

ДОКУМЕНТОВАНО УТВРЂИВАЊЕ ПРАВА СРБА И Р. СРБИЈЕ

ЗА СТАВ Р. СРБИЈЕ ПРЕМА ХАШКОМ ТРИБУНАЛУ

CHARTER OF THE UNITED NATIONS

CHAPTER III: ORGANS

Article 7

1. There are established as principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice and a Secretariat.
2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

CHAPTER IV: THE GENERAL ASSEMBLY

PROCEDURE

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V: THE SECURITY COUNCIL

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PROCEDURE

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Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

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CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 36

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1. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

CHAPTER XIV: THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 96

- a. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
- b. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

ЗАКЉУЧАК

1. Суд УН је Међународни суд правде у Хагу.
2. На основу које одредбе Повеље УН је Савет безбедности основао Међународни Трибунал за Злочине у ранијој Југославији - :“МТКЈ“, на Енглеском скраћено: „ICTY“?

UNITED NATIONS

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Date: September 2009 Original: English & French
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UPDATED STATUTE OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Article 1 Competence of the International Tribunal

The International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 in accordance with the provisions of the present Statute.

Article 2 Grave breaches of the Geneva Conventions of 1949

The International Tribunal shall have the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (a) wilful killing;
- (b) torture or inhuman treatment, including biological experiments;
- (c) wilfully causing great suffering or serious injury to body or health;

- (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (e) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;
- (f) wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial;
- (g) unlawful deportation or transfer or unlawful confinement of a civilian;
- (h) taking civilians as hostages.

Article 3 Violations of the laws or customs of war

The International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations shall include, but not be limited to:

- (a) employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;
- (b) want on destruction of cities, towns or villages, or devastation not justified by military necessity;
- (c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;
- (d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science;
- (e) plunder of public or private property.

Article 4

Genocide

1. The International Tribunal shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (a) genocide;
- (b) conspiracy to commit genocide;
- (c) direct and public incitement to commit genocide;
- (d) attempt to commit genocide;
- (e) complicity in genocide.

Article 5 Crimes against humanity

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation;
- (e) imprisonment;
- (f) torture;
- (g) rape;
- (h) persecutions on political, racial and religious grounds;
- (i) other inhumane acts.**

Article 7 Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

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Article 8 Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal shall extend to the territory of the former Socialist Federal Republic of Yugoslavia, including its land surface, airspace and territorial waters. **The temporal jurisdiction of the International Tribunal shall extend to a period beginning on 1 January 1991.**

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Article 21 Rights of the accused

1. All persons shall be equal before the International Tribunal.

ЗАКЉУЧАК

1. Статут МТКЈ не утврђује одредбу Повеље УН на основу које је Савет безбедности имао право да оснује МТКЈ.
2. Статут МТКЈ утврђује меродавност МТКЈ за злочине само на територији СФРЈ! **Није меродаван за вађење органа у Албанији живим Србима и другим живим људима заробљеним на Косову и Метохији!**
3. Статут МТКЈ не прави разлику за одговорност за злочине ни по раси ни по националности ни по држављанству ни по функцији ни по положају (**Клинтон, Блер, Солана, ген. Кларк**).
4. Статут МТКЈ утврђује равноправност свих пред МТКЈ.
5. У МТКЈ су (практично) оптужени само држављани СФРЈ.
6. Није оптужен у МТКЈ ни један од главних југословенских и страних подстрекача, организатора, и/или заштитника злочина или злочинаца:
 - за противуставно оружано уништавање СФРЈ,
 - за уништавање мира и слободе људи у СФРЈ што је један од најтежих злочина против човечности и човечанства,
 - за прогон Срба из Крајине и Славоније – из Хрватске,
 - за злочине над Србима од Словеније до Косова и Метохије,
 - за неоправдано и од УН неодобрено бомбардовање Срба у Републици Српској,
 - за неоправдано и од УН неодобрено бомбардовање СР Југославије – Србије и Црне Горе,
 - за лажно оптуживање Срба за злочине које они нису учинили,
 - за прогон Шиптара почетог трећег дана бомбардовања Србије,
 - за злочине над Србима од Словеније до шиптарски доминираног Косова и Метохије.
7. У свом стварном раду и својим пресудама МТКЈ је до сада деловао супротно закључцима 3. и 4.
8. МТКЈ је заузео потпуно пристрасан и искључив негативан став у односу на Србе.
9. МТКЈ треба на слободу да пусти све србске затворенике.
10. Све досадашње пресуде МТКЈ ухапшеним Србима треба да буду преиспитане од Међународног суда правде УН.
11. МТКЈ треба да буде распуштен.