

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie

“KERATERM CAMP” (IT-95-8)

SIKIRICA *et al.**The Prosecutor v. Duško Sikirica, Damir Došen & Dragan Kolundžija***DUŠKO SIKIRICA***Convicted of persecutions on political, racial or religious grounds*

Between 14 June and 27 July 1992, commander of security at the Keraterm detention camp, established by Bosnian Serb forces in mid 1992, located on the site of a ceramics factory on the eastern outskirts of Prijedor in north-western Bosnia and Herzegovina

- Sentenced to **15 years’ imprisonment**

*Crimes convicted of (examples):***Persecutions on political, racial or religious grounds** (crimes against humanity)

- Duško Sikirica killed one of the detainees in the camp by shooting him in the head.
- He failed in his duty to prevent outsiders from coming into the camp to mistreat detainees.
- As commander of security, Duško Sikirica was aware of the inhumane conditions at the camp, including insufficient food and water, inadequate medical care and treatment, overcrowding and lack of opportunities for fresh air and exercise as well as a lack of proper hygiene arrangements.
- He also knew that detainees were being beaten, raped, sexually assaulted and killed.


DAMIR DOŠEN*Convicted of persecutions on political, racial or religious grounds*

From 3 June to early August 1992, Damir Došen was a shift leader of 6 to 12 men at the Keraterm camp

- Sentenced to **5 years’ imprisonment**

*Crimes convicted of (examples):***Persecutions on political, racial or religious grounds** (crimes against humanity)

- Damir Došen permitted the persecutions of, and condoned violence towards detainees in the camp, including beatings, rape, sexual assaults and killings, as well as harassment, humiliation and psychological abuse. He abused his position of trust.

DRAGAN KOLUNDŽIJA <i>Convicted of persecutions on political, racial or religious grounds</i>	
	<p>From early June to 25 July 1992, Dragan Kolundžija was a shift commander at the Keraterm camp</p> <p>- Sentenced to 3 years' imprisonment</p>

Crimes convicted of (examples):

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

- By continuing as a shift leader at the camp, although aware of the conditions, Dragan Kolundžija abused his position of trust.

DUŠKO SIKIRICA	
Born	23 March 1964 in Cirkin Polje, Bosnia and Herzegovina
Indictment	Initial: 21 July 1995; amended: 30 August 1999; second amended: 3 January 2001
Arrested	25 June 2000, by the multinational Stabilisation Force (SFOR)
Transferred to ICTY	25 June 2000
Initial appearance	7 July 2000, pleaded not guilty to all charges
Guilty plea	19 September 2001, pleaded guilty to persecutions
Trial Chamber sentencing judgement	13 November 2001, sentenced to 15 years' imprisonment
Serving sentence	10 May 2002, transferred to Austria to serve the remainder of his sentence; credit was given for time served since 25 June 2000

DAMIR DOŠEN	
Born	7 April 1967 in Cirkin Polje, Bosnia and Herzegovina
Indictment	Initial: 21 July 1995; amended: 30 August 1999; second amended: 3 January 2001
Arrested	25 October 1999, by SFOR
Transferred to ICTY	25 October 1999
Initial appearance	8 November 1999, pleaded not guilty to all charges
Guilty plea	19 September 2001, pleaded guilty to persecutions
Trial Chamber sentencing judgement	13 November 2001, sentenced to 5 years' imprisonment
Sentence served	10 May 2002, transferred to Austria to serve the remainder of his sentence; credit was given for time served since 25 October 1999; 28 February 2003, granted early release

DRAGAN KOLUNDŽIJA	
Born	19 December 1959 in Bosnia and Herzegovina
Indictment	Initial: 21 July 1995; amended: 30 August 1999; second amended: 3 January 2001
Arrested	7 June 1999, by SFOR
Transferred to ICTY	7 June 1999
Initial and further appearances	14 June 1999, no plea was entered: 13 July 1999, pleaded not guilty to all charges; 27 September 1999, pleaded not guilty to all the new counts charged against him in the amended indictment
Guilty plea	4 September 2001, pleaded guilty to persecutions
Trial Chamber sentencing judgement	13 November 2001, sentenced to 3 years' imprisonment
Sentence served	Credit was given for time served since 7 June 1999; 5 December 2001, granted early release

