

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

“LAŠVA VALLEY” (IT-95-17/1)

ANTO FURUNDŽIJA


ANTO FURUNDŽIJA
Convicted of torture and outrages upon personal dignity, including rape


In mid-May 1993, local commander of the "Jokers", a unit of the Croatian Defence Council (HVO), in the Vitez municipality in central Bosnia and Herzegovina

- Sentenced to 10 years' imprisonment

Crimes convicted of (examples):
Torture, outrages upon personal dignity, including rape (violations of the laws or customs of war)

- Whilst Anto Furundžija interrogated a Muslim woman, a subordinate soldier threatened her by rubbing his knife on her inner thighs and saying that he would cut out her private parts.
- In another room the victim and her friend, a Croatian soldier, were interrogated and beaten on their feet with a baton. The woman was then repeatedly raped before a group of soldiers. The Croatian soldier was forced to watch the sexual attacks against his friend.
- Anto Furundžija did nothing to stop or curtail these actions in his presence, and the continued interrogation substantially contributed to the criminal acts committed upon the woman and her friend.

Born	8 July 1969 in Travnik, Bosnia and Herzegovina
Indictment	Initial: 10 November 1995; amended: 2 June 1998
Arrested	18 December 1997, by the multinational Stabilisation Force (SFOR)
Transferred to ICTY	18 December 1997
Initial appearance	19 December 1997, pleaded not guilty to all charges
Trial Chamber judgement	10 December 1998, sentenced to 10 years' imprisonment
Appeals Chamber judgement	21 July 2000, sentence affirmed
Sentence served	25 September 2000, transferred to Finland to serve the remainder of his sentence; credit was given for time served since 18 December 1997; 29 July 2004, granted early release effective 17 August 2004

STATISTICS

Trial days	10
Witnesses called by Prosecution	8
Witnesses called by Defence	6
Witnesses called by Chambers	0
Prosecution exhibits	15
Defence exhibits	22
Chamber exhibits	0

TRIAL	
Commenced	8 June 1998
Closing arguments	22 June 1998
Trial Chamber II	Judge Florence Ndepele Mwachande Mumba (presiding), Judge Antonio Cassese, Judge Richard May
Counsel for the Prosecution	Brenda Hollis, Patricia Viseur-Sellers, Michael Blaxill
Counsel for the Defence	Luka Mišetić, Sheldon Davidson
Judgement	10 December 1998

APPEALS	
Appeals Chamber	Judge Mohamed Shahabuddeen (presiding), Judge Lal Chand Vohrah, Judge Rafael Nieto-Navia, Judge Patrick Lipton Robinson, Judge Fausto Pocar
Counsel for the Prosecution	Upawansa Yapa, Christopher Staker, Norman Farrell
Counsel for the Defence	Luka Mišetić, Sheldon Davidson
Judgement	21 July 2000

RELATED CASES <i>by geographical area</i>	
ALEKSOVSKI (IT-95-14/1) "LAŠVA VALLEY"	
BLAŠKIĆ (IT-95-14) "LAŠVA VALLEY"	
BRALO (IT-95-17) "LAŠVA VALLEY"	
DELIĆ RAŠIM (IT-04-83)	
KORDIĆ AND 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 Anto Furundžija was issued on 10 November 1995, charging him with one count of grave breaches of the Geneva conventions and two counts of violations of the laws or customs of war. On 18 December 1997, Anto Furundžija was detained by SFOR and transferred to the Tribunal. On 19 December 1997, he pleaded not guilty to all counts contained in the indictment.

On 2 June 1998, the Prosecution filed an amended indictment withdrawing the count of grave breaches of the 1949 Geneva conventions and associated allegations.

The amended indictment charged Anto Furundžija on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), with:

- Torture; outrages upon personal dignity including rape (violations of the laws or customs of war, Article 3).

THE TRIAL

Anto Furundžija's trial commenced on 8 June 1998 before Trial Chamber II (Judge Mumba (presiding), Judge Cassese and Judge May) and closing arguments were heard on 22 June 1998. While judges were considering the judgement, the Prosecution disclosed to the Defence two documents concerning witness A's treatment at a therapy centre (witness A was the alleged victim of the crimes Anto Furundžija was charged with). After the Defence had filed a motion and the Trial Chamber heard the oral submissions of both parties, the Judges found that the Prosecution was in breach of Rule 68 (disclosure of exculpatory evidence) and that consequently the Defence was prejudiced. The Trial Chamber therefore ordered the re-opening of the proceedings insofar as the medical, psychological or psychiatric treatment or counseling of witness A was concerned. The Trial reopened on 9 November 1998 and witness A testified again, in closed session. The proceedings then concluded on 12 November 1998 after the presentation of the closing arguments.

