

CASE INFORMATION SHEET



United Nations
Nations Unies



International Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie

“LAŠVA VALLEY” (IT-95-17)

MIROSLAV BRALO



MIROSLAV BRALO

Convicted of murder, torture, rape, persecutions on political, racial and religious grounds, inhumane treatment



Member of the “Jokers,” the anti-terrorist platoon of the 4th Military Police Battalion of the Croatian Defence Council (HVO), which operated primarily in the Lašva Valley region in central Bosnia and Herzegovina

- Sentenced to **20 years’ imprisonment**

Crimes convicted of (examples):

Murder; persecutions on political, racial and religious grounds; rape; torture; inhumane treatment (grave breaches of the Geneva conventions of 1949, violations of the laws or customs of war, crimes against humanity)

- Miroslav Bralo was convicted of the murder of Mirnesa Salkić, the killing of an unidentified adult male, and assistance in the killing of 14 Bosnian Muslim civilians—all members of the Salkić and the Mehmet Čeremić families—nine of whom were children.
- He was also convicted of the murder of three captured Muslim men.
- He brutally raped and tortured a Bosnian Muslim woman - Witness “A” - and imprisoned her for approximately two months to be further violated at the whim of her captors.
- He was involved in the unlawful confinement and inhuman treatment of Bosnian Muslim civilians, who were used as labourers in the digging of trenches around the village of Kratine and used as “human shields” to protect the HVO forces from sniper-fire.
- He set fire to numerous houses, setting and detonating explosives that destroyed the lower mosque in Ahmići in the Lašva River Valley region in central Bosnia and Herzegovina.

Born	13 October 1967 in Kratine, Vitez, Bosnia and Herzegovina
Indictment	Initial indictment: 10 November 1995, made public on 12 October 2004 amended indictment: 19 July 2005
Surrendered	10 November 2004
Transferred to ICTY	12 November 2004
Initial and further appearances	15 November 2004, did not enter a plea; further appearance: 14 December 2004, pleaded not guilty to all charges
Guilty plea	19 July 2005
Trial Chamber sentencing judgement	7 December 2005, sentenced to 20 years’ imprisonment
Appeals Chamber judgement	2 April 2007, sentence affirmed to 20 years’ imprisonment
Serving sentence	1 November 2007, transferred to Sweden to serve the remainder of his

	sentence; credit was given for time served in detention since 12 November 2004
--	--

STATISTICS

As the plea agreement was reached before the beginning of trial, no trial was necessary.

TRIAL CHAMBER SENTENCING JUDGEMENT	
<i>7 December 2005</i>	
Trial Chamber III	Judge Iain Bonomy (presiding), Judge Patrick Robinson and Judge O-Gon Kwon
Counsel for the Prosecution	Mark Harmon
Counsel for the Defence	Jonathan Cooper

APPEALS	
Appeals Chamber	Judge Mohamed Shahabuddeen (presiding), Judge Mehmet Güney, Judge Andréia Vaz, Judge Theodor Meron and Judge Wolfgang Schomburg
Counsel for the Prosecution	Peter Kremer, Xavier Tracol
Counsel for the Defence	Jonathan Cooper, Virginia Lindsay
Judgement	2 April 2007

RELATED CASES	
<i>by geographical area</i>	
ALEKSOVSKI (IT-95-14/1) "LAŠVA VALLEY"	
BLAŠKIĆ (IT-95-14) "LAŠVA VALLEY"	
DELIĆ, RASIM (IT-04-83)	
FURUNDŽIJA (IT-95-17/1) LAŠVA VALLEY"	
KORDIĆ & ČERKEZ (IT-95-14-2) "LAŠVA VALLEY"	
KUPREŠKIĆ <i>et al.</i> (IT-95-16) "LAŠVA VALLEY"	
LJUBIČIĆ (IT-00-41) "LAŠVA VALLEY"	
MARINIĆ (IT-95-15) "LAŠVA VALLEY"	

INDICTMENT AND CHARGES

The initial indictment against Miroslav Bralo was filed on 3 November 1995, confirmed on 10 November 1995 and then made public on 12 October 2004. On 19 July 2005, the Prosecution submitted an amended indictment ("indictment") as a part of the plea agreement between the accused and the Prosecution.

The indictment alleged that, from at least January 1993 until through at least mid-July 1993, the so-called Croatian Community of Herzeg-Bosna (HZ-HB) armed forces, known as the Croatian Defence Council (HVO), were engaged in an armed conflict with the armed forces of the government of the Republic of Bosnia and Herzegovina (BiH). It was further alleged that from the outset of hostilities in January 1993, the HVO attacked villages chiefly inhabited by Bosnian Muslims in the Lašva River Valley region in central Bosnia and Herzegovina and that these attacks resulted in the death and wounding of numerous civilians.

