

## **Blaskic Sentenced To 45 Years.**

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Bosnian Croat commander Tihomir Blaskic sentenced to record prison term for crimes committed by forces under his command in central Bosnia in 1993.

On Friday (March 3) the Tribunal handed the former commander of the Bosnian Croat forces in central Bosnia, General Tihomir Blaskic, a 45 year prison sentence - the court's longest sentence so far. Blaskic's shocked defence counsel immediately announced plans to appeal.

This 'first round' in the Blaskic case ended with complete victory for the prosecution team - Mark Harmon, Andrew Cayley and Gregory Kehoe. Presiding judge Claude Jorda and judges Almiro Rodrigues and Mohamed Shahabuddeen accepted as proven beyond all reasonable doubt that Blaskic was responsible as an individual and a commanding officer for all the crimes listed in the indictment, apart from the shelling of Zenica. With respect to the latter, however, the judges ruled there was a "high likelihood" that forces under the command of the accused committed that crime as well.

Prior to pronouncing sentence, Jorda named all 20 towns in central Bosnia where Blaskic's forces committed crimes against humanity - Ahmici, Nadioci, Pirici, Santici, Ocehnici, Vitez, Stari Vitez, Donja Veceriska, Gacice, Loncari, Grbavica, Behrici, Svinjarevo, Gomionica, Gromiljak, Polje Visnjica, Visnjica, Rotilj, Tulica, Han Ploca and Grahovci.

Addressing Blaskic directly, Jorda said: "The acts of war carried out with disregard for international humanitarian law and hatred of other people are unacceptable. General Blaskic, you violated those principles and you know it."

Blaskic remained standing as the sentence was read out, blinking only once. His wife Ratka, who was watching from the public gallery, appeared to faint. In the television room the Tribunal correspondent from Croatian Television burst into tears.

In his introduction Jorda had reviewed the accusations against Blaskic, the arguments of the prosecution and the defence, and the general framework within which the Croat-Muslim conflict in central Bosnia took place.

Jorda said "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." He reminded the court that Croatian President Franjo Tudjman and Yugoslav President Slobodan Milosevic met in March 1991 "to discuss the division of Bosnia-Herzegovina" and that witnesses had testified as to the nationalist ambitions of the Croat leader. Indeed Tudjman's successor as president of Croatia, Stipe Mesic, appeared as a protected prosecution witness during the trial and was known only as either "X" or "II".

The trial chamber declared the direct involvement of the Croatian Army (HV) and the overall control exerted by the Croatian government over Bosnian Croat forces and authorities rendered the conflict international. Thus the six counts in the indictment accusing Blaskic of grave breaches of the Geneva Conventions were applicable.

When the judges presented their conclusions concerning the chain of command within the HVO forces in central Bosnia, it became apparent Blaskic's defence team - Russel Hayman and Anto Nobile - had lost the second important argument in the case.

The defence had argued throughout the two-year trial that the HVO was not an "organised army", but a "peasant army", hastily gathered and undisciplined. It also maintained that several "uncontrolled elements" were active within the force, which boasted only a few "trained officers". Furthermore Blaskic was often isolated in his headquarters in Kiseljak, without appropriate means of communication. The defence claimed a parallel chain of command was in operation, without the knowledge of Blaskic, through which hardliners in Herzeg-Bosna like Mate Boban and Dario Kordic controlled the activities of the military police and the special units, whose members were guilty of most of the crimes.

The judges dismissed the defence arguments, ruling there was sufficient evidence to establish Blaskic as a senior figure in the chain of command. Jorda said Blaskic had failed to take "necessary and reasonable measures to prevent such acts or to punish the perpetrators."

As to whether Blaskic "knew or had reason to know" of the crimes being committed the judges held that such a lack of knowledge amounted to negligence in the discharge of his duties, taking into account his particular position of command and the circumstances prevailing at the time.

The defence presented Blaskic throughout as an "exemplary officer", aware of his responsibilities under international humanitarian law, who never issued an order that would result in a crime against civilians.

Again the judges dismissed the defence arguments. Although acknowledging Blaskic was not charged with "killing a Muslim by his own hand", the judges concluded he does bear individual criminal responsibility for offences committed by others.

Jorda cited events in Ahmici as an example. "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."

The judges refuted defence claims that this was a spontaneous massacre perpetrated by "uncontrolled elements".

"The Croatian inhabitants (of Ahmici) left the evening before," they said. "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."

The judges reminded the court that on hearing of these crimes, Blaskic did nothing. Two orders issued by Blaskic in May and August 1993 to investigate the crimes in Ahmici "were not serious", the judges ruled. Not one soldier from the HVO, the military police, the Jokers special unit or any other unit was ever punished for the massacre at Ahmici.

"The evidence produced demonstrates that... the accused was part of a design whose purpose was the persecution of the Muslim population," the judges concluded.

"By accepting his responsibilities as HVO commander...he was perfectly aware that the scope of his activity was not and could not be strictly military but was also political. He participated in many public meetings alongside politicians with openly nationalistic views... Blaskic was perfectly well aware of what policy was being followed - and that was a policy of discrimination against Muslims."

Immediately after the judgement was handed down deputy prosecutor Graham Blewitt said, "Blaskic is one of the most senior accused to be dealt with by this Tribunal, and I think that the judgement reflects the fact that this Tribunal is completing its mandate successfully."

In contrast Blaskic's defence lawyer, Anto Nobile, said, "The defence is, naturally, shocked with such a verdict, both by the length of the sentence, and the part talking about the guilt. Namely, we believe that this sentence is completely in discord with what was happening during the trial. And that it was not proven that Blaskic ordered war crimes in any way. On the contrary, he was trying to prevent them. The court is using an odd logic, claiming the crimes were the result of combat actions, combat actions ordered by Blaskic, and that Blaskic therefore ordered the crimes. The defence will naturally appeal such a verdict."

**Location:** Croatia  
Bosnia and  
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