



News

Kuzmanovic Obtains Acquittal in International Criminal Tribunal for the Former Yugoslavia's Appeals Chamber

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On November 16, 2012, the International Criminal Tribunal for the former Yugoslavia's (ICTY's) Appeals Chamber reversed General Ante Gotovina and General Mladen Marka's convictions for crimes against humanity and violations of the laws or customs of war and entered verdicts of acquittal. Gen. Marka was the Assistant Minister of the Interior and Operation Commander of the Special Police in Croatia in 1995. [Tomislav Z. Kuzmanovic](#), a Milwaukee-based Partner at Hinshaw & Culbertson LLP, was one of the lawyers defending Gen. Marka at trial and on appeal.

The actions for which Gen. Marka was charged occurred during the 1995 "Operation Storm" military offensive in Croatia. The Trial Chamber found Gen. Gotovina and Gen. Marka guilty of committing crimes against humanity and violations of the laws or customs of war from July to September 1995 by participating in a joint criminal enterprise to permanently and forcibly remove the Serb civilian population from Croatia's Krajina region. Gen. Gotovina was sentenced to 24 years of imprisonment, and Gen. Marka was sentenced to 18 years of imprisonment.

The Appeals Chamber found that ICTY's Trial Chamber I erred in concluding that: (1) all artillery impact sites located more than 200 meters from a target deemed legitimate served as evidence of unlawful attacks against towns in the Krajina region; and (2) artillery attacks ordered by Gen. Marka and his co-defendant, Gen. Gotovina, were unlawful. The Appeals Chamber also declined to enter convictions against Gen. Gotovina and Gen. Marka on the basis of alternate modes of liability.

Mr. Kuzmanovic, who was awarded the Order of the Croatian "Pleter" by former Croatian President Franjo Tudjman for his contributions toward Croatia's independence, has already successfully defended two defendants before the ICTY. Mr. Kuzmanovic is a member of the Association of Defence Counsel at the International Criminal Tribunal for the Former Yugoslavia (ADC-ICTY), and has served on its Executive Board as one of two vice-presidents. The Executive Board is responsible for the administration, finance, policy and representation of the ADC-ICTY before the ICTY and also before the United Nations Security Council. Mr. Kuzmanovic focuses his practice in the area of complex litigation, with an emphasis on international and human rights law, as well as commercial, construction, premises liability, product liability, transportation, and toxic tort matters.

Attorneys

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