

□ **STATEMENT OF THE TRIAL CHAMBER AT THE JUDGEMENT HEARING** □

**The Prosecutor v. Tihomir Blaskic**  
**3 March 2000**

1. The Trial Chamber is today rendering its Judgement in the case *The Prosecutor v. Tihomir Blaskic*. I should clarify that, except where indicated otherwise, I will speak on behalf of the Trial Chamber and that Judge Shahabuddeen has appended a declaration to the Judgement.

**I. INTRODUCTION**

**A. A word of thanks**

2. Before presenting its core conclusions (for obvious reasons, the whole Judgement could not be read), the Chamber wishes to thank all those who have allowed this trial to take place under the best conditions – a trial made significant by the accused’s command authority and made difficult by the volume of information led at the hearings and by the length of the proceedings.

1. The Judges

3. The Trial Chamber first wishes to recall that several Judges had to withdraw from the trial before its conclusion. Despite his commitment and drive, Judge Deschênes was as you know obliged to resign for medical reasons. Once again, I must thank Judge Shahabuddeen for having consented to take his place forthwith in the days following his election thereby allowing the trial to commence on the date set.

My thoughts also turn to Judge Riad whom illness kept away from the Tribunal for several months. It was with some hesitation that, having consulted with the Prosecution, the Defence and the accused, the Trial Chamber requested that he be replaced. However it knew it could count on the total dedication of Judge Rodrigues who was given the weighty task of acquainting himself with the entire case-file in very short time.

2. The Participants

(a) The persons

4. I would also like everyone to be aware of the remarkable work contributed by all those persons who are sometimes forgotten but who day after day:

- compiled the transcripts, more than 18,000 pages in the French version and 25,000 in the English version;
- filmed and recorded the hearings, then redacted the recordings to protect the witnesses;
- translated thousands of pages of documents;
- interpreted the proceedings, despite the speed of the statements or the exchanges, despite the technical words and expressions used, despite the criticism sometimes made of them when a speaker deemed his turn of phrase was not perfectly rendered.

The Trial Chamber also recalls the invaluable assistance which it received from the Registry, the Trial Chamber’s legal officer and the assistants.

(b) Counsel

5. I would above all like to pay tribute to Counsel for the Prosecution and the Defence for their remarkable attitude throughout the trial thus showing that the ardour of proceedings does not

exclude courtesy, at least towards the Judges, and that defending the interests one represents does not necessarily entail a permanent conflict.

(c) The Accused

6. Finally, I would point out that the accused testified as a witness for nearly 12 weeks, including the time allotted to the cross-examination and the questions of the Judges. Throughout the trial, General Blaskic always showed deference to the Judges.

**B. The length of the proceedings**

7. In terms of form, the trial had only one shortcoming, something which we must all strive to remedy – its length.

8. Opened on 24 June 1997, the proceedings were declared closed a little over two years later on 30 July 1999. Over the course of these two years, the Trial Chamber would hear 158 witnesses and receive nearly 1,500 exhibits, mostly written documents some of which run to several hundred pages. The parties tendered such detailed submissions that, as of today, the French translations have still not been filed with the Registry.

9. Naturally, the Trial Chamber wished to review for all the elements of the case-file. It verified all the arguments advanced and examined them in relation to one another and in the light of the exhibits. It notes in this respect that the parties submitted to it quite a large number of orders or reports issued by the accused. Every element of those orders has its importance - the actual content of the document itself, of course, but also its addressees, the day and even the hour of its transmission, its references where they exist, everything which permits the declarations of the witnesses to be confirmed or rejected. In this regard, the Trial Chamber must state its regret that it did not obtain all the available information, especially the other orders and reports issued by the accused, his superiors or subordinates which were or perhaps still are stored in the Archives. It must however express its satisfaction at the attitude of certain States not emanating from the former Yugoslavia and certain entities which demonstrated true co-operation with the Tribunal and which, as the Trial Chamber knows, provided a considerable volume of information to the parties.

10. In sum, the Trial Chamber would take seven months to deliver its judgement. Seven months to check, proof by proof, witness statement by witness statement, whether and to what extent General Blaskic's responsibility for the facts ascribed to him was established.

11. Before proceeding to the explanation, it is probably appropriate to recall the crimes ascribed to the accused and the main arguments of his Defence. The Trial Chamber will then set out the general context in which the conflict at issue fits and how it must be characterised. Next, it will recall in short the facts, in any case some of the more notable facts of the conflict. Lastly, the Trial Chamber will present its findings as to the responsibility of the accused for the crimes committed and the discriminatory nature of those crimes.

**C. The crimes ascribed to the accused**

12. Tihomir Blaskic is charged with having committed, ordered, planned or otherwise aided and abetted in between 1 May 1992 and 31 January 1994:

- a crime against humanity, persecution (count 1: attacks upon cities, towns and villages; killing and causing serious injury; destruction and plunder of property; inhumane treatment of civilians; forcible transfer of civilians);
- crimes against humanity, wilful killing and causing serious injury (counts 7 and 10);
- grave breaches of the Geneva Conventions (counts 5, 8, 11, 15, 17 and 19);
- and violations of the laws or customs of war (counts 3, 4, 6, 9, 12 to 14, 16, 18 and 20 – count

2 was withdrawn by the Prosecution because it deemed that it was covered by the other counts)

for killing, serious bodily harm, destruction and plunder of property, destruction of institutions dedicated to education or religion, inhuman or cruel treatment of detainees, including the taking of hostages for use as human shields,

all this against the Muslim population of central Bosnia and in particular the Lasva Valley, that is more specifically in the municipalities of Vitez, Busovaca, Kiseljak and, to some degree, Zenica.

