



CASE INFORMATION SHEET

(IT-08-91)

STANIŠIĆ & ŽUPLJANIN

The Prosecutor v. Mićo Stanišić & Stojan Župljanin



MIĆO STANIŠIĆ

	Minister of the Serbian Ministry of Internal Affairs in Bosnia and Herzegovina (“Ministarstvo unutrašnjih poslova Republike Srpske” or “RS MUP”)
Indictment	Initial: 25 February 2005; operational indictment filed: 10 September 2009
Surrendered	11 March 2005
Transferred to ICTY	11 March 2005
Plea	20 November 2008, pleaded not guilty
Commencement of Trial	14 September 2009
Closing arguments	29 May-1 June 2012
Trial Chamber Judgement	27 March 2013, convicted of crimes against humanity and violations of the laws or customs of law
Appeals Chamber Judgement	30 June 2016, convicted of crimes against humanity and violations of the laws or customs of law
Sentence	22 years’ imprisonment

STOJAN ŽUPLJANIN

	Chief of the Regional Security Services Centre (“Centar službi bezbednosti” or “CSB”) of Banja Luka, located in north- western Bosnia and Herzegovina; member of the Autonomous Region of Krajina (ARK) Crisis Staff
Indictment	Initial: 14 March 1999; operational indictment filed: 10 September 2009
Arrested	11 June 2008
Transferred to ICTY	21 June 2008
Plea	20 November 2008, pleaded not guilty
Commencement of Trial	14 September 2009
Closing arguments	29 May-1 June 2012
Trial Chamber Judgement	27 March 2013, convicted of crimes against humanity and violations of the laws or customs of law
Appeals Chamber Judgement	30 June 2016, convicted of crimes against humanity and violations of the laws or customs of law
Sentence	22 years’ imprisonment

INDICTMENT

Seven counts of crimes against humanity

- Persecutions (Count 1)
- Extermination (Count 2)
- Murder (Count 3)
- Torture (Count 5)
- Inhumane acts (Count 8)
- Deportation (Count 9)
- Inhumane acts (forcible transfer) (Count 10)

Three counts of the violations of the laws or customs of war

- Murder (Count 4)
- Torture (Count 6)
- Cruel treatment (Count 7)

Alleged responsibility of the Accused

The indictment alleged that Stanišić and Župljanin participated in a joint criminal enterprise (JCE), with the objective to remove permanently Bosnian Muslims, Bosnian Croats, and other non-Serbs from the territory of a planned Serbian state. The JCE allegedly came into existence no later than the establishment of the Assembly of the Serbian People in Bosnia on 24 October 1991 and continued until the signing of the Dayton Accords in 1995.

THE TRIAL

The Prosecution case began on 14 September 2009 and was completed on 1 February 2011. Neither of the Accused filed a motion for a judgement of acquittal under Rule 98 *bis*. The Defence case commenced on 11 April 2011 and concluded on 8 December 2011. The Prosecution presented its evidence in rebuttal from 10 until 12 January 2012. The Chamber called three witnesses, the last of which completed his testimony on 9 March 2012. The parties presented their closing arguments from 29 May until 1 June 2012. The Judgement was delivered on 27 March 2013.

TRIAL CHAMBER JUDGEMENT

The Trial Chamber was satisfied beyond reasonable doubt that both Stanišić and Župljanin participated in a JCE with the objective to remove permanently non-Serbs from the territory of a planned Serbian state and that many of the crimes committed in a number of municipalities in Bosnia and Herzegovina were foreseeable to the Accused. Both Accused, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), were found guilty of crimes against humanity and violations of the laws or customs of war and sentenced to 22 years' imprisonment.

APPEALS PROCEEDINGS

Both parties appealed the judgement. The Appeal Hearing took place on 16 December 2015.

APPEALS CHAMBER JUDGEMENT

The Appeals Judgement was pronounced on 30 June 2016. The Appeals Chamber dismissed all of Stanišić's and Župljanin's grounds of appeal. It confirmed their convictions for committing, through participation in a joint criminal enterprise (JCE), persecutions as a crime against humanity and murder and torture as violations of the laws or customs of war. Župljanin's convictions for committing extermination, through participation in a JCE, and ordering persecutions through plunder as crimes against humanity were also affirmed. The Appeals Chamber granted the Prosecution's second ground of appeal,

which argued that the Trial Chamber erred in law by failing to enter convictions for the crimes of murder, torture, deportation, and other inhumane acts (forcible transfer) as crimes against humanity in addition to the convictions for the crime of persecutions as a crime against humanity. In doing so, the Appeals Chamber referred to the well-established jurisprudence that convictions for the crime of persecutions and other crimes against humanity based on the same conduct are permissibly cumulative. The Appeals Chamber, however, declined to enter new convictions on appeal.

The final convictions are as follows:

Miće Stanišić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of:

- Persecutions (crimes against humanity)
- Murder (violations of the laws or customs of war)
- Torture (violations of the laws or customs of war)

Sentence: 22 years' imprisonment

Stojan Župljanin, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), was found guilty of:

- Persecutions (crimes against humanity)
- Extermination (crimes against humanity)
- Murder (violations of the laws or customs of war)
- Torture (violations of the laws or customs of war)

Sentence: 22 years' imprisonment

STATISTICS

Trial days	354
Prosecution witnesses	170
Prosecution exhibits	3028
Defence witnesses	29
Defence exhibits	1349
Chamber witnesses	3