In addition, the indictment alleged that other civilians were detained, transported from their places of residence, forced to perform manual labour, were tortured, subjected to sexual assaults, and other physical and mental abuse. Hundreds of Bosnian Muslims were arrested by the HVO and taken to the locations such as the Vitez cinema complex and the Vitez veterinary station which were being used as detention facilities.

The indictment stated that Miroslav Bralo, also known as "Čicko", during all times relevant to the indictment, was a member of a special forces group within the HVO called the "Jokers" ("Džokeri"). The accused was held individually responsible for the crimes alleged in the indictment. It was alleged that on 16 April 1993, Miroslav Bralo participated, with others, in the surprise attack on the village of Ahmići. The purpose and objective of the attack were to ethnically cleanse Ahmići, to kill all the Muslim males of military age, to burn all Muslim residences, and to forcibly expel all the Muslim residents from the village. The indictment further stated that on a day between 21 April 1993 and 10 May 1993, in the area of the village of Kratine, municipality of Vitez, Miroslav Bralo and other HVO soldiers arrested three unarmed Muslim men, took them into a nearby barn and beat them. Several hours later, Miroslav Bralo took the same three Muslim males into a wooded area and killed them. It was also alleged that between 21 April 1993 and 10 May 1993, Miroslav Bralo in concert with other HVO soldiers maintained the confinement of Bosnian Muslim civilians and forced those civilians to dig trenches around the village of Kratine. In addition, Miroslav Bralo forced Muslim prisoners to practice a ritual of the Catholic religion under threat of physical harm and death.

Miroslav Bralo was indicted on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- Unlawful confinement of civilians and torture or inhumane treatment (grave breaches of the Geneva conventions of 1949, Article 2),
- Murder, torture, outrages upon human dignity including rape (violations of the laws or customs of war, Article 3),
- Persecutions on political, racial and religious grounds (crimes against humanity, Article 5).

PLEA AGREEMENT/GUILTY PLEA

The Tribunal's Rules of Procedure and Evidence provide for a plea agreement procedure (Rule 62 *ter*). The Prosecutor and the Defence may agree that, upon the accused entering a plea of guilty to the indictment or to one or more counts of the indictment, the Prosecutor can apply to the Trial Chamber to amend the indictment accordingly and ask for a sentence within a specific range or agree to the sentencing range suggested by the Defence. The Trial Chamber is not bound by any such agreement.

On 19 July 2005, Trial Chamber I held a hearing to consider a plea agreement between Miroslav Bralo and the Office of the Prosecutor. Bralo admitted his guilt on all 8 counts contained within the amended indictment. A written factual basis describing the crimes and Bralo's participation in them was annexed to the plea agreement. The Trial Chamber accepted the guilty plea after having ensured that it was made voluntarily, was informed and unequivocal, and after verifying that there was a sufficient factual basis for the crimes and for the accused's participation in them.

STATEMENT OF MIROSLAV BRALO

On 7 October 2005, Miroslav Bralo supplemented the plea agreement and factual basis with his personal apology. In his handwritten statement Bralo said the following:

"My name is Miroslav Bralo. I wish to make a personal apology to each one of my victims who I made suffer, and to each member of every one of the families affected by my actions. I wish to say that I am truly sorry for their suffering and the suffering of their loved ones. What I said in court last time I really meant: I am guilty, and I deeply regret it.

My apology should go further. It should be bigger than a globe. It should include my apology to all the victims and their families; all those who had to pass through the horrific events that took place- those known and those still unknown. I also want to apologize to the many people who are still living in fear and despair as refugees all around the world.

The Factual Basis to my plea is agreed. It is true. One of the gravest counts is the first one, which talks of Persecutions as a Crime against Humanity. This means something particular to me. As a human being these are my crimes alone, committed against people whose voice I silenced in the massacre at Ahmici. I would like to apologize in the name of those who committed horrific crimes and are not alive any more. And to all those who had to experience pain and suffering due to war and inhumane behavior in Ahmici.

These were acts which I always knew to be wrong, which anyone would know to be wrong, and for which there really can be no excuse at all.

I know I acted badly, and compounded this later by my words. Our wrongs were so terrible- I include others here- that we even clung to them, and tried to justify them. I tried to be proud of my actions and to think they were the actions of a successful soldier. Today I am ashamed of all of that, ashamed of my conduct and ashamed how I behaved.

No, these were not the actions of the soldier I once wanted to be. I was present when women and children were gunned down in front of me, and at that moment the good soldier in me was gone, silent.

I was sometimes brave during that time, but I was not brave enough to recognize what I had become, I was not brave enough to speak out for people whose lives should have been saved. At that time that would have been the heroic act.

