

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

“LAŠVA VALLEY” (IT-00-41)

PAŠKO LJUBIČIĆ



PAŠKO LJUBIČIĆ

Indicted for persecutions on political, racial and religious grounds, inhumane acts, unlawful attacks on civilians, murder, violence to life and person, devastation not justified by military necessity, destruction or wilful damage to the institutions dedicated to religion or education, plunder of public or private property and cruel treatment



From January 1993, the highest ranking member of all Croatian Defence Counsel (HVO) Military Police units, the Bosnian Croat forces in Central Bosnia; also known as Toni Raić

- Case referred to Bosnia and Herzegovina
- Sentenced by the BiH Court to 10 years' imprisonment (sentencing judgement)

Crimes indicted for (examples):

Persecutions on political, racial and religious grounds, murder and inhumane acts (crimes against humanity)

Unlawful attack on civilians, murder, violence to life and person, devastation not justified by military necessity, destruction or wilful damage to the institutions dedicated to religion or education, plunder of public or private property and cruel treatment (violations of the laws or customs of war)

- Between January 1993 and July 1993, Paško Ljubičić individually and in concert with members of the 4th Military Police Battalion, who were under his command and control, and with other members of the HVO, planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation, or execution of attacks on the towns of Busovača and Vitez and the villages of Ahmići, Nadioci, Pirići, Šantići, Donja Večeriška, Lončari, Očenići and Gaćice.
- He participated in the resulting death of over 100 Bosnian Muslim civilians in the villages of Ahmići, Nadioci, Pirići, Šantići and Očenići, the detention of several hundred Bosnian Muslims and their physical and psychological abuse in the detention facilities, such as the Vitez Cinema Complex, Kaonik Prison near Busovača, Vitez Veterinary Station, Dubravica Elementary School and the SDK Offices in Vitez.
- Paško Ljubičić also participated in the wanton and extensive destruction (mostly by fire and/or explosives) and plunder of Bosnian Muslim dwellings, businesses, institutions dedicated to religion or education, civilian personal property and livestock in these areas and the inhumane treatment and forcible transfer of Bosnian Muslim civilians.

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| Born | 15 November 1965 in Nezirovići, Bosnia and Herzegovina |
| Indictment | Initial: 27 September 2000; corrected amended: 2 August 2002 |
| Surrendered | 9 November 2001 |
| Transferred to ICTY | 21 November 2001 |
| Initial and further appearances | 30 November 2001, pleaded not guilty to all charges; 26 September 2002, pleaded not guilty to all charges |
| Transferred to Bosnia and Herzegovina | 22 September 2006 |

| REFERRAL PROCEEDINGS | |
|--------------------------------|--|
| Motion by the Prosecutor | 19 July 2005 |
| Decision by the Referral Bench | 12 April 2006 |
| Referral Bench | Judge Alphons Orié (presiding), Judge Kevin Parker, Judge O-Gon Kwon |
| Counsel for the Prosecution | Susan Somers, Mark Harmon |
| Counsel for the Defence | Tomislav Jonjić, Nika Pinter |
| Appeals Chamber Decision | 4 July 2006 |
| Appeals Chamber | Judge Fausto Pocar (presiding), Judge Mohamed Shahabuddeen, Judge Andréia Vaz, Judge Theodor Meron, Judge Wolfgang Schomburg |

| 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, 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" | |
| MARINIĆ (IT-95-15) "LAŠVA VALLEY" | |

INDICTMENT AND CHARGES

The corrected amended indictment, submitted on 8 April 2002 pursuant to the Decision of the Trial Chamber dated 15 March 2002, and confirmed on 2 August 2002, alleges that Paško Ljubičić was the commander of the 4th Military Police Battalion of the HVO Military Police from January 1993 until 1 July 1993 and then the Assistant Chief of Military Police Administration for the Central Bosnia Operative Zone until November 1993. From January 1993, Paško Ljubičić was the highest ranking member of all HVO Military Police units in the Central Bosnia Operative Zone. In this capacity, he exercised both *de jure* and *de facto* authority over members of the First Company and later the 4th Military Police Battalion.

The indictment refers to crimes against Bosnian Muslim civilians in the Lašva Valley in central Bosnia and Herzegovina between January and July 1993. The Prosecution alleges that the accused, as commander of the 4th Military Police Battalion of the HVO, together with members of the battalion under his control, including a formation called the "Jokers", planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of crimes during a number of attacks on the town of Vitez and neighbouring villages between January and April 1993. It is further alleged that during these attacks, over one hundred Bosnian Muslim civilians were killed, many more were detained and abused and Muslim property was destroyed, including two mosques in the village of Ahmići.

The indictment states that the crime of persecutions was perpetrated by the widespread or systematic attack on Muslim towns and villages. During and immediately after the attacks, persecutions were perpetrated by the killing and causing of serious injury or harm to Bosnian Muslim civilians. During and immediately after the attacks in Ahmići, Nadioci, Pirići and Šantići on 16 April 1993 approximately 100 civilians were killed and numerous others were seriously wounded. During the attack on Očenići, which occurred on 19 April 1993, five female relatives of the Nuhagić family were killed.

According to the indictment, persecutions were further perpetrated by the wanton destruction and the plundering of Bosnian Muslim dwellings, businesses, institutions dedicated to religion or education, civilians' personal property and livestock.

In the municipalities of Vitez and Busovača, persecutions were perpetrated by the systematic selection and detention of hundreds of Bosnian Muslims. The indictment alleges that they were detained in detention facilities controlled by the HVO. The men detained at these facilities were submitted to beatings, physical and psychological abuse. It is also alleged that they had to dig trenches at the front line.

The indictment also states that Bosnian Muslim civilians were expelled from their homes and forcibly transferred by the HVO Military Police and other members of the HVO from the municipalities of Vitez and Busovača to other parts of the Republic of Bosnia and Herzegovina.

The Indictment charges Paško Ljubičić on the basis of his individual criminal responsibility (Article 7(1) of the Statute) and superior criminal responsibility (Article 7(3)) with:

- Unlawful attack on civilians, murder, violence to life and person, devastation not justified by military necessity, destruction or wilful damage to the institutions dedicated to religion or education, plunder of public or private property and cruel treatment (violations of the laws or customs of war, Article 3)
- Persecutions on political, racial and religious grounds, murder and inhumane acts (crimes against humanity, Article 5)

REFERRAL IN ACCORDANCE WITH RULE 11bis

For a case to be referred pursuant to Rule 11bis of the Tribunal's Rules of Procedure and Evidence, the Referral Bench, comprised of three judges, has to order a referral of its own accord or following a request from the Prosecutor. A decision to refer a case is rendered only if the Bench is fully satisfied that the accused would be tried in accordance with international standards and that neither the level of responsibility of the accused nor the gravity of the crimes alleged in the indictment were factors that would make a referral to the national authorities inappropriate.

On 19 July 2005, the Prosecution filed a motion for referral of the case against Paško Ljubičić to the state authorities of Bosnia and Herzegovina. A referral hearing was held on 20 September 2005 and the decision

to refer the case was issued on 12 April 2006. Paško Ljubičić appealed the decision. The Appeals Chamber ruled on 4 July 2006 and affirmed the decision of the Referral Bench in its entirety.

On 22 September 2006, Paško Ljubičić was transferred to the authorities of Bosnia and Herzegovina.

On 29 April 2008, Paško Ljubičić was sentenced to 10 years' imprisonment (following his plea agreement with the Prosecution).