

**UNITED
NATIONS**

International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No. IT-08-91-A
Date: 19 August 2013

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Patrick Robinson
Judge Liu Daqun
Judge Arlette Ramaroson

Registrar: Mr. John Hocking

THE PROSECUTOR

v.

**MIĆO STANIŠIĆ
STOJAN ŽUPLJANIN**

PUBLIC

PROSECUTION APPEAL BRIEF

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I. OVERVIEW

1. The Chamber erred in the exercise of its discretion by imposing manifestly inadequate sentences of 22 years' imprisonment on Mićo Stanišić and Stojan Župljanin. Both men were key players in a JCE which resulted in the forcible displacement of well over 100,000 non-Serbs as well as a litany of other crimes that occurred over many months and across multiple municipalities in BiH. As one of the most important Bosnian Serb leaders, Stanišić helped shape the JCE at its highest levels setting the stage for the ethnic cleansing campaign which the JCE members unleashed in the spring of 1992. Throughout this campaign in 1992, Stanišić was the highest authority within the RS MUP. He used his authority to ensure that his forces played an integral part in the campaign across the RS. Župljanin was a highly important figure within the key region of the RS known as the ARK and was this region's dominant RS MUP official. He was closely connected to physical perpetrators who committed appalling crimes, ignored these and other excesses, and ultimately created a climate of impunity which reigned across the ARK. Through their power, influence and strong ties to the JCE leadership, Stanišić and Župljanin were, over many months, intimately involved in, and had a profound impact on, the implementation of the JCE. Both men deserve sentences of imprisonment which at the very least should fall within the range of 30 - 40 years.

2. The Chamber also erred by refusing to follow the law on cumulative convictions. A conviction for persecution must be cumulated with a conviction for another crime against humanity, even when based on the same conduct. However, the Chamber refused to convict Stanišić and Župljanin for murder, torture, deportation and inhumane acts (forcible transfer) as crimes against humanity and only convicted them of persecution. To ensure that Stanišić and Župljanin's convictions fully reflect their criminal responsibility, the Appeals Chamber should enter convictions against them for the former crimes as well.

II. GROUND ONE: THE CHAMBER ERRED IN IMPOSING MANIFESTLY INADEQUATE SENTENCES

A. Overview

3. The Chamber wrongly determined that sentences of 22 years' imprisonment for both Stanišić and Župljanin adequately reflected the gravity of their crimes and their roles and degree of participation in those crimes.¹ In the circumstances, 22-year sentences are manifestly inadequate. Notwithstanding its extensive factual findings earlier in the Judgement, the Chamber erred by selecting the tariff of the sentences from "the wrong shelf". On the basis of the findings in the Judgement, the Appeals Chamber should impose sentences of imprisonment on Stanišić and Župljanin which fall at least within the range of 30 - 40 years.

4. The sentences imposed by the Chamber do not adequately reflect the magnitude of the crimes or their discriminatory and brutal nature, or the consequences suffered by the scores of victims. The Chamber convicted Stanišić and Župljanin of persecution as a crime against humanity (by killings, torture and cruel treatment, unlawful detention, inhumane living conditions in detention facilities, forcible transfer and deportation, plunder, wanton destruction, and other discriminatory measures), and murder and torture as war crimes.² Župljanin was additionally convicted of extermination as a crime against humanity.³ The sheer scale and brutality of these crimes is manifest. Župljanin's crimes stretched across the eight ARK municipalities,⁴ while Stanišić bears responsibility for crimes within these eight ARK municipalities as well as in 12 other non-ARK municipalities.⁵ Their appalling crimes, which shattered lives and whole communities, were the result of a JCE which aimed to

¹ *E.g. Galić* AJ, para.455.

² Judgement, Vol.2, paras.955-956. *See also* Ground 2 of this appeal, in which the Prosecution argues that Stanišić and Župljanin should also be convicted of murder, torture, deportation and inhumane acts (forcible transfer) as crimes against humanity. However, the Prosecution does not seek an increase in their sentences for these additional convictions.

³ Judgement, Vol.2, para.956.

⁴ Judgement, Vol.2, paras.805, 832, 845, 850, 859, 864, 869, 946.

⁵ Judgement, Vol.2, paras.804, 809, 813-814, 818, 822-823, 827, 831, 836, 840, 844, 849, 854, 858, 863, 868, 873, 877, 881, 885, 927.

create an ethnically pure Serb state through the permanent removal of Bosnian Muslims and Bosnian Croats.⁶

5. Stanišić and Župljanin were highly important participants in this JCE. They occupied positions of leadership within it, and each, in their own way, made extensive and enduring contributions to it. As a top-level member of the JCE, and the JCE members' leading official in the MUP, Stanišić's responsibility stretched across the RS. As the dominant MUP official within the ARK, Župljanin was not only entrusted with implementing the JCE in this key region, he even went beyond the scope of the JCE when he ordered the persecution of non-Serbs by the appropriation of their property. He also embraced the likelihood of killings to such an extent that he accepted the mass slaughter of non-Serbs in the ARK. Both Stanišić and Župljanin misused and subverted MUP forces intended to preserve law and order—and, in doing so, not only did irreparable harm to their victims, but also to the fabric of society. The weight of these factors is not adequately reflected in their sentences.

6. The Prosecution sees no error in imposing the same sentence on Stanišić and Župljanin. Yet the particulars of their criminality are not the same—even if those particulars, in the final analysis, reflect equal culpability. For Stanišić, it is the sheer scale of his crimes, his very senior position, and his involvement as an architect and enabler of crimes across the RS which speak most clearly of the inadequacy of his sentence. For Župljanin, it is his relative importance within the ARK, and his zeal to further the common criminal purpose, demonstrated by his unwavering commitment and range of contributions. Yet it would be wrong to say that these different characteristics in any way lessen their culpability, or justify the inadequate sentences imposed. To the contrary, the implementation of the JCE depended on the different but complementary roles that Stanišić and Župljanin—and other JCE members—chose to play.

B. The seriousness of the crimes requires higher sentences

7. Even of themselves, the scale and gravity of Stanišić and Župljanin's crimes demonstrate the inadequacy of the sentences imposed. This is evident in particular from three factors: the broad geographic and temporal scope of the crimes and their

⁶ Judgement, Vol.2, paras.309, 311.

discriminatory and systematic nature; the characteristic use of arbitrary arrests, prolonged detention, brutal violence and killings in the commission of the crimes; and the devastating and lasting effect of the crimes including on those victims who survived. Although the Chamber's findings reflect each of these factors,⁷ the sentences which it imposed failed to give adequate weight to them and hence are manifestly inadequate.

1. Stanišić and Župljanin's crimes were geographically and temporally broad and of a discriminatory and systematic nature

8. Stanišić and Župljanin's crimes continued over a nine-month period, across multiple municipalities in BiH, and harmed well over 100,000 victims.⁸ Within almost all of the RS municipalities, including the ARK, the crimes followed the same character and cruel pattern. Non-Serbs were dismissed from their employment.⁹ Their movements were restricted.¹⁰ Their property was plundered and destroyed.¹¹ They were arbitrarily arrested and detained *en masse*.¹² Scores were murdered.¹³ Their

⁷ Judgement, Vol.2, paras.927, 929-930, 946, 948-949.

⁸ Judgement, Vol.2, paras.927, 930, 946, 949. *Below* fn.18.

⁹ *E.g.* Judgement, Vol.1, paras.208, 221 (Banja Luka), 331, 347 (Ključ), 657, 700 (Prijeđor), 794, 814 (Sanski Most), 867, 880 (Teslić), 1184, 1190 (Doboj), 1239, 1248 (Gacko), 1278, 1286 (Ilijaš), 1348, 1356 (Pale), 1490, 1498 (Vlasenica), 1541, 1553 (Vogošća).

¹⁰ *E.g.* Judgement, Vol.1, paras.331, 347 (Ključ), 480, 491 (Kotor Varoš), 657, 700 (Prijeđor), 795, 814 (Sanski Most), 868, 880 (Teslić), 968, 982 (Bileća), 994, 1041 (Bosanski Šamac), 1183, 1190 (Doboj), 1239, 1248 (Gacko), 1261, 1286 (Ilijaš), 1348, 1356 (Pale), 1406, 1414 (Višegrad), 1490, 1498 (Vlasenica), 1516, 1553 (Vogošća), 1651, 1688 (Zvornik).

¹¹ *E.g.* Judgement, Vol.1, paras.201, 204, 209, 221, 224-226 (Banja Luka), 263-264, 274, 281-283 (Donji Vakuf), 334, 339, 347 (Ključ), 478-479, 490-492 (Kotor Varoš), 655, 658, 684, 699-701 (Prijeđor), 787-788, 792-793, 810, 812-813, 815 (Sanski Most), 869, 879-880 (Teslić), 1029, 1041 (Bosanski Šamac), 1108, 1118-1120 (Brčko), 1178-1179, 1181, 1189-1191 (Doboj), 1236-1238, 1247-1249 (Gacko), 1279-1280, 1286 (Ilijaš), 1346-1347, 1355-1356 (Pale), 1402, 1404, 1413-1415 (Višegrad), 1487-1489, 1497-1499 (Vlasenica), 1636-1639, 1644, 1646-1648, 1688-1689 (Zvornik).

¹² *E.g.* Judgement, Vol.1, paras.201-202, 222-223, 226 (Banja Luka), 262, 265, 282-283 (Donji Vakuf), 332, 347-348 (Ključ), 480, 491-492 (Kotor Varoš), 659-660, 684, 699-701 (Prijeđor), 785-786, 796, 804, 811, 815 (Sanski Most), 868, 879-880 (Teslić), 921-925, 935-936 (Bijeljina), 967, 981-982, 984 (Bileća), 1030-1031, 1041 (Bosanski Šamac), 1110, 1119-1120 (Brčko), 1182, 1190-1191 (Doboj), 1239, 1248-1249 (Gacko), 1280, 1286 (Ilijaš), 1348, 1356-1357 (Pale), 1487, 1490, 1497-1499 (Vlasenica), 1542-1543, 1547, 1553 (Vogošća), 1633-1635, 1664, 1687-1689 (Zvornik).

