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Tribunal Pénal
International pour
l'ex-Yougoslavie

PRESS RELEASE

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APPEALS CHAMBERS

The Hague, 17 July 2008
NJ/MOW/PR1273e

Appeals Chamber Expands the Scope of Strugar's Responsibility for Dubrovnik Shelling

The Appeals Chamber today convicted the former Yugoslav People's Army (JNA) General Pavle Strugar for two additional counts, the crime of devastation not justified by military necessity and the crime of unlawful attacks on civilian objects in Croatia's coastal town of Dubrovnik in 1991. The Chamber also extended his criminal responsibility for his failure to prevent the shelling of the Old Town.

On 31 January 2005, Strugar was sentenced to eight years' imprisonment for his involvement in the military campaign against the Dubrovnik region in 1991. The Trial Chamber convicted him, pursuant to his superior responsibility, of two of the six counts included in the indictment: attacks on civilians and destruction or willful damage of the UNESCO protected town of Dubrovnik.

The Trial Chamber found that Strugar had *de jure* and *de facto* control of the JNA forces which conducted the military action in Dubrovnik, including the shelling of the Old Town. The shelling "was not a response at Croatian or other military positions, actual or believed, and ... it caused considerable damage to the Old Town". Two civilians were killed and two injured during the shelling.

Both the Prosecution and the Defence appealed the Trial Judgement.

The Appeals Chamber accepted two grounds of the Prosecution's appeal. It accepted that the Trial Chamber committed an error of law by refusing to enter cumulative convictions for devastation not justified by military necessity and unlawful attacks on civilian objects in addition to the counts for which it found Strugar guilty and entered new convictions for those two counts.

The Appeals Chamber also ruled that the Trial Chamber erred in not finding that as of the early hours of 6 December 1991, Strugar already had reason to know that his subordinates were about to commit crimes during the attack on Mount Srđ overlooking the city of Dubrovnik.

The Defence requested the Appeals Chamber to acquit Strugar of all counts, order a retrial or substantially reduce the sentence imposed. It also argued that Strugar was unfit to stand trial and requested that all judicial proceedings against him be stayed. The Appeals Chamber dismissed all Defence grounds of appeal and concluded that Strugar was fit to stand trial.

The Appeals Chamber found that the legal errors committed by the Trial Chamber did not affect Strugar's sentence. It also found that the Trial Chamber had already considered the damage caused during the additional time period by which his criminal responsibility had been extended. In addition, the Appeals Chamber found that the additional counts for which Strugar was convicted on appeal were based on the same criminal conduct and did not add to the gravity of his criminal conduct.

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

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Furthermore, in consideration of Strugar's deteriorating health since the delivery of the Trial Judgement in 2005, the Appeals Chamber reduced his sentence to seven and a half years' imprisonment. Credit will be given for the period already spent in detention.

Pavle Strugar will remain in the Tribunal's Detention Unit pending transfer to the state in which his sentence will be served.

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 115 individuals have been completed.

An information sheet regarding this case can be found on the Tribunal's website:
<http://www.un.org/icty/cases-e/cis/strugar/cis-strugar.pdf>

The full summary of the judgement

English <http://www.un.org/icty/pressreal/2008/pr1273e-summary.htm>
French <http://www.un.org/icty/pressreal/2008/pr1273f-summary.htm>