STATISTICS

Trial days	33
Witnesses called by Prosecution	34
Witnesses called by Defence	31
Witnesses called by Chambers	0
Prosecution exhibits	86
Defence exhibits	Sikirica: 58 Kolundžija: 4 Došen: 50
Chambers exhibits	0

TRIAL	
Commenced	19 March 2001
Trial Chamber III	Judge Patrick Robinson (presiding), Judge Richard May, Judge Mohamed Fassi Fihri
Counsel for the Prosecution	Dirk Ryneveld, Julia Baly, Daryl Mundis
Counsel for the Defence	For Duško Sikirica: Veselin Londrović, Michael Greaves For Damir Došen: Vladimir Petrović, Goran Rodić For Dragan Kolundžija: Ivan Lawrence, Jovan Ostojić

TRIAL CHAMBER SENTENCING JUDGEMENT	
13 November 2001	
Sentencing hearing	8 and 9 October 2001
Trial Chamber III	Judge Patrick Robinson (presiding), Judge Richard May, Judge Mohamed Fassi Fihri
Counsel for the Prosecution	Dirk Ryneveld, Julia Baly, Daryl Mundis
Counsel for the Defence	For Duško Sikirica: Veselin Londrović, Michael Greaves For Damir Došen: Vladimir Petrović, Goran Rodić For Dragan Kolundžija: Ivan Lawrence, Jovan Ostojić

RELATED CASES	
<i>by geographical area</i>	
BANOVIĆ (IT-02-65/1) "OMARSKA CAMP & KERATERM CAMP"	
BOROVNICA (IT-95-3) "PRIJEDOR"	
BRĐANIN (IT-99-36) "KRAJINA"	
KARADŽIĆ & MLADIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
KOVAČEVIĆ & DRLJACA (IT-97-24) "PRIJEDOR"	
KRAJISNIK (IT-00-39 AND 40) "BOSNIA AND HERZEGOVINA"	
KVOČKA <i>et al.</i> (IT-98-30/1) "OMARSKA, KERATERM & TRNOPOLJE CAMPS"	
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"	
PLAVŠIĆ (IT-00-39 AND & 40/1) "BOSNIA AND HERZEGOVINA"	
STAKIĆ (IT-97-24) "PRIJEDOR"	
STANIŠIĆ, MIĆO (IT-04-79)	
TADIĆ (IT-94-21) "PRIJEDOR"	
ŽUPLJANIN (IT-99-36) "KRAJINA"	

INDICTMENT AND CHARGES

Duško Sikirica, Damir Došen and Dragan Kolundžija were initially indicted on 21 July 1995 together with nine other co-accused - Dušan Fuštar, Nenad Banović, Predrag Banović, Nikica Janjić, Duško Knežević, Dragan Kondić, Goran Lajić, Dragomir Šaponja and Nedjeljko Timarac. The indictment against Nikica Janjić was withdrawn after he passed away. The indictment against Dragan Kondić, Goran Lajić, Dragomir Šaponja and Nedjeljko Timarac was withdrawn on 5 May 1998 after it was determined that in view of the Tribunal's overall prosecutorial policy, the accused should be tried in a national court.

Amended indictments against each of the accused were issued on 30 August 1999. The second amended indictment against Duško Sikirica, Damir Došen, Dušan Fuštar, Dragan Kolundžija Nenad Banović, Predrag Banović and Duško Knežević was confirmed on 3 January 2001. The cases against Dušan Fuštar, Nenad Banović, Predrag Banović and Duško Knežević were subsequently severed (see related cases). The indictment related to events alleged to have occurred in the municipality of Prijedor in north-western Bosnia and Herzegovina and, in particular, to events said to have occurred at the Keraterm camp, including the alleged massacre of more than 120 men in a room known as Room 3.

Duško Sikirica was indicted on nine charges of violations of the laws or customs of war, genocide and crimes against humanity. He was arrested and transferred on 25 June 2000, making his initial appearance on 7 July 2000. At his initial appearance he pleaded not guilty to all charges.

Damir Došen was indicted on seven charges of violations of the laws or customs of war and crimes against humanity. He was arrested and transferred on 25 October 1999 and made his initial appearance on 8 November 1999. At his initial appearance he pleaded not guilty to all charges.

