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Tribunal Pénal  
International pour  
l'ex-Yougoslavie

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CHAMBERS

The Hague, 15 September 2008

NJ/MOW/1283e

## Rasim Delić Sentenced to Three Years for Cruel Treatment

Trial Chamber I today sentenced Rasim Delić to three years imprisonment for crimes committed by the El Mujahed Detachment of the Army of Bosnia and Herzegovina against captive Bosnian Serb soldiers during the 1992-1995 conflict in the Balkan state.

Delić, the former Commander of the Main Staff of the Army of the Republic of Bosnia and Herzegovina (ABiH), was found guilty by majority, Presiding Judge Moloto dissenting, of failing to take the necessary and reasonable measures to prevent and punish the crimes of cruel treatment committed by the El Mujahed Detachment (EMD). Specifically, Delić was held responsible for crimes committed in the village of Livade and in the Kamenica Camp, within the central Bosnian municipality of Zavidovići, in July and August 1995. In specific instances 12 captured members of the Bosnian Serb Army (VRS) were subjected to various kinds of maltreatment, including severe beatings and electric shocks. The captives were also forced to kiss the severed heads of other detainees.

Delić was acquitted of three other counts of murder and cruel treatment. Delić was charged with responsibility for the crimes committed by the foreign Muslim fighters, also known as the Mujahedin, in three separate incidents between 1993 and 1995.

The Trial Chamber found Delić bore no responsibility for the crime committed in the villages of Maline and Bikoši in the Travnik municipality of central Bosnia in June 1993 when about 24 Bosnian Croat civilians and soldiers were killed and six others injured by the Mujahedin. The trial Chamber found that no superior-subordinate relationship had existed between Delić and the perpetrators at that time.

He was also acquitted of charges of cruel treatment and murder in relation to the events that took place in September 1995 in the village of Kesten and Kamenica Camp when members of the EMD killed one elderly Serb man and 52 Bosnian Serb soldiers, as well as maltreating 10 others. The Trial Chamber could not conclude beyond reasonable doubt that Delić had reason to know that these crimes were about to be or were committed.

Delić is one of the most senior military commanders to be tried before the Tribunal on charges of superior criminal responsibility for the crimes of murder and cruel treatment. The Trial Chamber found that *“one of the salient questions in this case”* was whether the EMD had been *“under the command and effective control”* of Rasim Delić.

The El Mujahed Detachment came into existence as a unit of the ABiH 3<sup>rd</sup> Corps by virtue of an order of 13 August 1993 signed by Delić. The objective of incorporating the unit into the Army's system of command and control was achieved at the latest as of mid-1995, the majority found.

The majority, Judge Moloto dissenting, found that *“although the EMD enjoyed a certain degree of autonomy in respect of its superior commanders, it was not an independent unit merely cooperating with the ABiH”*. Judge Moloto concluded that Rasim Delić did not have effective control over the EMD.

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In determining the sentence the majority “*recalled the appallingly brutal nature of the acts of mistreatment against the 12 VRS soldiers*”, but also the fact that Delić was found to have had “*imputed knowledge of these crimes as opposed to actual knowledge*”.

Delić is entitled to credit for the time spent in custody which amounts to 488 days.

An information sheet regarding the case can be found on the Tribunal’s website at:  
<http://www.un.org/icty/cases-e/cis/delic/cis-delic.pdf>

The full text of the summary of the judgment can be found on the Tribunal’s website at:

English: <http://www.un.org/icty/pressreal/2008/pr1283e-summary.htm>

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*Courtroom proceedings can be followed on the Tribunal’s website [www.un.org/icty](http://www.un.org/icty).*