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ANNEX A

AUTHORITY 34

UNITED
NATIONS

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Case No. IT-95-14/2-T

Date: 26 February 2001

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Mohamed Bennouna
Judge Patrick Robinson

Registrar: Mr. Hans Holthuis

Date: 26 February 2001

PROSECUTOR

v.

DARIO KORDI]
&
MARIO ^ERKEZ

JUDGEMENT

The Office of the Prosecutor:

Mr. Geoffrey Nice, Q.C.
Mr. Patrick Lopez-Terres
Mr. Kenneth R. Scott
Ms. Susan Somers
Mr. Fabricio Guariglia

Counsel for the Accused:

Mr. Mitko Naumovski, Mr. Turner T. Smith, Jr., Mr. Stephen M. Sayers, Mr. Robert Stein and Mr. Christopher G. Browning, Jr., for Dario Kordi}

Mr. Božidar Kova~i} and Mr. Goran Mikuli~i}, for Mario ^erkez

result.[295] Wilfulness, it is submitted, "entails embracing, not disregarding the prospect that the accused's action will result in the death of the victim."[296]

227. Moreover, the Defence submits that the Prosecution must establish that the accused intended to kill. It is not sufficient to show that the accused acted with the intent to cause severe bodily harm.[297]

228. The ^erkez Defence made no individual submissions as to the legal ingredients of this crime, but the Trial Chamber notes its joinder in the Kordi} Final Brief.[298]

(b) Discussion

229. The Trial Chamber in the *^elebi}i* case was the first to identify the ingredients of the offence of wilful killing in Article 2(a) of the Statute.[299] That finding was adopted by the Trial Chamber in the *Bla{ki}* case.[300] This Chamber can see no reason to depart from the findings of the *^elebi}i* and *Tadi}* Trial Chambers on this matter. Accordingly, the Chamber finds that, in relation to the crime of wilful killing, the *actus reus* – the physical act necessary for the offence – is the death of the victim as a result of the actions or omissions of the accused.[301] In this regard, the Chamber observes that the conduct of the accused must be a substantial cause of the death of the victim, who must have been a "protected person".[302] To satisfy the *mens rea* for wilful killing, it must be established that the accused had the intent to kill, or to inflict serious bodily injury in reckless disregard of human life.[303]

2. Murder (Article 3)

(a) Arguments of the parties

230. The Prosecution submits that the offence of murder includes the following elements:[304] (1) the occurrence of acts or omissions causing the death of victim; (2) the acts or omissions were committed wilfully; (3) the victims of the acts or omissions were taking no active part in the hostilities pursuant to Common Article 3 of the Geneva Conventions; (4) there was a nexus

[295] Kordi} Pre-trial Brief, Vol. II, para. 37.
[296] Kordi} Pre-trial Brief, Vol. II, para. 37.
[297] Kordi} Pre-trial Brief, Vol. II, para. 38.
[298] ^erkez Final Brief, p.4.
[299] *^elebi}i* Trial Judgement, paras. 420 – 439.
[300] *Bla{ki}* Trial Judgement, para. 153.
[301] *^elebi}i* Trial Judgement, para. 424, *Bla{ki}* Trial Judgement, para. 153.
[302] *^elebi}i* Trial Judgement, para. 424. In relation to the requirement that the victim was a protected person, *see* discussion earlier in this Judgement.
[303] *^elebi}i* Trial Judgement, para. 439.
[304] Prosecution Pre-trial Brief, pp. 46-47.

against humanity a "murder" must have been committed as part of a widespread or systematic attack against a civilian population.[318]

