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Tribunal Pénal  
International pour  
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## Press Release . Communiqué de presse

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APPEALS CHAMBERS

CHAMBRE D'APPEL

XT/P.I.S./599-e  
The Hague, 3 July 2001

### **THE APPEALS CHAMBER WILL DELIVER ITS JUDGEMENT ON 5 JULY 2001 IN THE JELISIĆ CASE**

**On Thursday 5 July 2001 at 10.00 a.m. in Courtroom III, the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (ICTY), consisting of Judges Shahabuddeen (Presiding), Vohrah, Nieto-Navia, Wald and Pocar, will deliver its Judgement in the case of *The Prosecutor v. Goran Jelisić*.**

#### **THE INDICTMENT ("Brčko")**

##### *Factual allegations*

The second amended indictment, confirmed on 19 October 1998, states that from about 30 April 1992, Serb forces fought to obtain control of Brčko, a town and municipality in North-Eastern Bosnia and Herzegovina, on the border with the Republic of Croatia. The Serb forces, with the assistance of local Serb authorities, expelled Croat and Muslim residents from their homes, holding them at collection centres where many were killed, beaten and otherwise mistreated. Many of the women, children and elderly were confined at the nearby village of Brezovo Polje.

From about 7 May 1992 until early July 1992, Serb forces confined hundreds of Muslim and Croat men, and a few women, at Luka camp in inhumane conditions and under armed guard with detainees being systematically killed.

Almost every day during that time Goran Jelisić, often assisted by camp guards, entered Luka's main hangar where most detainees were kept, selected detainees for interrogation, beat them and then often shot and killed them.

##### *Charges*

Pursuant to Article 7(1) of the Statute, the indictment charged Goran Jelisić on the basis of individual criminal responsibility with:

- Genocide (Article 4 of the Statute – killing members of a group),
- Violations of the laws or customs of war (Article 3 of the Statute – murders; cruel treatment; plunder), and
- Crimes against humanity (Article 5 of the Statute – murders; inhumane acts).

#### **PROCEDURAL BACKGROUND**

Goran Jelisić was detained by SFOR forces on 22 January 1998 and transferred to the Tribunal on the same day. On 26 January 1998, the accused made his first initial appearance at which he pleaded not guilty to all counts. At a further initial appearance held on 29 October 1998, Goran Jelisić pleaded guilty to all of the counts except that of genocide (see *Press Release No. 357*).

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

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## **THE DECISIONS OF THE TRIAL CHAMBER**

### **The Judgement**

On 19 October 1999, Trial Chamber I, consisting of Judges Jorda (Presiding), Riad and Rodrigues, pronounced its oral Judgement on the count of genocide and the counts to which Goran Jelisić had pleaded guilty (see *Press Release* No. 441). The Trial Chamber was satisfied that the guilty plea entered by the accused on the counts of crimes against humanity and violations of the laws or customs of war was made “voluntarily”, was “not equivocal”, and “that there is a sufficient factual basis for the crime and the accused’s participation in it [...]”. As such, it found the accused guilty of 31 out of 32 counts contained in the Indictment, *i.e.* crimes against humanity and violations of the laws or customs of war.

However, the Trial Chamber acquitted the accused on the charge of genocide, the only count on which Goran Jelisić had pleaded not guilty, considering that the Prosecutor had failed to prove beyond a reasonable doubt that Goran Jelisić had acted with the required intent to destroy in whole or in part a national, ethnic or religious group.

### **The Sentence**

On 14 December 1999, the Trial Chamber issued its written Judgement on all counts charged in the Indictment and sentenced the accused to 40 years’ imprisonment, the harshest sentence then handed down by a Trial Chamber of the Tribunal, for the counts to which Goran Jelisić had pleaded guilty (see *Press Release* No. 454).

## **THE APPEAL**

*On 21 October 1999, the Prosecution filed a notice of appeal against the acquittal of genocide. Goran Jelisić filed a notice of cross-appeal on 26 October 1999. Defence Counsel for Goran Jelisić filed a notice of appeal against the written Judgement and Sentence on 15 December 1999. On 21 March 2000, the Appeals Chamber however held that an acquitted person has no right to appeal acquittals.*

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