¹³ *E.g.* Judgement, Vol.1, paras.205-206, 215-218 (Banja Luka), 266, 268, 278 (Donji Vakuf), 336-337, 343 (Ključ), 457-464, 467-468, 484-487 (Kotor Varoš), 661-672, 674, 688-689, 691, 693-694, 696 (Prijeđor), 871, 876 (Teslić), 971, 977 (Bileća), 1033, 1037 (Bosanski Šamac), 1068, 1099, 1101-1104, 1114-1115 (Brčko), 1229, 1232, 1243-1244 (Gacko), 1338-1339, 1352 (Pale), 1397, 1399-1400, 1411 (Višegrad), 1476-1478, 1480, 1483, 1494 (Vlasenica), 1652-1654, 1656-1660, 1675-1676 (Zvornik).

homes were burnt to the ground or heavily damaged.¹⁴ In some cases, whole villages populated by non-Serbs were set on fire.¹⁵ In ten of the 20 RS municipalities—of which six were in the ARK—Muslim and/or Catholic monuments were damaged or destroyed.¹⁶ In all but one of the ARK municipalities, and in all of the non-ARK municipalities, non-Serbs were expelled from their homes in organised convoys and/or fled *en masse* as a result of intimidation, arbitrary arrests and killings, mistreatment, looting, harassment and/or the destruction of their property and religious and cultural buildings.¹⁷

9. The figures are overwhelming. By the end of 1992, Župljanin was responsible for the expulsion of well over 100,000 non-Serbs, and Stanišić was responsible for the expulsion of well over 130,000 non-Serbs.¹⁸

2. The use of arbitrary arrests, prolonged detention and brutal violence and killings were key features of the expulsion process

10. The gravity of Stanišić and Župljanin's crimes are also manifest in the sheer scale and brutality of their detention related crimes. Župljanin was responsible for the unlawful detention of thousands of non-Serbs in at least 21 detention facilities across the ARK.¹⁹ Stanišić was responsible for the unlawful detention of thousands more in at least 50 detention facilities across the RS as a whole.²⁰

¹⁴ E.g. Judgement, Vol.1, paras.264, 274 (Donji Vakuf), 334, 339 (Ključ), 479, 491 (Kotor Varoš), 656, 658 (Prijedor), 787, 804 (Sanski Most), 1181 (Doboj), 1238 (Gacko), 1280 (Ilijaš), 1347 (Pale), 1487, 1489 (Vlasenica), 1644 (Zvornik).

¹⁵ E.g. Judgement, Vol.1, paras.479 (Kotor Varoš), 524, 656 (Prijedor).

¹⁶ Judgement, Vol.1, paras.264, 274, 282 (Donji Vakuf), 339, 347 (Ključ), 479, 491 (Kotor Varoš), 656, 700 (Prijedor), 790, 804, 812 (Sanski Most), 869, 880 (Teslić), 1181, 1190 (Doboj), 1238, 1248 (Gacko), 1489, 1498 (Vlasenica), 1646-1648, 1688 (Zvornik).

¹⁷ E.g. Judgement, Vol.1, paras.208-211, 221 (Banja Luka), 273-274, 281 (Donji Vakuf), 338, 346 (Ključ), 477, 490 (Kotor Varoš), 684, 699 (Prijedor), 803-804, 810 (Sanski Most), 872, 879 (Teslić), 918-920, 923, 934 (Bijeljina), 972, 981 (Bileća), 1024-1025, 1032, 1040 (Bosanski Šamac), 1107, 1118 (Brčko), 1178-1179, 1189 (Doboj), 1236, 1247 (Gacko), 1279-1280, 1285 (Ilijaš), 1335-1336, 1343-1345, 1355 (Pale), 1372, 1403, 1413 (Višegrad), 1487, 1497 (Vlasenica), 1542-1543, 1547, 1538, 1552 (Vogošća), 1670-1671, 1686 (Zvornik).

¹⁸ See e.g. Judgement, Vol.1, paras.211, 281, 338, 346, 482, 490, 686, 699, 709, 803, 872, 879, 919, 972, 1032, 1118, 1179, 1189, 1236, 1247, 1343, 1355, 1403, 1413, 1423, 1497, 1670-1671.

¹⁹ See Judgement, Vol.1, paras.222-223, 282, 332, 347, 480, 491, 659, 700, 785, 811, 880; Judgement, Vol.2, paras.805, 832, 845, 850, 859, 864, 869.

²⁰ See Judgement, Vol.1, paras.222-223, 282, 332, 347, 480, 491, 659, 700, 785, 811, 880, 924, 935, 967-969, 982, 1030, 1041, 1110, 1119, 1156, 1182, 1190, 1220, 1239, 1248, 1286, 1348, 1356, 1451, 1490, 1498, 1553, 1633-1635, 1667, 1687; Judgement, Vol.2, paras.804, 809, 813, 818, 822, 827, 831, 836, 840, 844, 849, 854, 858, 863, 868, 877, 881, 885.

11. In most of the ARK and non-ARK detention facilities, detainees were held in inhumane living conditions characterised by a lack of hygiene, severe overcrowding and/or inadequate food, water and/or medical attention.²¹ In almost all of the ARK and non-ARK detention facilities, detainees were routinely exposed to vicious beatings as well as other forms of physical and psychological violence.²² Many detainees died from the severity of their beatings.²³ Many were also shot to death or otherwise executed.²⁴ Others died from the abhorrent conditions in which they were held.²⁵ In total, Župljanin was responsible for the murder of several hundred detainees killed either at, around or during their transport to and from detention facilities, and Stanišić was responsible for the murder of more than a thousand such detainees.²⁶ In Prijedor alone, these killings included crimes of exceptional gravity such as frenzied assaults in an orgy of violence at the Ljubija football stadium, the machine-gunning of 128 detainees herded into Room 3 at Keraterm camp, and the cold-blooded execution of more than 150 detainees shot dead by police at the gorge known as Korićanske Stijene.²⁷

12. Crimes of sexual violence were also common in detention. They occurred in the ARK at the SJB building and the Sawmill in Kotor Varoš; the Keraterm, Omarska and Trnopolje camps in Prijedor; and in the non-ARK municipalities at the Luka camp in Brčko; the SJB building and the Power Station Hotel in Gacko; the Sušica

²¹ *E.g.* Judgement, Vol.1, paras.203, 224, 335, 348, 474-476, 491, 676, 678-679, 681, 683, 700, 798, 800, 802, 811, 870, 880, 928, 930, 935, 969, 984, 1020, 1030, 1041, 1105, 1119, 1174, 1176, 1190, 1234, 1248, 1280, 1286, 1341, 1356, 1484, 1498, 1543, 1547, 1553, 1595, 1664, 1668, 1689.

²² *E.g.* Judgement, Vol.1, paras.201, 204, 220, 269-270, 280, 335, 345, 474-476, 489, 676-679, 681-683, 698, 799, 801-802, 808, 870, 878, 970, 979, 1030, 1039, 1067, 1072, 1075-1076, 1105-1106, 1117, 1177, 1188, 1235, 1246, 1280, 1284, 1342, 1354, 1442, 1444, 1446, 1448, 1455, 1458-1460, 1469, 1485, 1496, 1544, 1546-1547, 1551, 1663, 1665-1668, 1685.

²³ *E.g.* Judgement, Vol.1, paras.206, 266, 467-468, 669, 876, 971, 1338-1339, 1477, 1658.

²⁴ *E.g.* Judgement, Vol.1, paras.667-671, 674, 1021, 1033, 1099, 1101-1104, 1229, 1232, 1478, 1480, 1483, 1652-1654, 1656-1659.

²⁵ *E.g.* Judgement, Vol.1, paras.205-206, 671, 1654.

²⁶ *See* Judgement, Vol.1, paras.215-217, 278, 486, 691, 693-694, 696, 876, 977, 1037, 1114-1115, 1243, 1352, 1494, 1675-1676; Judgement, Vol.2, paras.804-805, 813, 818, 822, 831-832, 836, 849-850, 854, 858-859, 868-869, 877, 885.

²⁷ Stanišić was convicted of these incidents on the basis of his JCE III liability for murder as a violation of the laws or customs of war. Judgement, Vol.2, paras.774-775, 783-786, 788-789, 793, 797-798, 858, 955. Župljanin was convicted of these same incidents on the basis of his JCE III liability for extermination as a crime against humanity, and murder as a violation of the laws or customs of war. Judgement, Vol.2, paras.524, 783, 859, 956. *See further below* para.45.

camp in Vlasenica; Planjo's House in Vogošća; and the Čelopek Dom Kulture in Zvornik.²⁸

13. Following their initial period of captivity, many detainees were transferred to other detention facilities. Most survivors of detention facilities were then forcibly transferred from the territory claimed by the Bosnian Serb authorities.²⁹

14. The following examples illustrate the gravity of the appalling detention related crimes suffered by non-Serbs.

(a) Omarska camp (Prijedor, ARK)

15. The Omarska camp in Prijedor operated from 25 May until late August 1992.³⁰ With a few exceptions, all the prisoners in Omarska were Muslim or Croat.³¹ The only Serb prisoners held in Omarska were said to have been there because they were "on the side of the Muslims".³² At one time, Omarska held more than 3,000 prisoners.³³ Camp officials crowded hundreds of detainees into rooms that were stifling in the summer heat.³⁴ Detainees received food that was often spoiled and in quantities the equivalent of starvation rations.³⁵ Detainees were denied drinking water for long stretches of time.³⁶ Lavatory facilities at Omarska were inadequate and sanitation was so abhorrent that disease was rife amongst detainees.³⁷

16. Severe physical and mental abuse was a constant feature at Omarska. Upon their arrival, detainees were searched and their belongings were confiscated.³⁸ They were then beaten.³⁹ These beatings continued throughout their detention.⁴⁰ There were instances when prisoners knocked to the floor while being interrogated would be

²⁸ Judgement, Vol.1, paras.475-476, 678-679, 682, 1106, 1221, 1235, 1469, 1485, 1547, 1663.