It has taken me years to understand and acknowledge my full responsibility for each of my own actions. Now, reasoning about my own conduct, I feel enormously sorry and can do nothing but pray that never ever happens again in this world.

The Tribunal has had to deal with a lot of lies. I do believe that the only way forward is for the truth to be told and for the denial to stop. I don't think I lied, but I was one of the biggest deniers- particularly to myself.

But there must be an end to the cover up of crimes. Families should grieve knowing the truth. I know what it is to grieve for the one whom you love deeply. I truly hope all sides will cooperate in search for the truth and by doing so they will shorten the agony of many families.

I would have said let people take their own course, but I do not believe it. I would say that I encourage anyone who can do so to come forward and talk to their neighbours, to talk to the court and begin to make their peace. When one says the truth and admits the truth- both the neighbour and the court will believe him or her.

At the Tribunal, from last November, I knew straight away that the original indictment did not tell it all. I wanted to offer up the truth about my own crimes, even though I knew that the worst were known only by me. This, and more, is what I owe."

Date: 07.10.2005 Signature: Miroslav Bralo

TRIAL CHAMBER SENTENCING JUDGEMENT

The Trial Chamber sentenced Miroslav Bralo to 20 years' imprisonment for his role in the multiple murder, rape, torture, unlawful confinement and inhumane treatment of Bosnian Muslim civilians, including a number of children, in central Bosnia and Herzegovina (BiH) between January and mid-July 1993.

On 19 July 2005, the former member of the anti-terrorist platoon of the 4th Military Police Battalion of the Croatian Defence Council (HVO) known as the "Jokers", pleaded guilty to a broad range of war crimes committed in and around the central Bosnian villages of Ahmići and Nadioci.

In considering the judgement, the Trial Chamber analysed the gravity of the crimes committed by Miroslav Bralo and considered all of the circumstances surrounding the commission of the crimes that serve to aggravate their seriousness and found the following:

With regard to the first count of the indictment—the charge of persecution as a crime against humanity—the Trial Chamber noted that this was an extremely serious offence, involving a deliberate intention to discriminate against a particular group of people in the context of a widespread or systematic attack upon a civilian population. The population in question was the Bosnian Muslim community in the villages of Ahmići and Nadioci, which was attacked in April 1993 by forces of the Croatian Defence Council (HVO).

Miroslav Bralo had participated in this attack as a member of the "Jokers," the anti-terrorist platoon of the 4th Military Police Battalion of the HVO. He admitted criminal conduct amounting to persecution in the course of the attack, including the murder of Mirnesa Salkić, setting fire to numerous houses, setting and detonating explosives that destroyed the lower mosque in Ahmići, the killing of an unidentified adult male, and assistance in the killing of 14 Bosnian Muslim civilians—all members of the Salkić and the Mehmet Čeremić families—nine of whom were children. The Trial Chamber found that the gravity of this crime was further aggravated by the large number of victims and the young age of some of those victims. The Trial Chamber also took into consideration the statements submitted by the Prosecution on the impact that Miroslav Bralo's crime of persecution has had, and continues to have, on those directly affected by it. The statements of all of these people painted a picture of shattered lives and livelihoods, and of tremendous ongoing pain and trauma.

With regard to the second count of the indictment, which relates to the murder of three captured Muslim men by Miroslav Bralo in April or May 1993, charged as a violation of the laws or customs of war, the Trial Chamber again noted that this is an extremely serious crime. Moreover, it noted that the gravity of the crime was aggravated by the fact that there were multiple murder victims. The Chamber had also taken into consideration the impact of this crime on the families of the deceased, and heard evidence of the immense fear and distress experienced by one of these family-members as a consequence of Miroslav Bralo's actions.

The third, fourth, fifth and sixth counts of the indictment all related to Bralo's participation in the rape and imprisonment of a Bosnian Muslim woman—Witness A—by the "Jokers." In May 1993, Miroslav Bralo had repeatedly raped this woman in front of other soldiers, had threatened to kill her, had beat another man in her presence, had bit her, and had ejaculated over her body. The Trial Chamber found that this brutal rape and torture, along with her imprisonment for approximately two months to be further violated at the whim of her captors, were crimes of a most depraved nature. The Trial Chamber also found that the gravity of Miroslav Bralo's criminal conduct was aggravated by the manner in which he had sought to debase, terrify and humiliate her, and took note of the comments given by Witness A on the trauma that she had experienced, and continues to experience.

