

Blaskic Jail Term Cut Expected

Author: [Stacy Sullivan](#)

Former Bosnian Croat commander's sentence likely to be reduced after new evidence came to light in his appeal.

The tribunal concluded hearings on the appeal of Bosnian Croat Colonel Tihomir Blaskic this week, marking an end to a legal process that has lasted more than seven years and was marred by allegations of scandal, contempt of court and conspiracy.

Blaskic, commander of Bosnian Croat troops in central Bosnia between 1992 and 1994, was sentenced to 45 years imprisonment, one of the harshest sentences the tribunal has ever passed, for commanding troops that committed atrocities against Muslims in Bosnia's Lasva valley during that time.

Tribunal officials described Blaskic's sentencing as a landmark ruling that established that an accused could be held accountable for crimes even if he did not himself commit them, through command responsibility.

But that momentous sentencing is likely to be reduced based on new evidence presented during Blaskic's appeal hearing over the past two weeks.

Blaskic was accused of 20 counts of war crimes and crimes against humanity in November 1995. Although he was not said to have participated in the killings, the tribunal alleged that he was responsible for them because he commanded the troops who committed the crimes.

Declaring that he was eager to prove his innocence, Blaskic surrendered voluntarily to the tribunal in April 1996 and pleaded not-guilty to all the counts alleged in the indictment.

His case began in June 1997 and lasted two years. It involved more than 1,500 documents and 150 witnesses, including high-ranking British military commanders, several prominent Western journalists and some of Croatia's top political officials.

Prosecutors alleged that Blaskic led his troops in a rampage of ethnic-cleansing, razing Muslim villages to the ground and driving them out of the territory he controlled. They said that Blaskic not only knew about the atrocities and failed to punish the perpetrators, but that he actually ordered them.

Among the worst crimes, prosecutors alleged was that troops under his command attacked the undefended Muslim village of Ahmici in April 1993, killing more than 100 civilians, including women and children, many of whom were burned alive in their homes.

Blaskic's defence countered that the colonel did not control the units that committed atrocities in the Lasva valley, that he often went to great lengths to prevent deaths and did attempt to punish those responsible. They said he condemned the atrocities repeatedly and ordered his troops to adhere to the laws of war.

The defence also alleged that the troops that committed the atrocities in central Bosnia were under the command of the Herceg-Bosna political leadership of Dario Kordic, a long-time ally of former Croatian

president Franjo Tudjman.

During the trial, one of Blaskic's lawyers, Zagreb-based Anto Nobile was found in contempt of court for disclosing the identity and occupation of a protected witness. Nobile appealed the finding and was allowed to continue representing Blaskic. That matter appears never to have been resolved.

Whether the accusations against Nobile had any bearing on the judges' decision is unclear, but when issuing their verdict, it was clear that the trial chamber had disregarded the defence's allegations. It found Blaskic guilty of all of the counts alleged in the indictment and issued what was at the time the longest sentence ever passed down at the tribunal.

Soon after the 45-year sentence was passed, Nobile and Blaskic's other defence lawyer, Russel Haymen of the United States, who were both being paid by the Croatian government, announced that they would appeal the judgment.

Just a few months later, shortly after Tudjman's death, hundreds of documents and tapes were uncovered in the basement of the Croatian intelligence service which Blaskic's defence would exonerate their client.

They said the documents, which included Blaskic's war diary as well as military orders detailing a secret command structure, would prove that the units accused of committing the atrocities answered to Kordic. They also alleged that Tudjman and other government officials had purposely suppressed the evidence in an effort to protect themselves from war crimes allegations and make Blaskic the scapegoat.

"It was obviously difficult to defend [Blaskic] when I was paid in part by a government that concealed the most important evidence," said Haymen.

Soon after Haymen and Nobile made the allegations, Tudjman's son, Miroslav Tudjman, who was the head of the Croatian intelligence service, denied that any evidence was withheld from Blaskic's lawyers. He accused Blaskic's defence counsels of seeking someone to blame for their poor defence strategy.

Miroslav Tudjman, who also leads a nationalist political party, then claimed that what did Blaskic in at the tribunal was not that any evidence was withheld in Croatia, but rather the testimony of Stjepan Mesic, the Croatian president who succeeded his father in office and comes from an opposition political party.

As Tudjman and Blaskic's lawyers hurled allegations at one another, the trial of Dario Kordic got underway. During that trial, prosecutors presented evidence showing that Kordic was charged with building the paramilitary units that carried out some of the worst atrocities in the Lasva valley. Blaskic's lawyers seized on the evidence, which they claimed would have helped prove their client's innocence, and accused tribunal prosecutors of withholding exculpatory evidence, a violation of tribunal rules.

Citing the alleged Croatian government cover-up and the prosecution's failure to obey the tribunal's rules, Blaskic's defence soon announced that they would not be content with merely an appeal's hearing, but wanted a new trial.