²⁹ See e.g. Judgement, Vol.1, paras.170, 173, 304, 329, 427-428, 430, 571, 590-591, 615-616, 622, 632-634, 636, 762, 764, 766, 768, 770, 776-777, 902-903, 914, 958, 961-962, 966, 1010, 1025, 1097, 1214, 1326-1328, 1334, 1445-1446, 1450, 1470, 1520, 1528, 1531-1532, 1538, 1610.

³⁰ Judgement, Vol.1, para.591.

³¹ Judgement, Vol.1, para.596.

³² Judgement, Vol.1, para.596.

³³ Judgement, Vol.1, para.597.

³⁴ Judgement, Vol.1, para.597.

³⁵ Judgement, Vol.1, para.598.

³⁶ Judgement, Vol.1, para.598.

³⁷ Judgement, Vol.1, para.599.

³⁸ Judgement, Vol.1, para.600.

³⁹ Judgement, Vol.1, para.600.

⁴⁰ Judgement, Vol.1, paras.600-601.

trodden and jumped on by guards.⁴¹ Many detainees died from the beatings which they suffered.⁴² Many others were shot to death or otherwise executed.⁴³ In one incident, camp guards tried to force an elderly Bosnian Muslim detainee to rape a female detainee.⁴⁴ When he refused, “[a] scream and the sound of beatings could be heard, and then everything was silent.”⁴⁵ Female detainees were frequently raped at Omarska.⁴⁶ One woman was taken out five times and raped, and after each rape she was beaten.⁴⁷

17. Detainees who survived Omarska were either transferred to other detention facilities, or placed on buses and expelled.⁴⁸

(b) Manjača camp (Banja Luka, ARK)

18. The Manjača camp in Banja Luka operated between 15 May and mid-December 1992.⁴⁹ Thousands of detainees, almost all of whom were Muslim, were detained there unlawfully.⁵⁰ Detainees were transferred to Manjača camp from facilities across the ARK.⁵¹ Many detainees were murdered while being transported to Manjača.⁵² Once they were there, detainees were regularly beaten with batons, wooden poles, rifle-butts and electric cables, and were also robbed of their valuables.⁵³ Some detainees died from the severity of their beatings.⁵⁴

19. Conditions at Manjača camp were abysmal. Camp officials crowded detainees into stables meant for livestock.⁵⁵ Up to 890 detainees were kept in a single stable.⁵⁶ Detainees had insufficient protection from the cold.⁵⁷ There were no shower or

⁴¹ Judgement, Vol.1, para.601.

⁴² Judgement, Vol.1, paras.604-605, 610.

⁴³ Judgement, Vol.1, paras.606-609, 612.

⁴⁴ Judgement, Vol.1, para.613.

⁴⁵ Judgement, Vol.1, para.613.

⁴⁶ Judgement, Vol.1, para.603.

⁴⁷ Judgement, Vol.1, para.603.

⁴⁸ Judgement, Vol.1, paras.591, 615-616.

⁴⁹ Judgement, Vol.1, para.170.

⁵⁰ Judgement, Vol.1, paras.176, 223.

⁵¹ Judgement, Vol.1, para.173.

⁵² Judgement, Vol.1, paras.189, 191-193, 215-217.

⁵³ Judgement, Vol.1, paras.184-186.

⁵⁴ Judgement, Vol.1, para.186.

⁵⁵ Judgement, Vol.1, para.180.

⁵⁶ Judgement, Vol.1, para.180.

⁵⁷ Judgement, Vol.1, para.180.

bathing facilities,⁵⁸ nor was there any running water.⁵⁹ Although disease and injury were common at Manjača, medical care was only occasionally provided to some inmates in need.⁶⁰

20. When Manjača camp closed, detainees were sent to Batković camp in Bijeljina.⁶¹ Others were transferred to Croatia, and still some others were released.⁶²

(c) SJB building (Vlasenica, non-ARK)

21. Muslims were unlawfully held at the SJB building in Vlasenica between June and September 1992.⁶³ There they were repeatedly mistreated and beaten with metal pipes, chains and other objects.⁶⁴ A detainee had a “necklace” carved into his neck and another had salt rubbed into his wounds.⁶⁵ Detainees were also held in abhorrent conditions.⁶⁶ Up to 20 detainees were held in a single cell measuring approximately two and a half by two metres, for about 11 days.⁶⁷ Detainees were hardly provided with food, and there was an absence of medical care.⁶⁸ There were no beds, instead detainees were required to sleep standing or sitting on the ground.⁶⁹ One detainee, whose face and stomach were already bruised and swollen from the beatings he had received, was ordered out of his cell, hit on the back of his head, and then shot to death.⁷⁰

22. After being brutalised at the SJB building, detainees were transferred to the Vlasenica Municipal Prison and Sušića camp.⁷¹

⁵⁸ Judgement, Vol.1, para.182.

⁵⁹ Judgement, Vol.1, para.182.

⁶⁰ Judgement, Vol.1, para.182.

⁶¹ Judgement, Vol.1, para.170.

⁶² Judgement, Vol.1, para.170.

⁶³ Judgement, Vol.1, paras.1442, 1490, 1498-1499.

⁶⁴ Judgement, Vol.1, para.1442.

⁶⁵ Judgement, Vol.1, para.1443.

⁶⁶ Judgement, Vol.1, para.1443.

⁶⁷ Judgement, Vol.1, para.1443.

⁶⁸ Judgement, Vol.1, para.1443.

⁶⁹ Judgement, Vol.1, para.1443.

⁷⁰ Judgement, Vol.1, paras.1444, 1480.

⁷¹ Judgement, Vol.1, paras.1445-1446.

(d) Čelopek Dom (Zvornik, non-ARK)

23. Muslim men were unlawfully detained at the Čelopek Dom in Zvornik beginning in June 1992.⁷² These detainees had their valuables taken from them and were regularly beaten with iron bars, chains, chairs, and metal bars with a fixed spiked ball at one end.⁷³ They were also forced to subsist with insufficient food and without water or medical attention.⁷⁴ 175 detainees were kept in a single room measuring 8 by 15 metres with 7 metre high ceilings and were forced to sleep on the ground.⁷⁵ In addition to the beatings which they received, detainees were forced to slap each other to the point where they lost consciousness.⁷⁶ Two pairs of fathers and sons and two cousins were forced to perform sexual acts on each other, including intercourse and penetration by a broom handle.⁷⁷ In addition, in other incidents, the penises and ears of detainees were cut off and force fed to other detainees.⁷⁸ Those who could not consume these body parts were killed.⁷⁹ Detainees also had their fingers cut off and had crosses carved into their foreheads and backs.⁸⁰ 34 detainees were murdered.⁸¹

24. Detainees who survived were transferred to the misdemeanour court next to the Novi Izvor administration building.⁸² Others were transferred to Batković camp in Bijeljina.⁸³

3. Stanišić and Župljanin's crimes had a devastating and lasting impact on their victims

25. Stanišić's crimes claimed the lives of well over 2,300 non-Serbs across the RS,⁸⁴ and Župljanin's crimes claimed the lives of at least 1,678 non-Serbs within the

⁷² Judgement, Vol.1, paras.1594-1595, 1633-1634, 1687.

⁷³ Judgement, Vol.1, paras.1597, 1599.

⁷⁴ Judgement, Vol.1, paras.1595, 1599.

⁷⁵ Judgement, Vol.1, para.1595.

⁷⁶ Judgement, Vol.1, para.1597.

⁷⁷ Judgement, Vol.1, para.1599.

⁷⁸ Judgement, Vol.1, para.1599.

⁷⁹ Judgement, Vol.1, para.1599.

⁸⁰ Judgement, Vol.1, para.1599.

⁸¹ Judgement, Vol.1, paras.1598-1601, 1675.

⁸² Judgement, Vol.1, para.1602.

⁸³ Judgement, Vol.1, para.1633.

⁸⁴ See Judgement, Vol.1, paras.215-217, 278, 343, 484-486, 688-689, 691, 693-694, 696, 876, 977, 1037, 1114, 1243, 1352, 1411, 1494, 1675-1676; Judgement, Vol.2, paras.804, 813, 818, 822, 831, 836, 844, 849, 854, 858, 868, 873, 877, 885.

ARK.⁸⁵ Many more were grievously injured; forced to suffer the loss of their homes, livelihood, community and family; and deprived of the means by which to start a new life elsewhere. As some examples:

- Sulejman Crnčalo was forced from his home in the non-ARK municipality of Pale in a convoy on 2 July 1992, and spoke of the impact which this had on him: “None of us wanted to leave our homes, our property and to go out into the world like a beggar. But we had to.”⁸⁶ Crnčalo left behind his home and all his property, in his words, “everything that I had accrued during my years of work.”⁸⁷
- ST048 witnessed first hand the horrors visited upon his wife and was himself severely mistreated. By 4 July 1992, ST048 had been detained at the Gacko SJB building for roughly one month.⁸⁸ That day he was taken from his cell to an office within the SJB building, handcuffed to the heating unit in the office, and told “[t]he show is going to start now”.⁸⁹ His eyes half closed from the beatings which he had received, ST048 was forced to watch as his wife was raped.⁹⁰ His wife eventually managed to pull free from those who were raping her and escaped from the SJB building by jumping through a window, but shots were fired at her.⁹¹ ST048 was then kicked in the face and suffered a broken nose and cheekbone.⁹² ST048 has never seen his wife again.⁹³
- Mirzet Karabeg was arrested in the ARK municipality of Sanski Most on 25 May 1992, and detained at the SJB remand facility.⁹⁴ He was held there and at the Betonirka factory for three months.⁹⁵ He was repeatedly beaten before he

⁸⁵ See Judgement, Vol.1, paras.215-217, 278, 343, 484-486, 688-689, 691, 693-694, 696, 876, 977; Judgement, Vol.2, paras.805, 832, 845, 850, 859, 869.

⁸⁶ Judgement, Vol.1, para.1336; Crnčalo, Exh.P1466.02, pp.17-18 (T.5401-5402).

⁸⁷ Crnčalo, Exh.P1466.01, p.69 (T.5356).

