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International
Criminal Tribunal
for the former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

PRESS RELEASE

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CHAMBERS

The Hague, 10 July 2008
NJ/MOW/PR1270e

Boškoski Acquitted and Tarčulovski Sentenced to 12 Years' Imprisonment

Trial Chamber II today sentenced Johan Tarčulovski to 12 years of imprisonment for crimes committed against ethnic Albanians in village of Ljuboten, near the Macedonian capital Skopje, on 12 August 2001. His co-accused, the former Macedonian Interior Minister, Ljube Boškoski, was acquitted of all charges.

The crimes alleged took place in Ljuboten between 12 and 15 August 2001 when a Macedonian police unit under Tarčulovski's command entered the village, shooting and killing six unarmed ethnic Albanians, as well as severely mistreating 13 other residents. Ten of those were further beaten at a police checkpoint at the entrance to the village and later at the Mirkovci police station in Skopje, as a result of which one of the men died.

At least 12 houses in the village were set on fire and a large number of Albanian men fleeing from the village were subjected to cruel treatment by other police at a police checkpoint, and later at several other police stations in Skopje.

Boškoski was charged with command responsibility for failing to investigate the crimes and to ensure those responsible be punished. The Trial Chamber found that while evidence revealed *"a serious failure of the functioning of the police and the responsible Macedonian authorities at that time, it has not been established that Ljube Boškoski failed to take the necessary and reasonable measures for the punishment of the police"*.

The Trial Chamber also found that two reports were made on the evening of 12 August by police of the Interior Ministry to the investigating judicial authority and to the public prosecutor. *"Ljube Boškoski had no authority or powers in respect ... of the investigative judge and the public prosecutor, who were not within the Ministry of Interior,"* Judge Kevin Parker, Presiding, said.

The Trial Chamber found that Tarčulovski, on the other hand, had a direct role in the incident and found him guilty for ordering, planning and instigating the crimes committed in Ljuboten. In particular he was found guilty of the murder of Rami Jusufi, Sulejman Bajrami and Muharem Ramadani, ordering planning and instigating the destruction of property of the 12 ethnic Albanian residents, as well as the cruel treatment of 13 Albanians at Adem Ametovski's house and of ten others at Braca's house.

However, the Chamber found that Tarčulovski was himself acting under orders during the operation. *"The evidence does not enable the person or persons responsible for the orders to Johan Tarčulovski to be identified. The circumstances confirm it was a person or persons superior to him,"* Judge Parker said.

Boškoski will be released from the detention unit upon completion of relevant procedures while Tarčulovski will remain in the Tribunal's custody before transferal to the state where the sentence will be enforced.

This is the only case related to the Macedonian conflict heard by the ICTY. Since its inception 15 years ago the Tribunal has indicted 161 persons for war crimes committed

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on the territory of the former Yugoslavia. The proceedings against 114 individuals have been completed.

The full text of the summary of the judgment can be found at the following links:

English: <http://www.un.org/icty/pressreal/2008/pr1270e-summary.htm>

Courtroom proceedings can be followed on the Tribunal's website at
www.un.org/icty