Dragan Kolundžija was indicted on five charges of violations of the laws or customs of war and crimes against humanity. He was apprehended by SFOR and transferred to the Tribunal on 7 June 1999. At his initial appearance on 14 June 1999, counsel for Dragan Kolundžija raised issues as to his identity. An evidentiary hearing was held on 24 June 1999, at which the Trial Chamber ruled that it was satisfied that Dragan Kolundžija was the person named in the indictment. On 13 July 1999, he pleaded not guilty to all charges.

The indictment against the accused was amended in August 1999. Following preliminary motions filed by both the Došen and Kolundžija Defence teams objecting to the form of the indictment, the Trial Chamber issued a decision on 10 February 2000 requiring the Prosecution to file an amended version of a confidential attachment to the indictment. The attachment was to provide the accused with more detail of the capacity in which each was alleged to have participated in the criminal conduct charged and to specify whether the alleged responsibility was direct responsibility or superior responsibility. The amended attachment was filed on 9 March 2000, following which the Došen Defence raised an argument that the amended attachment went beyond the scope of the counts of the indictment itself. The matter was eventually resolved by agreement between the parties and, on 20 December 2000, the Prosecution was instructed to file a final version of the indictment and of the amended attachment. These were duly filed on 3 January 2001 and together formed the second amended indictment.

During a status conference in September 2000, it was agreed that the trial would proceed on the basis of the unredacted indictment, including the names of the four accused who had not been arrested.

Duško Sikirica was charged 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; complicity to commit genocide (genocide, Article 4),
- Persecutions on political, racial or religious grounds; murder; inhumane acts (crimes against humanity, Article 5),
- Outrages upon personal dignity; murder, or alternatively, cruel treatment (violations of the laws or customs of war, Article 3).

Damir Došen was charged on the basis of individual criminal responsibility and superior criminal responsibility with:

- Persecutions on political, racial or religious grounds; inhumane acts; torture (crimes against humanity, Article 5),

- Outrages upon personal dignity; torture; cruel treatment (violations of the laws or customs of war, Article 3).

Dragan Kolundžija was charged on the basis of individual criminal responsibility and superior criminal responsibility with:

- Persecutions on political, racial or religious grounds; inhumane acts; murder (crimes against humanity, Article 5),
- Outrages upon personal dignity; murder (violations of the laws or customs of war, Article 3).

THE TRIAL/PLEA AGREEMENTS/GUILTY PLEAS

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.

The trial commenced on 19 March 2001 and the Prosecution case was completed on 1 June 2001, over a period of 33 sitting days. All three accused filed motions for acquittal at the close of the Prosecution case. An oral decision was pronounced on 27 June 2001, with the Trial Chamber reserving its written reasons until later. The Trial Chamber granted the motion filed on behalf of Duško Sikirica insofar as it related to the charges of genocide and complicity to commit genocide and dismissed counts 1 and 2 of the indictment. Two counts against Damir Došen were also dismissed, namely counts 12 to 15 (torture, cruel treatment and inhumane acts), which relate to an incident in Room 2. The remainder of the motions were denied. The written judgement on Defence motions was issued on 3 September 2001.

The Defence for Duško Sikirica presented its case, based on a notice of alibi, over a period of five sitting days, from 27 June to 5 July 2001, with a total of 15 witnesses, including character witnesses. The Defence for Damir Došen then presented its case over a period of eight sitting days from 16 to 30 July 2001, calling 16 witnesses, including two medical experts in mitigation. Counsel for Dragan Kolundžija sought and was granted a postponement of the presentation of his case, pending review of the detailed findings of the Trial Chamber in the written judgement on Defence motions to acquit. On 31 August 2001, a joint submission was filed on behalf of Dragan Kolundžija in which the Prosecution informed the Trial Chamber of an agreement reached between them as to the entry of a guilty plea by the accused to count 3 of the indictment (persecutions).

Dragan Kolundžija appeared before the Trial Chamber on 4 September 2001 and entered a plea of guilty to count 3 (persecutions). After an adjournment to permit the parties to file a further document setting out the admitted facts relevant to the plea, the Trial Chamber accepted the plea and entered a finding of guilt on that date. At the same hearing the Prosecution confirmed that it formally withdrew the remaining counts against Dragan Kolundžija.

On 7 September 2001, joint submissions were filed on behalf of both Duško Sikirica and Damir Došen with the Prosecution informing the Trial Chamber of agreements reached between them as to the entry of a guilty plea by each accused to count 3 of the indictment and, contingent upon the Chamber's acceptance of those pleas, the withdrawal of all other counts against them.