General Blaskic is also charged with not having taken reasonable measures to prevent crimes or to punish the perpetrators thereof although knowing or having reasons to know that the crimes were about to be committed or had been committed.

#### **D. General Blaskic's Defence**

13. In his defence, General Blaskic presents a series of arguments which the Trial Chamber may only reproduce in summary here but which were presented at length during the trial, most especially when the accused testified and naturally in the final submissions to the Trial Chamber.

14. These arguments first touch upon the circumstances at the time. General Blaskic was, in his own words, under siege in a way and exposed to the attacks of the Muslim forces whose objective was to take control of the Lasva Valley by isolating each municipality. Under these conditions, and despite his efforts, it was completely impossible for him to maintain a proper command system, particularly given the difficulty of inter-municipality communication.

15. The Defence further contends that the crimes committed by the Muslim forces explain the disorderly conduct of the Croatian troops essentially comprised only of poorly trained soldiers inclined to obey the local authorities rather than his orders. In addition, and in particular in the case of Ahmici or the booby-trapped lorry in Stari Vitez, 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.

16. Whatever the case, General Blaskic never allegedly gave the order to commit the crimes. In the opinion of the Defence, the attack on Grbavica demonstrates that when the accused ordered an attack it adhered to the laws of war and that the crimes perpetrated subsequent to the attack resulted only from the acts of civilians driven by a spirit of vengeance and left free to act due to the shortcomings of the police authorities.

17. Moreover, General Blaskic always allegedly took care to restate in numerous written orders the need to respect humanitarian law. Allegedly, he could even detain civilians, if only for the purposes of providing them with protection.

18. Finally, the Defence maintains that the applicable laws at the time permitted the use of work-teams to dig trenches.

## **II. FINDINGS OF THE TRIAL CHAMBER**

19. Before addressing the actual responsibility of the accused, the Trial Chamber will outline the geographical, political and military context of the case and reiterate the crimes perpetrated.

### **A. The general context into which the conflict fits**

#### **1. The geography**

20. The Lasva Valley, as described in the indictment, lies 30 km to the north-west of Sarajevo in

Bosnia-Herzegovina. It is a region crossed by a road running from south-east to north-west which passes along the Sarajevo-Kiseljak stretch before continuing on towards Busovaca, then turning towards Vitez and going on to Travnik. Approximately 30 km separate Kiseljak from Vitez. The road lies at the bottom of the hills. The Defence presented a scale model stating that the height had been increased threefold. Although the scale model exaggerated the height of the surrounding mountains it demonstrated the importance of the road to the whole of the region, especially in economic and military terms. All the municipalities of Vitez, Busovaca and Kiseljak would correspond to a thin strip of land stretching from The Hague to Schiphol and Haarlem.

21. The region was also especially remarkable for its large Croatian population. According to the 1991 census, the Muslim and Croatian populations were distributed as follows:

Vitez municipality: 11,514 Muslims and 12,675 Croats;

Busovaca municipality: 8,451 Muslims and 9,093 Croats;

Kiseljak municipality 9,778 Muslims and 12,550 Croats.

The town of Zenica had a Muslim majority (45% Muslims compared to 16.5% Croats).

## 2. Political and Military context

22. The Trial Chamber deems that the crimes perpetrated in the region which we have just mentioned were, admittedly, committed in the context of an armed conflict between the Bosnian Muslims and Bosnian Croats but before all else in the context of an armed international conflict.

### (a) Overview

23. In early 1992, Tihomir Blaskic was in Vienna, in Austria, having resigned from the former Yugoslav army (the JNA). According to his statements, he was recalled in February 1992 to his birth town of Kiseljak by the municipal council who were relying on obtaining his services to organise the defence of the municipality against the Serbs. Upon his arrival, Croats and Muslims co-operated to this end. However, the situation rapidly deteriorated. As of 8 April 1992, the Bosnian Croats, organised within the Democratic Community of Herceg-Bosna (the HZHB) created on 18 November 1991, instituted the HVO (the Croatian Defence Council) which was both a military and political structure. On the following day, 9 April 1992, the Muslims formed the Territorial Defence (the TO) which at the end of 1992 would become the Muslim army of Bosnia-Herzegovina, the ABiH.

24. Furthermore, on 6 April 1992, the Republic of Bosnia-Herzegovina declared its independence. On 7 April, Croatia recognised Bosnia-Herzegovina as an independent State. Nevertheless, at the same time, it granted Croatian citizenship to "the members of the Croatian nation" of Bosnia-Herzegovina who so requested. On 18 May, the United Nations Security Council recommended that the Republic of Croatia be admitted to the United Nations (resolution 753) and on 20 May, the Republic of Bosnia-Herzegovina (resolution 755).

25. Simultaneously, the Security Council called for a cessation to external intervention in the territory of Bosnia-Herzegovina and for the JNA and Croatian army units there to withdraw, to place themselves under the authority of the government of Bosnia-Herzegovina or to be disbanded and disarmed (Security Council resolution 752).

26. The presence of external forces was therefore widely known. But what of the region with which we are dealing? The evidence tendered presents apparently contradictory and vague perspectives which the Trial Chamber endeavoured to clarify. Despite individual local differences, quite a simple picture can be drawn.

27. As the Trial Chamber indicated, the Lasva Valley was a area in which the Serbs made up only a

minority of the population. Nonetheless, the Serbian forces were not far away at Jajce, to the west, and they were advancing from Kiseljak in the south-east. The front had to be held. The control of arms was the order of the day and they were taken from wherever they were found, for example at the former JNA barracks in Kiseljak or in Kaonik. They next had to be handed out. This was the trigger to the conflicts, conflicts which would be all the more violent as nationalism intensified. Some Bosnian Croats were especially virulent. Within the Croatian Community of Herceg-Bosna (the HZHB), there were disagreements between the supporters of multi-ethnicity, or in any case cohabitation with the Muslims, and the most die-hard Croatian nationalists. The latter unquestionably received the support of Zagreb.

