

CASE INFORMATION SHEET

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie"BOSNIA AND HERZEGOVINA"
(IT-00-39 & 40/1)BILJANA
PLAVŠIĆ

BILJANA PLAVŠIĆ

Convicted of persecutions on political, racial and religious grounds



Leading Bosnian Serb political figure from 1990 until the end of the war; Serbian representative to the collective Presidency of Bosnia and Herzegovina; member of the collective and expanded Presidencies of the Bosnian Serb Republic (later Republika Srpska); had *de facto* control and authority over members of the Bosnian Serb armed forces

- Sentenced to 11 years' imprisonment

Crimes convicted of (examples):

Persecutions on political, racial and religious grounds (crimes against humanity)

- In her role as co-President of the Serb leadership, acting individually and in concert with others in a joint criminal enterprise, Biljana Plavšić participated, planned, instigated, devised and executed the persecutions of Bosnian Muslim, Bosnian Croat and other non-Serb populations in the following 37 municipalities in Bosnia and Herzegovina: Banja Luka, Bijeljina, Bileća, Bosanska Krupa, Bosanski Novi, Bosanski Petrovac, Bratunac, Brčko, Čajniče, Čelinac, Doboј, Donji Vakuf, Foča, Gacko, Hadžići, Ilidža, Ilijaš, Ključ, Kalinovik, Kotor Varoš, Nevesinje, Novi Grad, Novo Sarajevo, Pale, Prijedor, Prnjavor, Rogatica, Rudo, Sanski Most, Šipovo, Sokolac, Teslić, Trnovo, Višegrad, Vlasenica, Vogošća and Zvornik.
- She embraced and supported a campaign of ethnic separation which resulted in the death of thousands and the expulsion of thousands more in circumstances of great brutality.
- Plavšić contributed to the campaign of ethnic separation in various different ways, by inviting paramilitaries from Serbia to assist Bosnian Serb forces in effecting ethnic separation by force, and by encouraging participation through public pronouncements justifying the use of force against non-Serbs in the territory.

Born	7 July 1930 in Tuzla, Bosnia and Herzegovina
Indictment	Initial: 7 April 2002; consolidated: 23 February 2001; amended consolidated: 4 March 2002
Surrendered	10 January 2001
Transferred to ICTY	10 January 2001
Initial appearance	11 January 2001, pleaded not guilty to all charges
Guilty Plea	2 October 2002, pleaded guilty to persecutions
Trial Chamber sentencing judgement	27 February 2003, sentenced to 11 years' imprisonment
Sentence served	26 June 2003, transferred to Sweden to serve the remainder of her sentence; credit was given for time served since 10 January 2001; early release granted on 14 September 2009 (effective 27 October 2009)

STATISTICS

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

TRIAL CHAMBER SENTENCING JUDGEMENT	
27 February 2003	
Trial Chamber III	Judge Richard May (presiding), Judge Patrick Robinson, Judge O-Gon Kwon
Counsel for the Prosecution	Mark Harmon, Alan Tieger
Counsel for the Defence	Robert Pavich, Eugene O'Sullivan

RELATED CASES	
By geographical area	
BANOVIĆ (IT-02-65/1) "OMARSKA CAMP & KERATERM CAMP"	
BOROVNICA (IT-95-3) "PRIJEDOR"	
BRĐANIN (IT-99-36) "KRAJINA"	
ČEŠIĆ (IT-95-10/1) "BRČKO"	
ERDEMOVIĆ (IT-96-22) "PILICA FARM"	
JANKOVIĆ <i>et al.</i> (IT-96-23/2) "FOČA"	
JELISIĆ (IT-95-10) "BRČKO"	
KARADŽIĆ & MLADIĆ (IT-95-5/ 18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
KOVAČEVIĆ & DRLJACA (IT-97-24) "PRIJEDOR"	
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"	
KRNOJELAC (IT-97-25) "FOČA"	
KUNARAC <i>et al.</i> (IT-96-23 AND 23/1) "FOČA"	
KVOČKA <i>et al.</i> (IT-98-30/1) "OMARSKA, KERATERM & TRNOPOLJE CAMP"	
LUKIĆ MILAN & LUKIĆ SREDOJE (IT-98-32/1) "VIŠEGRAD"	
MEJAKIĆ <i>et al.</i> (IT-02-65) "OMARSKA CAMP & KERATERM CAMP"	
MILOŠEVIĆ (IT-02-54) "KOSOVO, CROATIA & BOSNIA"	
MRĐA (IT-02-59) "VLAŠIĆ MOUNTAIN"	
ŠEŠELJ (IT-03-67)	
SIKIRICA <i>et al.</i> (IT-95-8) "KERATERM CAMP"	
SIMIĆ <i>et al.</i> (IT-95-9) "BOSANSKI ŠAMAC"	
SIMIĆ MILAN (IT-95-9/2) "BOSANSKI ŠAMAC"	
STAKIĆ (IT-97-24) "PRIJEDOR"	
STANIŠIĆ & SIMATOVIĆ (IT-03-69)	
STANIŠIĆ, MIĆO (IT-04-79)	
TADIĆ (IT-94-1) "PRIJEDOR"	
TODOROVIĆ (IT-95-9/1) "BOSANSKI ŠAMAC"	
TODOVIĆ & RAŠEVIĆ "FOČA" (IT-97-25/1)	
VASILJEVIĆ (IT-98-32) "VIŠEGRAD"	
ŽUPLJANIN (IT-99-36) "KRAJINA"	

