial of the Accused, 125 witnesses were called and 473 exhibits were tendered by the Prosecution and the Defence. It also reflects a detailed exploration of legal issues raised for the first time before a Trial Chamber of the International Tribunal.

The written Opinion and Judgement is a sizeable document, amounting to 301 pages, with one Separate and Dissenting Opinion of 19 pages and a further 30 pages or so of annexes (the indictment; a map of Bosnia and Herzegovina; photos of the model of Omaraska camp; photos of Keraterm and Trnopolje camps; photos of a hangar, of an inscription on a wall and of the model of the "white house" at Omaraska camp)

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This press-release can by no means be a summary of an Opinion and Judgement which has been carefully worded and which covers a variety of issues (historical background, evidentiary issues, applicable law) other than the Judgement itself. This press-release is merely intended as a "reader's guide" of the verdict.

#### **THE VERDICT READS AS FOLLOWS:**

**The Accused** is *"a citizen of the former Yugoslavia, of Serb ethnic descent, and a resident of the Republic of Bosnia and Herzegovina at the time of the alleged crimes"*.

The Accused was charged with 31 individual counts of persecution, murder, beatings and other offences alleged to have been committed in 1992 in the Prijedor district (northwestern part of the Republic of Bosnia and Herzegovina) and more specifically at the Omarska, Keraterm and Trnopolje camps, in Kozarac and in the area of Jaskici and Sivci.

In all cases the Accused was charged with individual criminal responsibility.

The Accused pleaded not guilty and *"raised a defence of alibi"* saying *"that he was elsewhere when each of those acts [referred to in the counts] is said to have occurred.."*

#### **The Chamber finds:**

**1.** By a majority, the Presiding-Judge dissenting, that the accusations of "Grave breaches of the 1949 Geneva Conventions" were NOT APPLICABLE and that the Accused is NOT GUILTY on the 11 relevant counts (being 5, 8, 9, 12, 15, 18, 21, 24, 27, 29, 32) running throughout all the charges in the indictment.

**2.** By unanimity, that the Accused is NOT GUILTY on 11 counts, (6, 7, 19, 20, 25, 26, 28, 30, 31, and in part 33 and 34) charging him with 13 murders, 5 beatings, 2 inhumane acts and one case of abuse of prisoners. The Prosecutor has failed either to establish beyond reasonable doubt the elements of the offences, or to present conclusive evidence linking the accused to the related acts or to satisfy the Judges beyond reasonable doubt that victims named were murdered.

**3.** By unanimity, that the Accused IS GUILTY on 11 counts, (1,10, 11, 13, 14, 16, 17, 22, 23 and in part 33 and 34) charging him with Persecution and 14 beatings. The Chamber has found the Accused *"untruthful"* as to his whereabouts at the time of the alleged offences and has been satisfied beyond reasonable doubt by the Prosecution's evidence that the accused either was present at the scene of, or did participate into, the alleged offences.