

VIEW FROM THE HAGUE

"KNIGHTS" AND MILITARY POLICE WERE NOT UNDER BLAŠKIĆ'S CONTROL

On 29 July 2004, the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia rendered a revised sentence of Tihomir Blaškić from 45 to 9 years in prison. That same day, the President of the Tribunal granted Blaškić's request for early release because he had already spent over 90 percent of his revised sentence in detention. How did it all start?

On 10 November 1995, the Court issued the initial indictment related to the crimes committed in the Lašva Valley, in Bosnia and Herzegovina. The indictment charged Dario Kordić, Tihomir Blaškić, Mario Čerkez, Ivan Šantić, Pero Skopljak and Zlatko Aleksovski for grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, and crimes against humanity. A new indictment against Blaškić was filed on 22 November 1996 incorporating seven new counts. Dario Kordić and Mario Čerkez are currently awaiting Judgment of the Appeals Chamber in their case; Zlatko Aleksovski has been released after completing the seven year sentence imposed by the Trial Chamber; charges against Ivan Šantić and Pero Skopljak were dropped on 19 December 1997.

In early 1993, the Lašva Valley, strategically positioned in central Bosnia, saw extensive combat operations and became the theatre of many crimes. From May 1992 to January 1994 members of the armed forces of the HVO committed serious violations of international humanitarian law against Bosnian Muslims in that area. They persecuted the Bosnian Muslim population of the Lašva Valley on political, racial and religious grounds, which included the murder and mistreatment of Muslim civilians or detainees, the attacking and bombarding of undefended towns, villages and dwellings, deliberate attacks on the civilian population, the unlawful destruction of businesses, homes, personal property and livestock, religious and educational institutions, the unlawful treatment of detainees, the targeting of political leaders and professionals by murder or detaining them in various detention facilities for extended periods of time, the plundering of homes and personal property, the transferring or forcing of civilians to move out of the Lašva Valley to predominantly Muslim-populated regions and the commission of other inhumane acts. The effect of these acts and the unlawful destruction of hundreds of Bosnian Muslim homes, personal property and livestock, not justified by military necessity, was intended to ensure that the inhabitants who had not been killed, could not or would not return to their homes and communities in the Lašva Valley area.

Tihomir Blaškić was charged with having committed, ordered, planned or otherwise aided and abetted these crimes committed in the municipalities of Vitez, Busovača, Kiseljak and Zenica. Blaškić was also charged with not having taken reasonable measures to prevent crimes or to punish the perpetrators thereof while knowing or having reasons to know that the crimes were about to or had been committed.

Tihomir Blaškić voluntarily surrendered to the Tribunal on 1 April 1996. The trial against him began on 24 June 1997 before Trial Chamber I which was finally constituted of Judge Claude Jorda from France (Presiding), Judge Mohamed Shahabuddeen from Guyana and Judge Almiro Rodrigues from Portugal. The trial lasted for a little over two years. The Prosecution called 104 witnesses and presented 787 exhibits. The defence called 46 witnesses and presented 614 exhibits. The Trial Chamber called 10 witnesses and asked for the presentation of 13 exhibits.

In his defence, Blaškić claimed that he was under siege and exposed to the attacks of the Muslim forces whose objective was to take control of the Lašva Valley by isolating each municipality and that under these conditions, and despite his efforts, it was completely impossible for him to maintain a proper command system. He also contended that the crimes committed by the Muslim forces explain the disorderly conduct of the Croatian troops essentially comprised only of poorly trained soldiers more inclined to obey the local authorities rather than his orders. In addition, he claimed that the crimes committed were for the most part the work of units not falling under his chain of command, whether these were military police or special units such as the Vitezovi ("Knights"), since he was precluded from such authority by a parallel chain of command. Whatever the case, Blaškić claimed that he never gave the order to commit the crimes and claimed that he always took care to restate in numerous written orders the need to respect humanitarian law.

After 7 months of deliberations, the Trial Chamber issued its Judgment on 3 March 2000, finding Tihomir Blaškić guilty of all counts charged against him and imposing a sentence of 45 years' imprisonment.

On 17 March 2000, the defence of Tihomir Blaškić filed an appeal. Following the death of former President of Croatia, Franjo Tuđman, Croatia's archives were finally opened and this provided an enormous amount of new evidence that was to be included in the appeals proceedings in the Blaškić case. The Appeals Chamber revised the sentence from 45 to 9 years. Next week's column will examine why.

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