INDICTMENT AND CHARGES

The initial indictment against Plavšić was confirmed on 7 April 2000, but remained sealed until the surrender of the accused. On 23 February 2001, the Trial Chamber granted a Prosecution motion for joinder of the Krajišnik case to the Plavšić case. Plavšić was indicted together with Momčilo Krajišnik in the amended consolidated indictment, submitted on 7 March 2002 pursuant to the decision of the Trial Chamber, dated 4 March 2002.

The indictment contained eight counts charging Plavšić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and superior criminal responsibility (Article 7(3)) with:

- Genocide; and/or, complicity to commit genocide (genocide, Article 4),
- Extermination; murder; persecutions on political, racial and religious grounds; deportation; inhumane acts (crimes against humanity, Article 5),
- Murder (violations of the laws or customs of war, Article 3).

After Plavšić pleaded guilty to one count of persecutions on political, racial and religious grounds, a crime against humanity, the Trial Chamber ordered that the trial of Krajišnik be severed from the sentencing proceedings for Plavšić. Krajišnik was assigned case number IT-00-39.

PLEA AGREEMENT /GUILTY PLEA

At her initial appearance before Trial Chamber III on 11 January 2001, Plavšić pleaded not guilty to all charges and was remanded to the United Nations Detention Unit. On 29 August 2001, the Trial Chamber ordered that Plavšić be provisionally released to the Republic of Serbia. The written decision was issued on 15 September 2001 and Plavšić was provisionally released the following day.

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.

At a hearing on 2 October 2002, Plavšić pleaded guilty to count 3 of the indictment - persecutions on political, racial and religious grounds, a crime against humanity. The Trial Chamber, being satisfied that the plea was voluntary, informed and unequivocal, and that there was a sufficient factual basis for the crime and the accused's participation in it, entered a finding of guilt. The accused's plea was entered pursuant to a plea agreement made between the parties dated 30 September 2002. A written factual basis for the crime and Plavšić's participation in it was filed with the plea agreement. In the agreement, the Prosecutor agreed to move to dismiss the remaining counts of the indictment following the accused's plea of guilty and they were subsequently dismissed by a decision by the Trial Chamber on 20 December 2002. A sentencing hearing was held between 16 and 18 December 2002.

STATEMENT OF BILJANA PLAVŠIĆ

"I'm thankful to have this opportunity to speak today. Nearly two years ago, I came before this Tribunal, having been charged with participating in crimes against other human beings, and even against humanity itself. I came for two reasons: To confront these charges and to spare my people, for it was clear that they would pay the price of any refusal to come. I have now had time to examine these charges and, together with my lawyers, conduct our own investigation and evaluation. I have now come to the belief and accept the fact that many thousands of innocent people were the victims of an organised, systematic effort to remove Muslims and Croats from the territory claimed by Serbs.

At the time, I easily convinced myself that this was a matter of survival and self-defence. In fact, it was more. Our leadership, of which I was a necessary part, led an effort which victimised countless innocent people. Explanations of self-defence and survival offer no justification. By the end, it was said, even among our own people, that in this war we had lost our nobility of character. The obvious questions become, if this truth is now self-evident, why did I not see it earlier? And how could our leaders and those

who followed have committed such acts? The answer to both questions is, I believe, fear, a blinding fear that led to an obsession, especially for those of us for whom the Second World War was a living memory, that Serbs would never again allow themselves to become victims. In this, we in the leadership violated the most basic duty of every human being, the duty to restrain oneself and to respect the human dignity of others. We were committed to do whatever was necessary to prevail.

