

VIEW FROM THE HAGUE

DESTROYING THE HERITAGE

Last week, the International Criminal Tribunal for the former Yugoslavia in The Hague handed down a judgment against Admiral Miodrag Jokić. Jokić was one of the war-time commanders of the Yugoslav National Army (JNA) stationed around Dubrovnik in 1991.

In the Tribunal's indictment against him, the Prosecution alleged that on 6 December 1991, the JNA shelled the old town of Dubrovnik. The attack killed two persons and wounded three others. It also damaged and destroyed civilian buildings including churches, schools, charitable organizations, museums, historic and religious monuments and works of art.

Under international law, launching an attack against civilians or civilian objects and causing destruction not justified by military necessity violates the laws and customs of war. Military commanders are prohibited from launching attacks such as the one the JNA launched against the Old Town of Dubrovnik on 6 December 1991 in which civilian structures were targeted.

Military commanders are required to do their utmost to avoid damage or destruction unless it is necessary to achieve a military objective. Under international law, military commanders are also required to have knowledge of the acts of their subordinates, to take measures to punish crimes that they committed and to prevent any further occurrences.

Admiral Jokić voluntarily surrendered to the Tribunal on 12 November 2001. He initially pleaded not guilty and was provisionally released. On 25 August 2003, Admiral Jokić changed his plea. In his statement before the court, Jokić apologized to the victims' families and the people of Dubrovnik:

"On the 6th of December 1991 two people were killed, three were injured and civilian buildings and cultural-historic monuments in the Old Town of Dubrovnik were seriously damaged. That these lives were lost in the area of my responsibility is a fact that will forever remain on my conscience. I am prepared to kneel before all the victims of this conflict, without regard to which side they are on, with military dignity. Also, even though I did this during the shelling via radio and afterwards personally, I feel it necessary on this occasion as well to extend my deepest condolences to the families of the dead and wounded, as well as the citizens of Dubrovnik, for the pain and damage caused by the unit under my command."

Last week, the Trial Chamber sentenced Admiral Jokić to 7 years imprisonment for aiding and abetting in the crimes committed in Dubrovnik on 6 December 1991 and for failing to punish the perpetrators who were soldiers under his command.

The Trial Chamber condemned in the strongest terms the killing of two civilians and the wounding of another three during the attack on the Old Town of Dubrovnik on 6 December 1991. In addition to that, it also found that willfully damaging and destroying its churches, schools and historic monuments is a particularly serious crime in view of the fact that the Old Town was in its entirety listed as a protected UNESCO site.

The wealth that built Dubrovnik's walls, buildings and art was produced by the labor of men and women from dozens of nations and over several of centuries. It is this universal element in Dubrovnik that enhances its value. In its sentencing judgment, the Trial Chamber said that the "...shelling attack on the Old Town of Dubrovnik represents not only an attack against the history and heritage of the region, but also one against the cultural heritage of the whole of humankind."

The Balkans is rich with historical, cultural and religious sites like Dubrovnik's. Although most may not be listed as UNESCO sites, they still hold great meaning for the people living in these areas and an attack against them is an attack against their shared history.

Outreach Programme

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