(b) An international conflict

28. This is the nature of the conflict in question – an international armed conflict. The Republic of Croatia did not content itself merely with remaining a spectator on the sidelines or even seek simply to protect its borders. It intervened in the conflict pitting the Muslims and Croats of central Bosnia against each other.

29. Franjo Tudjman and Slobodan Milosevic met in March 1991 to discuss partitioning Bosnia-Herzegovina which would have led to its disappearance, at least as a distinct entity. According to one defence witness, Croatia harboured ambitions in respect of the territories within Bosnia-Herzegovina considered as Croatian for 150 years. In any case, President Tudjman's nationalism and his territorial ambitions became evident to many of those with whom he spoke, including Lord Owen and witnesses Paddy Ashdown, II and X heard by the Trial Chamber (we are sometimes obliged to use pseudonyms to protect witnesses).

30. As acknowledged by some of its highest ranking officers such as General Bobetko, Admiral Domazet or General Petkovic, Croatia sent troops to southern Bosnia-Herzegovina, into Bosnian territory. However it did not stop there. The evidence noted by the Trial Chamber in its Judgement demonstrate that the troops of the Croatian army, the HV, were observed at many locations in Bosnian territory, including in the Lasva Valley. Documents show that very many HV soldiers served in the HVO and were ordered to remove their HV insignia and replace them with those of the HVO. Most HVO officers were in fact HV officers. An exception at the time, is not General Blaskic now an inspector in the disciplinary body of the army of the Republic of Croatia? The presence of these men was reinforced by substantial material assistance. The Trial Chamber concurs that Croatia might also have supplied some assistance to Bosnia-Herzegovina. However, this assistance dried up, at least within the region and period under consideration, whereas the total aid sent by Croatia to all structures of Herceg-Bosna was assessed at a million German marks a day.

31. The objectives of the Croatian nationalists of Croatia were evidently shared by many members of the HVO and the Croatian Community of Herceg-Bosna (HZHB) including naturally Mate Boban, President of the Community, but also Anto Valenta, President of the Vitez HDZ – the Croatian Democratic Union – then President of the HDZ for the HZHB and whose nationalist writings are revealing, Ignac Kostroman, Secretary-General of the HZHB, and Dario Kordic, Vice-President of the HZHB whose speeches fired up the Bosnian Croats.

The Trial Chamber will cite here by way of example the minutes of a meeting on 12 November 1991, signed by Mate Boban and Dario Kordic: "... the Croatian people of Bosnia-Herzegovina must finally opt for an active a determined policy to achieve the eternal dream – a common Croatian State."

32. It is still the case, however, that the nationalists found it unacceptable that the Muslims could want to have a defence. The Bosnian Territorial Defence (the TO) was formed on 9 April 1992. On 10 April, Mate Boban outlawed the TO in HZHB territory. The Croatian general, Anto Roso, confirmed this in an order on 8 May and on 11 May Tihomir Blaskic implemented that order by pronouncing the TO unlawful in the territory of the Kiseljak municipality – a matter to which we will

return.

## **B. The conflict in the Lasva Valley**

### 1. May 1992 to January 1993

33. Accordingly, beginning in May 1992, tensions between the Muslim and Croatian populations would increase and incidents break out particularly when one side thought it could gain a tactical or strategic advantage such as control of a village, a town, former military warehouses or a road. The provocations and incidents multiplied, such as the Croatian flag being flown on public buildings and officers of Croatian origin being kidnapped. The first destruction of mosques and Muslim houses, the first civilian murders and first acts of plunder would be seen. In a narrow strip of territory, internal displacements of Muslim populations driven from their dwellings by the Croats were added to the movement of Croatian and particularly Muslim refugees chased off their lands by Serbian forces.

34. The accused, a colonel at the time, was appointed commander of the Central Bosnian Operative Zone (the CBOZ) on 27 June 1992 – Blaskic is now a general of the army of the Republic of Croatia and this is the rank by which he is known to the Trial Chamber. This appointment was ordered by Ante Roso, General of the army of the Republic of Croatia. By virtue of the order given by the Croatian General Milivoj Petkovic, the operative zone incorporated *inter alia* the municipalities of Vitez, Busovaca and Kiseljak. In August 1992, serious incidents erupted around the village of Duhri (to the south of Kiseljak) whose mosque was destroyed.

35. In the autumn, the situation rapidly deteriorated. The HVO attempted to force the Muslims to hand over their arms and shots were fired in and around Vitez.

36. On 20 October, the Muslims established a roadblock at Ahmici. They claimed that it was to prevent HVO troops from reinforcing the Croatian positions in Travnik. The Croats asserted that their forces were moving up to the front facing the Serbs in Jajce. Whatever the case, a Croatian soldier was killed. The roadblock was knocked down and the Muslims' arms confiscated.

37. Tensions remained high whilst the forces on the ground organised – the accused formed brigades within a military structure. The army of Bosnia-Herzegovina formed its 3<sup>rd</sup> Corps, based in Zenica.

### 2. The Vance-Owen Plan

38. It was under these conditions that the Vance-Owen Plan was presented on 2 January 1993. This peace plan defined, amongst other things, a decentralised Bosnia-Herzegovina organised into ten provinces each enjoying substantial autonomy and necessarily governed by a democratically elected local government. According to the statements of one witness of the Trial Chamber, the whole reasoning behind the plan was that there should be a division of power with one nationality being predominant in some zones but not to the prejudice of the other nationalities. Power was to be exercised with respect for the minorities.

