

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

CASE NO. IT-95-14

THE PROSECUTOR OF THE TRIBUNAL

AGAINST

Tihomir BLASKIC

SECOND 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 May 1992 to January 1994, members of the armed forces of the Croatian Defence Council ("HVO") of the Croatian Community of Herceg-Bosna ("HZ-HB") committed serious violations of international humanitarian law against Bosnian Muslims in the cities, towns, villages and hamlets of the municipalities of Vitez, Busovaca, Kiseljak, Vares, Zepce, Zenica, Duvno, Stolac, Mostar, Jablanica, Prozor, Caplijna, Gornji Vakuf, Novi Travnik, Travnik, Kresevo and Fojnica, 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 People's 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.

GENERAL ALLEGATIONS

5.0. 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.

5.1. 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.

5.2. In each paragraph charging crimes against humanity, the alleged acts or omissions were part of a widespread, large-scale or systematic attack directed against the Bosnian Muslim civilian population of the cities, towns, villages and hamlets in the municipalities of Vitez, Busovaca, Kiseljak and Zenica. Similar acts occurred in the municipalities of Vares, Zepce, Duvno, Stolac, Mostar, Jablanica, Prozor, Caplijna, Gornji Vakuf, Novi Travnik, Travnik, Kresevo and Fojnica, all in the Republic of Bosnia and Herzegovina.

5.3. 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.

5.4. 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.

5.5. The general allegations contained in paragraphs 5.0. through to 5.4 of this indictment are re-alleged and incorporated into each of the related charges set out below.

CHARGES

COUNT 1 (PERSECUTION)

6.0 From May 1992 to January 1994 **Tihomir BLASKIC**, together with members of the HVO, planned, instigated, ordered, or otherwise aided and abetted in the planning, preparation, or execution of a crime against humanity by persecuting Bosnian Muslim civilians on political, racial,

or religious grounds, throughout the municipalities of Vitez, Busovaca, Kiseljak, and Zenica, and, or in the alternative, knew or had reason to know that subordinates were about to do the same, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

This persecution was perpetrated through the following:

Attacks on Cities, Towns and Villages:

6.1. The widespread and systematic attack of cities, towns and villages, inhabited by Bosnian Muslims, in the municipalities of Vitez, Busovaca, Kiseljak, and Zenica.

Killing and Causing Serious Injury:

6.2. During and immediately after the attacks in the cities, towns, and villages of the municipalities of Vitez, Busovaca, Kiseljak and Zenica the killing and causing of serious injury or harm to Bosnian Muslim civilians, including women, children, the elderly and the infirm.

Destruction and Plunder of Property:

6.3. During and immediately after many of the attacks in the cities, towns, and villages of the municipalities of Vitez, Busovaca, Kiseljak and Zenica the wanton and extensive destruction and or plundering of Bosnian Muslim dwellings, buildings, businesses, institutions dedicated to religion or education, and civilian personal property and livestock.

Inhumane Treatment of Civilians:

6.4. In the municipalities of Vitez, Busovaca and Kiseljak the systematic selecting and detaining on political, racial or religious grounds of hundreds of Bosnian Muslim civilians and the placing of such persons in detention facilities controlled by the HVO as listed in paragraph 12 of this indictment.

6.5. The Bosnian Muslim civilians detained and referred to in paragraph 6.4 were killed, used as human shields, beaten, forced to dig trenches, were subjected to physical or psychological abuse and intimidation, inhumane treatment, and were deprived of adequate food and water.

Forcible Transfer of Civilians:

6.6. During the period described in paragraph 6, hundreds of Bosnian Muslim civilians were intimidated, coerced by the HVO to leave their homes and villages or forcibly transferred by the HVO to areas outside the municipalities of Vitez, Busovaca, Kiseljak or to other parts within these same municipalities.

6.7. The HVO intimidated, coerced or forcibly transferred Bosnian Muslim civilians in different ways: terrorising them or ordering them under threat of physical harm to leave their villages to the territory not occupied or controlled by the HVO; detaining and transferring them to detention sites and thereafter taking them to HVO checkpoints to then walk to Bosnian Muslim territory; and detaining them at HVO detention centres and using them in prisoner exchanges. The forcible or coercive transfer of Muslim civilians was described by HVO representatives as a voluntary or

humanitarian transfer of civilians or a humanitarian resettlement of population, but was the culmination of HVO actions, described in this indictment, directed against Bosnian Muslim civilians.

