

CASE INFORMATION SHEET

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie

“BRČKO” (IT-95-10/1)

RANKO ČEŠIĆ



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Member of the Bosnian Serb Territorial Defence in Grčica, in the municipality of Brčko, north-eastern Bosnia and Herzegovina; from 15 May 1992, member of the Intervention Platoon of the Bosnian Serb Police Reserve Corps at the Brčko police station

- Sentenced to **18 years' imprisonment**

*Convicted of:***Murder, humiliating and degrading treatment** (violations of the laws or customs of war)

- Češić took five men out of the Brčko Partizan sports hall, where they were detained, made them line up and shot and killed them.
- He ordered a detainee at the Luka camp to say goodbye and shake hands with other detainees, before beating and killing him.

Murder, rape which includes other forms of sexual assault (crimes against humanity)

- Češić forced two brothers detained at the Luka camp to perform fellatio on each other, at gunpoint, in the presence of others.
- In total, Češić admitted to killing 10 individuals, two of whom died as a result of beatings.

Born	5 September 1964 in Drvar, Bosnia and Herzegovina
Indictment	Initial: 21 July 1995; first amended: 12 May 1998; second amended: 19 October 1998; third amended: 26 November 2002
Arrested	25 May 2002, by Serbian authorities
Transferred to ICTY	17 June 2002
Initial appearance	20 June 2002, pleaded not guilty to all charges
Guilty plea	8 October 2003, pleaded guilty to all charges
Trial Chamber sentencing judgement	11 March 2004, sentenced to 18 years' imprisonment
Serving sentence	11 April 2005, transferred to Denmark to serve the remainder of his sentence; credit was given for time served since 25 May 2002; early release granted on 30 April 2014 (effective 25 May 2014)

STATISTICS

As a plea agreement was reached before the beginning of trial, no trial was necessary.

TRIAL CHAMBER SENTENCING JUDGEMENT	
<i>11 March 2004</i>	
Trial Chamber I	Judge Alphons Orié (presiding) Judge Liu Daqun, Judge Amin El Mahdi
Counsel for the Prosecution	Mark Harmon, Thomas Hannis
Counsel for the Defence	Mihajlo Bakrač

RELATED CASES
JELIŠIĆ (IT-95-10) "BRČKO"
KARADŽIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"
MILOSEVIĆ (IT-02-54) "KOSOVO, CROATIA A& BOSNIA"
MLADIĆ (IT-09-92) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"
PLAVŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"
ŠEŠELJ (IT-03-67)
STANIŠIĆ, MICO (IT-04-79)

INDICTMENT AND CHARGES

The initial indictment against Češić and Goran Jelisić (see Jelisić case, IT-95-10) was confirmed on 21 July 1995. The first amended indictment against the two accused was confirmed on 12 May 1998. The second amended indictment against the two accused was confirmed on 19 October 1998.

On 9 September 1998, Jelisić entered a plea of guilty. Jelisić was sentenced to 40 years' imprisonment on 5 July 2001 and is currently serving his sentence in Italy.

At his initial appearance on 20 June 2002, Češić pleaded not guilty to all counts of the indictment.

The third amended indictment, pertaining only to Češić, was confirmed on 26 November 2002. Češić was charged on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- Murder; humiliating and degrading treatment (violations of the laws or customs of war, Article 3),
- Murder; rape which includes other forms of sexual assault (crimes against humanity, Article 5).

PLEA AGREEMENT/GUILTY PLEA

The Tribunal's Rules of Procedure and Evidence provide for a plea agreement procedure (Rule 62 *ter*). The Prosecutor and the Defence may agree that, upon the accused entering a plea of guilty to the indictment or to one or more counts of the indictment, the Prosecutor can apply to the Trial Chamber to amend the indictment accordingly and ask for a sentence within a specific range or agree to the sentencing range suggested by the Defence. The Trial Chamber is not bound by any such agreement.

On 7 October 2003, before the beginning of trial, Češić and the Office of the Prosecutor (OTP) entered into a plea agreement. The accused admitted his guilt on all twelve counts contained in the third amended indictment and agreed to testify in other proceedings before the Tribunal. A written factual basis describing the crimes and Češić's participation in them was annexed to the plea agreement. He entered a plea of guilty to the twelve counts of the indictment before the Trial Chamber on 8 October 2003.

The Trial Chamber accepted the guilty plea after having ensured that it was made voluntarily, was informed and unequivocal, and after verifying that there was a sufficient factual basis for the crimes and for the accused's participation in them. At the sentencing hearing on 27 November 2003, the OTP recommended that the Trial Chamber impose a sentence of between 13 and 18 years and the Defence requested that a sentence of 13 years be imposed. Both parties recognised that the Trial Chamber was not bound by any agreement between the parties on sentencing.

