

Furundzija Appeal Dismissed - Court rejects appeal against conviction for torture and aiding and abetting the rape of a Bosniak woman.

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Furundzija, a former commander of the "Jokers" special unit of the HVO Military Police in Central Bosnia, was appealing against his conviction for torture and aiding and abetting the rape of a Bosniak woman.

The rape was committed by another member of the "Jokers" in 1993, at the unit's headquarters near Vitez. The court heard that Furundzija interrogated the victim as the rape was underway and did not use his authority to prevent her abuse.

The original verdict was delivered in December 1998. The defence then lodged an appeal. The defence argued that the accused had been denied a fair trial and that the verdict had been based on insufficient evidence.

The Appeals Chamber rejected both claims.

The defence argued that Florence Mumba, the presiding judge in the trial chamber, could not have been impartial in her assessment of the rape charge because of her earlier involvement in the UN Commission for the Status of Women.

The Appeals Chamber, however, maintains that judge was free of bias. The defence also objected to the prosecution's use of evidence not previously cited in the indictment. The Appeals Chamber said the evidence was admissible during the trial.

Finally, the defence argued that a sentence of 10 years' imprisonment, was "unusual and too strict" for a crime classified as a Violation of the Laws or Customs of War. The Appeals Chamber responded that the sentence was in accordance with the provisions of the Statute and the Regulations of the Tribunal.

Following the ruling, Furundzija's defence counsel, Luka Misetić, made no statement, except to say that he was disappointed. The prosecution, not surprisingly, were more forthcoming.

Deputy prosecutor, Graham Blewitt, said, "Today is an important one for the Tribunal... This was the first case involving a rape committed in the course of a war. The case established that rape can constitute a war crime of torture So the trial chamber's original ruling was important not only for the Tribunal, but also for the development of international criminal law...."

" Another important element is that Furundzija did not actually commit the rape himself, but was present aiding and abetting those who did. This decision demonstrates that those in a position of authority have a responsibility to govern the behaviour of their forces. If their subordinates fail to comply with the requirements of International humanitarian law, those in charge will be held responsible for that."

Location: [Bosnia and Herzegovina](#)

Focus: International Criminal Tribunal for the former Yugoslavia

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