⁸⁸ Judgement, Vol.1, paras.1211, 1214.

⁸⁹ ST048, Exh.P2176, p.24 (0327-0445).

⁹⁰ ST048, Exh.P2176, pp.24-25 (0327-0445-0327-0446).

⁹¹ ST048, Exh.P2176, p.25 (0327-0446).

⁹² Judgement, Vol.1, para.1214.

⁹³ Judgement, Vol.1, para.1214; ST048, Exh.P2176, p.25 (0327-0446).

⁹⁴ Judgement, Vol.1, para.759.

⁹⁵ Judgement, Vol.1, paras.759, 762-763.

was transferred to the Manjača camp.⁹⁶ He was beaten so severely that all of his teeth were knocked out, and he continued to feel pain ten years later.⁹⁷

- Former policeman ST253 was arrested in the ARK municipality of Teslić and detained at the SJB building and TO warehouse by many of his former colleagues.⁹⁸ He was detained for more than two months, and was threatened, abused and beaten on multiple occasions.⁹⁹ On one occasion, he was beaten so severely that he was immobile for 15 days, and required help to use the toilet.¹⁰⁰ When he was released, his mother no longer recognised him. His hair, previously black, had turned grey, and he had suffered a serious spinal injury.¹⁰¹

26. Each of Stanišić and Župljanin’s victims—whose numbers stretch well over 100,000—have similar stories of harm, suffering and loss which the Chamber failed to adequately credit when imposing their sentences.

C. The roles played by Stanišić and Župljanin and the degree of their participation in the crimes justify higher sentences

27. The 22-year sentences imposed on Stanišić and Župljanin¹⁰² failed to give adequate weight to their roles and the degree of their participation in the crimes.

28. Both Stanišić and Župljanin occupied leadership positions within the JCE. Stanišić was among the most senior Bosnian Serb figures within the JCE leadership. Within his own sphere in the ARK, Župljanin was no less a dominant presence. Although the Chamber noted that Stanišić and Župljanin were “high level police officials”,¹⁰³ it failed to give adequate weight in sentencing to its findings concerning the precise nature of their leadership roles.

⁹⁶ Judgement, Vol.1, para.762.

⁹⁷ Judgement, Vol.1, para.762.

⁹⁸ Judgement, Vol.1, paras.845, 850, 854.

⁹⁹ Judgement, Vol.1, paras.845, 850, 854-855.

¹⁰⁰ Judgement, Vol.1, para.855.

¹⁰¹ Judgement, Vol.1, para.855.

¹⁰² Judgement, Vol.2, paras.927-928.

¹⁰³ Judgement, Vol.2, paras.927, 946.

29. Likewise, the Chamber considered that both Stanišić and Župljanin incurred liability through their participation in a JCE.¹⁰⁴ Yet it failed to ascribe adequate weight in sentencing to the extensive and enduring nature of their participation as well as the importance of their participation to the implementation of the JCE. Although their participation was different in kind, both Stanišić and Župljanin were intimately involved in the implementation of the JCE, participated in it over a lengthy period of time, and were highly important to its success. With others among the Bosnian Serb leadership, Stanišić worked to set the stage for the campaign of violence and then persisted in ensuring that Bosnian Serb MUP forces participated in this campaign across the RS. Župljanin worked to implement this campaign of violence in the key region of the ARK. He also went beyond his participation in the JCE to persecute non-Serbs by ordering the appropriation of their property. He embraced the likelihood of killings to such an extent that he even accepted the risk of extermination within the ARK. By their conduct, both Stanišić and Župljanin neutralized the RS police as a force for law and order, and turned them into agents of destruction—which was highly important to the implementation of the JCE and left the victims defenceless to the Serb Forces.

1. Stanišić was among the most senior figures within the leadership of the JCE

30. Stanišić was a key member of the Bosnian Serb decision-making authorities.¹⁰⁵ By his own account, there were few who were more senior to him within the Bosnian Serb leadership.¹⁰⁶ He was a longstanding member of the SDS; a member of the Council of Ministers (a precursor to the RS Government) as of late 1991; the RS MUP Minister from 24 March 1992 until the end of the year; and a participant in the highest institutions of the Bosnian Serb leadership throughout 1992.¹⁰⁷ Stanišić was a powerful figure who through his membership in the most important institutions of the Bosnian Serb leadership was able to shape Bosnian Serb policy to further the ethnic cleansing campaign.¹⁰⁸

¹⁰⁴ Judgement, Vol.2, paras.928, 947.

¹⁰⁵ Judgement, Vol.2, para.732.

¹⁰⁶ See Judgement, Vol.2, para.564.

¹⁰⁷ Judgement, Vol.2, paras.542-543, 545, 549, 551, 554, 571-574, 729, 732.

¹⁰⁸ Judgement, Vol.2, para.734.

31. Within the ranks of the Bosnian Serb leadership, Stanišić was also a trusted ally of Radovan Karadžić, the leader of the Bosnian Serbs and a leading member of the JCE.¹⁰⁹ Throughout 1992, Stanišić amply repaid Karadžić's trust by translating Karadžić's calls¹¹⁰ for separation into concrete action on the ground.¹¹¹ Stanišić was sufficiently important to the JCE that Karadžić rejected calls for his removal as the RS MUP Minister and instead commended his performance.¹¹²

2. Stanišić's participation in the JCE was extensive and enduring

32. Stanišić was a key participant in the JCE throughout 1992 and made a deep and lasting contribution to it in a variety of ways. Stanišić helped create separate Bosnian Serb institutions, including the RS MUP. He populated the ranks of the RS MUP with those whom he knew would further the ethnic cleansing campaign and removed those who could have hindered it. He repeatedly ensured, in different ways, that his RS MUP forces advanced the ethnic cleansing campaign across the RS, and continued to do so, until the Bosnian Serbs had consolidated their territorial gains.

33. Beginning in January 1992, Stanišić played an important role in the preparations to violently take over municipalities across BiH. He participated in high-level discussions concerning the division of territory and then forcefully ensured that priorities established in these discussions were realized on the ground through the creation of separate Bosnian Serb institutions.¹¹³ His most prominent role in this process was in helping create the RS MUP.¹¹⁴

34. At the start of his tenure as RS MUP Minister, Stanišić removed non-Serbs who could have impeded the JCE through a practice whereby RS MUP personnel had to sign solemn declarations or face dismissal.¹¹⁵ At the same time, Stanišić populated important positions within the RS MUP with like-minded individuals who would further the ethnic cleansing campaign. He stated that leading officials within the RS MUP should be members of the SDS,¹¹⁶ and appointed Serbs to key positions,

¹⁰⁹ Judgement, Vol.2, paras.565, 730. *See also* paras.132, 566, 568, 570.

¹¹⁰ *See e.g.* Judgement, Vol.2, paras.167-170, 177-179, 182, 184, 188-190, 194, 201, 550.

¹¹¹ *See below* paras.32-38.

¹¹² *See* Judgement, Vol.2, paras.568, 596.

¹¹³ *See* Judgement, Vol.2, paras.551, 554-557, 734.

¹¹⁴ Judgement, Vol.2, para.734. *See also* paras.554-556, 558, 560, 576-577, 596.

¹¹⁵ *See* Judgement, Vol.2, paras.576-577, 738.

¹¹⁶ Judgement, Vol.2, para.578.

including his co-Accused Župljanin and other JCE members such as CSB Chiefs Andrija Bjelešević, Krsto Savić and Predrag Ješurić, and Pale SJB Chief Malko Koroman.¹¹⁷ Stanišić also knowingly populated the ranks of his reserve police with “thieves and criminals”.¹¹⁸

35. When the JCE members unleashed their ethnic cleansing campaign, Stanišić’s RS MUP forces were integral to it, playing a key role in the takeover of 19 of the 20 municipalities in which Stanišić was convicted of crimes, as well as in the mass expulsion campaign targeted at non-Serbs.¹¹⁹ Among the RS MUP personnel who participated in this effort were the “thieves and criminals” within the ranks of Stanišić’s reserve police. They manned checkpoints and detention facilities, and participated in the unlawful arrests, abuse and killings of non-Serbs, and in the theft and destruction of their property.¹²⁰

36. Stanišić ensured that his RS MUP forces participated in the ethnic cleansing campaign. He faithfully implemented Karadžić’s directive to place police whom the RS MUP did not need, at the army’s disposal.¹²¹ His RS MUP forces participated alongside the VRS and other Serb Forces in attacks against non-Serb settlements across the RS. During these attacks, the joint Serb Forces arrested, expelled, and killed non-Serbs; and also looted and destroyed non-Serb property.¹²² Although Stanišić knew of crimes being committed by joint Serb Forces, he remained steadfast in his support of the JCE as he continued to allow his regular police to be deployed in joint operations.¹²³ He only sought to withdraw them from combat towards the end of 1992, when most of the territory claimed by the Bosnian Serbs had been consolidated.¹²⁴ Throughout the ethnic cleansing campaign Stanišić also failed in his duty to adequately discipline and dismiss those among his RS MUP forces who

¹¹⁷ Judgement, Vol.2, paras.314, 579, 700, 744.

¹¹⁸ See Judgement, Vol.2, paras.599-600, 643; Exh.P1755, p.373.

¹¹⁹ Judgement, Vol.2, para.737.

¹²⁰ See e.g. Judgement, Vol.1, paras.157, 247, 263, 308, 310-311, 382, 395, 400, 408, 475, 522, 547-548, 567-568, 593, 655, 662, 669, 676, 689, 847, 871, 952, 963, 1216-1217, 1297, 1308, 1310, 1319, 1330, 1339, 1341-1342, 1348, 1352, 1374, 1397, 1399-1400, 1404, 1411, 1438, 1594, 1600, 1602, 1604-1605, 1607-1608, 1614, 1663; Judgement, Vol.2, paras.760, 771.

¹²¹ See Judgement, Vol.2, paras.584, 590-592, 739-740, 742. See also paras.581, 584, 588-589.

