

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

(IT-98-29)

# STANISLAV GALIĆ



## STANISLAV GALIĆ

*Convicted of acts of violence the primary purpose of which is to spread terror among the civilian population, murder and inhumane acts - other than murder*



Commander of the Sarajevo Romaniya Corps of the Bosnian Serb Army (VRS), based around Sarajevo, Bosnia and Herzegovina; from November 1992, held the rank of Major General

- Sentenced to **life imprisonment**

### *Crimes convicted of (examples):*

**Acts of violence the primary purpose of which is to spread terror among the civilian population**, as set forth in Article 51 of Additional Protocol I to the Geneva conventions of 1949 (violations of the laws or customs of war)

### **Murder and inhumane acts - other than murder** (crimes against humanity)

- Galić conducted a campaign of sniping and shelling attacks on the city of Sarajevo and did so with the primary aim of spreading terror among the city's civilian population.
- These attacks, which took place on an almost daily basis, over many months, resulted in the killing of hundreds of men and women of all ages, including children, and the wounding of thousands, with the intent of terrorising the population of the city.

<b>Born</b>	12 March 1943 in Goses, Bosnia and Herzegovina
<b>Indictment</b>	24 April 1998, partly confidential until 2 November 2001 (including Dragomir Milošević); 26 March 1999 (against Galić only), made public on 20 December 1999
<b>Arrested</b>	20 December 1999, by the multinational Stabilisation Force (SFOR)
<b>Transferred to ICTY</b>	21 December 1999
<b>Initial appearance</b>	29 December 1999, pleaded not guilty to all charges
<b>Trial</b>	3 December 2001 until 9 May 2003
<b>Trial Chamber judgement</b>	5 December 2003, sentenced to 20 years' imprisonment
<b>Appeals Chamber judgement</b>	30 November 2006, sentenced to life imprisonment
<b>Serving sentence</b>	15 January 2009, transferred to Germany to serve his sentence

## STATISTICS

Trial days	223
Witnesses called by Prosecution	120
Witnesses called by Defence	51
Prosecution Exhibits	603
Defence Exhibits	651
Chamber Exhibits	14

TRIAL	
Trial Chamber I	Judge Alphons Orié (presiding), Judge Amin El Mahdi, Judge Rafael Nieto-Navia
Counsel for the Prosecution	Mark Ierace, Chester Stamp, Daryl Mundis, Prashanthi Mahindaratne, Manoj Sachdeva
Counsel for the Defence	Mara Pilipović, Stéphane Piletta-Zanin
Closing arguments	6-9 May 2003
Judgement	5 December 2003

APPEALS	
Appeals Chamber	Judge Fausto Pocar (presiding), Judge Theodor Meron, Judge Mohamed Shahabuddeen, Judge Mehmet Güney, Judge Wolfgang Schomburg
Counsel for the Prosecution	Helen Brady, Mark Ierace, Michelle Jarvis, Shelagh Mc Call, Anna Kotzeva
Counsel for the Defence	Mara Pilipović, Stéphane Piletta-Zanin
Judgement	30 November 2006

RELATED CASES <i>by geographical area</i>	
DJUKIĆ (IT-96-20)	
KARADŽIĆ (IT-95-5/18) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
KRAJIŠNIK (IT-00-39 & 40) "BOSNIA AND HERZEGOVINA"	
MILOŠEVIĆ, DRAGOMIR (IT-98-29/1) "SARAJEVO"	
MILOŠEVIĆ, SLOBODAN (IT-02-54) "KOSOVO, CROATIA & BOSNIA"	
MLADIĆ (IT-09-92) "BOSNIA AND HERZEGOVINA" & "SREBRENICA"	
PERISIĆ (IT-04-81)	
PLAYŠIĆ (IT-00-39 & 40/1) "BOSNIA AND HERZEGOVINA"	
ŠEŠELJ (IT-03-67)	

## INDICTMENT AND CHARGES

An indictment against Galić and Dragomir Milošević was confirmed on 24 April 1998 but remained under seal. On 15 March 1999, the Prosecution was granted leave to redact the indictment and file a separate indictment naming only Galić. That indictment was filed on 26 March 1999 and made public upon the detention of Galić on 20 December 1999.

The indictment charged the accused with seven counts under Articles 3 and 5 and Article 7(1) and 7(3) of the Statute for his participation in a campaign of sniping and shelling against civilians in Sarajevo from September 1992 to August 1994.

Galić was charged on the basis of his individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) and his superior criminal responsibility (Article 7(3)) with:

- Murder, inhumane acts other than murder (crimes against humanity, Article 5).
- Unlawfully inflicting terror upon civilians, attacks on civilians (violations of the laws and customs of war, Article 3).

## TRIAL

The trial of Galić commenced on 3 December 2001 and concluded on 8 May 2003. The Prosecution called 120 witnesses. The Trial Chamber admitted 603 exhibits tendered into evidence by the Prosecution. The Defence called 51 witnesses and the Chamber admitted 651 exhibits tendered into evidence by the Defence. The parties made their closing arguments on 6, 7 and 8 May 2003.

