



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-97-24-PT  
Date: 6 July 1998  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

**Before:** Judge Richard May, Presiding  
Judge Antonio Cassese  
Judge Florence Ndepele Mwachande Mumba

**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh

**Decision of:** 6 July 1998

**PROSECUTOR**

v.

**MILAN KOVAČEVIĆ**

**DECISION ON DEFENCE MOTION TO STRIKE  
COUNTS 4, 5, 8, 9, 10, 11, 13 AND 15**

**The Office of the Prosecutor:**

**Ms. Brenda Hollis  
Mr. Michael Keegan**

**Ms. Ann Sutherland**

**Counsel for the Accused:**

**Mr. Dusan Vučićević  
Mr. Anthony D'Amato**

THE TRIAL CHAMBER,

NOTING the Defence Motion To Strike Counts 4, 5, 8, 9, 10, 11, 13 and 15 (“the Motion”), filed on 30 June 1998, and the Response thereto filed by the Office of the Prosecutor on 3 July 1998,

HAVING HEARD the parties on 6 July 1998,

HAVING REJECTED the Motion orally on that day, with reasons to follow,

CONSIDERING THAT, in the view of this Trial Chamber, the ruling of one Trial Chamber does not bind another Trial Chamber which, in a different case, may be required to consider similar or related issues,

CONSIDERING THAT the issues raised by the Defence in connection with the counts based on Articles 2 and 3 of the Statute all relate more properly to the merits of the case, and not to preliminary issues, and are matters for the Trial Chamber to decide and rule upon after hearing the evidence in this particular case,

CONSIDERING THAT the argument raised by the Defence in connection with Article 3 of the Statute is one that properly falls to be interpreted and determined by the Trial Chamber at the close of presentation of evidence,

PURSUANT TO RULE 54 of the Rules of Procedure and Evidence of the International Tribunal HEREBY REJECTS the Motion with leave for the Defence to raise these matters as appropriate during the trial.

Done in English and French, the English text being authoritative.



Richard May  
Presiding Judge

Dated this sixth day of July 1998  
At The Hague  
The Netherlands

[Seal of the Tribunal]