¹²² See e.g. Judgement, Vol.1, paras.242, 245-248, 531-533, 537, 541, 546-547, 747, 749, 1208, 1263, 1266-1267, 1307-1311, 1313.

¹²³ Judgement, Vol.2, para.743.

¹²⁴ Judgement, Vol.2, para.743.

committed crimes against non-Serbs.¹²⁵ Instead, he ensured that the RS MUP remained an important player in the ethnic cleansing campaign by leaving the JCE members within its ranks in place, thereby violating his professional obligation to protect and safeguard the non-Serb civilian population.¹²⁶

37. Stanišić also delivered strong support for the ethnic cleansing campaign by endorsing the arbitrary detention and brutal mistreatment which non-Serbs systematically suffered across the RS. By mid-1992, Stanišić was aware of the unlawful detention and maltreatment suffered by thousands of non-Serbs across the RS.¹²⁷ Yet he failed to bring his ample authority to bear to ensure the closure of the numerous detention facilities under the control of RS MUP forces.¹²⁸ Instead, he persisted in allowing his forces to play a role in the operation of detention facilities.¹²⁹ Emblematic of this was an instruction he delivered in August 1992 when, well aware of the criminal disposition of his reserve forces and the vulnerability of non-Serb detainees, Stanišić nonetheless instructed his subordinates that the reserve police could assist the VRS in securing detention facilities.¹³⁰

38. Finally, until the very end of 1992, Stanišić continued to provide additional support to the ethnic cleansing campaign by ordering that criminals within the ranks of the RS MUP be transferred to the VRS, thereby facilitating further crimes.¹³¹

3. Župljanin played an important role in the leadership of the JCE in the ARK municipalities

39. With and on behalf of the Bosnian Serb leadership, Župljanin played an important role in the leadership of the JCE in the ARK municipalities. Not only was he a “key actor” in the takeover of Banja Luka¹³²—a precursor to many of the subsequent takeovers and associated crimes in the charged municipalities—he was

¹²⁵ Judgement, Vol.2, paras.754, 757, 759.

¹²⁶ See Judgement, Vol.2, para.754.

¹²⁷ See e.g. Judgement Vol.2, paras.614-621, 624-625, 631-633, 638-639, 652, 689-692, 762-765, 768. See also Judgement, Vol.1, paras.835; Judgement Vol.2, paras.609, 627-628, 634-636, 768.

¹²⁸ Judgement, Vol.2, paras.760-761.

¹²⁹ Judgement, Vol.2, paras.667, 760-761.

¹³⁰ See Judgement, Vol.2, para.667. See also para.743.

¹³¹ See Judgement, Vol.2, paras.640-641, 644-645, 687, 749, 751; Exh.1D58; Exh.1D60, p.4. See also Judgement, Vol.2, para.613.

¹³² Judgement, Vol.2, para.495.

also a key link between other top-level JCE members and the ARK,¹³³ and between the police in the ARK and the ARK Crisis Staff. This followed from his position as Chief of the Banja Luka CSB (“the highest police authority in the ARK”, both *de jure* and *de facto*),¹³⁴ his position as a member of the ARK Crisis Staff,¹³⁵ and his close ties with the SDS.¹³⁶

40. Effective coordination between the police and the crisis staffs—both at the regional and municipal level—was vital to the implementation of the JCE.¹³⁷ Župljanin delivered this coordination with gusto.¹³⁸ He held a firm grip upon the reins of power in the ARK municipalities by virtue of his eminence in both the police and the ARK Crisis Staff. He set and enforced the pattern for the symbiotic relationship between these institutions, which saw the inclusion (and implication) of his police subordinates in local decision-making while their manpower and resources was used to carry out crimes.¹³⁹ For example, Župljanin ordered the police to carry out the disarming of non-Serbs in cooperation with other Serb Forces and the ARK Crisis Staff—a measure which was “instrumental” to the non-Serbs’ subsequent forcible removal.¹⁴⁰

4. Župljanin’s participation in the JCE was extensive and enduring

41. The Chamber’s extensive findings demonstrate that Župljanin was zealous in his implementation of the JCE. His participation, which was extensive and enduring,

¹³³ *E.g.* Judgement, Vol.2, para.495 (recalling Župljanin’s assurance to Stanišić that “he was waiting for instructions and that, if a total blockade [of Banja Luka] was needed, it would be done”).

¹³⁴ Judgement, Vol.2, para.493.

¹³⁵ Judgement, Vol.2, para.492.

¹³⁶ Judgement, Vol.2, para.519 (referring to “the unreserved support given by top SDS leaders in the ARK to his appointment as Chief of the CSB and by his interactions with other SDS members; his attendance at the 14 February 1992 SDS Main Board meeting at the Holiday Inn in Sarajevo; and his contribution to the implementation of SDS policies in Banja Luka and in other ARK municipalities”).

¹³⁷ *See also* Judgement, Vol.2, para.311 (finding that “Serb Forces, [the] SDS party structure, Crisis Staffs, and the RS Government [...] all shared and worked towards the same goal under the Bosnian Serb leadership”).

¹³⁸ *See below* paras.41-44.

¹³⁹ *E.g.* Judgement, Vol.2, paras.491 (municipal crisis staffs may have issued instructions to Serb Forces, including police), 492 (municipal crisis staffs implemented decisions of the ARK Crisis Staff, and Župljanin had similarly instructed the police to observe the instructions of the ARK Crisis Staff), 735 (local police leadership was included in the formulation and implementation of decisions taken by municipal crisis staffs, in accord with instructions from the RS Presidency, RS MUP and SDS). *See also* para.500.

¹⁴⁰ Judgement, Vol.2, para.500.

is reflected in the number and variety of his JCE contributions over the whole period of the crimes.

42. As the Chamber noted, one of Župljanin's contributions to the JCE was his failure in his duty as a police officer to protect the non-Serb population under his care.¹⁴¹ It expressly affirmed that this "was not merely the consequence of simple negligence" but "formed part of the decision to discriminate" against non-Serbs "and force them to leave the ARK Municipalities".¹⁴² Moreover, Župljanin also actively used the police forces under his command to perpetrate the crimes. For example, he created the Special Detachment,¹⁴³ a unit over which he exercised "complete authority"¹⁴⁴ and which included members of the SDS-affiliated SOS group with whom he collaborated in the takeover of Banja Luka—and whom he knew had the reputation of being dangerous criminals.¹⁴⁵ Not only did members of the Special Detachment commit "heinous crimes"¹⁴⁶ in Banja Luka itself¹⁴⁷—on Župljanin's own doorstep¹⁴⁸—he also "dispatched platoons of the Detachment to participate in the takeovers, together with other Serb Forces, of various municipalities, including Kotor Varoš, Prijedor, and Ključ."¹⁴⁹ In the course of these deployments, the Special Detachment robbed, beat, humiliated, murdered and exterminated non-Serbs, as amply illustrated by the experiences of ST241 and ST013 in Kotor Varoš.¹⁵⁰ Yet despite knowing of his Special Detachment's crimes, Župljanin continued to deploy them and did nothing to discipline them.¹⁵¹ To the contrary, as the Chamber

¹⁴¹ *E.g.* Judgement, Vol.2, para.518.

¹⁴² Judgement, Vol.2, para.519.

¹⁴³ Judgement, Vol.2, para.518.

¹⁴⁴ Judgement, Vol.2, para.501.

¹⁴⁵ Judgement, Vol.2, para.499. *See also* para.514.

¹⁴⁶ Judgement, Vol.2, para.499.

¹⁴⁷ *E.g.* Judgement, Vol.2, paras.496-499.

¹⁴⁸ Judgement, Vol.2, para.503.

¹⁴⁹ Judgement Vol.2, para.502. *See also* para.518.

¹⁵⁰ For example, ST241 recalled how he was arbitrarily arrested by the Special Detachment; robbed; beaten unconscious; imprisoned at the sawmill, SJB building and prison; and beaten daily until the local Special Detachment commander intervened on his behalf. *See* Judgement, Vol.1, paras.408, 412, 426. ST013 described the massacre at the Kotor Varoš medical centre, in which the Special Detachment took part. ST013's brother was killed; ST013 survived. After the killings, he was marched to Kotor Varoš prison, robbed, beaten until he was bleeding internally, abused, interrogated by the local Special Detachment commander, and imprisoned. *See* Judgement, Vol.1, paras.410-412, 420, 436-437, 442-443, 446, 450, 457-464, 485.

¹⁵¹ Judgement, Vol.2, para.505.

concluded, Župljanin “granted [...] impunity for their crimes and encouraged their criminal behaviour.”¹⁵²

43. To enable the ethnic cleansing of non-Serbs, Župljanin not only turned a 'blind eye' to the commission of persecutory crimes (both by his Special Detachment and by other Serb Forces, including RS MUP police subordinates), he actively sought to frustrate investigations and to 'hush up' complaints. His efforts to create and maintain this “climate of impunity”¹⁵³ for persecutory crimes continued for months, and in full knowledge of the scale and brutality of the unfolding violence.¹⁵⁴ For example:

- When informed of violent crimes committed with police involvement against non-Serb detainees in two different municipalities and on two separate occasions, Župljanin’s callous answer was exactly the same: this sort of thing happens in war.¹⁵⁵
- When Župljanin reported to Stanišić that the army and police had arrested and detained several thousand non-Serbs in the ARK who did not appear to have been involved in combat, he did not advocate their release. Instead, he suggested that they could be used as “hostages” and exchanged for Serb prisoners. Indeed, his omission to take adequate measures to stop either the mass arrests or the involvement of the police in the mass arrests was itself a “significant contribution [...] if not a substantial one.”¹⁵⁶ As the Chamber concluded, Župljanin “agreed” with the policy and “actively participated in it”.¹⁵⁷
- Despite knowing of the criminal excesses of Prijedor SJB chief Simo Drljača and his subordinates,¹⁵⁸ Župljanin made no effort to remove Drljača from his

¹⁵² Judgement, Vol.2, para.505.

¹⁵³ Judgement, Vol.2, paras.518-519. *See also* paras.513-514.

¹⁵⁴ *E.g.* Judgement, Vol.2, paras.503, 506-510.