STATEMENT OF RANKO ČEŠIĆ

"First of all, without any false sentiments, I wish to express my deep remorse for all the evil I have done. Words such as "remorse" are insufficient to express what somebody like me feels.

Looking back in time after so much time has elapsed since I committed those crimes, there is an enormous difference between my state of mind now and then. Now I would never do the things I did then, the things that took place in a time of euphoria, a time when all human dignity was abolished.

Before the trial, I pleaded guilty to the counts of the indictment, and I did my best to help the Office of the Prosecutor and the Tribunal to bring to light a small part of the overall truth, the part that refers to my actions.

Your Honours, I will do anything to bring back the past and not to do what I have done. Since this is not possible, all that is left for me is to feel the deepest remorse for what I have done. To this I would like to add that I did not want to bring my friends and relatives here to say nice things about me because I didn't want to increase the pain of the victims and their families, out of respect for the deceased.

I hope that my sincere remorse, which I feel deeply, will help to prevent similar things from happening in the future, and I wish to say that any people that experiences war is unfortunate, and people who live through this and families who have suffered pain feel this deeply. I want to say that I hope nobody will ever do the things that I have done and that prison is not the only punishment for me, because it is even harder to go on living with this feeling of guilt." (Ranko Češić, sentencing hearing, 27 November 2003)

TRIAL CHAMBER SENTENCING JUDGEMENT

The crimes for which Češić was convicted took place in May 1992 in the Brčko municipality, located in the north-east of Bosnia and Herzegovina. At that time, Češić was a member of the Bosnian-Serb Territorial Defence in Brčko. On 15 May 1992, he became a member of the Intervention Platoon of the Bosnian Serb Police Reserve Corps at the Brčko police station.

While the Trial Chamber only took into account those facts contained in the factual basis when determining the Češić's sentence, reference was made in the sentencing judgement to the indictment against the accused for the purpose of providing a general understanding of the wider context in which he committed the crimes of which he was convicted. According to the indictment, the violations charged against Češić took place while the Serb forces in Bosnia, from 30 April 1992 onwards, engaged in the take-over of Brčko.

During the take-over operation, the Serb forces forcibly expelled and transferred the Muslim and Croat residents of Brčko to collection centres, including the Luka camp and the Brčko Partizan sports hall, where many were killed, beaten and otherwise mistreated. Many of the women, children and elderly were confined at the nearby village of Brezovo Polje, while most of the men of military age and a few women were taken to the Luka camp.

From about 7 May 1992 until early July 1992, Serb forces confined hundred of Muslim and Croat men and a few women in inhumane conditions and under armed guard at the Luka camp. From about 7 May 1992 until about 21 May 1992, detainees were systematically killed. Furthermore, from about 21 May 1992 until early July 1992, the detainees were subjected to beatings and, less frequently than before, killings. In early July 1992, the surviving Luka camp detainees were transferred to another detention camp at Batković (near Bijeljina in eastern Bosnia).

In total, Češić admitted to killing ten individuals - two of whom died as a result of beatings - and to having forced two brothers to perform sexual acts on each other. He committed all these crimes within a period of ten to 32 days.

Češić was convicted of the murder of five men at the Brčko Partizan Sports Hall on or about 5 May 1992 and the murder of at least three detainees at the Luka camp, between approximately 11 May and 6 June 1992. On approximately 11 May 1992, Češić murdered a Muslim policeman detained at the Luka camp. The victim, who was detained in a hangar together with other detainees, was first ordered by Češić to say goodbye and shake hands with the other detainees. He was then taken out by Češić and other Serb policemen, who beat him and killed him.

Češić was also found responsible for the beating of a detainee at the Luka camp to death with clubs. In addition, Češić was found responsible for having forced, at gunpoint, two Muslim brothers detained at the Luka camp to perform fellatio on each other.

In determining Češić's sentence, the Trial Chamber took into account the vulnerability of the victims and their civilian status, placed, as they were, under the oversight of Bosnian Serb soldiers and policemen. Furthermore, the depravity of the sexual assault and the purposefully cruel conduct of Češić, as shown by his beating of some of his victims and his forcing a detainee to say farewell to other detainees before being taken out and executed, were also considered aggravating factors.

Češić's admission of guilt, in addition to his substantial co-operation with the Prosecution and his expression of remorse, were the factors considered by the Trial Chamber to merit mitigation of punishment.

On 11 March 2004, the Trial Chamber rendered its judgement, convicting Češić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) of:

- Murder humiliating and degrading treatment (violations of the laws or customs of war, Article 3),
- Murder; rape which includes other forms of sexual assault (crimes against humanity, Article 5).

Sentence: 18 years' imprisonment.

On 11 April 2005, Češić was transferred to Denmark to serve the remainder of his sentence. Credit was given for time served since 25 May 2002.

On 30 April 2014, Češić was granted early release, effective 25 May 2014.