C. Offences of Mistreatment

237. Dario Kordi} and Mario ^erkez are alleged to have caused injuries to Bosnian Muslims in a series of towns and villages listed in the Indictment. These acts are charged under Article 2 of the Statute (as "wilfully causing great suffering or serious injury to body or health" in Count 11 in respect of Dario Kordi}, and Count 18 in respect of Mario ^erkez, and as "inhuman treatment" in Count 12 in respect of Dario Kordi}, and Count 19 in respect of Mario ^erkez), Article 3 of the Statute (as "violence to life and persons" in Count 13 in relation to Dario Kordi}, and Count 20 in relation to Mario ^erkez), and finally under Article 5 (as "inhumane acts" in Count 10 in respect of Dario Kordi}, and Count 17 in respect of Mario ^erkez).[319] Dario Kordi} and Mario ^erkez are further alleged to have participated in the inhuman and/or cruel treatment of detainees, charged under Article 2 of the Statute as "inhuman treatment" (in Counts 23 and 31 respectively), and under Article 3 of the Statute as "cruel treatment" (in Counts 24 and 32 respectively).[320] Dario Kordi} and Mario ^erkez are finally alleged to have participated in the use of Bosnian Muslims as human shields, which is charged under Article 2 of the Statute as "inhuman treatment" (in Counts 27 and 35 respectively), and under Article 3 of the Statute as "cruel treatment" (in Counts 28 and 36 respectively).[321] The Trial Chamber now turns to a consideration of the elements of these offences.

1. Wilfully Causing Great Suffering or Serious Injury to Body or Health (Article 2)

(a) Arguments of the parties

238. The Prosecution submits that, in order to establish the crime of wilfully causing great suffering or serious injury to body or health, it must prove "the wilful occurrence of acts or omissions which cause either (a) great suffering; or (b) serious injury to body or health, including mental health".[322] The *mens rea* requirement is satisfied, it is argued, when the act is deliberate; there is no additional requirement that the act be undertaken with specific intent or prohibited purpose.[323]

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[318] *^elebi}i* Trial Judgement, para. 439. As regards the common requirements for the application of Article 5 of the Statute, *see* discussion above.
[319] Indictment, paras. 42-43.
[320] Indictment, paras. 44-45 and 50-51.
[321] Indictment, paras. 49 and 54.
[322] Prosecution Final Brief, Annex 5, para. 37.
[323] Prosecution Final Brief, Annex 5, para. 39.

239. The Prosecution concurs with the finding of the Trial Chamber in the *^elebi}i* case that the crime of wilfully causing great suffering encompasses more than just physical suffering and may extend to include moral suffering.[324] The Prosecution further submits that the requirement that the injury be serious means that it need only rise beyond the level of being "not slight or negligible".[325]

240. The Kordi} Defence submits that, like the crime of inhuman treatment, the crime of wilfully causing great suffering is extremely difficult to define,[326] but to the extent it is susceptible to definition, it is submitted, it comprises the following elements: (i) the victim experienced serious injury to body or health; (ii) the accused committed an unlawful act that directly caused the victim to experience serious injury; (iii) the accused intended to commit the conduct that caused the victim to experience the serious injury, and intended for the victim to experience serious injury; and (iv) justification was lacking.[327]

241. The Kordi} Defence submits that the term "great suffering" should be interpreted to require a showing of verifiable incapacity. Moreover, it is argued, the *mens rea* requirement is not satisfied by a showing of recklesness; the accused must have intended, through his deliberate acts, to cause great suffering or serious injury.[328] Finally, the Defence contends that it must be for the Prosecution to establish that the actions that inflicted great suffering or serious injury were not necessary.[329]

242. The ^erkez Defence submits that the existence of a serious injury for the purpose of this crime may not be proved in the absence of medical documentation, or at least a detailed description of the injuries by the wounded person.[330]

(b) Discussion

243. This crime, set forth in Article 2(c) of the Statute, is one of a group of crimes falling under the general heading of inhuman treatment. The ICRC Commentary to Geneva Convention IV provides the following discussion in relation to this crime:

> *Wilfully causing great suffering:* - This refers to suffering inflicted without the ends in view for which torture is inflicted or biological experiments carried out. It would therefore be inflicted as a punishment, in revenge or for some other motive, perhaps out of pure sadism. In view of the fact that suffering in this case does not seem, to judge by the phrase which follows, to imply injury to body or health, it may be wondered if this is not a special offence not dealt with by national

[324] Prosecution Final Brief, Annex 5, para. 40.
[325] Prosecution Final Brief, Annex 5, para. 41.
[326] Kordi} Pre-trial Brief, Vol. II, para. 49.
[327] Kordi} Pre-trial Brief, Vol. II, para. 50.
[328] Kordi} Pre-trial Brief, Vol. II, paras. 51 and 52.
[329] Kordi} Pre-trial Brief, Vol. II, para. 53.
[330] ^erkez Final Brief, p. 49.

