

## **VIEW FROM THE HAGUE**

### **SIMIĆ FELT REMORSE AND REGRET**

Before the war, Bosanski Šamac municipality had a population of slightly over 30,000 people, about half of whom were non-Serb. After the war, there were no more than a couple of hundred Bosnian Muslims and Croats left. The Trial Chamber of the International Criminal Tribunal for the former Yugoslavia concluded that this population change was achieved by a "widespread and systematic attack on the civilian population".

The Trial Chamber determined that Serb police and paramilitaries forcibly took over power in Bosanski Šamac and subsequently persecuted, deported and carried out large-scale arrests of Bosnian Muslim and Bosnian Croat civilians. They arrested them on racial and political grounds not because there was a reasonable suspicion that they had committed any offences, and detained them in various facilities in Bosanski Šamac and its vicinity. Detainees were not given reasons for their arrests and continued detention, and in the very few instances where trials were conducted, these did not respect rights to a fair trial. They were subjected to cruel and inhumane treatment including beatings, torture, forced labour assignments and confinement under inhumane conditions. Many were forcibly transferred and expelled from their homes and villages by force, intimidation and coercion, while their property was plundered.

The initial indictment issued by the ICTY in connection with these events charged Blagoje Simić, Miroslav Tadić, Stevan Todorović, Milan Simić and Simo Zarić for crimes that occurred in Bosanski Šamac and its vicinity. All five of the accused except Mr. Todorović, who was arrested, voluntarily surrendered to the Tribunal.

During preparations for trial, on 13 December 2000, Mr. Todorović pleaded guilty to persecuting Bosnian Muslim and Bosnian Croat civilians. He expressed remorse and regretted that though Chief of Police, he still "lacked the courage to prevent the illegal and inhuman activities that were going on and the treatment of non-Serbs, due to which those people left the territory of the Šamac Municipality." Mr. Todorović was sentenced to 10 years in prison and is currently serving his sentence in Spain.

The trial of the remaining four accused began on 10 September 2001. About 8 months into the presentation of the Prosecution evidence, Mr. Milan Simić pleaded guilty to torturing Bosnian Muslim and Bosnian Croat civilians. In his statement to the Trial Chamber, Mr. Simić expressed his regret and remorse for what he had done to his fellow citizens and apologized for his actions. He was sentenced to 5 years in prison and was granted early release on 3 November 2003 after serving more than two thirds of his sentence.

Blagoje Simić, Miroslav Tadić and Simo Zarić maintained their innocence and presented their defence. The Trial Chamber convicted all three accused of persecuting Bosnian Muslim and Bosnian Croat civilians. Due to their varying degrees of individual responsibility, the accused received different sentences: Blagoje Simić, who was the highest ranking civilian official in the municipality, was sentenced to 17 years in prison, while Miroslav Tadić and Simo Zarić, who held less prominent positions, were sentenced to eight and six years in prison, respectively. Miroslav Tadić is currently in the UN DU awaiting transfer to serve his sentence, while the President of the Tribunal granted Simo Zarić early release on 28 January 2004.

The Trial Chamber determined that Simo Zarić was "a person highly engaged and respected in the social and cultural life in Bosanski Šamac" and, among other things, guilty of providing

“encouragement and moral support to the perpetrators of the cruel and inhumane treatment of non-Serb prisoners.”

During trial, Simo Zarić did something rather unusual – he asked his defence counsel to apologise to the victims and witnesses on his behalf. When asked why he did this, Zarić said that expressing his sincere sympathy to the victims “I thought was the least I could do as a human being. He also said: “I witnessed many things, I saw many things, I heard a lot of things as well. And I placed all my being to reduce the suffering to the minimum possible. Obviously I was powerless to prevent many of these things from happening. But when I asked you to express my words of sympathy for all these people went through, I meant that sincerely, as a human being, and before this Trial Chamber I would like to say that these are my sincere words from the bottom of my heart.”

**Outreach Programme**

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