TRIAL CHAMBER JUDGEMENT

The Trial Chamber found that Anto Furundžija was a commander of the "Jokers", a special unit of the HVO. He was an active combatant and had engaged in hostilities against the Muslim community in the Lašva Valley area, including the attack on the village of Ahmići, where he personally participated in expelling Muslims from their homes in furtherance of the armed conflict.

Anto Furundžija was found guilty by the Trial Chamber on the counts of torture and outrages upon personal dignity as violations of the laws or customs of war. The charges were based on events that occurred in a large room and a pantry of a holiday cottage, at the "Jokers" headquarters ("the Bungalow") in Nadioci in mid-May 1993. In regards to torture, the Trial Chamber was satisfied that Anto Furundžija was present in the large room and interrogated witness A, while she was naked. The intention of Anto Furundžija and another HVO soldier (accused B) was to obtain information which they believed would benefit the HVO. They therefore questioned witness A about the activities of members of her family and certain other named individuals, her relationship with certain HVO soldiers and details of her alleged involvement with the Army of Bosnia and Herzegovina (ABiH).

The Trial Chamber found that while witness A was being interrogated, accused B rubbed his knife on her inner thighs and threatened to cut her private parts if she did not tell the truth in answer to the interrogation by Anto Furundžija. Anto Furundžija continued his interrogation, which eventually culminated in his threatening to confront witness A with another person, witness D, and that she would then confess to the allegations that the "Jokers" had made against her. The "Jokers" had arrested witness D on suspicion of him having betrayed them to the ABiH, who had captured him for a period of time. The Chamber found that the interrogation by Anto Furundžija and the activities of accused B became one process.

The Trial Chamber found that Anto Furundžija was also present in the pantry where the second phase of the interrogation of witness A occurred. Witness D was taken there for a confrontation with witness A to make her confess as 'promised' by Anto Furundžija in the large room. Both were interrogated by Anto Furundžija and hit on the feet with a baton by accused B in the course of this questioning. Accused B

again assaulted witness A, who was still naked, before a group of soldiers. He raped her in the mouth, vagina and anus and forced her to lick his penis clean. Then Anto Furundžija continued to interrogate witness A in the same manner as he had done earlier in the large room. As the interrogation intensified, so did the sexual assaults and the rape. Anto Furundžija's intention, as detailed above, was to obtain information from witness A by causing her severe physical and mental suffering. In relation to witness D, Anto Furundžija intended to extract information about his alleged betrayal of the HVO and his assistance to witness A and her children. The physical attacks upon witness D, as well as the fact that he was forced to watch sexual attacks on a woman, in particular, a woman whom he knew as a friend, caused him severe physical and mental suffering. The Trial Chamber found Anto Furundžija guilty of torture as a co-perpetrator for his failure to stop or curtail the attacks upon witness A and D by a subordinate soldier.

In regards to the count of outrages upon personal dignity, including rape, the rapes committed by accused B on witness A were not disputed in any of the details described by witnesses A and D. What was contested was the presence of Anto Furundžija, and, to some extent, whether he played any part in their commission. The Trial Chamber found that witness A was subjected to rape and serious sexual assaults by accused B in the course of the interrogation by Anto Furundžija. Accused B penetrated witness A's mouth, vagina and anus with his penis. Again, the rapes and sexual assaults were committed publicly; members of the "Jokers" were watching and milling around the open door of the pantry. They laughed at what was going on. The Trial Chamber found that witness A suffered severe physical and mental pain, along with public humiliation, at the hands of accused B in what amounted to outrages upon her personal dignity and sexual integrity. The Chamber found that Anto Furundžija did not personally rape witness A, but his presence and continued interrogation of her encouraged accused B and substantially contributed to the criminal acts committed by him. He was found to be an aider and abettor of outrages upon personal dignity, including rape.

The Chamber ruled to sentence Anto Furundžija to 10 years' imprisonment for torture and 8 years' for outrages upon personal dignity. The sentences were ordered to be served concurrently.

On 10 December 1998, the Trial Chamber rendered its judgement, convicting Anto Furundžija, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) with:

- Torture; outrages upon personal dignity including rape (violations of the laws or customs of war, Article 3).

Sentence: 10 years' imprisonment.

APPEALS CHAMBER JUDGEMENT

On 22 December 1998, the Defence filed a notice of appeal against the Trial Chamber judgement and sentence. The hearing of the appeal was held on 2 March 2000.

The Appeals Chamber rejected all grounds of appeal. The Appeals Chamber rendered its judgement on 21 July 2000 affirming the sentence of 10 years' imprisonment handed down by Trial Chamber II.

On 22 September 2000, Anto Furundžija was transferred to Finland to serve his sentence. Credit was given for time served since 18 December 1997. He was granted early release on 29 July 2004, effective 17 August 2004.