Duško Sikirica and Damir Došen both appeared before the Trial Chamber on 19 September 2001 and each entered a plea of guilty. The Trial Chamber accepted the pleas and entered findings of guilt on that date. At the same hearing the Prosecution confirmed that it formally withdrew the remaining counts against Duško Sikirica and Damir Došen.

The sentencing hearings were held on 8 and 9 October and, in addition to the closing arguments on behalf of the parties, each of the convicted persons made a statement to the Chamber expressing remorse. In this regard, the Trial Chamber held that, although it was free to reject the guilty pleas, once it had accepted the pleas, the sentence should be imposed on the basis of the facts agreed between the parties as set out in the plea agreements.

Each of the plea agreements conceded that there was ample evidence that the Bosnian Muslims, Bosnian Croats and other non-Serbs were subjected to inhumane conditions during their confinement in the Keraterm camp from about 24 May 1992 to 5 August 1992. These conditions included: insufficient food and

water; inadequate medical care and treatment; overcrowding and lack of opportunities for fresh air and exercise; and lack of proper hygiene arrangements. The criminal conduct underlying each of the accused's convictions for persecutions was contained in the factual basis set out in each of the plea agreements.

STATEMENT OF DUŠKO SIKIRICA

"Before the war in Bosnia, we all lived together in good neighbourly relations regardless of who or what we were. Prijedor was a good place to live in in the former Yugoslavia and to live together. I had many friendships, many of which transcended ethnic differences.

... Unfortunately, when the war broke out, we had to go where we were told to go. We didn't have much choice. We could either obey orders, refuse to obey them, or desert. I was sent to Keraterm, although I would have preferred to go somewhere else at the time, because to go and work in Keraterm was the worst thing that could have happened to me.

After the events in 1992, I personally had occasion to see the consequences suffered by Serbian refugees who arrived in Prijedor because of similar events elsewhere, and I was able to imagine what the people who had to leave Prijedor had to go through. I fully understand that these events had destructive consequences and that they still affect Muslims today, some of whom were my friends.

After I saw and I understood the consequences, I wish to tell the Trial Chamber that I deeply regret everything that happened in Keraterm while I was there. I feel only regret for all the lives that have been lost and the lives that were damaged in Prijedor, in Keraterm, and unfortunately, I contributed to the destruction of these lives.

I am especially sorry that I did not have enough moral courage and power to prevent some or all of the terrible things that happened. I would like to be able to turn back the clock and act differently. I understand that by taking responsibility for my role in these events I have to be punished, and I hope that what happened to me will be a good lesson to anyone anywhere who finds himself in similar circumstances in the future, and I truly hope that I will be forgiven, although I do understand that some will find it very difficult.

I also hope that my family will forgive me, because through my thoughtlessness, I have brought their lives into a difficult situation. I hope that what happened to me will contribute to the faster return of Muslims to their homes and to the faster and more efficient reconciliation of all peoples.

I understand that as a consequence of this, I will be absent from Prijedor for a long time, but let me assure you, Your Honours, that when I do return home one day, I will be the one to speak with the most conviction against such folly, and I hope that you will accept this - that you will accept my regret and my remorse for everything that I did and everything I did not do.

I feel no self-pity because I know that this is an experience I have to go through, but I trust that Your Honours will understand when I say that I deeply regret what has happened and that I regret that I cannot be with my family in my home. I know that it is always difficult to find enough words and the right words to express one's sorrow in such circumstances, but I hope that Your Honours will understand me and reach a just decision." (Duško Sikirica, sentencing hearing, 8 October 2001)

STATEMENT OF DAMIR DOŠEN

"Your Honours, at the end of this trial, for the evil that happened in my town Prijedor and in Keraterm, I wish to thank you for letting my voice be remembered.

I wish to say that I was in Keraterm, that I was sent there as a reserve policeman, that I spent two months there guarding innocent people who were imprisoned there. I wish to say that at that time I was young, thoughtless, that I had lost a son, that I was caught in the chaos of war and death in which I found it difficult to find my bearings.

The people who are imprisoned were my fellow townspeople. They were innocent and they were suffering grievously. A crime has been committed against these people, and I am prepared to take my part of the responsibility for this crime before God and before men. I tried to help them, to make it easier for them,

to talk to them, to protect them. The conditions under which they were imprisoned were below human dignity.