## TRIAL CHAMBER JUDGEMENT

On 5 December 2003, the Trial Chamber rendered its judgement and found Galić guilty of one count of violations of the laws or customs of war (acts of violence the primary purpose of which is to spread terror among the civilian population, as set forth in Article 51 of Additional Protocol I to the Geneva conventions of 1949) and four counts of the crimes against humanity (murder; inhumane acts - other than murder) on the basis of his individual criminal responsibility pursuant to Article 7(1) of the Statute of the Tribunal, and sentenced him to 20 years' imprisonment. The Trial Chamber made the following findings:

The trial of Galić concerned events which took place in and around Sarajevo, the capital of Bosnia and Herzegovina (BiH). At the time of those events, an entity known as Republika Srpska had established itself within BiH territory. The Army of Bosnia and Herzegovina (ABiH) and the Army of Republika Srpska (VRS) were engaged in armed conflict.

By September 1992, one branch of the VRS, called the Sarajevo Romanija Corps (SRK), had virtually encircled Sarajevo. Galić was the commander of the SRK throughout the indictment period; that is, from September 1992 to August 1994. The major part of Sarajevo was under ABiH control. A confrontation line around Sarajevo separated the warring sides. The Prosecutor alleged that Galić was criminally responsible for a campaign conducted by the SRK of sniping and shelling attacks on civilians in the parts of Sarajevo controlled by the ABiH. The campaign was said to have resulted in a large number of deaths and injuries to civilians.

The Chamber found that the evidence demonstrated beyond reasonable doubt that Sarajevo civilians were indeed made the objects of deliberate attacks by SRK forces. The Chamber heard from local witnesses who had experienced multiple attacks in their neighbourhoods. They were attacked while attending funerals, while in ambulances, trams, and buses, and while cycling. They were attacked while tending gardens, or shopping in markets, or clearing rubbish in the city. Children were targeted while playing or walking in the streets. These attacks were mostly carried out in daylight. They were not in response to any military threat. The attackers could for the most part easily tell that their victims were engaged in everyday civilian activities.

The topography of Sarajevo, with its ridges and high-rise buildings, provided vantage-points for SRK personnel to target civilians in the city. Certain locations in Sarajevo became notorious sniping spots. For example, several witnesses testified that the main thoroughfare in Sarajevo was known as "Sniper Alley". Although civilians adapted to some extent to the frequent attacks, by closing schools, by living at night and hiding during the day, by moving around Sarajevo as little as possible, and by setting up steel containers to shield against sniper fire, they were still not safe. They were still seen and targeted. There was little effective protection against shelling.

Many witnesses provided the Trial Chamber with general impressions as to the frequency and pattern of shelling and sniping attacks over the protracted period which was the subject of the indictment. Other witnesses concentrated on specific incidents, which were presented to the Trial Chamber, often in minute detail.

In the indictment, the Prosecutor listed certain sniping and shelling incidents as exemplary of the campaign against civilians. The Chamber found that 18 of the 26 listed sniping incidents and all five of the listed shelling incidents were proven by the Prosecutor as exemplifying the campaign. The following paragraphs continue examples of sniping incidents accepted by the Chamber, and of a shelling incident accepted by the majority.

The first sniping incident concerned the killing of Munira Zametica, a 48-year-old civilian woman. On 11 July 1993, Mrs Zametica had gone to the Dobrinja River to fetch water. She remained for a while on the

north-western side of the bridge. The bridge shielded her from sniping fire that had been ongoing through that day. The half-dozen people standing with her hesitated to approach the river bank, for this would have meant leaving the shelter of the bridge. When Mrs Zametica went down to the river to fill her bucket, she was struck by a bullet. The shooting continued. The bystanders and the victim's daughter, who had arrived in the meantime, could not approach the victim because of the danger. Mrs Zametica was face down in the river, bleeding. She was finally pulled out of the water and taken to hospital, where she died. The Chamber concluded that she was deliberately shot from the area of the Orthodox church in Dobrinja, a well-known source of sniper fire under SRK control.

In another incident, on an afternoon in September 1993, an eight-year-old girl, Elma, and her mother went out to collect some textbooks from one of Elma's fellow pupils. Their neighbourhood on that day had been peaceful. They followed a line of steel containers which had been put up to provide cover from SRK snipers operating on Hrasno Hill. There were no soldiers or other possible military targets in the immediate vicinity. As the two emerged from the shelter of the containers, they were shot. A single bullet struck the mother's thigh, passed through the flesh, and penetrated Elma's stomach. Both fell to the ground. Another bullet whizzed past them. No bystanders dared to come to their assistance. The victims managed to crawl away from the exposed ground. They spent almost two weeks in hospital. The evidence establishes beyond reasonable doubt that the fire came from SRK positions. Elma and her mother were targeted from there, deliberately.

On 5 February 1994 a mortar shell exploded in the Markale market in downtown Sarajevo, killing some 60 people and injuring more than a hundred. The Chamber heard about this incident in great detail and examined the contemporary investigations conducted by United Nations personnel and by local investigators, as well as the analyses of experts called by the parties during the trial. A variety of new information was brought to light. The majority has concluded that the mortar shell which caused the explosion was fired from territory controlled by the SRK. It was a devastating attack against a civilian target. The majority was thus convinced that civilians in Sarajevo were attacked directly or without distinction from SRK-controlled territory.