> legislation. Since the Conventions do not specify that only physical suffering is meant, it can quite legitimately be held to cover moral suffering also.
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> *Serious injury to body or health:-* This is a concept quite normally encountered in penal codes, which usually use as a criterion of seriousness the length of time the victim is incapacitated for work.[331]

244. In interpreting this Commentary, the Chamber agrees with the findings of the Trial Chamber in *^elebi}i*, which held, *inter alia*, that the scope of this crime encompasses mental, in addition to physical suffering. Moreover, the *^elebi}i* Trial Chamber held that the terms "great" and "serious", which qualify the terms "suffering" and "injury", respectively, merely require a finding that a particular act of mistreatment, in order to fall within the ambit of this crime, must occasion suffering or injury of the requisite level of seriousness.[332]

245. Accordingly, the Trial Chamber finds that the crime of wilfully causing great suffering or serious injury to body or health constitutes an intentional act or omission which causes serious mental or physical suffering or injury, provided the requisite level of suffering or injury can be proven. This crime is distinguished from that of inhuman treatment in that it requires a showing of serious mental or physical injury. Thus, acts where the resultant harm relates solely to an individual's human dignity are not included within this offence. Provided the acts of causing injuries alleged in the Indictment meet the requirements set forth by the Trial Chamber, they may be characterised as the crime of wilfully causing great suffering. As with all offences charged under Article 2 of the Statute, there is a further requirement that the acts must have been directed against a "protected person".

2. Inhuman Treatment (Article 2)

(a) Arguments of the parties

246. The Prosecution submits that the specific elements of the crime of inhuman treatment are (i) the infliction of serious mental or physical suffering or injury, or a serious attack on human dignity, and (ii) the accused must have intended unlawfully to inflict such suffering or to attack human dignity.[333]

247. The Prosecution argues that the scope of this crime was correctly established in the *^elebi}i* Judgement; in this regard, a victim need not suffer physical injury or injury to health for an act to

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[331] ICRC Commentary (GC IV), p. 599.
[332] *^elebi}i* Trial Judgement, para. 510.
[333] Prosecution Final Brief, Annex 5, para. 28.

not comply with the provisions of Articles 42 and 43 of Geneva Convention IV. Thus, as confirmed by the *^elebi}i* Appeal Judgement, the confinement of civilians will be unlawful in the following circumstances:

> (i) when a civilian or civilians have been detained in contravention of Article 42 of Geneva Convention IV, *ie,* they are detained without reasonable grounds for believing that the security of the Detaining Power makes it absolutely necessary; and
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> (ii) where the procedural safeguards required by Article 43 of Geneva Convention IV are not complied with in respect of detained civilians, even where their initial detention may have been justified.[412]

2. Imprisonment (Article 5)

(a) Arguments of the Parties

292. According to the Prosecution, the underlying elements of imprisonment as a crime against humanity are identical to the elements as set forth above for unlawful confinement under Article 2 of the Statute.[413]

293. The Kordic Defence submits that the *mens rea* for imprisonment, as with all other crimes against humanity, must be the specific intent to take part in the furtherance of a formal government policy or plan and with discriminatory intent.[414]

294. The Cerkez Defence arguments are the same as those set out with regard to the crime of unlawful confinement of civilians.[415]

(b) Discussion

295. The offence of imprisonment is punishable under Article 5(e) of the Statute as a crime against humanity. This section will consider the definition of imprisonment pursuant to which its legality will be discussed.

296. The Trial Chamber observes that, to date, the jurisprudence of the *ad hoc* International Tribunals has not addressed the crime against humanity of imprisonment. Therefore, this Trial Chamber deems it necessary briefly to determine the scope of imprisonment in the context of crimes against humanity.

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[411] 1984 *Korematsu* case, p. 1420.
[412] *^elebi}i* Appeal Judgement, para. 322.
[413] Prosecution Final Brief, Annex 5, para. 196.
[414] Kordi} Pre-trial Brief, Attachment A, p. 12; Kordi} Final Brief, p. 494.
[415] ^erkez Final Brief, pp. 105-108.