¹⁵⁵ *See* Judgement, Vol.2, para.508 (Prijedor). *See also* Judgement, Vol.1, paras.838, 849 (Teslić). Although Župljanin did eventually take action against the Miće Group in Teslić, this was to address the nuisance that it posed to the Serb municipal authorities, and not its crimes against non-Serbs. Judgement, Vol.2, para.515.

¹⁵⁶ Judgement, Vol.2, para.510.

¹⁵⁷ Judgement, Vol.2, para.511.

¹⁵⁸ Judgement, Vol.2, paras.503, 506, 508-510, 515.

post.¹⁵⁹ Župljanin had appointed him—with retroactive effect to the date of the takeover of Prijedor municipality—only a short time before.¹⁶⁰

- And when (rarely) a criminal investigation was launched, Župljanin not only made sure that the investigation was ineffective, he also persisted in relying on the perpetrators responsible for the crime.¹⁶¹ For example, he knowingly misled the public prosecutor as to the identities of victims murdered by the Prijedor police in front of Manjača camp in early August 1992.¹⁶² As he had done before, Župljanin also obstructed the investigation into the massacre at Korićanske Stijene by filing a report attributing it to “unknown” perpetrators, despite having received information implicating the Prijedor police.¹⁶³ He then continued to order the Prijedor SJB to secure buses transporting non-Serb detainees.¹⁶⁴

5. Beyond his participation in the JCE, Župljanin persecuted non-Serbs by ordering the appropriation of their property

44. In addition to his responsibility as a JCE member, Župljanin was also convicted of ordering the persecution of non-Serbs by the appropriation of property.¹⁶⁵ Thus, on 31 July 1992, he exercised his personal authority to instruct the SJBs in the ARK municipalities to implement a decision of the ARK Crisis Staff—of which he was a member¹⁶⁶—that non-Serbs ejected from their homes should be prevented from taking more than 300 DMs in cash with them.¹⁶⁷ This measure not only enriched the RS, it was done to increase the harm to the victims. Beyond the scope of the JCE—whose common objective was to permanently remove non-

¹⁵⁹ Judgement, Vol.2, para.515.

¹⁶⁰ Judgement, Vol.1, para.507.

¹⁶¹ Judgement, Vol.2, paras.516, 519.

¹⁶² Judgement, Vol.2, para.516.

¹⁶³ Judgement, Vol.2, para.517. *See further* Judgement, Vol.1, paras.645, 647; Judgement, Vol.2, paras.468, 476, 480 (ST023 testified that Župljanin had personally attended the crime scene within two or three days, together with Drljača and members of the Prijedor police unit responsible for the killing; Župljanin accepted Drljača’s self-serving assertion that an investigation could not be carried out because the police officers with custody of the Korićanske Stijene victims were deployed on the battlefield).

¹⁶⁴ *E.g.* Judgement, Vol.2, para.478.

¹⁶⁵ Judgement, Vol.2, paras.409, 512, 526.

¹⁶⁶ Judgement, Vol.2, para.492.

¹⁶⁷ *E.g.* Judgement, Vol.2, para.512.

Serbs¹⁶⁸—it resulted in denying victims the means to start a new life elsewhere. Although the Chamber recognised in its gravity assessment that Župljanin’s criminal responsibility extended beyond participating in the JCE,¹⁶⁹ it failed to give adequate weight to the implications of its factual findings in the sentence that it imposed.

6. Župljanin embraced the likelihood of killings to such an extent that he accepted the risk of extermination

45. As noted above,¹⁷⁰ the Chamber additionally convicted Župljanin for extermination pursuant to JCE III, observing that he had actual “knowledge of the murders committed by some of his subordinate forces against the non-Serb civilian population and nevertheless continued to task these forces for operations involving the non-Serb population.”¹⁷¹ In other words, Župljanin embraced the likelihood of killings to such an extent that he was even willing to accept mass slaughter—extermination—as a possible consequence of his conduct. This speaks volumes of Župljanin’s deep and committed participation in the JCE.¹⁷² This factor is not sufficiently reflected in Župljanin’s sentence.

7. The participation of Stanišić and Župljanin was highly important to the implementation of the JCE

46. Whereas the Chamber correctly identified factors aggravating Stanišić and Župljanin’s responsibility on the basis of their abuse of their superior positions in misusing their powers to participate in the JCE,¹⁷³ it did not give adequate weight in the sentences which it imposed to the importance of their role in neutralizing the police as a force for law and order, and its subversion into a unit of destruction and terror.

47. Stanišić and Župljanin’s participation in the JCE had two faces. Of itself, and as described above,¹⁷⁴ their participation in the JCE was extensive and enduring (a factor to which the Chamber did not give sufficient weight in sentencing). Stanišić

¹⁶⁸ Judgement, Vol.2, para.313.

¹⁶⁹ Compare Judgement, Vol.2, para.947 with para.928.

¹⁷⁰ See above fn.27.

¹⁷¹ Judgement, Vol.2, para.775.

¹⁷² See above paras.41-43.

¹⁷³ Judgement, Vol.2, paras.929, 948.

¹⁷⁴ See above paras.32-38, 41-43.

played an important role in creating the RS MUP and other Bosnian Serb institutions, and both he and Župljanin provided the JCE members with personnel to carry out the planned and foreseen crimes and took other practical measures to further the ethnic cleansing campaign. In addition, however, their willingness to subvert the ideals of a professional police force by joining the JCE as leading MUP officials also ensured that neither the RS nor the ARK had any force capable of opposing the JCE members' plan. Neutralizing the RS MUP in this fashion—which for a time was the only official armed force of the RS¹⁷⁵—gave their fellow JCE members the guarantee of non-interference with the common criminal purpose. This allowed the crimes to be committed in the appalling and flagrant manner found by the Chamber as the victims were rendered defenceless to the Serb Forces. If Stanišić and Župljanin had remained true to their duty, some vestige of law and order would have remained in the RS and the ARK for all sides of the conflict. There would have been some organised force to oppose the JCE, however token.

48. The very grave consequences of Stanišić and Župljanin's willingness to betray the trust vested in them as police officials (by neutralizing the police as a force dedicated to law and order) were not given sufficient weight by the Chamber.

D. Stanišić and Župljanin's sentences fall outside the range imposed in similar cases

49. The Chamber's manifest failure to give adequate weight to the gravity of Stanišić and Župljanin's crimes, and to their roles and the degree of their participation, is also apparent from reference to the sentencing practice in other related cases.¹⁷⁶ The sentences imposed on Stanišić and Župljanin are completely out of "reasonable proportion"¹⁷⁷ with the sentences imposed in previous cases for components of the very same crime-base. Such cases indicate that sentences which

¹⁷⁵ See Judgement, Vol.2, paras.6, 113.

¹⁷⁶ The Chamber failed to cite or to consider the Tribunal's sentencing practice in earlier related cases. See Judgement, Vol.2, paras.888, 927-928, 946-947. Cf. *Čelebići* AJ, para.757 (emphasis omitted) ("[a]s the number of sentences imposed by the Tribunal increase, there will eventually appear a range or pattern of sentences imposed in relation to persons where their circumstances and the circumstances of their offences are generally similar. When such a range or pattern has appeared, a Trial Chamber would be obliged to consider that range or pattern of sentences, without being bound by it").

fall at least within the range of 30 - 40 years should be imposed on Stanišić and Župljanin.¹⁷⁸ Nor in any event do the individual circumstances of either Stanišić or Župljanin justify the manifestly inadequate sentences imposed—indeed, they compel the opposite conclusion.

1. Similar cases show that sentences which fall at least within the range of 30 - 40 years should be imposed on Stanišić and Župljanin

50. The *Brdanin* and *Stakić* cases are of particular relevance to the assessment of Stanišić and Župljanin's sentences, and demonstrate that the Chamber should properly have imposed sentences which fell at least within the range of 30 - 40 years.

- In *Brdanin*, although the Accused was only convicted as an aider and abettor,¹⁷⁹ he was convicted of crimes committed in 13 municipalities in the ARK (of which seven are common to those charged in this case).¹⁸⁰ Yet the Appeals Chamber imposed a sentence of 30 years¹⁸¹—even though Brdanin was convicted for fewer municipalities than Stanišić and of a less grave form of responsibility¹⁸² than either Stanišić or Župljanin.
- In *Stakić*, the Accused was convicted as a member of a local JCE to deport and persecute Bosnian Muslims and Bosnian Croats in just one of the municipalities charged in this case: Prijedor.¹⁸³ Yet the Appeals Chamber

¹⁷⁷ See *Jelišić* AJ, para.96. This reasoning was cited with approval in *Babić* SAJ, para.33; *Kordić* AJ, para.1064. See also *Čelebići* AJ, paras.756-758, especially 757. But see, e.g., *Ntabakuze* AJ, para.298.

¹⁷⁸ At trial, the Prosecution recommended the imposition of a life sentence on both Stanišić and Župljanin. E.g. T.27462 (30 May 2012). This reflected the nature of the case charged, which included all the crimes in the scope of the JCE I. In this appeal, the Prosecution has adjusted its recommendation in recognition of the Chamber's findings (distinguishing between JCE I and JCE III crimes, and acquitting Stanišić of extermination).

¹⁷⁹ E.g. *Brdanin* AJ, paras.229, 241, 290, 304, 321.

¹⁸⁰ The common municipalities are Banja Luka, Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Sanski Most and Teslić.

¹⁸¹ *Brdanin* AJ, para.506 (reducing Brdanin's sentence by only two years from that imposed at trial, notwithstanding the overturning of certain convictions or incidents underlying certain convictions, having regard to "the relative gravity of the crimes [...] for which Brdanin's convictions have been upheld").

¹⁸² E.g. *Mrkšić* AJ, para.407.

¹⁸³ E.g. *Stakić* AJ, paras.73, 83-84, 89. Similar to this case, other crimes such as extermination and murder were determined by the Appeals Chamber to have been JCE III crimes since they were natural and foreseeable consequences of the JCE I, to which Stakić was reconciled. E.g. *Stakić* AJ, para.98.

imposed a sentence of 40 years¹⁸⁴—even though Stakić was convicted for far fewer municipalities than either Stanišić or Župljanin.

