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Tribunal Pénal
International pour
l'ex-Yougoslavie

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APPEALS CHAMBER

The Hague, 3 July 2008

NJ/MOW/1269e

Appeals Chamber Acquits Naser Orić

The Appeals Chamber today acquitted Naser Orić, a former commander of Bosnian Muslim forces in and around Srebrenica, of crimes committed during the 1992-1995 conflict.

On 30 June 2006, the Trial Chamber found that Orić was guilty of failing to take necessary and reasonable measures to prevent the murder and cruel treatment of a number of Bosnian Serbs held at the Srebrenica Police Station and a building behind the Srebrenica municipal building in the period between 27 December 1992 and 20 March 1993. The Trial Chamber acquitted the accused of a number of other alleged crimes. It sentenced Orić to two years' imprisonment.

Both the Prosecution and the Defence appealed the judgement.

The Appeals Chamber found that the Trial Chamber failed to make all of the findings necessary to convict a person for command responsibility under the Article 7(3) of the Tribunal's Statute.

"Naser Orić's entire conviction rested on that mode of liability", the Presiding Judge Wolfgang Schomburg said. "These errors therefore invalidate the Trial Chamber's decision to convict Naser Orić for his failure to prevent his subordinate's alleged criminal conduct."

None of the Prosecution's grounds of appeal was allowed.

The Presiding Judge emphasized that before the International Tribunal a Chamber has to decide solely based on the evidence brought before it by the parties. The Appeals Chamber had explicitly asked the Prosecution whether it could point to additional evidence not assessed by the Trial Chamber. However, the Prosecution was not in a position to do so.

The Appeals Chamber underscored that, like the Trial Chamber, it had no doubt that grave crimes were committed against Serbs detained in the two detention facilities in Srebrenica between September 1992 and March 1993.

"However, proof that crimes have occurred is not sufficient to sustain a conviction of an individual for these crimes. Criminal proceedings require evidence establishing beyond reasonable doubt that the accused is individually responsible for a crime before a conviction can be entered," the Appeals Chamber found.

The full summary of the judgement

English <http://www.un.org/icty/pressreal/2008/pr1269e-summary.htm>

French <http://www.un.org/icty/pressreal/2008/pr1269f-summary.htm>

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

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