Finally, the seventh and eighth counts of the indictment pertained to Miroslav Bralo's involvement in the unlawful confinement and inhuman treatment of Bosnian Muslim civilians, who had been used in April and May 1993 as labourers in the digging of trenches around the village of Kratine. These civilians had also been used as "human shields" to protect the HVO forces from sniper-fire. Miroslav Bralo and others had prevented these civilians from escaping, and he had also forced them to perform a Catholic religious ritual. The Trial Chamber again found that these offences were of an extremely serious nature and that Miroslav Bralo's conduct violated the basic tenets of international humanitarian law. The gravity of these crimes was also aggravated by the number of victims involved.

The Trial Chamber therefore concluded that Miroslav Bralo committed a range of appalling crimes, which must be condemned unequivocally, there could be no excuse or justification for his actions, nor could his reasons for abusing so many people be fathomed.

For the purposes of sentencing, the Trial Chamber weighed against the gravity of the crimes any mitigating circumstances that have been established. The Defence had put forward many factors for consideration in mitigation, some of which the Trial Chamber accepted. First and foremost among the mitigating circumstances stood the fact that Miroslav Bralo pleaded guilty to his crimes, well in advance of trial. The Trial Chamber stated that such a guilty plea is considered a profound acknowledgement of personal responsibility and provides a much greater contribution to the reconciliation of people in the affected region than a finding of guilt after a trial in which the accused consistently denies his crimes. The Trial Chamber also stated that the guilty plea spares vulnerable victims and witnesses from having to testify at trial, and furthers the judicial process of the Tribunal. In addition, the Trial Chamber believed it noteworthy that Miroslav Bralo admitted to a crime of persecution that was not originally charged in the indictment against him, leading to the addition of count 1 of the amended indictment.

Evidence of Miroslav Bralo's remorse had also been submitted, including his written and oral statements and his attempts to assist in the location and exhumation of the bodies of those who were killed by him and others in the course of the attack on Ahmići, and in the identification of mined areas. The Trial Chamber accepted that his remorse was indeed sincere and heartfelt, and that he has undergone a personal transformation since the commission of his crimes. The Trial Chamber was confident that this transformative process will continue as he serves his sentence and that his punishment will have a further rehabilitative effect. The Trial Chamber also accepted that Miroslav Bralo has made efforts to atone for his crimes by engaging in community work and assisting in the location of the remains of some of his victims.

Another factor considered in mitigation of sentence was Miroslav Bralo's voluntary surrender to the Tribunal. In addition, his family and personal circumstances, his behaviour in detention, and his co-operation with the Prosecution had also been taken into account, although these were given only limited weight by the Trial Chamber.

The Trial Chamber also gave consideration to the general practice regarding prison sentences in the former Yugoslavia, and found that Article 142 of the Criminal Code of the Socialist Federative Republic of Yugoslavia had some bearing in the present case, for it covers crimes committed during an armed conflict, including killings, torture, inhuman treatment, rape, and unlawful detention. This provision permitted a range of sentences from five years imprisonment to death for crimes of this nature. Subsequent to the abolition of the death penalty in Bosnia and Herzegovina, long-term imprisonment is foreseen instead.

On 7 December 2005, the Trial Chamber rendered its judgement, convicting Miroslav Bralo, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- **Unlawful confinement of civilians and torture or inhumane treatment** (grave breaches of the Geneva Conventions of 1949, Article 2);
- **Murder, torture, outrages upon human dignity including rape** (violations of the laws or customs of war, Article 3).
- **Persecution on political, racial and religious grounds** (crimes against humanity, Article 5)

Sentence: 20 years' imprisonment.

APPEALS CHAMBER JUDGEMENT

On 5 January 2006 the Defence submitted a notice of appeal against the sentence, after which they filed their appeal brief on 30 March 2006.

In reaching its judgement, the Appeals Chamber dismissed all grounds of appeal by the Defence.

According to the Appeals Chamber, the Trial Chamber clearly weighed the mitigating and aggravating circumstances and the seriousness of the crimes committed by the Appellant. Also, the Trial Chamber appropriately considered all of the circumstances of the case before determining the sentence.

The Appeals Chamber concluded that the Appellant failed to demonstrate that the sentence imposed on him was so unreasonable as to constitute an error in the exercise of the discretion of the Trial Chamber. He also failed to establish in what way the sentence imposed is "incompatible with the Tribunal's principles governing the determination of sentence".

Therefore, the Appeals Chamber arrived at the conclusion that a reduction in the sentence would not be justified and on 2 April 2007 they unanimously affirmed the sentence of 20 years' imprisonment.

The Appeals Chamber ordered that, pursuant to Rule 103(C) of the Rules, Miroslav Bralo remain in the custody of the Tribunal pending the finalisation of arrangements for his transfer to the State where he would serve his sentence.

On 1 November 2007, Miroslav Bralo was transferred to Sweden to serve his sentence. Credit was given for the time served in detention since 12 November 2004.