51. Other cases decided by this Tribunal likewise demonstrate that a sentence of 22 years is erroneous for an accused convicted as a JCE member after a contested trial of crimes in eight or more municipalities of BiH.¹⁸⁵ For example, Zoran Zigić was sentenced to 25 years for crimes at the camps in Prijedor alone.¹⁸⁶ Despite the mitigating effect of a timely guilty plea,¹⁸⁷ self-confessed perpetrators of crimes in single municipalities charged in this case have still been sentenced in the range of 8 - 40 years notwithstanding their plea of guilt.¹⁸⁸ Even the lightest of these sentences, when compared to the number of municipalities in which Stanišić and Župljanin committed the most serious crimes, demonstrates the inadequacy of the sentences imposed in this case.

2. The mitigating factors recognized by the Chamber do not justify the manifestly inadequate sentences imposed

52. The Chamber noted the existence of certain mitigating factors for both Stanišić and Župljanin, and indicated the very limited weight which it afforded to them.¹⁸⁹ None of these factors justified the manifestly inadequate sentences imposed.

¹⁸⁴ *Stakić* AJ, para.428.

¹⁸⁵ The *Krajišnik* and *Plavšić* cases are not inconsistent with this view—the sentencing decisions in each case were made in exceptional circumstances, which are not repeated here. In *Krajišnik*, the Appeals Chamber not only reduced Krajišnik’s responsibility as a JCE member to crimes in just seven Bosnian municipalities (as opposed to the 35 determined by the Trial Chamber), it also overturned a number of entire counts. It reduced his sentence from 27 years to 20 years accordingly. In any event, the Prosecution took the position on appeal that even the 27-year sentence was manifestly inadequate. Although the Prosecution appeal was unsuccessful, the Appeals Chamber did accept that the sentence should not be “out of reasonable proportion” with *Brdanin* and *Stakić*. *Krajišnik* AJ, paras.780, 782-783, 796-797, 819. In *Plavšić*, although the Accused pleaded guilty to persecutions across the municipalities of BiH, the Chamber gave weight to “the age of the accused and the significant mitigating factors connected with her plea of guilty and post-conflict conduct” (including her efforts to significantly advance the implementation of the Dayton peace process, “under difficult circumstances in which she manifested courage”), and so imposed a sentence of 11 years. *Plavšić* SJ, paras.85, 128, 130, 132.

¹⁸⁶ *E.g. Kvočka* AJ, para.716 (affirming the Trial Chamber’s sentence).

¹⁸⁷ *E.g. Zelenović* SAJ, paras.16-18.

¹⁸⁸ *E.g. Banović* SJ, para.94 (eight years for crimes at the Keraterm and Omarska camps in Prijedor); *Mrda* SJ, para.129 (17 years for the crime at Korićanske Stijene); *D.Nikolić* SAJ, Disposition (20 years for crimes at Sušica camp in Vlasenica); *Jelišić* AJ, Disposition (affirming 40 years for crimes in Brčko).

¹⁸⁹ *E.g. Judgement*, Vol.2, paras.933-934, 936 (recognizing *proprio motu* Stanišić’s voluntary surrender, cooperation while on provisional release, and good character, but expressly affording “little weight” to the evidence of his character), 952-953 (recognizing Župljanin’s good

This is especially apparent, moreover, from the Chamber's finding of three circumstances aggravating both Stanišić and Župljanin's crimes: the abuse of their "superior position[s]", the long duration of the crimes, and their insight into the context and legal nature of the crimes resulting from their careers and education.¹⁹⁰

E. Relief Sought

53. The Appeals Chamber should substitute the manifestly inadequate sentences imposed on Stanišić and Župljanin with sentences that properly reflect the gravity of their crimes, and the opprobrium and need for condemnation demanded by their roles and degree of participation. In these circumstances, sentences which fall at least within the range of 30 - 40 years should be imposed.

III. GROUND TWO: THE CHAMBER ERRED IN FAILING TO ENTER CUMULATIVE CONVICTIONS

A. Overview

54. The law on cumulative convictions is clear. First, a conviction for persecution as a crime against humanity can be cumulated with a conviction for another crime against humanity, even when based on the same conduct. Second, Trial Chambers must enter convictions for all distinct crimes for which the accused have been found guilty. The Chamber improperly disregarded both legal principles when it refused to convict Stanišić and Župljanin for murder, torture, deportation and inhumane acts (forcible transfer) as crimes against humanity, and convicted them for persecution alone. The Appeals Chamber should rectify the Chamber's legal error and enter convictions for the former crimes as well.

B. Convictions for persecution and other crimes against humanity are permissibly cumulative

55. An accused who—by the same conduct—violates multiple criminal provisions of the Statute should be convicted and punished for each distinct crime he or she

character in "specific and isolated instances", and his expression of regret and sympathy for victims, but expressly affording "little weight" to either factor).

deliberately committed. This ensures that the accused's convictions fully reflect his or her criminality,¹⁹¹ comply with the Security Council's intent that multiple convictions be entered in such circumstances,¹⁹² and safeguard the different societal interests and legal values underlying each criminal provision.¹⁹³

56. In furtherance of such aims, the *Čelebići* Appeals Chamber established that cumulative convictions should be entered when each offence has a materially distinct element not contained in the other, that is, an element that requires proof of a fact the other does not.¹⁹⁴ The Appeals Chamber subsequently held that convictions for persecution as a crime against humanity and convictions for underlying acts of persecution as separate crimes against humanity are permissibly cumulative, because they meet this test from *Čelebići*.¹⁹⁵ Finally, the Appeals Chamber has stated that Trial Chambers have no discretion in this matter; they must enter convictions for all distinct crimes for which the accused have been found responsible.¹⁹⁶

57. In the present case, the Chamber found Stanišić and Župljanin guilty of persecution through killings, torture, deportation and forcible transfer.¹⁹⁷ The Chamber further found them guilty of murder, torture, deportation and forcible transfer as separate crimes against humanity based on the same facts.¹⁹⁸ Given the above jurisprudence, the Chamber was required to enter cumulative convictions for all crimes.

58. Instead, the Chamber refused to follow the applicable case-law, and convicted Stanišić and Župljanin for persecution alone. The Chamber did so based on its

¹⁹⁰ Judgement, Vol.2, paras.929-931, 948-950.

¹⁹¹ *Kordić* AJ, para.1033.

¹⁹² *Kunarac* AJ, para.178.

¹⁹³ *Kupreškić* TJ, para.709; *Jelišić* AJ, Partial Dissenting Opinion of Judge Shahabuddeen, para.42; *Kordić* AJ, Joint Dissenting Opinion of Judge Schomburg and Judge Güney on Cumulative Convictions, para.2. *But see Stakić* AJ, para.357.

¹⁹⁴ *Čelebići* AJ, para.412.

¹⁹⁵ *Krajišnik* AJ, paras.388-391; *Naletilić* AJ, para.590. *See also Kordić* AJ, paras.1040-1043; *Stakić* AJ, paras.359-367. Of note, *Kordić* overruled prior jurisprudence that held that such convictions were impermissibly cumulative. *See Krstić* AJ, paras.231-233; *Vasiljević* AJ, para.146; *Krnojelac* AJ, para.188. Other international tribunals have followed *Kordić*'s approach. *Bagosora* AJ, paras.414, 735; *Duch* AJ, paras.316-336.

¹⁹⁶ *Strugar* AJ, para.324; *Stakić* AJ, para.358. *See also Gatete* AJ, para.261.

¹⁹⁷ Judgement, Vol.2, paras.804-805, 809, 813, 818, 822, 827, 831-832, 836, 840, 844-845, 849-850, 854, 858-859, 863-864, 868-869, 873, 877, 881, 885.

incorrect view—contrary to established jurisprudence—that convictions for murder, torture, deportation and forcible transfer would be impermissibly cumulative.¹⁹⁹ According to the Chamber, “persecution is always committed through some other crime, such as murder, whose elements must still be proved in addition to the discriminatory element required for persecution.”²⁰⁰ As a result, the Chamber incorrectly refused to apply the *Čelebići* test to persecution.²⁰¹

59. The Appeals Chamber, though, has squarely rejected this “empty hull” view of persecution.²⁰² Such an analysis improperly focuses on the acts of the accused rather than the elements of the crime, as required by *Čelebići*.²⁰³ Moreover, contrary to the Chamber’s assertion, persecution is not always committed through another crime. All that is required is that the act of persecution discriminates in fact, infringes upon a fundamental right, and is deliberately carried out with the intent to discriminate on a prohibited ground.²⁰⁴ Persecution thus has a materially distinct element not contained in murder, torture, deportation and inhumane acts (forcible transfer) as crimes against humanity, and vice versa.²⁰⁵ Nothing in the Chamber’s analysis undermines the Appeals Chamber’s governing reasoning on this issue.

C. Relief Sought

60. Given the Chamber’s legal error, Stanišić and Župljanin’s convictions do not fully reflect their criminality. The Appeals Chamber should correct the Chamber’s error and enter convictions against Stanišić and Župljanin for murder (Count 3), torture (Count 5), deportation (Count 9) and inhumane acts (forcible transfer) (Count 10) as crimes against humanity.

¹⁹⁸ Judgement, Vol.2, paras.804-805, 809, 813, 818, 822, 827, 831-832, 836, 840, 844-845, 849-850, 854, 858-859, 863-864, 868-869, 873, 877, 881, 885.

¹⁹⁹ Judgement, Vol.2, paras.912-913, 916, 918. *Contra Krajišnik* AJ, paras.388-391; *Naletilić* AJ, para.590. *See also Aleksovski* AJ, para.113 (Trial Chambers obligated to follow Appeals Chamber jurisprudence).

²⁰⁰ Judgement, Vol.2, para.910 (emphasis omitted).

²⁰¹ Judgement, Vol.2, paras.910-912. *Contra Kordić* AJ, paras.1032-1033, 1040-1043.

