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Tribunal Pénal
International pour
l'ex-Yougoslavie

Press Release . Communiqué de presse

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TRIAL CHAMBER

CHAMBRE DE 1ERE

INSTANCE

The Hague, 19 September 2001
SP/ P.I.S./ 620-e

DUŠKO SIKIRICA AND DAMIR DOŠEN ENTER GUILTY PLEAS

Today, 19 September 2001, Duško Sikirica and Damir Došen entered guilty pleas to one count of persecutions, a crime against humanity, charged in Count 3 of the second amended indictment, dated 20 December 2000.

The pleas were made pursuant to agreements entered into between the respective accused and the prosecution, both dated 7 September 2001, in which the prosecution, upon the Trial Chamber's acceptance of the guilty pleas, agreed to drop all other counts against Sikirica and Došen. In addition, the prosecution recommended that the Trial Chamber impose a sentence of not less than 10 years' imprisonment and not more than 17 years' imprisonment for Sikirica, and not less than five years' imprisonment and not more than seven years' imprisonment for Došen. Further, the prosecution and the accused agreed that they will not appeal the sentences imposed by the Trial Chamber if they fall within the ranges agreed by the parties.

During today's hearing, Trial Chamber III (Judges Robinson, (Presiding), May and Fassi Fihri) stated that it attached great significance to paragraph 5(e) of the agreements which read that "*upon reflection of the parties of the evidence adduced at trial, the parties agree that the factual basis as outlined in this Plea Agreement accurately described the accused's culpability*".

Accepting the accused's pleas complied with the requirements of Rule 62bis of the Rules of Procedure and Evidence in that they were made voluntarily, informed, not equivocal and there is sufficient factual basis for the crime and the accused's participation in it, the Trial Chamber nevertheless underlined that the sentence to be imposed will ultimately be determined by the Trial Chamber in accordance with the Statute and the Rules.

Dragan Kolundžija similarly pleaded guilty to one count of persecution, a crime against humanity, on 4 September 2001 as part of a Plea Agreement with the prosecution. Pursuant to the agreement, the prosecution agreed to drop the other four counts against Kolundžija and recommended to the Trial Chamber that a sentence of not less than three years and not more than five years be imposed on the accused.

The Trial Chamber has ordered that the prosecution brief on sentencing for all three accused be filed by **1 October 2001**. Kolundžija, Sikirica and Došen's sentencing briefs are to be filed by **3 October 2001**. The sentencing hearings have been scheduled to take place from **8 to 11 October 2001**.

For general background information on the Sikirica et al case please see the Status of Cases information sheet which is available on the ICTY web site:

<http://www.un.org/icty/glance/casestatus.htm>

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

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