

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

Tihomir BLASKIC

AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the Tribunal charges:

Tihomir BLASKIC

with Grave Breaches of the Geneva Conventions, Violations of the Laws or Customs of War and Crimes Against Humanity.

BACKGROUND

1. From about May 1992 to about April 1994, members of the armed forces of the Croatian Defence Council ("HVO") of the Croatian Community of Herceg-Bosna ("HZ-HB") and its agents committed serious violations of international humanitarian law against the Bosnian Muslim civilian population in the towns, villages and hamlets of Central Bosnia including, but not limited to, the municipalities of Vitez, Busovaca, Kiseljak and Zenica, all in the territory of the Republic of Bosnia and Herzegovina.

THE ACCUSED

2. Tihomir BLASKIC, son of Ivo, was born on 2 November 1960 in the village of Brestovsko, municipality of Kiseljak, in the Republic of Bosnia and Herzegovina. He is a career military officer who graduated from the Military Academy in Belgrade in 1983 and formerly served as a Captain First Class in the Yugoslav Peoples Army (JNA). At all times material to this indictment, he held the rank of Colonel in the HVO. On or about 5 August 1994, he was promoted to the rank of General and was appointed commander of the HVO, with his headquarters in Mostar. In November of 1995 he was appointed inspector in the General Inspectorate of the army of the Republic of Croatia (HV).

SUPERIOR AUTHORITY

3. **Tihomir BLASKIC**, since the establishment of the HVO on 8 April 1992, was instrumental in the establishment and operation of the HVO in the Central Bosnia Operative Zone. He was a Colonel in the HVO and from 27 June 1992 he was the Commander of the Regional Headquarters of

the HVO Armed Forces in Central Bosnia (HVO Armed Forces Region of Central Bosnia) and remained so at all times material to this indictment. **Tihomir BLASKIC**'s authority and duties, as an HVO Commander, are set forth in the Decree on the Armed Forces of the Croatian Community of Herceg-Bosna, dated 17 October 1992. That Decree provides, *inter alia*, that a Commander has authority and responsibility for the combat readiness of troops under his command, the mobilisation of armed forces and police units, and the appointment of commanders.

4. **Tihomir BLASKIC** exercised his control in military matters in a variety of ways, including, but not limited to, negotiating cease-fire agreements; negotiating with United Nations officials; implementing the organisational structures of the Armed Forces of the HVO; appointing and relieving military commanders; deploying troops, artillery, and other units under his command; issuing orders to municipal HVO headquarters; and controlling HVO military units and detention centres that were operating within his area of command.

5. GENERAL ALLEGATIONS

5.1. At all times relevant to this indictment, a state of international armed conflict and partial occupation existed on the territory of the Republic of Bosnia and Herzegovina.

5.2. All acts or omissions herein set forth as grave breaches of the Geneva Conventions of 1949 (hereafter "grave breaches"), recognised by Article 2 of the Statute of the Tribunal, occurred during that international armed conflict and partial occupation.

5.3. In each paragraph charging crimes against humanity, the alleged acts or omissions were part of a widespread, large-scale or systematic attack directed against a civilian population, specifically the Bosnian Muslim population of the towns, villages and hamlets in the municipalities of Vitez, Busovaca, Kiseljak and Zenica, all in the Republic of Bosnia and Herzegovina.

5.4. All of the victims referred to in the charges under Article 2 of the Statute contained in this indictment were, at all relevant times, persons protected by the Geneva Conventions of 1949.

5.5. The accused in this indictment was required to abide by the mandate of the laws and customs of war including the Geneva Conventions of 1949.

5.6. The accused is responsible for the crimes charged against him in this indictment, pursuant to Article 7 (1) of the Statute of the Tribunal. This criminal responsibility includes the planning, instigating, ordering, committing, or otherwise aiding and abetting in the planning, preparation, or execution of any of the acts or omissions set forth below.

5.7. The accused is also, or alternatively, criminally responsible as a superior for the acts of his subordinates, pursuant to Article 7 (3) of the Statute of the Tribunal. This criminal responsibility involves the responsibility of a superior officer for the acts of his subordinate if the superior knew or had reason to know that his subordinate was about to commit such acts or had done so and the superior failed to take necessary and reasonable measures to prevent such further acts or to punish the perpetrators thereof.