²⁰² *Compare Kordić* AJ, paras.1039-1040; *Krajišnik* AJ, paras.383, 389 *with Kordić* AJ, Joint Dissenting Opinion of Judge Schomburg and Judge Güney on Cumulative Convictions, para.6; *Naletilić* AJ, Separate and Partly Dissenting Opinion of Judge Schomburg, para.9.

²⁰³ *Kordić* AJ, paras.1039-1040.

²⁰⁴ *Krnjelac* AJ, para.185.

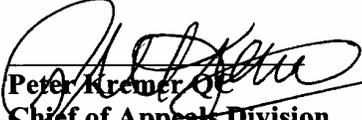
²⁰⁵ *See Kordić* AJ, para.1041; *Krajišnik* AJ, para.391; *Naletilić* AJ, para.590.

IV. CONCLUSION

61. For the reasons set forth above, the Prosecution requests that the Appeals Chamber:

- a) Quash the manifestly inadequate sentences of 22 years' imprisonment imposed by the Chamber on Stanišić and Župljanin, and impose sentences on each which fall at least within the range of 30 - 40 years, and
- b) Convict Stanišić and Župljanin of murder (Count 3), torture (Count 5), deportation (Count 9) and inhumane acts (forcible transfer) (Count 10) as crimes against humanity.

Word Count: 10,058



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Dated this 19th day of August 2013
At The Hague, The Netherlands

V. RULE 111 DECLARATION

The Prosecutor will exercise due diligence to comply with his continuing Rule 68 disclosure obligations during the appeal stage of this case. As of the date of this filing, the Prosecutor has disclosed, or is in the process of disclosing, to Stanišić and Župljanin all material under Rule 68(i) which has come into the Prosecutor's actual knowledge and, in addition, has made available to him collections of relevant material held by the Prosecutor.



Peter Kremer, QC
Chief of Appeals Division

VI. GLOSSARY

Orders, Decisions etc. from Prosecutor v. Mićo Stanišić and Stojan Župljanin, Case No. IT-08-91

Abbreviation used in Prosecution Brief	Full citation
Chamber	Trial Chamber in <i>Prosecutor v. Mićo Stanišić and Stojan Župljanin</i> , Case No. IT-08-91-T
Judgement	<i>Prosecutor v. Mićo Stanišić and Stojan Župljanin</i> , Case No. IT-08-91-T, T.Ch., Judgement, 27 March 2013

Other ICTY authorities

Abbreviation used in Prosecution Brief	Full citation
<i>Aleksovski</i> AJ	<i>Prosecutor v. Zlatko Aleksovski</i> , Case No. IT-95-14/1-A, App.Ch., Judgement, 24 March 2000
<i>Babić</i> SAJ	<i>Prosecutor v. Milan Babić</i> , Case No. IT-03-72-A, App.Ch., Judgement on Sentencing Appeal, 18 July 2005
<i>Banović</i> SJ	<i>Prosecutor v. Predrag Banović</i> , Case No. IT-02-65/1-S, T.Ch., Sentencing Judgement, 28 October 2003
<i>Brdanin</i> AJ	<i>Prosecutor v. Radoslav Brdanin</i> , Case No. IT-99-36-A, App.Ch., Judgement, 3 April 2007
<i>Čelebići</i> AJ	<i>Prosecutor v. Zejnil Delalić, Zdravko Mucić, a.k.a. "Pavo", Hazim Delić & Esad Landžo, a.k.a. "Zenga"</i> , Case No. IT-96-21-A, App.Ch., Judgement, 20 February 2001
<i>Galić</i> AJ	<i>Prosecutor v. Stanislav Galić</i> , Case No. IT-98-29-A, App.Ch., Judgement, 30 November 2006
<i>Jelisić</i> AJ	<i>Prosecutor v. Goran Jelisić</i> , Case No. IT-95-10-A, App.Ch., Judgement, 5 July 2001
<i>Kordić</i> AJ	<i>Prosecutor v. Dario Kordić & Mario Čerkez</i> , Case No. IT-95-14/2-A, App.Ch., Judgement, 17 December 2004

Abbreviation used in Prosecution Brief	Full citation
<i>Krajišnik</i> AJ	<i>Prosecutor v. Momčilo Krajišnik</i> , Case No. IT-00-39-A, App.Ch., Judgement, 17 March 2009
<i>Krnojelac</i> AJ	<i>Prosecutor v. Milorad Krnojelac</i> , Case No. IT-97-25-A, App.Ch., Judgement, 17 September 2003
<i>Krstić</i> AJ	<i>Prosecutor v. Radislav Krstić</i> , Case No. IT-98-33-A, App.Ch., Judgement, 19 April 2004
<i>Kunarac</i> AJ	<i>Prosecutor v. Dragoljub Kunarac, Radomir Kovač & Zoran Vuković</i> , Case No. IT-96-23 & IT-96-23/1-A, App.Ch., Judgement, 12 June 2002
<i>Kupreškić</i> TJ	<i>Prosecutor v. Zoran Kupreškić, Mirjan Kupreškić, Vlatko Kupreškić, Drago Josipović, Dragan Papić & Vladimir Šantić, a.k.a. “Vlado”</i> , Case No. IT-95-16-T, T.Ch., Judgement, 14 January 2000
<i>Kvočka</i> AJ	<i>Prosecutor v. Miroslav Kvočka, Mlado Radić, Zoran Žigić & Dragoljub Prcać</i> , Case No. IT-98-30/1-A, App.Ch., Judgement, 28 February 2005
<i>Mrda</i> SJ	<i>Prosecutor v. Darko Mrda</i> , Case No. IT-02-59-S, T.Ch., Sentencing Judgement, 31 March 2004
<i>Mrkšić</i> AJ	<i>Prosecutor v. Mile Mrkšić & Veselin Šljivančanin</i> , Case No. IT-95-13/1-A, App.Ch., Judgement, 5 May 2009
<i>Naletilić</i> AJ	<i>Prosecutor v. Mladen Naletilić, a.k.a. “Tuta”, & Vinko Martinović, a.k.a. “Stela”</i> , Case No. IT-98-34-A, App.Ch., Judgement, 3 May 2006
<i>D.Nikolić</i> SAJ	<i>Prosecutor v. Dragan Nikolić</i> , Case No. IT-94-02-A, App.Ch., Judgement on Sentencing Appeal, 4 February 2005
<i>Plavšić</i> SJ	<i>Prosecutor v. Biljana Plavšić</i> , Case No. IT-00-39&40/1-S, T.Ch., Sentencing Judgement, 27 February 2003
<i>Stakić</i> AJ	<i>Prosecutor v. Milomir Stakić</i> , Case No. IT-97-24-A, App.Ch., Judgement, 22 March 2006
<i>Strugar</i> AJ	<i>Prosecutor v. Pavle Strugar</i> , Case No. IT-01-42-A, App.Ch., Judgement, 17 July 2008
<i>Vasiljević</i> AJ	<i>Prosecutor v. Mitar Vasiljević</i> , Case No. IT-98-32-A, App.Ch., Judgement, 25 February 2004

Abbreviation used in Prosecution Brief	Full citation
<i>Zelenović SAJ</i>	<i>Prosecutor v. Dragan Zelenović</i> , Case No. IT-96-23/2-A, App.Ch., Judgement on Sentencing Appeal, 31 October 2007

ICTR authorities

Abbreviation used in Prosecution Brief	Full citation
<i>Bagosora AJ</i>	<i>Théoneste Bagosora & Anatole Nsengiyumva v. Prosecutor</i> , Case No. ICTR-98-41-A, App.Ch., Judgement, 14 December 2011
<i>Gatete AJ</i>	<i>Jean-Baptiste Gatete v. Prosecutor</i> , Case No. ICTR-00-61-A, App.Ch., Judgment, 9 October 2012
<i>Ntabakuze AJ</i>	<i>Aloys Ntabakuze v. Prosecutor</i> , Case No. ICTR-98-41A-A, App.Ch., Judgement, 8 May 2012

ECCC authorities

Abbreviation used in Prosecution Brief	Full citation
<i>Duch AJ</i>	<i>Prosecutor v. Kaing Guek Eav, a.k.a. “Duch”</i> , Case No.001/18-07-2007-ECCC/SC, App.Ch., Appeal Judgement, 3 February 2012

Other Abbreviations

Abbreviation used in Prosecution Brief	Full citation
ARK	Autonomous Region of Krajina

Abbreviation used in Prosecution Brief	Full citation
ARK municipalities	Banja Luka, Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Sanski Most, Skender Vakuf, Teslić
BiH	Bosnia and Herzegovina
CSB	Regional Security Services Centre
DM	Deutsche Mark
Exh.	Exhibit
fn.	footnote
JCE	joint criminal enterprise
MUP	Ministry of the Interior Police
non-ARK municipalities	Bijeljina, Bileća, Bosanski Šamac, Brčko, Doboj, Gacko, Ilijaš, Pale, Višegrad, Vlasenica, Vogošća, Zvornik
para.	paragraph
paras.	paragraphs
p.	page
pp.	pages
RS	Republic of the Serbian People in BiH/Republika Srpska
RS municipalities	Banja Luka, Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Sanski Most, Skender Vakuf, Teslić, Bijeljina, Bileća, Bosanski Šamac, Brčko, Doboj, Gacko, Ilijaš, Pale, Višegrad, Vlasenica, Vogošća, Zvornik
SDS	Serbian Democratic Party
Serb Forces	Members of the RS MUP, VRS, Yugoslav People's Army, Yugoslav Army, Territorial Defence, Serbian MUP, Crisis Staffs, Serbian and Bosnian Serb paramilitary forces and volunteer units, and local Bosnian Serbs acting under the instruction or pursuant to the direction of the aforementioned forces
SJB	Public Security Service
SOS	Armed Formation of the SDS

Abbreviation used in Prosecution Brief	Full citation
Special Detachment	Banja Luka CSB Special Police Detachment
Statute	Statute of the International Criminal Tribunal for the Former Yugoslavia established by the Security Council Resolution 827 (1993)
T.	Trial Transcript
TO	Territorial Defence
Vol.	Volume
VRS	Army of Republika Srpska