

## **Judges Reject Experts' Brief in Gotovina Appeal**

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Application would not help determine facts for appeal hearing, judges say.

Appeals judges at the Hague tribunal have rejected an attempt by a group of military and legal experts to submit a brief on behalf of Croatian general Ante Gotovina, convicted for his role in the 1995 Operation Storm offensive.

In April 2011, Gotovina was convicted of ordering unlawful and indiscriminate attacks on Serb civilians during the offensive, which was launched by Croatian forces on August 4, 1995 to retake the Serb-controlled Krajina region of the country.

He was also found responsible for the deportation of at least 20,000 Serb civilians from the Krajina, as well as for the murder, persecution and cruel treatment of Serb civilians. In addition, he was convicted on counts of plunder and wanton destruction.

He was sentenced to 24 years in prison. His lawyers have appealed against the verdict.

On January 13 this year, 12 experts filed an amicus curiae – or “friend of the court” – brief requesting the appeals bench to “reconsider the findings” concerning artillery attacks carried out as part of Operation Storm.

In a decision issued the following day, appeals judges said they were “not convinced that the applicants’ submissions would assist in determining the issues on appeal”, and they therefore declined permission to file the amicus curiae brief.

They explained said the principal criterion used to decide whether outside parties could file an amicus curiae brief was whether this would assist the appeals chamber in considering the questions that were before it.

The brief filed by the experts “addresses numerous factual issues and provides interpretations of evidence on the record”. In this respect, judges said, it “repeats the task undertaken by the trial chamber and by the appeal briefs of Gotovina and the prosecution”.

The appeals judges also noted that the application did not disclose that one of the authors of the brief had testified as an expert witness for Gotovina’s defence. This raised concerns about the objectivity of the brief, they said.

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**Topic:** [International Criminal Tribunal for the former Yugoslavia](#)

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