297. Concerning the Statutes of the *ad hoc* International Tribunals, Article 5 of the International Tribunal Statute and Article 3 of the ICTR Statute both refer to the term "imprisonment" as a crime against humanity but do not define it.[416]

298. As for the Indictment, it charges Dario Kordi} under "Imprisonment/Unlawful Confinement" with a crime against humanity (Count 21) and a grave breach (Count 22). Likewise, under "Imprisonment/Unlawful Confinement", the Indictment charges Mario ^erkez with a crime against humanity (Count 29) and a grave breach (Count 30). This coupling of the charges in the Indictment suggests that although imprisonment and unlawful confinement are two distinct crimes, the Prosecution has viewed them as sharing the same elements. This inference is strengthened by the Prosecution Final Brief in which it considers that the underlying elements of imprisonment as a crime against humanity are identical to the elements as set forth in paragraphs 51-63 of its Final Brief for unlawful confinement under Article 2 of the Statute.

299. In its definition of crimes against humanity, the Internationaln Law Commission refers to the prohibited act of "arbitrary imprisonment" under sub-paragraph (h):

> the term imprisonment encompasses deprivation of liberty of the individual and the term "arbitrary" establishes the requirement that the deprivation be without due process of law.[417]

The International Law Commission further indicates that arbitrary imprisonment is contrary to Article 9 of the Universal Declaration of Human Rights and to Article 9 of the International Covenant on Civil and Political Rights ("ICCPR")[418] and would cover the practice of concentration camps or detention camps or "other forms of long-term detention".[419]

300. Finally, Article 7(1)(e) of the ICC Statute mentions "imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law". Thus, this provision prohibits imprisonment only where it is contrary to international law and draws a distinction between lawful and unlawful imprisonments.[420]

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[416] The same approach was adopted by Control Council Law No. 10 (Article II, paragraph (c)) whereby "imprisonment" was included – but not defined - as a crime against humanity. *See* Official Gazette of the Control Council for Germany, No. 3, Berlin, 31 January 1946. Reprinted in Ferencz 488, 1 Friedman 908.

[417] 1996 ILC Report, p. 101.

[418] *Ibid.* Article 9, para. 1, of the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1996 ("ICCPR") provides that: "No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law".

[419] 1996 ILC Report, p. 101.

[420] According to Cherif Bassiouni, by adding the language "other severe deprivation of physical liberty", Article 7(1)(e) of the ICC Statute has broadened the scope of meaning of "imprisonment" to include other conduct which under the previous formulations may have been outside the scope of "imprisonment". *See* Cherif Bassiouni, Crimes Against Humanity in International Criminal Law, Second Revised Edition, Kluwer Law International, pp. 362-363.

301. In the light of this analysis, the Trial Chamber concurs with the arguments of the Prosecution with regard to the identity of the elements of the crime of imprisonment and those of unlawful confinement.

302. The Trial Chamber concludes that the term imprisonment in Article 5(e) of the Statute should be understood as arbitrary imprisonment, that is to say, the deprivation of liberty of the individual without due process of law, as part of a widespread or systematic attack directed against a civilian population. In that respect, the Trial Chamber will have to determine the legality of imprisonment as well as the procedural safeguards pertaining to the subsequent imprisonment of the person or group of persons in question, before determining whether or not they occurred as part of a widespread or systematic attack directed against a civilian population.

303. Based on the aforementioned definition, the imprisonment of civilians will be unlawful where:

- civilians have been detained in contravention of Article 42 of Geneva Convention IV, i.e., they are detained without reasonable grounds to believe that the security of the Detaining Power makes it absolutely necessary;
- the procedural safeguards required by Article 43 of Geneva Convention IV are not complied with in respect of detained civilians, even where initial detention may have been justified;[421] and
- they occur as part of a widespread or systematic attack directed against a civilian population.

E. Taking of Hostages

304. Dario Kordi} and Mario ^erkez are charged in the Indictment with taking Bosnian Muslims as hostages. These acts are charges under Article 2 (as "taking civilians as hostages" in Counts 25 and 33 respectively) and Article 3 of the Statute (as "taking of hostages" in Counts 26 and 34 respectively).

1. Taking Civilians as Hostages (Article 2)

(a) Arguments of the parties

305. The Prosecution submits that the elements of the crime of taking civilians as hostages under Article 2(h) are: (i) civilians were seized, detained, or otherwise held hostage; (ii) the detained

[421] ^*elebi}i* Appeal Judgement, para. 322. The Appeals Chamber set forth this definition in the context of a discussion of the offence of unlawful confinement under Article 2 of the Statute. *See also* discussion above.

