

**UNITED  
NATIONS**

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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-05-87/1-A

Date: 24 May 2011

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**IN THE APPEALS CHAMBER**

**Before:** Judge Mehmet Güney  
Judge Fausto Pocar  
Judge Liu Daqun  
Judge Andrézia Vaz  
Judge Carmel Agius

**Registrar:** Mr. John Hocking

**PROSECUTOR**

v.

**VLASTIMIR ĐORĐEVIĆ**

**PUBLIC**

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**PROSECUTION NOTICE OF APPEAL**

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**The Office of the Prosecutor:**

Mr. Serge Brammertz

**Counsel for Vlastimir Đorđević:**

Mr. Dragoljub Đorđević  
Mr. Veljko Đurđić

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**Case No. IT-05-87/1-A**

**PROSECUTOR**

**v.**

**VLASTIMIR ĐORĐEVIĆ**

**PUBLIC**

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**PROSECUTION NOTICE OF APPEAL**

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1. Pursuant to Article 25 of the Statute of the International Criminal Tribunal for the former Yugoslavia and Rule 108 of the Rules of Procedure and Evidence, the Prosecution files this Notice of Appeal setting forth the grounds of appeal against the Judgement of Trial Chamber II dated 23 February 2011 in *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T.

**GROUND ONE: VLASTIMIR ĐORĐEVIĆ IS RESPONSIBLE FOR  
PERSECUTIONS (BY SEXUAL ASSAULT), A CRIME AGAINST  
HUMANITY (COUNT 5)**

2. The Trial Chamber erred in fact, occasioning a miscarriage of justice, when at paragraphs 832, 1792, and 1794 it did not find that a Kosovo Albanian girl in Priština/Prishtina municipality<sup>1</sup> and two young Kosovo Albanian women in Beleg village, Dečani/Deçan municipality<sup>2</sup> had been sexually assaulted. Given the totality of evidence, no reasonable trial chamber could have made these findings. The only

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<sup>1</sup> Judgement, paras.832, 1792.

<sup>2</sup> Judgement, para.1794.

reasonable conclusion from the evidence is that these individuals were sexually assaulted.

3. In addition, the Trial Chamber erred in law, invalidating its decision, and/or in fact, occasioning a miscarriage of justice, when at paragraphs 1796 and 1797 it failed to find that the sexual assaults of K14, a young Kosovo Albanian woman in Priština/Prishtina municipality, and K20, a young Kosovo Albanian woman in Beleg village, Dečani/Deçan municipality, amounted to persecutions. Given the totality of the evidence, no reasonable trial chamber could have found the discriminatory intent of the perpetrators was not established. Further and/or in the alternative, the Trial Chamber legally erred by failing to consider the totality of circumstances surrounding these incidents. The only reasonable conclusion from the totality of the evidence is that the perpetrators of the sexual assaults of K14 and K20 acted with discriminatory intent, thus committing the crime of persecutions.

**Remedy:** The Prosecution requests the Appeals Chamber to:

(a) Reverse the error of fact at paragraphs 832, 1792, and 1794; find that a Kosovo Albanian girl in Priština/Prishtina municipality and two young Kosovo Albanian women in Beleg village, Dečani/Deçan municipality, were sexually assaulted; and applying the correct legal standard, find that the sexual assaults of these individuals amounted to persecutions;

(b) Reverse the error of fact at paragraphs 1796 and 1797 and/or apply the correct legal standard to the evidence and find that the sexual assaults of K14 and K20 amounted to persecutions;

(c) Find the elements of JCE III liability<sup>3</sup> and convict Vlastimir Đorđević for persecutions (by sexual assault), a crime against humanity (Count 5); and

(d) Increase his sentence for these acts of persecution.


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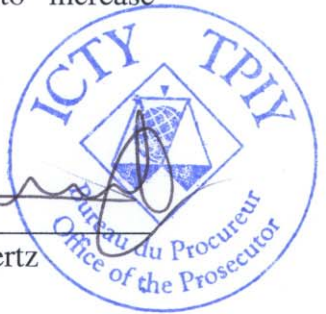
<sup>3</sup> See Judgment, para.2150.

**GROUND TWO: THE SENTENCE IS MANIFESTLY  
INADEQUATE**

4. The Trial Chamber erred in the exercise of its sentencing discretion in imposing a manifestly inadequate sentence of 27 years' imprisonment in light of the gravity of the crimes for which Đorđević was convicted and his role in them.<sup>4</sup>

**Remedy:** The Prosecution requests the Appeals Chamber to increase Vlastimir Đorđević's sentence to life imprisonment.

  
Serge Brammertz  
Prosecutor



Dated the 24<sup>th</sup> day of May 2011  
At The Hague, The Netherlands

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<sup>4</sup> Judgement, para.2231.