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GORAN JELISIC SENTENCED TO 40 YEARS IMPRISONMENT FOR CRIMES AGAINST HUMANITY AND WAR CRIMES

Today, Tuesday 14 December 1999, Trial Chamber I (consisting of Judge Claude Jorda, Presiding, Judge Fouad Riad and Judge Almiro Rodrigues) issued its reasoned Judgement in the case of Goran Jelasic, and imposed sentence upon the accused.

Jelasic was sentenced to 40 years imprisonment, the harshest sentence so far handed down by a Trial Chamber at the International Criminal Tribunal for the former Yugoslavia (ICTY).

On 19 October 1999, when it pronounced its oral Judgement in the case, the Trial Chamber found Goran Jelasic guilty of 31 out of the 32 counts contained in the indictment against him. Jelasic had pleaded guilty to these charges on 29 October 1998. At the same time, the Trial Chamber acquitted Jelasic on a charge of genocide, the only count on which the accused had pleaded not guilty.

The crimes on which he was convicted, namely 15 counts of crimes against humanity and 16 counts of violations of the laws or customs of war, relate to the murder of 13 people, the beating of four people and the plunder of private property in the Brcko area of north-eastern Bosnia and Herzegovina in May 1992.

ACQUITTAL ON GENOCIDE CHARGE

In its written Judgement, released today, the Trial Chamber declared that it was satisfied that the material element of genocide, namely the murder of members of a given group, had been established beyond a reasonable doubt. However, with regard to the mental element, or specific intent to "*destroy, in whole or in part, a national, ethnical, racial or religious group*", the Trial Chamber declared that it had not been proved beyond a reasonable doubt.

According to the Trial Chamber, in order to establish Jelasic's genocidal intent, the Prosecutor had to prove that, either, 1) Jelasic was an executioner, a participant to a "global" genocidal project, or that, 2) he himself committed genocide. However the Trial Chamber considered that neither had been proven.

With regard to the first option, the Trial Chamber was not satisfied that a *global* genocide, that is a genocide in the whole Brcko region, had been demonstrated beyond a reasonable doubt. It nevertheless underlined that this finding in no way negated that such a genocide might have taken place in this region, but only that it had not been established to the satisfaction of the court.

With regard to the second option, the Trial Chamber found that Jelasic's declarations and actions could not be interpreted as an expression of the specific genocidal intent as expressed in Article 4 of the Statute. According to the Chamber, Jelasic's behaviour, "*in addition to being clearly odious and discriminatory, was opportunistic and inconsistent*". However, "*the Trial Chamber is of the opinion that the acts of Goran Jelasic are not the expression of a person with the conscious intention to destroy a group as such.*"

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

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SENTENCING FOR CRIMES AGAINST HUMANITY AND WAR CRIMES

With regard to the crimes against humanity and violations of the laws or customs of war admitted by Jelusic, the Trial Chamber, in its written Judgement, first underlined, “*that the circumstances under which the acts ascribed to the accused were committed make the crimes appear especially abject and revolting.*” The Trial Chamber also emphasized the degree of organisation and coordination of the criminal activities in the Brcko region, insisting that they could only have been committed with the enthusiastic support of participants like Goran Jelusic.

In the summary of the Judgement read out in court today by Presiding Judge Claude Jorda, the Trial Chamber states that:

“One of the missions of the International Criminal Tribunal is to contribute to the restoration of the peace in the former Yugoslavia. To do so, the identification and prosecution of the principal political and military officials responsible for the atrocities committed since 1991 in the territories concerned must be a priority. However, where need be, it should be recalled that although the crimes perpetrated during armed conflicts may be more specifically ascribed to one or other of these officials, they could not achieve their ends without the enthusiastic help or contribution, direct or indirect, of individuals such as you, Goran Jelusic.”

With regard to mitigating circumstances, the Trial Chamber took into consideration Jelusic’s age, the fact that he had no criminal record, that he was the father of a child and that he pleaded guilty to 31 counts. However, the Trial Chamber lowered the weight of his guilty plea on the basis that Jelusic failed to demonstrate true remorse. The Trial Chamber considered that the mitigating circumstances were outweighed by the aggravating factors.

With regard to the aggravating factors, the Trial Chamber underlined Jelusic’s, “*scornful attitude towards (his) victims, (his) enthusiasm for committing the crimes, the inhumanity of the crimes and the dangerous nature evidenced by (his) behaviour.*”

The Trial Chamber handed out one single sentence considering that, although the crimes had been qualified as both crimes against humanity and war crimes, they were both part of a single set of criminal acts.

***The full text of the summary read out in court by Presiding Judge Jorda is available on the ICTY Internet Homepage, or can be obtained from the Public Information Services in both French and English.
The Judgement itself is only available in French. It is being translated and will be released as soon as possible .***