39. The Lasva Valley was largely located in province 10 with the rest (the southern part of the municipality of Kiseljak) in province 7. The Plan came down to assigning the main responsibilities in province 10 to the Croats and to the Muslims in province 7. Nonetheless, in the minds of the Croatian nationalists and particularly Mate Boban, President of the HZHB, that admittedly meant that province 10 was Croatian. However that also meant, according to him, that some historically Croatian territories would be incorporated within the predominantly Muslim province 7 which was unacceptable. It was in any case best to ensure Croatian dominance in the regions affected.

40. The Vance-Owen Plan as such never came to apply on the ground but the Croats, and in particular the Bosnian Croats, bore a heavy responsibility in conducting the war in anticipation of its implementation and in willing its unilateral execution.

41. As of 15 January 1993, Mate Boban sent an ultimatum to the Muslims ordering them *inter alia* to hand over their arms. Faced with their refusal, the Croatian forces conducted operations meant to "croatise" some territories by force. Hundreds of Muslims were arrested and many imprisoned in Kaonik in the former JNA warehouses. Many of them were beaten. Most had to dig trenches, often under inhuman conditions and exposed to enemy fire. In so doing, they were beaten, even killed, and sometimes used as human shields.

42. The considerable efforts made by the European Commission Monitoring Mission (the ECMM) and the United Nations Protection Force (UNPROFOR) enabled some prisoners of war to be released and the conflict to be contained.

### 3. The Lasva Valley on Fire: April 1993

43. However, that situation would not last. On 15 April, the Croats, especially through the voice of Dario Kordic at a televised public meeting, issued a new ultimatum. Tihomir Blaskic declared, also on television, that HVO soldiers had been attacked in Nadioci. In a written order, he commanded the HVO brigades and the Vitezovi special unit to fire back if attacked and then instructed the HVO brigades and the Military Police 4<sup>th</sup> battalion to defend themselves against what he termed Muslim terrorist attacks.

44. On 16 April, at 01:30 hours, he issued a "combat order" to the Vitez Brigade and the Tvrtko independent units to, and I quote, "prevent the attacks of extremist Muslim forces". The formations concerned had to be ready, and again I quote, "to commence shooting at 05:30 hours on 16 April 1993".

45. On 16 April 1993 at 05:30 hours and then over the following days, the Lasva Valley became the theatre of many crimes – civilians were killed or wounded, houses set alight, minarets brought down, mosques destroyed, women and children separated from the men and left with no choice but to flee, women raped and men imprisoned, beaten and led off to the front to dig trenches. Everywhere, the same or virtually the same scenario was played out – an artillery attack sometimes with home-made weapons ("babies") was launched with complete disregard for the consequences and followed up by an infantry attack. It mattered little whether the objective had, at least in part, some military interest. It was sufficient to do such as to make it impossible for the Muslims to live there once the Croats had conquered the ground. This was true to such an extent that undefended villages which were not military targets were destroyed.

46. 16 April 1993: Ahmici, a village with a very strong Muslim majority, known for the fervent practice and teaching of the Muslim religion and whose largest mosque had just been rebuilt. A village perched high up overlooking the main Busovaca-Vitez road but some distance away from it. A village where there was no Muslim army.

It was 05:30 hours that 16 April and the artillery opened up. The Croatian inhabitants left the evening before. Only those who were armed and wanted to kill remained behind. Wanted to kill the terror-stricken Muslims who were awoken in the dead of night, who left their houses to flee and who fell to the bullets of the awaiting soldiers. Muslims, women, children and the old forced out of their homes in order to be killed. Muslims who hid under their beds, in their cellars and who were burnt alive in the flames of their houses.

47. These facts are known. The Defence finally acknowledged that these facts were materially incontestable. After much prevarication, the Defence ended up clearly implicating the troops whom it claimed had committed all the crimes, that is, the military police and, in particular, a special unit thereof, the "Jokers", whose commander was Vladimir Santic assisted by Anto Furundzija, also prosecuted by this Tribunal for facts related to this attack.

48. Other villages and hamlets were also attacked: Nadioci, Pirici, Santici located in the immediate vicinity of Ahmici.

49. The same scene recurred in the municipality of Busovaca. The HVO artillery shelled the villages of Jelinak, Merdani and Putis. On 17 April 1993, the HVO soldiers and the "Jokers" entered the village of Loncari and searched the Muslim houses for men of combat age and for arms. All the houses and stables belonging to the Muslims were set alight. The villages of Jelinak and Putis were also set on fire. The women, the children and the elderly were assembled and then chased out. Some civilians were beaten.

On 19 April, it was the turn of Ocehnici to be attacked. Civilians were killed, amongst them women. All the Muslim dwellings were set aflame.

50. The same tactic was always used in the municipality of Kiseljak.

Initially, to the north of the town, from 18 to 21 April 1993 when the villages of Behrici, Gomionica, Gromiljak, Hercezi, Polje Visnjica, Rotilj and Svinjarevo were attacked (the village of Gomionica would be subjected to fresh assaults in June). The houses were set alight, the mosques of Behrici and Gomionica destroyed and the one in Gromiljak damaged in a fire. The mosque in Visnjica was plundered. Many Muslim houses were burnt to the ground and their inhabitants chased out or assembled to be later detained.

On this matter, it must be said that though some were taken away to the Kiseljak barracks, where mistreatment abounded, an even larger number, including women and children, were led off to the village of Rotilj. It was impossible to leave the village inasmuch as the Croatian troops controlled the access roads and snipers waited to end any attempt to flee. The living conditions were difficult given that the Muslims lacked food and water and had to pack into those Muslim houses which remained intact.