I am guilty because I agreed to be in Keraterm. I am guilty because I did not help them more. For this I am guilty before God, before those people, and before you, Your Honours.

I am sorry for every man who suffered, every family that lost a family member, every child that has lost a father. I am sorry for every mother who has lost a son.

I want everybody to hear my words, especially my neighbours, who are imprisoned only because they were not Serbs. Evil happened, and evil must not happen again, nor must it be forgotten. I am conscious of all this today. I'm conscious that a man, however small and impotent he may be, must not allow himself to be overcome by lack of courage and that he must sacrifice himself in such situations. This is the only way in which we can help future generations to overcome injustice and inhuman actions.

I wish to thank Their Honours and the gentlemen from the Prosecution for their efforts to reach the truth and to satisfy justice. I hope that the Trial Chamber will give me a chance to return to my family and to my children, to return to my neighbours of all religious and nationalities, and I hope that we will again have an opportunity to live in my town of Prijedor with my fellow townspeople with whom I lived and kept company before the war. I hope that we shall live together again in harmony, as we did before the war and before the evil that befell us." (Damir Došen, sentencing hearing, 8 October 2001)

STATEMENT OF DRAGAN KOLUNDŽIJA

"Today, to my plea of guilty, I would like to add my sincere human regret. I'm sorry for all the families of the people who were in Keraterm. All my life I tried not to do unto others as I would not like to be done unto me.

About the existence of the camp, I learnt only when I was assigned there as a reserve policeman. Throughout the time I worked there, I viewed all people equally, regardless of whether I knew them or not. The events that followed demonstrated that I was naive. It is true that I complained many times about the conditions for the people in Keraterm, but see that it was not enough. It is true that I allowed of my own will people to be brought food, blankets, and clothing for the detainees, but I see that that, too, was not enough. I prevented all sorts of harm to be done to the detainees. I see now that it was not enough, although this did not happen while I was so-called shift leader. I never protected only those people whom I knew. I think I acted the same towards everyone.

For all my mistakes, I bear responsibility.

It is true that the massacre in Room 3 happened in the night shift, when I was on duty. God is my witness that I tried everything to save the people, to prevent the crime, but unfortunately I did not succeed against a large number of armed people. For the rest of my life, I won't be able to forget that bloody night, nor will I be able to forget all that happened to my townspeople who were unjustly contained in the Keraterm camp. It is hard for me to remember those people in those conditions and to realise that I didn't do more for them.

I never wanted to stay in Keraterm, and I did not agree with the conditions, but I believed if I stayed, I could help to lessen the evil and to ease the suffering. As an ordinary reserve policeman, or the so-called shift leader, I thought I had done all I could.

Before the war, I socialised with all people. I was friends with everyone, regardless of their nationality and faith. Even today, I have no prejudice in that respect. I am aware now that at the time I was a tool in the hands of others, and this I deeply regret. I express regret and remorse for all the acts, including my acts in situations when I could have done more and didn't. I am aware that this is no compensation to my own people of Prijedor, but I do hope that I will be contributing to a new beginning.

My remorse will certainly not remove the scars of a painful past, but I sincerely hope that it will help heal the wounds.

Once again, I apologise and I am sorry for everything that happened.

For the sake of our children's future and all of our futures, I will do my utmost to prevent this or anything like this from ever happening again." (Dragan Kolundžija, sentencing hearing, 9 October 2001)

TRIAL CHAMBER SENTENCING JUDGEMENT

Duško Sikirica admitted to being the commander of security at the Keraterm camp between 14 June and 27 July 1992. While he carried out some administrative acts, he did not have any role in the effective administration of Keraterm, which was conducted from Prijedor police station. He had very limited authority over his equally ranked reserve police colleagues and did not himself have the power to punish any person subordinate to him. He was not responsible for ensuring adequate food, clothing, water, medical assistance and satisfactory accommodation for the detainees.

He admitted to killing one of the detainees in the camp, by shooting him in the head. He admitted that there was considerable evidence concerning the murder of other individuals at Keraterm during the period of his duties, although it was agreed that there was no evidence that he was present during the commission of the massacre of over one hundred people in Room 3, or that he participated in it in any way. In addition to the killings, he admitted that there was evidence that beatings, rape and sexual assault were perpetrated in the camp, as well as harassment, humiliation and psychological abuse of the detainees. He further admitted that there was ample evidence that the detainees were subjected to inhumane conditions during their confinement at the Keraterm camp.