7. The persecution of Bosnian Muslim civilians, 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 Bosnian Muslim civilian population from those areas of the municipalities of Vitez, Busovaca and Kiseljak where the HVO seized control.

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

Count 1: a CRIME AGAINST HUMANITY, as recognised by Articles 5(h), 7(1) and 7(3) (persecutions on political, racial, or religious grounds) of the Statute of the Tribunal.

COUNTS 2 - 4
(ANLAWFUL ATTACKS ON CIVILIANS AND CIVILIAN OBJECTS)

8. **Tihomir BLASKIC**, together with members of the HVO, planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of unlawful attacks on civilians and civilian objects and wanton destruction not justified by military necessity in the following cities, towns and villages,

and, or in the alternative, knew or had reason to know that subordinates were about to do the same, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

TOWN/VILLAGE MONTH OF ATTACK

Ahmici April 1993
Nadioci April 1993
Pirici April 1993
Santici April 1993
Ocehnici April 1993
Vitez April 1993 and August 1993
Stari Vitez April 1993
Rotilj April 1993
Zenica April 1993

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

Count 2: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3 (b), 7(1) and 7(3) of the Statute of the Tribunal (devastation not justified by military necessity).

Count 3: an unenumerated VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and customary law, Article 51 (2) of Additional Protocol I and Article 13(2) of Additional Protocol II (unlawful attack on civilians).

Count 4: an unenumerated VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and customary law and Article 52(1) of Protocol I (unlawful attack on civilian objects).

COUNTS 5-10
(WILFUL KILLING AND CAUSING SERIOUS INJURY)

9. From January 1993 to January 1994, in the municipalities of Vitez, Busovaca, Kiseljak and Zenica **Tihomir BLASKIC**, together with members of the HVO, planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the following crimes:

a) the wilful killing of civilians,

b) the wilful infliction of serious injury and great suffering, both physically and mentally, to civilians,

and, or in the alternative, knew or had reason to know that subordinates were about to do the same, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

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

Killings:

Count 5: a **GRAVE BREACH**, as recognised by Articles 2(a) (wilful killing), 7(1) and 7(3) of the Statute of the Tribunal.

Count 6: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (murder) of the Geneva Conventions.

Count 7: a **CRIME AGAINST HUMANITY**, as recognised by Articles 5(a) (murder), 7(1) and 7(3) of the Statute of the Tribunal.

Injuries:

Count 8: a **GRAVE BREACH**, as recognised by Articles 2(c) (wilfully causing great suffering or serious injury to body or health), 7(1) and 7(3) of the Statute of the Tribunal.

Count 9: a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (violence to life and person) of the Geneva Conventions.

Count 10: a **CRIME AGAINST HUMANITY**, as recognised by Articles 5(i) (inhumane acts), 7(1) and 7(3) of the Statute of the Tribunal.

COUNTS 11-13
(DESTRUCTION AND PLUNDER OF PROPERTY)

10. From January 1993 to September 1993 **Tihomir BLASKIC**, together with members of the HVO, planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the wanton and extensive destruction, devastation and plunder of Bosnian Muslim

dwellings, buildings, businesses, civilian personal property and livestock in the following cities, towns and villages

and, or in the alternative, knew or had reason to know that subordinates were about to do the same, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof :

Ahmici April 1993
Nadioci April 1993
Pirici April 1993
Santici April 1993
Ocehnici April 1993
Vitez April 1993
Stari Vitez April 1993 and August 1993
Donja Veceriska April 1993
Gacice April 1993
Loncari April 1993
Grbavica September 1993
Behrici April 1993
Svinjarevo April 1993
Gomionica April 1993
Gromiljak April 1993
Polje Visnjica April 1993
Visnjica April 1993
Rotilj April 1993
Tulica June 1993
Han Ploca/Grahovci June 1993

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

Count 11: a GRAVE BREACH, as recognised by Articles 2(d), 7(1) and 7(3) (extensive destruction of property) of the Statute of the Tribunal.