424. A superior status, when not clearly spelled out in an appointment order, may be deduced though an analysis of the actual tasks performed by the accused in question. This was the approach taken by the Trial Chamber in *Nikoli}*.[591] Evidence that an accused is perceived as having a high public profile, manifested through public appearances and statements, and thus as exercising some authority, may be relevant to the overall assessment of his actual authority although not sufficient in itself to establish it, without evidence of the accused's overall behaviour towards subordinates and his duties. Similarly, the participation of an accused in high-profile international negotiations would not be necessary in itself to demonstrate superior authority. While in the case of military commanders, the evidence of external observers such as international monitoring or humanitarian personnel may be relied upon, in the case of civilian leaders evidence of perceived authority may not be sufficient, as it may be indicative of mere powers of influence in the absence of a subordinate structure.

2. The Mental Element

425. The mental element set forth in Article 7(3) distinguishes between two different types of situation: (a) in the first situation the superior has actual knowledge that subordinates are committing or are about to commit a crime; (b) in the second situation he "has reason to know" that his subordinates are committing or about to commit a crime. The Trial Chamber will consider these two situations in turn after setting out the arguments of the parties.

(a) Actual knowledge

426. The Prosecution and the Kordi} Defence agree that actual knowledge may be established either through direct evidence or through circumstantial evidence.[592] The Prosecution submits that an individual's position of command is *per se* a significant *indicium* that he knew of the crimes committed by his subordinates.[593] Referring to the *^elebi}i* Trial Judgement, the Defence emphasises that actual knowledge cannot be presumed merely because the subordinates' crimes are a matter of public notoriety, are numerous, occur over a prolonged period, or over a wide geographic area.[594]

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[591] Review of Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, Trial Chamber I, Case No. IT-94-2-R61, 20 Oct. 1995, para. 24. The Trial Chamber appears to have endorsed the witnesses' evidence in this regard: "The witnesses based their conclusions upon an analysis of the distribution of tasks within the camp. The guards were subjugated to Dragan Nikoli}'s orders; nothing, apparently, could be carried out without his consent."

[592] Prosecution Final Brief, Annex 4, p. 28 (para. 81). Kordi} Final Brief, pp. 273 - 275.

[593] The Prosecution also refers to the elements set forth in the Commission of Experts Report as relevant factors which may be used to determine whether a superior "knew". Prosecution Final Brief, Annex 4, p. 28, (para. 83).

[594] Kordi} Final Brief, pp. 272-274. According to the Defence, a contrary approach would effectively impose strict liability on commanders for all widespread or notorious violations by their subordinates, regardless of the commander's degree of personal guilt.

427. In relation to the necessary mental element, the first situation where a superior "knew" does not appear to be controversial. Actual knowledge, which may be defined as the awareness that the relevant crimes were committed or were about to be committed, may be established through direct or circumstantial evidence.[595] Circumstantial evidence will allow for an inference that the superior "must have known" of subordinates' criminal acts. The Trial Chamber agrees with the Prosecution that the indicia listed by the United Nations Commission of Experts may be used when making such a determination: the number, type, and scope of illegal acts; the time during which they occurred; the number and type of troops involved; the logistics involved, if any; the geographical location of the acts; their widespread occurrence; the tactical tempo of operations; the *modus operandi* of similar illegal acts; the officers and staff involved and the location of the commander at that time.[596]

428. Depending on the position of authority held by a superior, whether military or civilian, *de jure* or *de facto*, and his level of responsibility in the chain of command, the evidence required to demonstrate actual knowledge may be different. For instance, the actual knowledge of a military commander may be easier to prove considering the fact that he will presumably be part of an organised structure with established reporting and monitoring systems. In the case of *de facto* commanders of more informal military structures, or of civilian leaders holding *de facto* positions of authority, the standard of proof will be higher.