The male detainees were obliged to dig trenches, mostly on the front lines, where they were subjected to physical violence.

51. In June 1993, the south of the municipality saw the same crimes reproduced in Grahovci, Han Ploca and Tulica. Here again, civilians were killed, houses plundered and/or set alight and men taken prisoner, beaten and forced to dig trenches.

52. Returning to the municipality of Vitez, note must also be made of the attacks on Vitez and in particular on Stari Vitez, the Muslim neighbourhood of the town, in April 1993, Stari Vitez in July, Donja Veceriska and Gacice in April; and Grbavica in September 1993. The Trial Chamber will make three particular points in respect of these attacks.

The first is the recourse to terror. Thus, on 18 April, a lorry packed with hundreds of kilos of explosives blew up on the outskirts of Stari Vitez near a mosque. According to the Defence, this action was decided upon and conducted by the Vitezovi under the command of Darko Kraljevic.

The second point which the Trial Chamber explains in more detail in its Judgement is that some attacks could meet military necessity. For example, an explosives factory was located between the villages of Donja Veceriska and Gacice. Nevertheless, Muslim civilians were killed and driven out and Muslim dwellings destroyed without justification.

Likewise, the observers agreed that the attack on Grbavica, which moreover the accused admitted having organised, was very well conducted. However the subsequent destruction again did not correspond to any military necessity.

The third point is that, as one member of the ECMM noted, the principal Muslim political officials



and intellectuals of the town were arrested and detained during the attack on Vitez (P246).

53. Lastly, the Trial Chamber must make mention of the shelling of the town of Zenica on 19 April 1993 when around midnight several shells fell far away from any zone of military interest whatsoever causing notably the death of many civilians. Taking into account the circumstances, the probability that this crime is ascribable to the HVO seems great. The Trial Chamber considers however that the elements in its possession do not allow the accused to be found responsible for this criminal attack.

### **C. The responsibility of the accused**

54. For all the facts other than the shelling of Zenica which we have just mentioned, how must the responsibility of the accused be assessed?

#### 1. Preliminary observations

55. To begin with, the Trial Chamber wishes to make two observations.

56. The first is that the accused is not himself charged with having committed the physical act constituting the basis of any of the crimes in the indictment. In other words, General Blaskic is not charged with killing a Muslim by his own hand.

57. The second observation is that, in its reflections upon the crimes imputed to the accused, the Trial Chamber has taken note of the circumstances at the time and in particular the possibility that crimes were committed by Muslim forces. In this respect, the Trial Chamber deems that it was the Chamber itself which wished to hear the commanders of the 7<sup>th</sup> Muslim Brigade which was often associated with some of these crimes. It is not a question here of imputing them or not to such or such Muslim unit. Notwithstanding this, the Trial Chamber considers that it has received evidence of atrocities committed against Croatian civilians and that the perpetrators of those crimes must be prosecuted.

58. However, and this is fundamental, the Trial Chamber condemns the argument which would have one crime excused by another. The truly essential question which arises is whether General Blaskic ordered crimes to be committed or otherwise failed in his duties as a commander and whether the crimes were committed as part of a widespread and systematic attack against the Muslim civilian population.

2. The accused ordered that attacks be launched which resulted in crimes being committed for which he is responsible or in any case aided or facilitated their commission and, moreover, did not take the reasonable measures which would have allowed the crimes to be prevented from being committed or the perpetrators thereof to be punished.

59. Going only by the documents available to it, the Trial Chamber must state in this respect that the accused developed a remarkable range and number of activities. In addition to the strictly military activities, General Blaskis took measures relating both to the protection of civilians and the channelling of humanitarian aid as well as relocating Croats and Muslims.

60. Nonetheless, this apparent intense activity poorly conceals the true nature of the orders which he gave to the troops under his authority and the failures of his authority as regards the conduct of his own troops. The analysis of the facts contradicts what the Defence presents as the actions of a highly professional officer who never ordered crimes be committed and who on the contrary tirelessly strove to prevent or to make amends for crimes.

#### (a) The authority of the accused

61. It is symptomatic to note that tension between the communities continued to rise from May 1992 to January 1993. However, the only truly effective measures taken by the accused consisted of setting up a solid chain of command throughout the territories under his command. The many orders produced at the hearings amply demonstrate that the accused wanted to establish firmly the authority of the Croatian forces in the region and his own authority over all these forces.

62. On 11 May 1992 for example, he signed an order stating that, and I quote, "the only lawful military units in the region of the municipality of Kiseljak are the HVO units". At the same time, and again I quote, "the TO is deemed to be unlawful in this region" (P312).

63. Furthermore, the accused claimed that he tried to professionalise an army made up of poorly trained troops and ascribed the crimes to elements which were uncontrolled or did not fall under his command.

64. Although the evidence confirms that General Blaskic did indeed concern himself with building a truly well structured army, it refutes however the theory of the lack or total absence of command authority. On the contrary, the information provided both by the Prosecution and the Defence shows that the accused meant to intervene in all areas by turning to all available forces including for example the civilian police where need be.

65. The analysis of the orders he received or issued shows that General Blaskic commanded all the HVO troops but also other units. Further, contrary to his assertion before the Trial Chamber, the chain of command operated satisfactorily.

#### i. HVO troops and other units

66. The Defence showed a chart explaining the connections between the various units and, in particular, the fact that the military police or some independent or special units, like the Vitezovi, did not fall under the authority of the accused but answered directly to the main staff in Mostar or the HZHB Ministry of Defence. Although they may have been detached to General Blaskic for point-specific operations, he could not issue combat orders to them or take any disciplinary measures against them. In any case, the authority that General Blaskic might have had could have been exercised only from the time the forces in question fell under his command.