Although I was repeatedly informed of allegations of cruel and inhuman conduct against non-Serbs, I refused to accept them or even to investigate. In fact, I immersed myself in addressing the suffering of the war's innocent Serb victims. This daily work confirmed in my mind that we were in a struggle for our very survival and that in this struggle, the international community was our enemy, and so I simply denied these charges, making no effort to investigate. I remained secure in my belief that Serbs were not capable of such acts. In this obsession of ours to never again become victims, we had allowed ourselves to become victimisers.

You have heard, both yesterday and today, the litany of suffering that this produced. I have accepted responsibility for my part in this. This responsibility is mine and mine alone. It does not extend to other leaders who have a right to defend themselves. It certainly should not extend to our Serbian people, who have already paid a terrible price for our leadership. The knowledge that I am responsible for such human suffering and for soiling the character of my people will always be with me.

There is a justice which demands a life for each innocent life, a death for each wrongful death. It is, of course, not possible for me to meet the demands of such justice. I can only do what is in my power and hope that it will be of some benefit, that having come to the truth, to speak it, and to accept responsibility. This will, I hope, help the Muslim, Croat, and even Serb innocent victims not to be overtaken with bitterness, which often becomes hatred and is in the end self-destructive.

As for my own people, I have referred today to their character. I think it, therefore, important to explain what I'm speaking of. There now stands in the centre of Belgrade a great domed church, still under construction, the construction begun in 1935. Our people have persevered in building this church as a monument to a man who more than any other formed the character of the Serbian people. That man was the great St. Sava. The path he followed was marked by self-restraint and respect for all others. A great diplomat who gained the respect of his people and the world around him, a man whose character has become deeply ingrained in the Serbian people.

It is the path and example of St. Sava that the great Serbian leaders have followed, even in our own times, demonstrating a noble endurance and dignity, even in the most difficult circumstances. One need only point to Bishop Artemije Radosavljević, who to this very day is a voice crying out for justice in what has become for Serbs the wilderness of Kosovo. Tragically, our leaders, including myself, abandoned this path in the last war. I think it is clear that I have separated myself from those leaders, but too late. Yet, this leadership, without shame, continues to seek the loyalty and support of our people. It is done by provoking fear and speaking half-truths in order to convince our people that the world is against us. But by now the fruits of this leadership are clear. They are graves, refugees, isolation, and bitterness against the whole world, which spurns us because of these very leaders.

I have been urged that this is not the time nor the place to speak this truth. We must wait, they say, until others also accept responsibility for their deeds. But I believe that there is no place and that there is no time where it is not appropriate to speak the truth. I believe that we must put our own house in order. Others will have to examine themselves and their own conduct. We must live in the world and not in a cave. The world is always imperfect and often unjust, but as long as we persevere and preserve our identity and our character, we have nothing to fear.

As for me, it is the members of this Trial Chamber that have been given the responsibility to judge. You must strive in your judgement to find whatever justice this world can offer, not only for me but also for the innocent victims of this war. I will, however, make one appeal, and that is to the Tribunal itself, the Judges, Prosecutors, investigators; that you do all within your power to bring justice to all sides. In doing this, you may be able to accomplish the mission for which this Tribunal has been created." (Biljana Plavšić, sentencing hearing, 17 December 2002)

TRIAL CHAMBER SENTENCING JUDGEMENT

The Trial Chamber noted that numerous individuals participated in devising and executing the persecutions committed against the Bosnian Muslim, Bosnian Croat and other non-Serb populations of the 37 named municipalities, and that there had been differences both as to their knowledge of the details and their participation in the execution of the objective. For her part, Plavšić embraced and supported the objective and contributed to achieving it, but she did not participate in its conception and planning and had a lesser role in its execution than others. Plavšić supported the objective in different ways: by serving as co-President, thereby supporting and maintaining the government and military at local and national levels through which the objective was implemented; by encouraging participation by making public pronouncements that force was justified because certain territories within Bosnia and Herzegovina were Serbian by right and Serbs should fear genocide being committed against them by Bosnian Muslims and Bosnian Croats; and by inviting and encouraging paramilitaries from Serbia to assist Bosnian Serb forces in effecting ethnic separation by force.

