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Appeals Chamber Acquits and Orders Release of Momčilo Perišić

Press Release

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The Hague, 28 February 2013
MS/CS/PR1548e

**APPEALS
CHAMBER**

Appeals Chamber Acquits and Orders Release of Momčilo Perišić

The Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia, composed of Judges Theodor Meron, presiding, Carmel Agius, Liu Daqun, Arlette Ramaroson, and Andréia Vaz, today reversed by majority, Judge Liu partially dissenting, Momčilo Perišić's convictions for crimes against humanity and violations of the laws or customs of war.

During the period relevant to his convictions, Mr. Perišić served as the Chief of the General Staff of the VJ, a position that made him the VJ's most senior officer.

On 6 September 2011, Trial Chamber I, Judge Moloto dissenting, found Mr. Perišić guilty of aiding and abetting crimes against humanity and violations of the laws or customs of war committed between August 1993 and November 1995 in the Bosnian towns of Sarajevo and Srebrenica. The Trial Chamber, Judge Moloto dissenting, also found Mr. Perišić guilty as a superior for failing to punish crimes against humanity and violations of the laws or customs of war committed in the Croatian town of Zagreb on 2 and 3 May 1995. Mr. Perišić was sentenced to 27 years of imprisonment.

The Appeals Chamber, Judge Liu dissenting, found that the Trial Chamber committed an error of law when it held that specific direction is not an element of aiding and abetting liability. The majority further found that evidence on the record does not prove beyond a reasonable doubt that Mr. Perišić specifically directed assistance towards crimes committed by the Army of the Republika Srpska (VRS) in Sarajevo and Srebrenica.

The majority underscored that the Trial Chamber did not find that the VRS was a criminal organisation; instead, the majority characterised the VRS as an army fighting a war. In this context, the majority concluded that while Mr. Perišić implemented the Yugoslav Supreme Defence Council's (SDC) policy of providing support to the VRS through the Yugoslav Army (VJ), evidence on the record does not prove that this policy was directed at criminal activities as opposed to legitimate war efforts. Similarly, the majority concluded that evidence on the record does not establish that Mr. Perišić's implementation of the SDC's policy channelled aid towards VRS crimes, or that Mr. Perišić took actions outside of implementing the SDC's policy to aid or abet such crimes.

The majority noted that, absent a finding of specific direction, Mr. Perišić could not be held liable as an aider and abettor, and on this basis reversed his convictions relating to VRS crimes in Bosnia.

The Appeals Chamber unanimously found that the Trial Chamber committed an error of law by failing to address evidence relevant to Mr. Perišić's effective control over members of the Serbian Army of the Krajina (SVK) who committed crimes during the shelling of Zagreb. The Appeals Chamber further found that evidence on the record does not prove beyond a reasonable doubt that Mr. Perišić possessed effective control over these SVK soldiers at the time of Zagreb's shelling.

In particular, the Appeals Chamber noted evidence that Mr. Perišić instructed that the shelling of Zagreb cease, but that this instruction was not followed. The Appeals Chamber also observed that there is no conclusive evidence that at the time of Zagreb's shelling, Mr. Perišić was able to issue orders to or discipline soldiers serving in the SVK.

The Appeals Chamber noted that, absent a finding of effective control, Mr. Perišić could not be held liable as a superior, and on this basis reversed Mr. Perišić's convictions relating to SVK crimes in Croatia.

In light of his acquittal, Mr. Perišić will be immediately released following today's hearing, subject to the completion of the necessary formalities.

Mr. Perišić surrendered to the Tribunal on 7 March 2005.



Momčilo Perišić

Judgement (/x/cases/perisic/acjug/en/130228_judgement.pdf)

Judgement Summary (/x/cases/perisic/acjug/en/130228_summary.pdf)

Case information page (</en/cases/party/757/4>)

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International Criminal Tribunal for the former Yugoslavia

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