

Courtside: Tuta and Stela Convicted

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By Chris Stephen in The Hague (TU 306, 24-28 March 2003)

Neletic and Martinovic were jailed for 20 and 18 years respectively for a catalogue of war crimes committed while they ran what amounted to a private army that targeted unarmed Muslims.

In a harsh and detailed judgement, the court told the men they were a grim reminder of how gangsters had masqueraded as generals during the ethnic cleansing in Bosnia.

"It is an unfortunately sad fact of life that in wartime, groups of mean spirited profiteers and bullies frequently emerge," said Irish judge Marueen Clark. "Vinko Martinovic is an example of those who prosper during war."

After a 14-month trial involving 130 witnesses, Tuta and Stela were respectively found guilty of 8 and 9 counts of crimes against humanity, violations of the laws and customs of war and gave breaches of the Geneva conventions.

They could hardly have looked more different.

Tuta, 59, with his long grey hair and beard, thin body and gold-rimmed glasses, looked like a university professor who had somehow wandered into the court unexpectedly.

He swayed on his feet, opening and closing his mouth, as his sentence was read out.

Judge Clark seemed herself almost surprised to find him there, saying, "He is a slightly built man given to wearing longish hair. He does not present as the usual military commander."

But the broad-shouldered Stela, 39, stood hard faced and grim in the dock beside him to hear his own litany of crimes read out.

Yet of the two men, Tuta was the most ruthless. The court heard how he had come back to Bosnia in the early 1990s after living in Germany, and had quickly formed a unit, the so-called Convicts Battalion.

With contacts with the late former Croatian defence minister, Gojko Susak, Tuta had no trouble getting backing for launching what was essentially a private army.

The battalion gained respect for pushing Serb forces out of Mostar in 1992, but the following year it spearheaded a campaign of ethnic cleansing against Muslims which the court said Tuta helped mastermind from the headquarters in Siroki Brijeg, his birthplace.

It was then that he was joined by Stela, a former taxi driver who had joined HOS, a paramilitary unit set up in 1991 but disbanded soon after the Bosnian war started.

Stela graduated to become commander of the so-called Anti-Terrorist Group, part of Tuta's force, but one that ranged freely, robbing and murdering.

On one occasion, the unit put four Muslim prisoners of war into Croat uniforms, gave them wooden imitation guns, and sent them into no-man's land to draw the fire of Muslim units.

"While the word human shield was used in the indictment, decoy would be the most appropriate description," said Clark.

Three of the four men were shot and wounded, but all managed to get back to their own lines, and later gave evidence against their tormentors. The court even recovered one of the wooden guns.

But the crime did not stop there. "Stela's activities during the war were not confined to the frontline," said Clark. "He and his now infamous subordinates and others were involved in evicting Muslims from their flats and forcing them to leave the west side of Mostar. They were also engaged in the looting of those now emptied flats."

Among evidence that helped to convict him, said the judge, was a documentary shot by BBC correspondent Jeremy Bowen who managed to get into Mostar at the height of the battle.

And for many months the two men's units indulged in torture and sadism among Muslim prisoners kept at the Heliodrom, a former airforce base on the outskirts of Mostar.

It was here that Martinovic committed one of his worst crimes - choosing to give special attention to a former Muslim policeman, Nenad Harmandzic.

Harmandzic was beaten and abused by Martinovic, then one day he was kept behind when other prisoners were marched back from a working detail. His body, with broken bones and a bullet through the head, was uncovered five years later buried nearby.

The judges said they could not convict Martinovic of the murder, but said that he was responsible for it as the man in charge of the prisoner's welfare.

The judges said key evidence was supplied by the Bosnian Croat forces themselves - because they kept meticulous records of prisoners signed in and out of the Heliodrome, and the commanders who took them.

Judges praised former prisoner Halil Ajanic for giving vital evidence, in open court, about the treatment Martinovic inflicted on Harmandzic, with Clark saying, "In spite of efforts to discredit this simple and brave man who gave his testimony in open court with no protective measures, the chamber is convinced by the truth of his testimony."

But they criticised other witnesses. "Most witnesses did their best to recount painful events from eight or nine years ago," said Clark. "Sometimes however, the level of untruthful testimony was disappointing. It has been disappointing to note the frequency with which well positioned witnesses saw nothing, heard nothing and knew nothing of important events in their local area."

Both men are likely to appeal. Martinovic is also currently appealing against a conviction for murder in Croatia.

Clark ended on a hopeful note, recollecting the harmony that Mostar was once known for, "Time will tell if the scars will heal and the wonderful fabric of a diverse city described by the leader of the Jewish community in Mostar will return."

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