67. The Trial Chamber categorically rejects these arguments, including the semantic debate according to which a "detached" unit was not an "attached" unit and vice-versa.

68. Let us take the example of Ahmici: according to the Defence argument and the explanations of the accused himself, the military police which the accused claimed were guilty of the crimes committed in that village was attached to him only as of 11:42 hours on 16 April 1993, the date and time the report allegedly placing the unit under General Blaskic's authority was received. What actually happened was completely different.

69. Several pieces of evidence attest to this. As of 19 January 1993, General Petkovic ordered that the Vitezovi be subordinated to the accused "in all respects".

In addition, on 15 April 1993 at 15:00 hours, right before central Bosnia went up in flames, the Vitezovi and the military police were detached to General Blaskic on orders from this same General Petkovic. In the afternoon of 15 April, at around 17:00 hours, according to his own statements, the accused organised a meeting with the military police and Vitezovi commanders.

70. By 10:00 hours on 15 April, General Blaskic had sent a "combat preparation order" to the military police and the Vitezovi and the HVO brigades in the operative zone. The order specifically requested that the police ensure that Muslim forces not block the main road connecting Travnik and Busovaca.

71. At 15:45 hours on 15 April, the accused sent to the Vitez HVO Brigade (the *Viteska Brigade* under the command of Mario Cerkez) and to the 4<sup>th</sup> military police battalion an order to *inter alia* "move to the highest level of combat preparation", to organise "at all levels an uninterrupted command system" and to be prepared to "engage in defensive action".

72. On 16 April at 1:30 hours, General Blaskic issued a "combat order" to the Viteska Brigade and to the Tvrtko independent units. The order stated that they should "occupy the defence region, block the villages and prevent any movement in and out". He specified that the forces of the 4<sup>th</sup> Military Police Battalion, the Nikola Subic Zrinski Brigade (the HVO Busovaca Brigade) and the civilian police forces were also to participate in the combat. The order demanded that the forces be ready for action at 05:30 hours.

73. At 05:30 hours, Ahmici and many other villages were attacked. Barely a few hours later, about one hundred Muslim civilians in Ahmici and the other villages would be killed and burned and dozens of houses set on fire.

74. General Blaskic thus took a decision and ordered that his troops be launched, that is, the regular HVO troops, special or independent Vitezovi and Tvrtko troops, the "Jokers" and military police troops (or even civilian police). These troops attacked towns and villages, most of which were not defended, or only lightly, with the purpose of turning the Lasva Valley into Croatian territory.

75. Let us take the orders that General Blaskic issued for combat in the Kiseljak area.

Kiseljak: the accused claimed that he was isolated from it, that he had communications problems and that this made proper operation of the chain of command problematic. I will return to this later.

On 17 April 1993 at 09:10 hours, General Blaskic told the Kiseljak HVO Brigade to organise the closing off of some of the villages and to take control of Gomionica and Svinjarevo. In a second order dated 17 April at 23:45 hours, he ordered the capture of those two villages and the launching of an attack to take Bilalovac. He wrote to the brigade commander that the military and civilian police were to be used for the "cleansing", his term, of the ground.

76. The accused wanted to be sure that the cleansing would be carried out. In orders he fired up his troops by proclaiming that in Zenica the Muslim forces were massacring the Croats and crushing them with tanks. In addition, General Blaskic entrusted his men with a historic mission. He told them and I quote: "keep in mind that the lives of the Croats in the Lasva region depend on your mission. This region could become our grave if you do not demonstrate resolve".

77. Lastly, the accused was not as concerned with the quality of his subordinates as he would have people believe. The Defence thus characterised the Zuti (a *Frankopan* HVO Brigade unit from Guca Gora) as "Mafiosi". However, on 4 July 1993, the accused appointed the chief of the unit as deputy for the active forces in the Central Bosnian Operative Zone.

78. According to General Blaskic's statements, the same military police which committed the crimes in Ahmici in April 1993 would be used to attack Grbavica in September of that same year.

## ii. The chain of command

79. To demonstrate that the accused did not have the communications resources to ensure the proper operation of the chain of command, the Defence put forth the argument, in particular, that the accused was isolated within his Vitez headquarters and that he did not have a sufficient number of qualified officers available to him.

80. The Trial Chamber is prepared to acknowledge that General Blaskic may have had

communications problems. At least, apparently. Many documents thus record requests for escorts to go from Vitez to Kiseljak sent to UNPROFOR by General Blaskic.

The Trial Chamber, however, has more evidence than it needs to note that the chain of command was operating satisfactorily. General Blaskic did not complain about an inability to communicate with his superiors but rather about an inability to communicate with his subordinates.

81. Moreover, these difficulties are much less significant than the accused claimed.

The Trial Chamber knows that helicopters were arriving in Vitez. It can acknowledge that there was relatively little radio equipment. Still, not all the telephone lines had been cut. In the middle of the conflict, General Blaskic was able to telephone the commander of the opposing forces directly. Several witnesses testified about the Croatian authorities' control over the telephone lines in all or some of the region. We also have proof that cellular telephones were available.

82. An analysis of the written documents is especially telling. It is interesting to note discrepancies between the same documents depending on whether they were produced by the Defence or the Prosecution. But that does not touch on the heart of the issue which lies in the unbelievable number of orders and reports issued or received by General Blaskic. We need merely consult the reference numbers provided to the Trial Chamber.

83. All of that operated very smoothly. I will return to the events in Kiseljak later. General Blaskic said that communications were not operating properly.