(b) Imputed knowledge

(i) Arguments of the parties

429. The Prosecution submits that a commander should be regarded as "having reason to know" in two situations:

> (1) Where he had some specific information which indicated the need for additional investigation in order to ascertain whether offences were being committed by his subordinates. Even if the information by itself was not sufficient to compel the conclusion that crimes were being committed, the superior may incur criminal responsibility if he fails to act by undertaking further inquiry.
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> (2) Where a military commander lacks any information putting him on notice of the possible commission of crimes as a result of a serious dereliction of his duty to obtain

[595] *^elebi}i* Trial Judgement, para. 386: "in the absence of direct evidence of the superior's knowledge of the offences committed by his subordinates, such knowledge cannot be presumed, but must be established by way of circumstantial evidence."
[596] Commission of Experts Report, para. 58; referred to in Prosecution Final Brief, Annex 4, p. 28 (para. 82); *^elebi}i* Trial Judgement, para. 386; *Bla{ki}* Trial Judgement, para. 307.

> a superior may possess the *mens rea* for command responsibility where (1) he had actual knowledge, established through direct or circumstantial evidence, that his subordinates were committing or about to commit crimes referred to under Articles 2 through 5 of the Statute; or (2) where he had in his possession information of a nature, which at the least, would put him on notice of the risk of such offences by indicating the need for additional investigation in order to ascertain whether such crimes were committed or were about to be committed by his subordinates.[610]

436. The Appeals Chamber further elaborated on the meaning to be attached to the information which needs to be available to a superior for him to be considered as having the requisite *mens rea*:

> Contrary to the Prosecution's submission, the Trial Chamber did not hold that a superior needs to have information on subordinates offences in his actual possession for the purpose of ascribing criminal liability under the principle of command responsibility. A showing that a superior had some general information in his possession, which would put him on notice of possible unlawful acts by his subordinates would be sufficient to prove that he "had reason to know". The ICRC Commentary (Additional Protocol I) refers to "reports addressed to (the superior), ... the tactical situation, the level of training and instruction of subordinate officers and their troops, and their character traits" as potentially constituting the information referred to in Article 86(2) of Additional Protocol I. As to the form of the information available to him, it may be written or oral, and does not need to have the form of specific reports submitted pursuant to a monitoring system. This information does not need to provide specific information about unlawful acts committed or about to be committed. For instance, a military commander who would receive information that some of the soldiers under his command have a violent or unstable character, or have been drinking prior to being sent on a mission, may be considered as having the required knowledge.
>
> Finally, the relevant information only needs to have been provided or available to the superior, or in the Trial Chamber's words, "in the possession of". It is not required that he actually acquainted himself with the information. In the Appeals Chamber's view, an assessment of the mental element required by Article 7(3) of the Statute should be conducted in the specific circumstances of each case, taking into account the specific situation of the superior concerned at the time in question.[611]

437. It appears clearly from the Appeals Chamber's findings that a superior may be regarded as having "reason to know" if he is in possession of sufficient information to be on notice of the likelihood of subordinate illegal acts, i.e., if the information available is sufficient to justify further inquiry. The level of training, or the character traits or habits of the subordinates, are referred to by way of example as general factors which may put a superior on notice that subordinate crimes may be committed. The indicia listed in the United Nations Commission of Experts Report, referred to in the context of actual knowledge, could also be used in this context to determine whether knowledge of the underlying offences alleged could be imputed to an accused.

3. Failure to Take Necessary and Reasonable Measures to Prevent or Punish

(a) Arguments of the parties

438. The Prosecution refers to a number of measures which may be taken by a commander to prevent the commission of crimes by subordinates. The Prosecution submits that the duty to punish

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[610] ^*elebi}i* Appeal Judgement, para. 241 referring to ^*elebi}i* Trial Judgement, para 383.
[611] ^*elebi}i* Appeal Judgement, paras. 238-39 (footnote omitted).

And, therefore, **SENTENCES** the accused

DARIO KORDI] to 25 years' imprisonment, and

MARIO ^ERKEZ to 15 years' imprisonment

and **STATES** that the period of time during which the accused have been in the custody of the International Tribunal, i.e., from 6 October 1997 to the date of this Judgement, shall be deducted from the overall length of the sentence.

Done in English and French, the English text being authoritative.

Richard May
Presiding

Mohamed Bennouna

Patrick Robinson

Dated this twenty-sixth day of February 2001
At The Hague
The Netherlands

[Seal of the Tribunal]