

## **Boskovski/Tarulovski**

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Lawyers seek provisional release of Macedonian indictees.

Lawyers defending former Macedonian interior minister Ljube Boskoski and police officer Johan Tarulovski this week urged the Hague tribunal to provisionally release the two, arguing that they were family men who posed no threat to anyone.

The accused are charged over the killing of seven Albanian civilians during a raid by Macedonian security forces on the majority Albanian village of Ljuboten in the summer of 2001.

Tarulovski is said to have planned, ordered and conducted the raid, as well as personally handpicking the policemen to take part in it. Boskoski is accused on the basis of his command responsibility, for failing to prevent or later investigate the killings and not punishing the perpetrators.

The two also face charges of wanton destruction of the village and the ensuing cruel treatment of people taken prisoner in this raid.

Both men have pleaded not guilty to the charges against them.

The attack on the village was the last episode of a short civil war between ethnic Albanians and Macedonians that took place in this former Yugoslav republic in the summer of 2001. Boskoski and Tarulovski are the only Macedonian nationals to be indicted by the Hague tribunal.

Indictments against them were made public in March this year, and the two were transferred to The Hague immediately afterwards. Tarulovski was arrested in Macedonia, while Boskoski - who has dual Croatian and Macedonian nationality - was transferred from a prison in Croatia, where he was under investigation for the murders of seven illegal immigrants at the hands of the Macedonian police in 2002.

Macedonian justice minister Meri Mladenovska-Gjorgjievska appeared on July 4 in front of tribunal judges to offer state guarantees for the two accused. He promised that should they be released to the territory of Macedonia, its government would ensure they appeared before the Hague tribunal when summoned.

In a somewhat unusual move, similar guarantees were also offered in writing by the former Macedonian prime minister Ljubce Georgevski of Macedonia's leading nationalist VMRO party, as well as by VMRO's leader Nikola Gruevski. Boskoski is a leading member of the party.

Lawyers for Boskoski also argued in one of their written submissions that the Croatian authorities had volunteered similar guarantees for their client, should the judges decide to return him to Croatia instead.

Although Croatian justice minister Vesna Skare Ozbolt suggested in public that her government would be ready to offer such assurances, no Croatian government representatives were present in court this week.

Croatia has recently faced severe pressure from western governments over its failure to locate and arrest

its last remaining Hague tribunal fugitive, General Ante Gotovina, accused of crimes against ethnic Serbs in the summer of 1995. As a result, Croatia's negotiations over EU accession have been frozen.

Prosecutors oppose the duo's provisional release, insisting that Boskoski had a "double motive to disappear", because he faces two trials – one in The Hague and one in Croatia. They also stressed that his contacts in Macedonian political circles could give him an opportunity to influence potential witnesses.

Tarculovski, the prosecutors argue, had a long history of avoiding any contact with the Hague tribunal prosecutors during their investigation and had been difficult to locate, even through his own interior ministry.

The prosecutor stressed that because of the seriousness of the crimes and the long prison term he potentially faces, Tarculovski might be tempted to go into hiding again if released.

After a flood of indictees arrived at The Hague at the beginning of the year, requests for provisional release have multiplied. All have been granted.

An investigation by IWPR in January this year, based on trial summaries provided by the tribunal on its website, showed that the average person facing charges at The Hague spends one year and five months in pre-trial detention.

There is no deadline for the trial chamber to decide on the provisional release, but the presiding judge announced that it would give its decision soon.

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