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International pour
l'ex-Yougoslavie

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APPEALS CHAMBER

The Hague, 8 October 2008

NJ/MOW/1287e

Appeals Chamber Affirms 35-Year Sentence for Milan Martić

The Appeals Chamber today affirmed a 35-year sentence of imprisonment for Milan Martić, the former political leader of Croatian Serbs, for crimes committed against Croats and other non-Serbs in Croatia between 1991 and 1995.

The Appeals Chamber reaffirmed Martić's guilt on 16 counts of crimes against humanity and violations of the laws or customs of war, including persecutions, murder, torture, deportation, attacks on civilians and wanton destruction of civilian areas.

Between 1991 and 1995 Milan Martić held the positions of Minister of Interior, Minister of Defence and President in the self-proclaimed Croatian Serb entity which was known by the names "Serbian Autonomous Region of Krajina" and "Republic of Serbian Krajina".

On 12 June 2007, the Trial Chamber found that Martić had participated in a joint criminal enterprise whose aim was to create a unified Serb territory through the forcible removal of the non-Serb population inhabiting areas under his control.

The Trial Chamber found that virtually the entire Croat and other non-Serb population was expelled from the area under Martić's control. His guilt was affirmed for the crimes committed in the villages of Hrvatska Dubica, Baćin, Saborsko, Lipovača, Škabrnja, Nadin, and Bruška among others. He also ordered indiscriminate rocket attacks on the city of Zagreb on 2 and 3 May 1995 in which seven people died and more than 200 were wounded.

Both parties appealed the first-instance judgement.

The Defence requested a finding of not guilty or a re-trial on the basis of alleged errors of law and fact. The Prosecution presented one ground of appeal, asking for a revision of the sentence due to an alleged error of law.

The Appeals Chamber dismissed nine grounds of Martić's appeal and accepted two sub-grounds of the fifth ground of appeal, reversing Martić's convictions relating to specific alleged crimes committed in Benkovac, Cerovljani, Vukovići and Poljanak.

The Appeals Chamber rejected Martić's argument that the Trial Chamber erred in failing to take into account relevant contextual factors, in particular, the political objectives of the Serb leadership.

"Martić was not convicted for his political views or for the political aims of the Serb leadership. Rather, the Trial Chamber found that, in pursuing political aims, Martić and other political and military leaders committed serious crimes," Judge Fausto Pocar, presiding, said when delivering today's judgement.

The Appeals Chamber granted the Prosecution's sole ground of appeal in which it claimed that the Trial Chamber erred in law when it found that persons *hors de combat*, *i.e.*

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soldiers who are incapable of taking part in the hostilities (for example because injured or detained), could not be victims of crimes against humanity.

The Appeals Chamber concluded that the reversals on appeal did not warrant a revision of sentence.

Milan Martić will remain in the Tribunal's Detention Unit pending finalisation of arrangements for his transfer to the State where he will serve the rest of his sentence.

The initial indictment against Milan Martić was issued on 25 July 1995. After several years on the run, he surrendered to the Tribunal on 15 May 2002. The trial started on 13 December 2005 and concluded on 12 January 2007.

Since its inception 15 years ago the Tribunal has indicted 161 persons for war crimes committed on the territory of the former Yugoslavia. The proceedings against 116 individuals have been completed.

Summary of judgement:

English - <http://www.un.org/icty/pressreal/2008/pr1287e-summary.htm>

French - <http://www.un.org/icty/pressreal/2008/pr1287f-summary.htm>

BCS - <http://www.un.org/icty/bhs/latest/press/p1287-t-summary.htm>

A case information sheet can be found at:

<http://www.un.org/icty/cases-e/cis/martic/cis-martic.pdf>

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