5.8. The general allegations contained in paragraphs 5.1. through to 5.7 of this indictment are re-alleged and incorporated into each of the related charges set out below.

CHARGES

COUNT 1
(PERSECUTION)

6. Between about May 1992 and about April 1994 **Tihomir BLASKIC**, did by his acts and omissions, and in concert with others, and in particular with Dario KORDIC, Mario CERKEZ, and Zlatko ALEKSOVSKI, commit a crime against humanity by persecuting Bosnian Muslims on political, racial, or religious grounds, throughout the municipalities of, including but not limited to, Vitez, Busovaca, Kiseljak and Zenica. This persecution was perpetrated through, among other things, the following:

Attacks on Towns and Villages:

6.1. As part of the persecution, members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, planned and executed the widespread and systematic attack of towns and villages. These towns and villages were inhabited by Bosnian Muslims in the municipalities of, including but not limited to, Vitez, Busovaca, Kiseljak and Zenica.

Killing and Causing Serious Injury:

6.2. During and immediately after attacks in the municipalities of, including but not limited to, Vitez, Busovaca, Kiseljak and Zenica members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, killed Bosnian Muslim civilians, including women, children, the elderly and the infirm and caused serious injury or harm to others.

Destruction and Plunder of Property:

6.3. During and immediately after many attacks in the municipalities of, including but not limited to, Vitez, Busovaca and Kiseljak, members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, wantonly and extensively destroyed and plundered Bosnian Muslim dwellings, businesses, institutions dedicated to religion or education, civilian personal property and destroyed livestock.

Inhumane Treatment of Civilians:

6.4. In the municipalities of, including but not limited to, Vitez, Busovaca and Kiseljak, members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, systematically selected and detained on political, racial or religious grounds hundreds of Bosnian Muslims and placed them in detention facilities controlled by the HVO as listed in paragraph 11 of this indictment.

6.5. The detention facilities were staffed, operated and supervised by members of the HVO and its agents, under the command and control of **Tihomir BLASKIC** and by his order or with his knowledge.

6.6. In the municipalities of, including but not limited to, Vitez, Busovaca and Kiseljak, members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, accepted hundreds of detained Bosnian Muslim civilians into detention facilities. Many of these detainees were killed, used as human shields, beaten, forced to dig trenches

at or near the front lines, were subjected to physical or psychological abuse and intimidation, inhumane treatment, deprived of adequate food, water and adequate medical treatment.

7. The persecution of Bosnian Muslims, as alleged above, was on such a large scale and widespread basis, and implemented in such a systematic fashion, that it has significantly reduced the Muslim civilian population from those areas of the municipalities of, including but not limited to, Vitez, Busovaca and Kiseljak where the HVO and the Bosnian Croat administration seized control. By these acts and omissions, **Tihomir BLASKIC**, committed:

Count 1: a CRIME AGAINST HUMANITY, as recognised by Article 5(h) (persecutions on political, racial, or religious grounds) of the Statute of the Tribunal.

COUNTS 2 - 3 (UNLAWFUL ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS)

8. Members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, participated in unlawful attacks on civilians and civilian objects in, among others, the following towns and villages:

TOWN/VILLAGE MONTH OF ATTACK

Ahmici/Nadioci/Pirici/Santici April 1993

Ocenici April 1993

Vitez/Stari Vitez April to May 1993

Rotilj April 1993

Zenica town April 1993

By these acts and omissions, **Tihomir BLASKIC**, committed:

Count 2: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Article 3 (unlawful attack on civilians) of the Statute of the Tribunal;

Count 3: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Article 3 (unlawful attack on civilian objects) of the Statute of the Tribunal.

COUNTS 4-9 (WILFUL KILLING AND CAUSING SERIOUS INJURY)

9. From about January 1993 to about January 1994, members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, wilfully killed civilians and, intending to cause great suffering, injured, both physically and mentally, others in the municipalities of, including but not limited to, Vitez, Busovaca, Kiseljak and Zenica.

By these acts and omissions **Tihomir BLASKIC** committed:

Killings:

Count 4: a GRAVE BREACH, as recognised by Article 2(a) (wilful killing) of the Statute of the Tribunal;

Count 5: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a)(murder) of the Geneva Conventions;

Count 6: a **CRIME AGAINST HUMANITY**, as recognised by Article 5(a) (murder) of the Statute of the Tribunal;

Injuries:

Count 7: a **GRAVE BREACH**, as recognised by Article 2(c) (wilfully causing great suffering or serious injury to body or health) of the Statute of the Tribunal.