Soon, two former British army officers who served in Bosnia and a former journalist-turned-politician backed the defence calls for a retrial and vowed to do all that they could to help Blaskic clear his name.

Matthew Whatley, a former captain in the British Army who served in Bosnia and witnessed the crimes in

Ahmici first hand, said he did not believe the accused controlled the paramilitary units who did the killing.

Martin Bell, who covered the war in Bosnia for the BBC and was subsequently elected as an independent member of parliament for Tatton, stated in April 2000 that he could not say with certainty that Blaskic was innocent, but that he believed the accused had been "very badly treated by the court".

As the court was considering what to do about the Blaskic case, judges in the Kordic trial reached their verdict. On February 26, 2001 they sentenced the Bosnian Croat political leader to 25 years in prison, a term far more lenient than that imposed on Blaskic.

The difference in the accused' sentences shocked court observers who noted that contrary to Blaskic, a political moderate who was never heard in public espousing racist views toward Muslims, Kordic made no secret of his contempt for Muslims and his will to force them out of Bosnian-Croat territory.

The discrepancy in the sentences shocked many tribunal officials. Indeed, at the time of Kordic's sentencing, even his defence seemed surprised by the relatively mild sentence.

Although it initially appeared as if Blaskic would be retried, the court eventually decided to him an appeals hearing, but to allow the admission of about 100 new pieces of evidence, as well as testimony of seven witnesses.

During two weeks of testimony, marked by aggressive exchanges between the defence and the prosecution, Blaskic's defence went through the judgment passed down by the court in March 2000, and attempted to refute each claim with new evidence.

To refute the judgment's conclusions that Blaskic ordered the April 1993 attack on Ahmici and that the village was undefended, the defence presented Bosnian army documents which showed that about 30-35 members of the Muslim territorial defence were there at the time of the attack.

This, Haymen said, proved that Ahimci was a legitimate military target so it was not a violation of the laws of war to order an attack on the village.

The defence went on to refute the judgement's claim that Blaskic was in command of the units who attacked Ahmici. In addition to witness testimony from British officers who were in central Bosnia at the time and claimed that Blaskic did not exercise effective command and control over the paramilitary units, the defence presented documents from the Croatian intelligence service that showed that Kordic controlled those units.

To further bolster those claims, Haymen argued that Blaskic did not know about events in Ahmici until well after the Muslim civilians had been killed.

As soon as he found out, Haymen said, Blaskic condemned the killings. Martin Bell confirmed this claim in a video-taped statement.

Regarding the judgment's allegations that Blaskic failed to punish the perpetrators of the crimes in Ahmici, Haymen argued that the accused attempted to do so but was rebuffed.

Haymen presented documentation showing that about a week after the Ahmici massacre, Blaskic proposed that a joint investigation into the crimes be undertaken by the Croats, the Muslims and the UN. This proposal was rejected by the latter, which was sceptical of Bosnian-Croat authorities.

Blaskic subsequently demanded on April 24 that the Croatian intelligence service undertake an investigation. When he did not get an answer, he again pressed the service, issuing an oral request between May 5-9.

Not having received an answer, he issued a written order to the service on May 10, demanding that all evidence be submitted to him by May 25.

When the report was finally completed, it was a whitewash, Haymen said. Nevertheless, Blaskic requested that at least one of the primary culprits named in the report be removed from his position. Haymen said that finally happened on August 4.

After that, Blaskic called for a more complete investigation, but was never informed of its results. The report, the new documents show, was forwarded directly to authorities in Mostar and kept from the accused.

"Blaskic called for an investigation and demanded that the culprits be punished. The fact that that it did not happen is not the appellant's fault," Haymen said.

Haymen said Blaskic was also innocent of another allegation mentioned in the judgment - that troops under Blaskic's command handcuffed a Muslim prisoner to the steering wheel of a truck loaded with explosives and forced him to drive into Stari Vitez.

On the day of the infamous tanker bombing, Haymen said that Blaskic's war diary had an entry saying that there was a big explosion, but that his troops did not know what it was. They thought that their headquarters had been hit by artillery. Since Blaskic believed the explosion to be the result of incoming artillery, Haymen said there was no way the court could argue that he had planned the tanker bomb.

The prosecution argued that the attempts by Blaskic's lawyers to challenge his responsibility were legally flawed because they had evidence in the form of written orders that he ordered the attack on Ahmici and a string of other Muslim villages.

Prosecutors also said the new evidence did not in any way exonerate Blaskic of his command responsibility.

The trial chamber said it would issue its ruling in due course.

Stacy Sullivan is IWPR's project manager in The Hague.

Location: Croatia
Bosnia and
Herzegovina

Focus: International Criminal Tribunal for the former
Yugoslavia

Source URL: <https://iwpr.net/global-voices/blaskic-jail-term-cut-expected>