Count 12: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3(b), 7(1) and 7(3) (devastation not justified by military necessity) of the Statute of the Tribunal.

Count 13: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3(e), 7(1) and 7(3) (plunder of public or private property) of the Statute of the Tribunal.

COUNT 14

(DESTRUCTION OF INSTITUTIONS DEDICATED TO RELIGION OR EDUCATION)

11. From August 1992 to June 1993 **Tihomir BLASKIC**, together with members of the HVO, planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the destruction or wilful damage of Bosnian Muslim institutions dedicated to religion or education in in the following towns and villages

and, or in the alternative, knew or had reason to know that subordinates were about to do the same, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof:

Duhri August 1992
Busovaca 1993
Stari Vitez 1993
Ahmici April 1993
Kiseljak April 1993
Gromljak April 1993
Kazagici April 1993
Svinjarevo 1993
Hercezi June 1993
Han Ploca June 1993
Tulica June 1993
Visnjica September 1993

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

Count 14: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Articles 3(d), 7(1) and 7(3) (destruction or wilful damage to institutions dedicated to religion or education) of the Statute of the Tribunal.

COUNTS 15-20

(INHUMANE TREATMENT, THE TAKING OF HOSTAGES, AND THE USE OF HUMAN SHIELDS)

12. From January 1993 to January 1994, **Tihomir BLASKIC**, together with members of the HVO, caused Bosnian Muslims to be detained at the following locations :

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

and planned, instigated, ordered or otherwise aided and abetted in the planning, preparation or execution of the unlawful and inhumane treatment of Bosnian Muslims as set forth in paragraphs 13 and 14

and, or in the alternative, knew or had reason to know that subordinates were about to do the same, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof

Inhumane and or cruel treatment of detainees:

13. Bosnian Muslims, who were detained in HVO controlled detention facilities were used as human shields, beaten, forced to dig trenches, 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.

14. Bosnian Muslims who were detained in HVO detention facilities were forced to dig trenches in the municipalities of Kiseljak, Vitez, and Busovaca. A number of Bosnian Muslims were killed, injured and wounded while digging trenches.

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

Count 15: a GRAVE BREACH as recognised by Articles 2(b), 7(1) and 7(3) (inhuman treatment) of the Statute of the Tribunal.

Count 16: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3(1)(a) (cruel treatment) of the Geneva Conventions.

Hostages:

15. From January 1993 to January 1994, **Tihomir BLASKIC**, together with members of the HVO planned, instigated ordered or otherwise aided and abetted in the planning, preparation or execution of the detention of Bosnian Muslim civilians as hostage and did use them in prisoner exchanges, and to halt Bosnian military operations against the HVO

and, or in the alternative knew or had reason to know that subordinates were about to do the same, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

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

Count 17: a GRAVE BREACH as recognised by Articles 2(h), 7(1) and 7(3) (taking civilians as hostages) of the Statute of the Tribunal.

Count 18: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Articles 3, 7(1) and 7(3) of the Statute of the Tribunal and Article 3 (taking of hostages) of the Geneva Conventions.

Human Shields:

16. From January 1993 to April 1993, **Tihomir BLASKIC**, together with members of the HVO, planned, instigated ordered or otherwise aided and abetted in the planning, preparation or execution of the use Bosnian Muslim civilians as human shields in order to prevent the Bosnian Army from firing on HVO positions or to force Bosnian Muslim combatants to surrender

and, or in the alternative, knew or had reason to know that subordinates were about to do the same, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. The HVO used human shields in 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 19: a GRAVE BREACH as recognised by Articles 2(b), 7(1) and 7(3) (inhuman treatment)

of the Statute of the Tribunal;

Count 20: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR as recognised by Articles 3, 7(1) and 7(3) (cruel treatment) of the Statute of the Tribunal and Article 3(1)(a) of the Geneva Conventions;

Louise Arbour
Prosecutor

The Hague,
The Netherlands
25 April 1997