As a component of the overall gravity of his offence, the Chamber took into account his superior position at Keraterm. As commander of security, he admitted to having a technical duty to prevent the entry of persons into the camp. That he failed in his duty to prevent outsiders from coming into the camp to mistreat detainees was in aggravation of his crime. His superior position also aggravated the murder which he admitted to perpetrating.

As to mitigating circumstances, the Chamber considered that the primary factor to be considered in mitigation of his sentence was his decision to enter a guilty plea, although it also took into account his expression of remorse. The Trial Chamber was satisfied as to the sincerity of the expressed remorse during the sentencing hearing.

Damir Došen admitted that he was a shift leader of 6 to 12 men at the Keraterm camp from 3 June to early August 1992. As such, he exercised some limited authority, although he did not hold any rank and was of the same seniority as the other guards on his shift. He did not have the power to punish anybody. He had no role in the administration of the camp and was not responsible for ensuring adequate supplies of food, clothing, water, medical assistance and satisfactory accommodation.

He admitted that there was evidence that beatings occurred during his shift and that he was aware that such beatings took place. However, there was also evidence that, on several occasions, he attempted to prevent mistreatment of the detainees. He admitted that many detainees were beaten during their detention in the Keraterm camp and that beatings caused both serious physical and mental harm to the victims and mental harm to those who witnessed such events. He further admitted that there was ample evidence that the detainees were subjected to inhumane conditions during their confinement.

The Trial Chamber was of the view that his position as shift leader was an aggravating factor in relation to his crime. He was in a position of trust which he abused: he permitted the persecutions of, and condoned violence towards the very people he should have been protecting. However, the amount of aggravation was limited in light of the limited nature of his authority.

As to mitigating circumstances, the Chamber considered that, despite the lateness of his guilty plea, he should receive some credit for that plea. Moreover, the Chamber recalled the statement he made during the sentencing hearing, in which he expressed remorse for his crimes. The Chamber also took into account the evidence that as shift leader, he often acted to ameliorate the terrible conditions that prevailed in the Keraterm camp. The Chamber considered these acts in mitigation of his sentence. The Chamber concluded that his psychological condition at the time his crimes were committed was not one which could give rise to mitigation of sentence.

Dragan Kolundžija admitted to being a shift leader at the Keraterm camp from early June to 25 July 1992. As shift leader he had some control over 6 to 12 guards on his shift and thus exercised some authority in the Keraterm camp. He admitted that he was in a position to influence the day-to-day running of the camp when he was on duty.

There was no evidence that he personally mistreated or condoned the mistreatment of detainees by others. He accepted that there was evidence that mistreatment occurred regularly at the Keraterm camp during the period when he was a shift leader and he accepted responsibility for continuing as a shift leader despite being aware of the inhumane camp conditions. In particular, he admitted that there was ample evidence that the detainees were subjected to inhumane conditions.

The Chamber found that he was in a similar position in the camp to that of Damir Došen. By continuing as a shift leader, although aware of the conditions, he was abusing his position of trust. This amounted to an aggravating factor in his case, albeit limited in line with his authority.

The Chamber observed that his plea was timelier than that of his co-accused, having been entered before the commencement of the Defence case. It found that, although not made at the commencement of the proceedings, he should receive close to full credit for his guilty plea.

Moreover, the Chamber heard ample evidence of his efforts to ease the harsh conditions in the Keraterm camp for many of the detainees. It considered that, on this basis, he should receive a significant reduction in his sentence.

On 13 November 2001, the Trial Chamber rendered its judgement, convicting the three accused as follows:

Duško Sikirica, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and superior criminal responsibility (Article 7(3)) with:

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

Sentence: 15 years' imprisonment.

Damir Došen, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and superior criminal responsibility (Article 7(3)) with:

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

Sentence: 5 years' imprisonment.

Dragan Kolundžija, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and superior criminal responsibility (Article 7(3)) with:

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

Sentence: 3 years' imprisonment.

On 10 May 2002 Duško Sikirica was transferred to Austria to serve his sentence. Damir Došen was transferred to Austria on the same day and was granted early release on 28 February 2003. Dragan Kolundžija was granted early release on 5 December 2001.