Count 8: a **VIOLATION OF THE LAWS AND CUSTOMS OF WAR**, as recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) (violence to life and person) of the Geneva Conventions.

Count 9: a **CRIME AGAINST HUMANITY**, as recognised by Article 5(i) (inhumane acts) of the Statute of the Tribunal

**COUNTS 10-13
(DESTRUCTION AND PLUNDER OF PROPERTY)**

10. From about January 1993 to about September 1993, members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, wantonly and extensively destroyed and plundered Bosnian Muslim dwellings, businesses, institutions dedicated to religion or education, civilian personal property and livestock in the municipalities of, including but not limited to, Vitez, Busovaca and Kiseljak.

By these acts and omissions **Tihomir BLASKIC** committed:

Count 10: a **GRAVE BREACH**, as recognised by Article 2(d) (extensive destruction of property) of the Statute of the Tribunal.

Count 11: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3 (b) (devastation not justified by military necessity) of the Statute of the Tribunal;

Count 12: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Article 3 (d) (destruction or wilful damage to institutions dedicated to religion or education) of the Statute of the Tribunal;

Count 13: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognized by Article 3 (e) (plunder of public or private property) of the Statute of the Tribunal.

**COUNTS 14 - 19
(INHUMANE TREATMENT, THE TAKING OF HOSTAGES, AND THE USE OF HUMAN SHIELDS)**

11. Between about January 1993 and about April 1994, members of the HVO and its agents, under

the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, caused Bosnian Muslims to be detained at the following locations and subjected them to unlawful and inhumane treatment, including that which is set forth below in paragraphs 12 and 13.

Vitez Cinema Complex
Kaonik Prison near Busovaca
Vitez Veterinary Station
Dubravica Elementary School
SDK Offices in Vitez
Kiseljak Barracks
Rotilj village

Inhumane and or cruel treatment of detainees:

12. Bosnian Muslims, who were detained in HVO controlled detention facilities, including but not limited to those set forth above, were killed, used as human shields, beaten, forced to dig trenches at or near front lines, subjected to physical or psychological abuse and intimidation, inhumane treatment including being confined in cramped or overcrowded facilities, and deprived of adequate food, water and medical treatment.

13. Between about January 1993 and about April 1994, members of the HVO and its agents, under the command and control of **Tihomir BLASKIC** did force Bosnian Muslim detainees to dig trenches at or near front line positions in the municipalities of, including but not limited to, Kiseljak, Vitez, and Busovaca. A number of Bosnian Muslims were killed during the course of digging trenches.

By these acts and omissions **Tihomir BLASKIC** committed:

Count 14: a **GRAVE BREACH** as recognised by Article 2(b) (inhuman treatment) of the Statute of the Tribunal.

Count 15: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Article 3 of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva Conventions.

Hostages:

14. Between about January 1993 and about April 1994, members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, did take Bosnian Muslims hostage and did use them in prisoner exchanges, and to halt Bosnian military operations against the HVO.

By these acts and omissions **Tihomir BLASKIC** committed:

Count 16: a **GRAVE BREACH** as recognised by Article 2(h) (taking civilians as hostages) of the Statute of the Tribunal.

Count 17: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR** as recognised by Article 3 of the Statute of the Tribunal and Article 3 (taking of hostages) of the Geneva Conventions.

Human Shields:

15. Between about January 1993 and about April 1993 , members of the HVO and its agents, under the command and control of **Tihomir BLASKIC**, by his order or with his knowledge, did use Bosnian Muslims as human shields in order to prevent the Bosnian Army from firing on HVO positions or to force Bosnian Muslim combatants to surrender in the municipalities of, including but not limited to, Vitez and Busovaca. The HVO used human shields on multiple occasions including but not limited to January or February 1993 in the village of Merdani and on 16 April 1993 and 20 April 1993 in Vitez.

By these acts and omissions **Tihomir BLASKIC** committed:

Count 18: a GRAVE BREACH as recognised by Article 2(b) (inhuman treatment) of the Statute of the Tribunal;

Count 19: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Article 3 (cruel treatment) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions;

Louise Arbour
Prosecutor

15 November 1996
The Hague,
The Netherlands