The Bosnian Serb forces, collaborating with the Yugoslav People's Army (JNA), the Ministry of Police of Serbia and paramilitary units to implement the objective of ethnic separation by force, committed the persecutions in a campaign that included killings during attacks on towns and villages, sexual assaults and rapes, cruel and inhumane treatment during and after the attacks, forced transfer and deportation, unlawful detention and killing, forced labour and use of human shields, cruel and inhumane treatment and inhumane conditions in detention facilities, destruction of cultural and sacred objects, and plunder and wanton destruction.

The results of the campaign of forced expulsions were terrifying: in the 37 municipalities, approximately 850 Muslim and Croat-occupied villages were physically destroyed and no longer exist. Entire families disappeared and the numbers of non-Serbs in these municipalities fell from 726,960 (53.97%) in 1991 to 235,015 (36.39%) in 1997. The campaign of killings resulted in 1,100 recorded cases of mass killings and 320 sites where the bodies of individuals were found. In the 37 municipalities there was a total of 408 detention facilities where people were detained by force and exposed to serious physical and mental abuse, which included severe beatings, as well as unbearable living conditions with insufficient food and a complete lack of sanitary facilities. The wanton destruction of cultural property was illustrated by the destruction of cultural monuments and sacred sites in about 29 of the 37 municipalities listed, including the destruction of over 100 mosques, 2 mektebs and 7 Catholic churches.

The Trial Chamber concluded that the Bosnian Serb leadership, including Plavšić, ignored the allegations of crimes committed by their forces. Plavšić disregarded reports of widespread ethnic cleansing and publicly rationalised and justified it. She was aware that the key leaders of the Serbian Republic of Bosnia and Herzegovina ignored these crimes despite the power to prevent and punish them.

In determining the sentence, the Trial Chamber took into consideration several factors, including aggravating and mitigating circumstances.

Firstly, the Trial Chamber ruled that Plavšić had confessed to a crime of utmost gravity, involving as it did a campaign of ethnic separation which resulted in the death of thousands and the expulsion of thousands more in circumstances of great brutality. The gravity is illustrated by the massive scope and extent of the persecutions - the numbers killed, deported and forcibly expelled, the grossly inhumane treatment of detainees, and the scope of the wanton destruction of property and religious buildings.

In terms of aggravating factors, the Trial Chamber found that Plavšić's superior position was one such factor and concluded that although she was not in the very first rank of the leadership, did not conceive the plan which led to this crime and had a lesser role in its execution than others, she was in the Presidency, the highest civilian body, during the campaign and encouraged and supported it by her participation in the Presidency and her pronouncements.

In terms of mitigating circumstances, the Trial Chamber found that there was in this case substantial mitigation - the guilty plea, remorse, and reconciliation. Plavšić entered a guilty plea before the commencement of trial, and the Trial Chamber regarded this as a circumstance in mitigation of sentence. The Trial Chamber accepted her statement during the sentencing hearing, together with expressions in

her earlier statement in support of the motion to change her plea, as an expression of remorse to be considered as part of the mitigating circumstances connected with a guilty plea.

The Trial Chamber accepted that acknowledgement and full disclosure of serious crimes are very important when establishing the truth in relation to such crimes. The Chamber found that this, together with acceptance of responsibility for the committed wrongs, would promote reconciliation. In this respect, the Trial Chamber concluded that Plavšić's guilty plea and her acknowledgement of responsibility, particularly in the light of her former position, should promote reconciliation in Bosnia and Herzegovina and the region as a whole.

The Trial Chamber accordingly gave significant weight to the plea of guilty by the accused, as well as her accompanying expressed remorse and the positive impact on the reconciliation process.

The Trial Chamber also accepted that the voluntary surrender of the accused was a mitigating circumstance for the purpose of sentence. The Chamber was satisfied that Plavšić was instrumental in ensuring that the Dayton Agreement was accepted and implemented in Republika Srpska and that, as such, she made a considerable contribution to peace in the region. The Trial Chamber gave this factor significant weight.

On 27 February 2003, the Trial Chamber rendered its judgement, convicting Plavšić on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- Persecutions on political, racial and religious grounds (crimes against humanity, Article 5).

Sentence: 11 years' imprisonment.

Neither party lodged an appeal against the sentencing judgement, and on 26 June 2003, Plavšić was transferred to Sweden to serve her sentence. Credit was given for time spent in detention, namely 245 days in total.

On 14 September 2009, Biljana Plavšić was granted early release, effective 27 October 2009.