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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

**Office of the
Prosecutor**

**Bureau du
Procureur**

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The Hague, 21 November 2012

**STATEMENT OF THE ICTY PROSECUTOR SERGE BRAMMERTZ IN RELATION TO THE
GOTOVINA AND MARKAC APPEAL JUDGEMENT**

My Office has carefully studied the Judgement rendered by the ICTY Appeals Chamber in the case of *Gotovina* and *Markac* on Friday 16 November 2012.

My Office is disappointed by the outcome of the Judgement, which reverses the convictions against Mr. Gotovina and Mr. Markac entered unanimously by the three judges of the Trial Chamber. We are aware that those affected by crimes committed in connection with Operation Storm are not satisfied by the outcome and feel their suffering has not been acknowledged.

Throughout the appeal proceedings, my Office explained to the Appeals Chamber why we believe the evidence was sufficient to support the Trial Chamber's convictions.

In the end, three out of the five Appeals Chamber judges saw it differently, resulting in the acquittal of Mr. Gotovina and Mr. Markac on all counts of the Indictment.

As a party to the proceedings, we have to respect the result of the Appeal Judgement. International criminal justice - and the rule of law more generally- must rest on the fundamental building block of respect for the judicial process.

As in all cases, my Office will consider review proceedings if the necessary conditions are met.

We will also make sure that evidence collected by my Office will remain available to judicial authorities in the former Yugoslavia to facilitate national prosecutions for the crimes committed in connection with Operation Storm. We trust that the judicial authorities in Croatia will live up to their obligations.

The dissenting opinions from two of the Appeals Chamber judges - Judge Agius and Judge Pocar - have identified important issues arising out of the Majority's Judgement for the ICTY to reflect on. These issues have also been the focus of attention by commentators external to the ICTY in the days following the Judgement. The issues include ensuring coherent standards of appellate review, assessing the evidence on the record in its totality and giving appropriate deference to a trial chamber's factual findings.

Reflection on these matters is important and hopefully, in the end, will be a catalyst for further strengthening the international justice system.