

Hague Prosecutor Wants Perisic Acquittal Reconsidered

Author: [Rachel Irwin](#)

Convictions for aiding and abetting crimes in Sarajevo and Srebrenica were overturned in March 2013.

The Hague tribunal prosecutor this week asked appeals judges to reconsider their acquittal of wartime Yugoslav army chief Momcilo Perisic.

In March 2013, appeals judges overturned Perisic's conviction for aiding and abetting crimes committed against civilians during the 44-month sniping and shelling campaign directed against Sarajevo, which left thousands dead, as well as the 1995 Srebrenica massacre in which over 7,000 Bosniak men and boys were murdered. His 27-year prison sentence was dropped.

The appeals bench found that the original trial chamber "declined to consider whether Mr Perisic specifically directed aid" towards the crimes of the Bosnian Serb army, and that "no conviction for aiding and abetting a crime may be entered if specific direction has not been proved beyond a reasonable doubt". (See **Yugoslav Army Chief Acquitted on Appeal.**)

The ruling on "specific direction" was hugely controversial.

On January 24, a different appeals bench – delivering a judgement in a Kosovo-related case which included Nikola Sainovic, a former deputy prime minister of the Federal Republic of Yugoslavia– concluded that "prior to the Perisic judgement, no independent specific direction requirement was applied by the appeals chamber to any of the facts before it". The judges rejected the requirement in its entirety. (See **On Appeal, Kosovo Convictions Largely Upheld.**)

In light of the decision in the Kosovo case, Prosecutor Serge Brammertz argued in a February 3 submission that "reconsideration is necessary to rectify the injustice caused to the tens of thousands of men, women and children killed or injured in Sarajevo and Srebrenica and their families by the appeals chamber's application of an erroneous legal standard for aiding and abetting to Perisic's case".

A previous decision made at the tribunal has ruled out the reconsideration of final appeal judgements except in "rare or exceptional" cases. Brammertz argued this was one of those circumstances.

"Reconsideration based on the Sainovic appeals chamber's unequivocal rejection of the Perisic appeals chamber's articulation of the legal requirements for aiding and abetting, and the interests of justice for the tens of thousands of victims, substantially outweighs Perisic's interest in finality of the proceedings," he stated. "Justice must be restored to the victims. Reconsideration is the only way to this end."

Rachel Irwin is IWPR's Senior Reporter in The Hague.

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