

VIEW FROM THE HAGUE

CROATS CELEBRATED, ONLY BLAŠKIĆ SHOWS REMORSE

As mentioned in last week's column, on 29 July the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia rendered and revised the sentence of Tihomir Blaškić from 45 to 9 years in prison. Last week, we discussed the origins and process of the trial. This week we will describe the outcome of the Appeal.

At the Tribunal, there are two levels of proceedings, so that an Appeals Chamber decision on any matter is final. After a Judgement is rendered, by a Trial Chamber, both the Prosecution and the Defence can appeal both the findings of fact and the findings of law. Under certain, clearly defined circumstances, additional evidence can be introduced.

In the case of *Prosecutor v. Tihomir Blaškić*, the Trial Chamber issued its Judgment on 3 March 2000, finding the accused guilty of all the remaining counts charged against him. Defence filed an appeal and The Appeals Chamber described the proceedings that resulted as follows: "*this appeal has been characterized by the filing of an enormous amount of additional evidence. This was due inter alia to the lack of co-operation and to the delay in the opening of the Republic of Croatia's archives, which only occurred following the death of former president Franjo Tuđman on 10 December 1999. During the appeal proceedings, the Appellant sought to admit over 8,000 pages of material as additional evidence*".

However, in his appeal, Tihomir Blaškić never questioned that crimes had occurred in the Lašva Valley in 1993. He never denied the fact that the Bosnian Muslim population of that area was persecuted on political, racial and religious grounds, that they were murdered and that their houses and other property were destroyed by the armed forces of the HVO and other Croatian forces.

One of these crimes was particularly heinous, the one that occurred in the early morning of 16 April 1993 in Ahmići, a village that had a very strong Muslim majority, overlooking the Busovača-Vitez road. The village held particular significance to the Muslim community as many imams and mullahs came from there. In a way, the village symbolised Muslim culture in Bosnia. In the evening of 15 April, most of the Croatian inhabitants left the village. Only those who were armed and had a role to play the following morning, remained behind. At 05:30 on 16th April, Croatian artillery began shelling Ahmići. The terror-stricken Muslims were awoken in the dead of night. Many fell to the bullets of the awaiting soldiers while trying to flee. Muslims, women, children and the old, were forced out of their homes in order to be killed. Those who hid under their beds or in their cellars were burnt alive in the flames of their houses. The whole attack was over in a couple of hours. In the end, at least 103 inhabitants of Ahmići were killed, including several infants.

After considering the trial record and the new evidence, the Appeals Chamber found that Blaškić neither ordered nor had command responsibility for most of the crimes he was charged with and that he had made a sufficient, though ultimately unsuccessful effort, to deal with the perpetrators.

However, the Appeals Chamber did affirm Blaškić's conviction for command responsibility in relation to the crimes committed in two HVO-controlled detention facilities where Muslim detainees were subjected to physical or psychological abuse and intimidation, inhumane treatment including being confined in cramped or overcrowded facilities, and deprived of adequate food and water. He was also convicted of ordering the use of Muslim detainees for the construction of defensive military installations and as human shields. The Appeals Chamber sentenced Tihomir Blaškić to nine years imprisonment for his crimes.

After the release of Tihomir Blaškić, one could hear a cacophony of celebratory voices in Croatia and areas of Bosnia largely populated by Bosnian Croats. These voices included much praise for Blaškić, a convicted war criminal who has served most of his sentence, but did not include the victims of crimes such as those described above. Ironically, the only one who did reflect on the victims was Blaškić himself. He accepted his own responsibility and has consistently expressed regret at the crimes perpetrated against the Bosnian Muslims of the Lašva Valley. He also said that he would like to visit Ahmići to pay his respects and that he hopes that those responsible for the heinous crimes that occurred in the Lašva Valley would be brought to justice. Perhaps Blaškić could assist the judicial authorities in that respect.

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