Nonetheless:

- on 17 April at 09:10 hours, the accused asked the *Ban Jelacic* Brigade in Kiseljak to make preparations and to send in a report by 23:30 hours;
- on 17 April he received the report;
- on 17 April at 23:45 hours, General Blaskic issued the order to attack on 18 April at 05:30 hours.
- on 18 April at 05:30 hours, the attack effectively began.

(b) Chronology of the events

84. The chronology of the events thus confirms that the attacks were organised. This is clear from the chronology itself and from the fact that, as the accused himself acknowledged, he took no measures upon learning that crimes had been committed. Let us consider the period April-August 1993.

85. On 15 April, General Blaskic was in Vitez and issued the orders to which we have referred.

On 16 April at 01:30 hours, he gave what he called the combat preparation order.

On 16 April at 05:30 hours, the HVO artillery went into action in Vitez, Stari Vitez, Ahmici, Santici, Pirici and Nadioci. The shelling was followed up immediately with infantry attacks.

During the morning of 16 April, the forces under the accused's command attacked the municipality of Busovaca in the direction of Jelinak, Merdani and Putis.

On 17 April, the attacks continued and General Blaskic prepared the assaults on the municipality of Kiseljak.

In the small hours of 18 April, artillery was again used and, in accordance with a well established pattern, this was followed up by infantry attacks on Svinjarevo, Gomionica, Visnjica ...

On 18 April a truck packed with hundreds of kilos of explosives blew up. This was intended to break the Muslim resistance in Stari Vitez.

On 18 April, Donja Veceriska was attacked. On 20 April, it was the turn of Gacice.

Around 20 April, General Blaskic was in control of the situation. He needed to reinforce his defences and, to do so, he used and would do again the Muslim detainees to dig trenches, particularly on the front-line.

The south of the municipality of Kiseljak was a more fragile zone. Simply stated, General Blaskic and his forces were in the west and the Serbian forces in the east. The Muslims forces however were in the north and south. The accused launched a further offensive in June. The pattern was the same: artillery followed by infantry. The villages of Grahovci, Han Ploca and Tulica fell victim to the crimes of his troops.

86. And when General Blaskic learned that crimes had been committed, what did he do? Nothing.

I will not say anything here about his assertion that he knew nothing of Ahmici until Colonel Stewart of UNPROFOR wrote to him to inform him of the horrors he had observed and demanded an investigation. Still, what did General Blaskic do?

There was no serious investigation. Instead, he issued a statement saying that the crimes were committed by Serbian forces that had infiltrated or by the Muslims themselves!

And when before this Trial Chamber he accused the military police, the Jokers, in particular, what new information did the accused put forth? He failed to say that the Joker commander, Vladimir Santic, had his office in the Hotel Vitez at his headquarters. He asserted however that he called for an investigation as early as 24 April. In fact, the witnesses confirmed that General Blaskic did so only on 8 May at the earliest and, I quote his written order of 10 May in which he said, "there are open rumours about the events in Ahmici".

The accused then explained that nothing had happened, that he had issued a reminder, and that the report transmitted to him by the Security and Information Service was incomplete.

However, he asked for another report only on 17 April 1993 and was allegedly told that the information had been transmitted to Mostar.

This satisfied General Blaskic because even when, between June and October 1994, he became the HVO deputy chief-of-staff responsible in particular for investigating war crimes, he took no definitive action.

Lastly, no soldier in the HVO, military police, the Jokers or any unit was ever punished for the massacre at Ahmici.

I will compare this attitude to a very simple fact. In the middle of the conflict on 16 April, the very day of the attack on Ahmici, General Blaskic sent a protest to UNPROFOR because a United Nations armoured vehicle had knocked down the fence of a church.

### 3. A massive or systematic attack against the Muslim civilian population

87. The evidence produced for the Trial Chamber by both the Prosecution and Defence demonstrates that General Blaskic ordered attacks and actions which resulted in crimes being committed for which he is responsible and that he was part of a design whose purpose was the persecution of the Muslim population.

(a) Political will

88. It must first be stated that the HVO was not only a military but also a civilian structure and, as such, took decisions regarding the organisation of life in the town. Returning to the example of Kiseljak, the municipal crisis staff decided on 25 June that the "Executive Committee of the Municipal Assembly of Kiseljak shall now be called the Croatian Defence Council (HVO) of Kiseljak". On 25 May, that same crisis staff cancelled the bank account of the territorial defence and ordered that a bank account be opened for the Kiseljak HVO.

89. By accepting his responsibilities as HVO commander for the defence of Kiseljak, but especially as HVO commander for the Central Bosnian Operative Zone, and then exercising these commands, General Blaskic was perfectly aware that the scope of his activity was not and could not be a strictly military one.

90. The nexus between the military and political aspects can be seen in the ultimatums issued by Mate Boban in January 1993 and by Dario Kordic in April 1993. These orders were limited not only to calls for the municipalities of Vitez, Busovaca or Kiseljak to revert to the Croats but also demanded that the Muslims lay down their arms.

91. Moreover, General Blaskic participated in many public meetings alongside the politicians with openly nationalist views. Many photographs attest to this fact and several make it possible to assert that the "politicians" were dressed in military uniform. On 22 September 1992, the accused was a member of the interim Presidency together with Dario Kordic, Anto Valenta and Ignac Kostroman and participated in the HVO meeting in the municipalities of central Bosnia during which *inter alia* the participants requested that a Croatian bank be established.

92. In fact, General Blaskic was in permanent contact with the politicians. Anto Valenta had his office at the Hotel Vitez which, as already stated, served as the accused's headquarters. During the negotiations with the European Mission or with UNPROFOR, General Blaskic was frequently alongside Ignac Kostroman.

