

VIEW FROM THE HAGUE

TRIBUNAL HANDS DOWN SECOND GENOCIDE CONVICTION

Last week, the International Criminal Tribunal for the former Yugoslavia handed down its second genocide conviction for the murder of over 7,000 Bosnian Muslim men in Srebrenica in July 1995. The Trial Chamber convicted Vidoje Blagojević, a brigade commander in the Army of Republika Srpska, of complicity to commit genocide.

Blagojević was tried together with Dragan Jokić, a VRS officer. Both men were charged with crimes committed against Bosnian Muslims following the fall of the Srebrenica enclave in July 1995.

After Bosnian Serb forces took over the UN safe area of Srebrenica 20,000 to 30,000 Bosnian Muslims fled to the village of Potočari. The Trial Chamber found that, while there, they were subjected to cruel and inhuman treatment, in an "...environment where beatings, severe abuse and intimidation were not only tolerated but seemingly encouraged..." While Bosnian Muslim women, children and the elderly were forcibly transferred from Potočari, "...more than 7,000 Bosnian Muslim men were captured, detained and transported to execution sites in the Bratunac and Zvornik Municipalities, where they were murdered."

The Trial Chamber emphasised that while the crimes committed in and around Srebrenica in July 1995 form the basis for the case and that what happened there was genocide, the trial was ultimately about the two men and their alleged individual criminal responsibility. During the relevant period, Blagojević was the Commander of the VRS Bratunac Brigade, and held the rank of Colonel. While the Judges recognized there was another chain of command operating at the same time, they established that Colonel Blagojević or members of his brigade committed acts that provided practical assistance to this mass-murder. The Judgment describes many examples of these acts, such as a situation in which a member of the Bratunac Brigade served as an escort to a convoy of approximately 30 buses filled with Bosnian Muslim men who were blindfolded, and taken to nearby fields where, as the Judgment states, "group after group of helpless, terrified Bosnian Muslim men were executed."

In finding Blagojević guilty of complicity to commit genocide the Trial Chamber established that while he may not have been one of the major participants, the contribution made by Blagojević and members of his brigade had a substantial effect on the commission of the crime.

As for the second accused, Dragan Jokić, the Judgment states that, in July 1995 he was the VRS Zvornik Brigade Chief of Engineering and held the rank of Major and, on the morning of 14 July to the morning of 15 July, he served as the Zvornik Brigade's duty officer. He was accused of having assisted in operations to bury thousands of Bosnian Muslim murder victims. The Trial Chamber was convinced beyond reasonable doubt that Jokić knew that the resources, equipment and personnel he sent out were used with the express purpose of digging mass graves. The Trial Chamber also ruled that Jokić was aware that the principal perpetrators of this crime were murdering the victims because they were Bosnian Muslim. For his crimes Blagojević was sentenced to 18 years' imprisonment while Jokić received nine years.

The Srebrenica massacre in July 1995 was the biggest single massacre committed during the wars in former Yugoslavia (and the biggest in Europe since World War II). This is why the Tribunal has invested considerable effort in identifying and trying its perpetrators. The ICTY has issued fourteen indictments against individuals accused of perpetrating this massacre, more than for any other crime. Several cases related to the crimes committed in Srebrenica have already

been heard before the ICTY. Three of the accused - Dražen Erdemović, Dragan Obrenović and Momir Nikolić have admitted their guilt and described this horrible operation in detail. However, six persons accused of having principal responsibility over the crimes are still at large - Ratko Mladić, Radovan Karadžić, Drago Nikolić, Ljubomir Borovčanin, Vujadin Popović and Vinko Pandurević. They must be transferred to the Tribunal as soon as possible.

The groundbreaking work done by the ICTY has left the world in no doubt of the terrifying events that occurred in and around Srebrenica in 1995. When handing down the sentence in the Blagojević and Jokić trial the Judges stated that the crimes of Srebrenica, "...were committed with a level of brutality and depravity not previously seen in the conflict of the former Yugoslavia."

Even though the Tribunal has contributed considerable resources to establishing the responsibility of the organisers and perpetrators of the Srebrenica massacre, by virtue of its mandate, the ICTY will never be able to prosecute all those responsible for this horrible crime. This is why it is very important for the national judicial authorities in the former Yugoslavia to continue the Tribunal's work so that as many perpetrators as possible are brought to justice. Only this combined effort, in which the Tribunal has and will continue to assist the local authorities, may be able to provide complete satisfaction to the victims.

Outreach Programme

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