The exact number of civilian casualties from the sniping and shelling attacks is not known. What is known is that hundreds of civilians were killed and thousands were injured in incidents over the two-year period covered by the indictment. A fraction of these, but no more than a fraction, may have been accidents.

Because, to the majority, it was clear from the evidence that civilians were deliberately attacked by the SRK in a large number of incidents over a long period of time, they were persuaded that the attacks were not isolated incidents but amounted to a widespread or systematic campaign.

In addition to supporting the existence of a campaign, the evidence as understood by the majority revealed that the campaign against civilians was intended primarily to terrorise the civilian population. It had no discernible significance in military terms. The frequency of attacks may have fluctuated from day to day, but they always underscored the fact that no civilian of Sarajevo was safe anywhere.

There was some testimony suggesting that the ABiH sought to attract the sympathy of the international community by periodically staging attacks on its own civilians, knowing that the SRK would be blamed for them. The majority did not believe that this evidence amounted to much. In any case, even if such things happened occasionally, they did not alter the majority's conclusions as to which party perpetrated the vast number of sniping and shelling attacks on civilians which were considered in the course of the trial.

### **Criminal Responsibility of Galić**

In assessing Galić's criminal responsibility, the Chamber considered whether he effectively controlled the actions of his troops and knew of the crimes committed by them. The Chamber was convinced by the evidence that the sniping and shelling activity of the SRK were under the control of the SRK's chain of command. The Chamber was also satisfied that Galić had the material ability to punish those who went against his orders, who violated military discipline, or who committed crimes. It was therefore established that Galić, as commander of the SRK, had effective control of SRK troops.

There was ample evidence that Galić was informed of the attacks against civilians committed by SRK forces. Formal complaints were lodged with him, and he was duly informed through his chain of command

of the actions of his troops. The Chamber had no doubt that the accused was well aware of the unlawful activities of his troops.

Furthermore, in the view of the majority, Galić was not simply kept abreast of the crimes of his subordinates, he actually controlled the pace and scale of those crimes. For example, several witnesses testified to a reduction in the frequency of attacks on civilians by the SRK after pressure was put on Galić to have them stopped. However, these drops in frequency never lasted long, the attacks would soon increase in intensity once more. The SRK troops performed at the level at which their commander decided they should perform in the circumstances.

The majority was convinced that the SRK's widespread attacks against the civilian population of Sarajevo could not have occurred without this being the will of the corps' commander. It was clear that Galić, through his orders, and by other means of facilitation and encouragement, conducted the campaign of attacks. He did so with the primary aim of spreading terror among the civilian population of Sarajevo.

The gravity of the crimes was determined by the scale, pattern, and reiteration of the attacks, on an almost daily basis, over many months. The civilian population of Sarajevo - men and women of all ages, including children - were killed in their hundreds and wounded in their thousands, with the intent of terrorising the entirety of the population. The majority took also into consideration the physical and psychological suffering inflicted on civilians over the two-year span of the indictment period.

Finally, the majority found that the fact that Galić occupied the position of corps commander in the VRS, a very senior position of public trust and duty, and repeatedly breached that duty and trust, counted as an aggravating factor in determining the penalty.

The Defence argued that the ABiH itself committed crimes against civilians of Serbian ethnicity and conducted hostilities under the shield provided by its own civilian population. While there was some evidence to support this view, the occasional unlawful conduct of one party to a conflict cannot possibly excuse the opposing party's attacking civilians as part of a protracted campaign of terror.

For these reasons, the Trial Chamber, with Judge Nieto-Navia dissenting, found Galić guilty pursuant to Article 7(1) of the Statute of:

- **Acts of violence the primary purpose of which is to spread terror among the civilian population**, as set forth in Article 51 of Additional Protocol I to the Geneva conventions of 1949 (violations of the laws or customs of war, Article 3);
- **Murder and inhumane acts - other than murder** (crimes against humanity, Article 5).

Sentence: 20 years' imprisonment.

## APPEALS CHAMBER JUDGEMENT

The Appeals Chamber rendered its judgement on 30 November 2006, sentencing Galić to life imprisonment.

The Appeals Chamber dismissed all 19 grounds of appeal by Galić, including those which claimed that the Trial Chamber wrongly convicted him of the "acts or threats of violence the primary purpose of which was to spread terror among the civilian population" of Sarajevo.

With respect to the Prosecution's appeal on sentence, the Appeals Chamber, by majority, found that, although the Trial Chamber did not err in its factual findings and correctly noted the principles governing sentencing, "the sentence of only 20 years was ... unreasonable and plainly unjust, in that it underestimated the gravity of Galić's criminal conduct." The Appeal Chamber therefore quashed the sentence handed down by the Trial Chamber, and imposed a new sentence of life imprisonment.

On 15 January 2009, Galić was transferred to Germany to serve his sentence.