

Blaskic Trial: The Law Of Action And Reaction

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Not disputing that terrible crimes were committed in that part of Bosnia during 1993, the Defence points out that crimes were committed by both sides in the conflict and that they were the result of uncontrolled and/or criminal elements, among both Croats and Bosniaks (Bosnian Muslims).

Furthermore, the Defence contends, they were not the consequence of a pre-meditated, organized and systematic policy of Croatian Defence Council (HVO), as alleged by the Prosecutor.

After they presented several witnesses who gave statements on the heavy suffering of the Croatian civilian population of the Lasva River Valley village of Dusine in January 1993 (see Update 102), the Defence last week focused on trying to prove that this was not an isolated incident, but one in a series that also affected other predominantly Croat villages in the area.

The Defence called two inhabitants from the village of Poculica near Vitez, the largest town in the Valley, as witnesses. These gave evidence on the joint attack of the Army of Bosnia-Herzegovina and 'mujahedin' forces, during which Croatian civilians were captured and forced to dig trenches on front-lines, and were at one point even used as human shields.

The attack on their village occurred on 16 April 1993, on the same day when, according to the Blaskic indictment, the HVO conducted a coordinated attack against a dozen Muslim villages, one of which was the well-known village of Ahmici.

The elderly Croat from Poculica, whose identity was protected during his court appearance, described an event during which a soldier wearing the uniform of the Army of Bosnia-Herzegovina fired through the door of a room where captured Croatian civilians were held, killing three and wounding nine.

The second witness from Poculica, Ms. Mara Papic, alleged that 'mujahedins', the irregular soldiers sporting long hair and beards, already started arriving in the village in early April. She continued by saying that following the shelling of the village on 16 April, the local Muslim religious leader announced over the mosque loudspeakers, that Croats were to surrender their weapons "lest they all be killed."

During cross-examination, the Prosecution suggested that the village of Poculica was in fact shelled from HVO positions, to which the witnesses replied that they did not know who shelled the village or from where the attack came, but that Croatian rather than Muslim houses were destroyed.

The third Defence witness of last week was a police officer from Busovaca, Slavko Katava, who said that more Croatian than Muslim houses were destroyed during the 1993 conflict, and that more Croats than Bosniaks were expelled from the area.

When the Prosecutor submitted that a large number of Muslim shops and factories were destroyed in Busovaca, the witness replied that this was not part of "an organized action against Bosniaks, but the result of criminal actions of individuals," which he as a policeman reported on to the district prosecutor's office as part of his official duties. Documents in support of this were submitted in evidence.

During his cross examination, the Prosecutor found out that the witness, who still lives in Busovaca, has a Croatian passport, and further asked whether all citizens of Bosnia-Herzegovina have the right to such a passport and to vote in the Republic of Croatia. The witness replied that Croatian passports were not only issued to Croats, but "also to members of other peoples in Bosnia."

Blaskic's Defence had on several earlier occasions protested against such style of cross-examination. Presiding Judge Claude Jorda overruled the objection by pointing out that he and his colleagues were very interested in issues relating to the links between the so-called Croatian Alliance of Herzeg-Bosnia and the Republic of Croatia.

In the case of General Blaskic, the judges inter alia, need to find out whether the Croatian-Muslim conflict in central Bosnia was an internal or international conflict.

The judges have unsuccessfully sought documents that may help to clarify that question - first by subpoena duces tecum, then by "binding orders" - from the authorities of the Republic of Croatia and the Federation of Bosnia and Herzegovina, both of whom refuse to open up their military archives to the Tribunal. Croatia has filed an appeal against the Trial Chamber's "binding order" for production of documents, and the case is still pending before the Appeals Chamber.

Location: Croatia
Bosnia and
Herzegovina

Focus: International Criminal Tribunal for the former
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