

## **Aleksovski Case: The Judgement of the Trial Chamber.**

**Press Release - Communiqué de presse  
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### **ALEKSOVSKI CASE: THE JUDGEMENT OF THE TRIAL CHAMBER**

#### **ZLATKO ALEKSOVSKI ACQUITTED ON TWO COUNTS AND GUILTY ON ONE COUNT; THE SENTENCE HAS BEEN COMPLETED AND HIS IMMEDIATE RELEASE HAS BEEN ORDERED**

Today, Friday 7 May 1999, Judge Almiro Simões Rodrigues (Presiding), Judge Lal Chand Vohrah and Judge Rafael Nieto Navia pronounced their judgement in the case *The Prosecutor v. Zlatko Aleksovski*. The judgement is the fourth to be rendered after trial by the International Criminal Tribunal for the former Yugoslavia and marks the seventh sentence to be handed down.

Further to their deliberations after the closing of the trial, the Judges decided to issue today a brief summary of their factual and legal findings and to present the full text of their judgement at a later date.

#### **THE FINDINGS AND THE SENTENCE IMPOSED**

A majority of the Trial Chamber found Zlatko Aleksovski NOT GUILTY on the two counts of grave breaches of the 1949 Geneva Conventions (Article 2 of the Statute of the Tribunal) with which he was charged, judging that it had not been proved that the victims ascribed to the accused were protected persons within the meaning of the 1949 Geneva Conventions.

The Trial Chamber found Zlatko Aleksovski GUILTY both as an individual participant (pursuant to Article 7(1) of the Statute of the Tribunal) and as commander (pursuant to Article 7(3) of the Statute) on violations of the laws or customs of war (Article 3 of the Statute), namely, outrages upon personal dignity. The Trial Chamber consequently imposed a sentence of two years' and six months' imprisonment.

Applying Sub-rule 101(D) of the Tribunal's Rules of Procedure and Evidence, the Trial Chamber considered that Zlatko Aleksovski was entitled to credit for time served for a period of two years, 10 months and 29 days. The Trial Chamber therefore ordered his immediate release, notwithstanding any appeal.

#### **BACKGROUND**

Zlatko Aleksovski was arrested on 8 June 1996 in the Republic of Croatia by the Croatian police acting pursuant to an arrest warrant issued by the Tribunal. He was transferred to the Tribunal's detention unit at The Hague on 28 April 1997.

The original indictment was confirmed on 10 November 1995 and included five other accused. Dario Kordic, Mario Cerkez and Tihomir Blaskic are currently on trial in separate proceedings. Charges were dropped against Ivan Santic and Pero Skopljak on 19 December 1997 (see press release 279).

According to the indictment, Zlatko Aleksovski was the commander of the prison facility at Kaonik, near Busovaca, prior to becoming the Head of the District Croatian Defence Council (HVO) "Heliodrom" prison in Mostar. According to the indictment "*[f]rom January 1993 until at least the end of May 1993, Zlatko Aleksovski accepted hundreds of detained Bosnian Muslim civilians from the HVO or their agents into his custody at the detention facilities in Kaonik. The detainees were from a widespread area including, but not exclusive to, Vitez and Busovaca municipalities. Many of the detainees under his control were subjected to inhumane treatment, including, but not limited to, excessive and cruel interrogation, physical and psychological harm, forced labour (digging trenches), in hazardous circumstances, being used as human shields and some were murdered or otherwise killed*".

The accused was charged, both as an individual and a superior, with two counts of grave

breaches of the 1949 Geneva Conventions, namely inhuman treatment and wilfully causing great suffering or serious injury to body or health, and one count of violations of the laws or customs of war, namely, outrages upon personal dignity.

The trial commenced on 6 January 1998 and ended on 23 March 1999. Thirty-eight witnesses appeared for the Prosecution and 26 for the Defence. The Prosecution presented 139 exhibits and the Defence 37. The closing arguments began on 22 March 1999.

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