93. One detail is revealing: on 25 May 1993, the accused co-authored a letter with Anto Valenta in which they complained to UNPROFOR that it, the ECMM, the UNHCR and the ICRC were using too many "Muslim translators".

94. General Blaskic was perfectly well aware of what policy was being followed.

(b) A policy of discrimination

95. This policy clearly discriminated against Muslims. Everything Muslim was to be done away with or replaced.

96. I have just spoken of the desire expressed by the participants during a meeting co-chaired by the accused during which demands for a Croatian bank were put forward. It is interesting to note that the Muslim bank in Vitez would be destroyed by an explosion the day before the opening of the Croatian bank.

97. The Muslims were systematically excluded from the organs of political life.

98. The Muslim places of worship were destroyed, or at least damaged or plundered. This was the case for mosques whose minarets, in particular, were methodically destroyed, religious centres or even those places where the dead were washed before burial.

99. Lastly, life was made impossible for the Muslims because their homes were destroyed. The Trial Chamber points out that this destruction was in no way haphazard or caused by alleged military

necessity. The Muslim houses were targeted with precision because, as shown in many documents, the neighbouring Croatian houses were almost always left intact.

### III. GUILT

100. General Blaskic, I now ask that you rise.

101. General Blaskic, you have been found guilty of all the crimes ascribed to you except for the shelling of Zenica.

#### **You are guilty, General Blaskic:**

of having ordered the commission of a crime against humanity for persecution of the Muslim civilians of Bosnia in the municipalities of Vitez, Busovaca and Kiseljak and, in particular, in the towns and villages of Ahmici, Nadioci, Pirici, Santici, Ocehnici, Vitez, Stari Vitez, Donja Veceriska, Gacice, Loncari, Grbavica, Behrici, Svinjarevo, Gomionica, Gromiljak, Polje Visnjica, Visnjica, Rotilj, Tulica and Han Ploca/Grahovci between 1 May 1992 and 31 January 1994 (count 1) by:

- attacks on towns and villages;
- murder and serious bodily injury;
- the destruction and plunder of property and, in particular, of institutions dedicated to religion or education;
- inhumane treatment of civilians and, in particular, their being taken hostage and used as human shields;
- the forcible transfer of civilians;

and by these same acts, in particular, as regards an international armed conflict, you committed:

- a violation of the laws of customs of war under Article 3 of the Statute and recognised by Article 51(2) of Additional Protocol I: unlawful attacks on civilians (count 3);
- a violation of the laws or customs of war under Article 3 of the Statute and recognised by Article 52(1) of Additional Protocol I: unlawful attacks on civilian objects (count 4);
- a grave breach, under Article 2(a) of the Statute: wilful killing (count 5);
- a violation of the laws or customs of war under Article 3 and recognised by Article 3(1)(a) of the Geneva Conventions: murder (count 6);
- a crime against humanity, under Article 5(a) of the Statute: murder (count 7);
- a grave breach under Article 2(c) of the Statute: wilfully causing great suffering or serious injury to body or health (count 8);
- a violation of the laws or customs of war under Article 3 and recognised by Article 3(1)(a) of the Geneva Conventions: violence to life and person (count 9);
- a crime against humanity under Article 5(i) of the Statute: inhumane acts (count 10);
- a grave breach under Article 2(d) of the Statute: extensive destruction of property (count 11);
- a violation of the laws or customs of war under Article 3(b) of the Statute: devastation not justified by military necessity (count 12);
- a violation of the laws or customs of war under Article 3(e) of the Statute: plunder of public or private property (count 13);
- a violation of the laws or customs of war under Article 3(d) of the Statute: destruction or wilful damage done to institutions dedicated to religion or education (count 14);
- a grave breach under Article 2(b) of the Statute: inhuman treatment (count 15);
- a violation of the laws or customs of war under Article 3 of the Statute and recognised by Article 3(1)(a) of the Geneva Conventions: cruel treatment (count 16);
- a grave breach under Article 2(h) of the Statute: taking civilians as hostages (count 17);
- a violation of the laws or customs of war under Article 3 of the Statute and recognised by

- Article 3(1)(b) of the Geneva Conventions: taking of hostages (count 18);
- a grave breach, under Article 2(b) of the Statute: inhuman treatment (count 19);
  - a violation of the laws or customs of war under Article 3 of the Statute and recognised by Article 3(1)(a) of the Geneva Conventions: cruel treatment (count 20).

In any case, as a commander, you failed to take the necessary and reasonable measures which would have prevented the commission of those crimes or the punishment of the perpetrators thereof.

#### **IV. SENTENCE**

102. General Blaskic, as the Trial Chamber explains in its Judgement, it took into account in determining the sentence all the circumstances which may be considered aggravating or mitigating. You were very young at the time of the events and you were responsible for the Central Bosnian Operative Zone. The evidence presented to the Trial Chamber allows it to identify the role you played. It also makes clear that you must not bear alone the responsibility for the atrocities committed.

103. The crimes you committed, General Blaskic, are extremely serious. The acts of war carried out with disregard for international humanitarian law and in hatred of other people, the villages reduced to rubble, the houses and stables set on fire and destroyed, the people forced to abandon their homes, the lost and broken lives are unacceptable. The international community must not tolerate such crimes, no matter where they may be perpetrated, no matter who the perpetrators are and no matter what the reasons for them may be. If armed conflict is unavoidable, those who have the power to take decisions and those who carry them out must ensure that the most basic rules governing the law of nations are respected. International courts, today this Tribunal, tomorrow the International Criminal Court, must appropriately punish all those, and especially those holding the highest positions, who transgress these principles.

104. General Blaskic, you showed no respect for these rules and this is something which you know. Consequently, the Trial Chamber sentences you to a prison sentence of 45 years.