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REGISTRY

GREFFE

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**INDICTMENT AGAINST LJUBE BOŠKOSKI AND
JOHAN TARČULOVSKI MADE PUBLIC**

Today, 15 March 2005, the International Criminal Tribunal for the former Yugoslavia released an indictment against Ljube Boškosi and Johan Tarčulovski. The indictment was confirmed on 9 March, 2005 by Judge Robinson.

The accused

Ljube Boškosi was born on 24 October 1960 in Tetovo in the Republic of Macedonia of the Socialist Federal Republic of Yugoslavia. According to the indictment, between May 2001 and November 2002, Ljube Boškosi was the Minister of Interior of the Former Yugoslav Republic of Macedonia (FYROM). The indictment alleges that he was a prominent member of the governing political party known as the Internal Macedonian Revolutionary Organisation – Democratic Party for Macedonian National Unity (VMRO – DPMNE).

Johan Tarčulovski was born on 17 November 1974 in Skopje in the Republic of Macedonia of the Socialist Federal Republic of Yugoslavia. According to the indictment, in 2001, Johan Tarčulovski was a police officer acting as an Escort Inspector to the President's Security Unit. His duties included providing personal security for the President. Johan Tarčulovski was also a member of VMRO – DPMNE.

According to the indictment, Ljube Boškosi is individually criminally responsible pursuant to Article 7 (3) of the Tribunal's Statute.

The indictment states that in his capacity as Minister of Interior, Ljube Boškosi, *“exercised de jure and de facto command and control over the police forces that participated in the crimes alleged in this indictment.”*

Ljube Boškosi was the highest authority in the Ministry of Interior and thus *“had overall authority and responsibility for the functioning of the police forces both regular and reserve within FYROM.”*

The indictment states that,

“Ljube Boškosi knew or had reason to know that the crimes alleged in this indictment had been committed by his subordinates.” It further states that, *“Ljube Boškosi was under an obligation to punish his subordinates who committed the crimes in this Indictment. However, he failed to take necessary and reasonable measures to do so. During this period no subordinate was punished in any way for the crimes charged in this Indictment, nor was any genuine investigation conducted or authorised by him nor a genuine referral made by him to another authority to effectively investigate the crimes.”*

Internet address: <http://www.un.org/icty>

Communications Service/ Media Office

Churchillplein 1, 2517 JW The Hague. P.O. Box 13888, 2501 EW The Hague. Netherlands
Tel.: +31-70-512-5356; 512-5343 Fax: +31-70-512-5355

Joint Criminal Enterprise

The indictment alleges that Johan Tarčulovski was a member of a joint criminal enterprise which came into existence no earlier than Friday 10 August 2001 and continued up to and including Sunday 12 August 2001. According to the indictment: *“The object of the JCE was to direct an unlawful attack on civilians and civilian objects in the village of Ljuboten, which was not justified by military necessity.”* Ljuboten is a predominantly ethnic Albanian village about 12 kilometers from the centre of Skopje, the capital of FYROM.

According to the indictment, Johan Tarčulovski is individually criminally responsible pursuant to Article 7 (1) of the Tribunal’s Statute.

The indictment states that Johan Tarčulovski is *“...individually criminally responsible for ordering, planning and instigating the crimes charged in the Indictment by virtue of his participation in the attack on Ljuboten...”* The indictment alleges that Johan Tarčulovski *“directly intended that these crimes be committed or at least he had the awareness of the substantial likelihood that the crimes would be committed in the execution of his orders, plans and instigation.”*

The indictment further states that Johan Tarčulovski *“aided and abetted the crimes charged in the indictment by virtue of his participation in the attack on Ljuboten...”*

The charges

Ljube Boškoski is charged with:

- 3 counts of violations of the laws or customs of war – Article 3 of the Tribunal’s Statute: murder; wanton destruction of cities, towns or villages; cruel treatment.

Johan Tarčulovski is charged with:

- 3 counts of violations of the laws or customs of war – Article 3 of the Tribunal’s Statute: murder; wanton destruction of cities, towns or villages; cruel treatment.

Crimes

Murder

According to the indictment, during the attack on Ljuboten on Sunday, 12 August 2001, members of a police unit commanded by Johan Tarčulovski entered the yard of Rami Jusufi’s house whilst he was sleeping. When he came to the door, in his pyjamas and unarmed, members of the police unit shot him in the stomach which resulted in his death two hours later.

A few hours later, Johan Tarčulovski and members of the police unit arrived at two houses situated 20 metres apart where unarmed men, women and children were seeking refuge from the police and army attack. The police ordered the men out of the basement, forcing 13 of them *“to lie on the ground where they all were beaten repeatedly and severely”*. Sulejman Bajrami attempted to escape and was shot dead. Another man, Atulla Qaili, died on the afternoon of 13 August 2001 as a result of these beatings and further beatings received whilst he and the other men were being transported from Ljuboten to Mirkovci police station.

The indictment further states that “...the police then ordered ten of the twelve remaining men to walk towards the neighbouring Macedonian village of Ljubanci. The other two men, both elderly, were ordered to leave the area by the police. As these two men walked away, the police fired at them killing Muharem Ramadani, a 65 year old ethnic Albanian.”

Later in the day, Johan Tarčulovski and members of the police unit under his command, moved to a house where five unarmed men had taken refuge. After calling out for the owner of the house, the police unit opened fire on it. They then set fire to it using gasoline. When the men inside the house tried to escape, the police unit shot at them forcing them to run towards the mountain behind the house. Three of the men, named in the indictment, were shot dead.

Wanton destruction of cities, towns or villages

According to the indictment, during the attack on Ljuboten village, Johan Tarčulovski and members of the police unit commanded by him, “...walked through Ljuboten village from the north east edge to the south east end, the members of the group intentionally set alight at least 14 houses..... In addition to setting fire to houses the police also damaged houses by use of hand grenades and small arms. As a result of these acts 14 houses were seriously damaged or destroyed.”

Cruel treatment

The indictment alleges that:

“Between Sunday 12 August 2001 and Wednesday 15 August 2001 during and after the ground attack by Johan Tarčulovski and members of his police unit on Ljuboten detained over one hundred ethnic Albanian male residents of the village and subjected them intentional infliction of severe pain or suffering by beatings, humiliation, harassment and psychological abuse. These residents were cruelly treated within Ljuboten, at two police checkpoints nearby and outside the village, at five police stations in Čair municipality and Skopje city, as well as at a Skopje court and hospital.”

One group of 13 residents was beaten at Adem Ametovski’s house. A further group of 90 male residents were detained at a police checkpoint a few kilometers from Ljuboten. At least half of these men were physically and psychologically abused.

Following the beatings, both groups were moved to different police stations and then in some cases to the Skopje Court II and the Skopje hospital. The indictment states that:

“The detention and beatings of these arrested men were organised, systematic and pervasive. Most of the detainees were beaten repetitively at successive locations. For example, over this three day period, at least seven men were beaten at five different locations, at least twenty-five men were beaten at four different locations, at least forty-four men were beaten at three different locations, at least twelve men were beaten at two locations and at least two men were beaten at one location.”

***The full text of the indictment is available on the Tribunal’s website
<http://www.un.org/icty>. Hard copies can also be obtained from the Media Office.***