

Halilovic Acquittal Upheld

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Appeals judges dismiss prosecution challenge over verdict in case of former high-ranking Bosnian army official.

The acquittal of former Bosnian army chief General Sefer Halilovic on war crimes charges in a trial two years ago was upheld by appeals judges at the Hague tribunal this week.

Halilovic was accused on the grounds of command responsibility for the murders of dozens of Croat civilians, committed by members of Army of Bosnia Hercegovina, ABiH, in the villages of Grabovica and Uzdol in September 1993, during the military operation Neretva 93, aimed at lifting the Croat siege of the city of Mostar.

According to the prosecution, Halilović was the commander of this operation.

The prosecution had appealed the judgment, requesting that the acquittal for the killings in Grabovica on September 8 and 9, 1993 be overturned. But all their grounds for the appeal were dismissed by the judges.

In its judgment of November 16, 2005, the trial chamber found that the prosecution "had not proven beyond reasonable doubt that Sefer Halilović was either de jure or de facto commander of Operation Neretva, nor that he had effective control over the troops who committed the crimes in Grabovica".

As a result, the trial judges acquitted him of the only charge against him, murder as violation of the laws or customs of war.

Prosecutors appealed this judgment on four grounds. They claimed Halilović had effective control over the offending troops; had the knowledge of the criminal conduct of his subordinates; and that he failed to prevent or punish them. The fourth ground for appeal concerned the admission into evidence of the report and proposed testimony of an expert witness relating to Halilović's alleged failure to prevent or punish the perpetrators of the crime.

"The prosecution failed to show that no reasonable trier of fact could have reached the conclusion that Sefer Halilovic did not have the required degree of 'effective control' over the perpetrators, as a commander of Operation Neretva, to establish his superior responsibility," the appeals judges said in the summary of their judgment read out on October 16.

"Having concluded that the prosecution had failed to show that the trial chamber erred in finding that a superior-subordinate relationship between Sefer Halilovic and the offending troops had not been established, the appeals chamber declared that the prosecution's remaining grounds of appeal became moot," said the judges.

While Halilovic's supporters - most of them former Bosnian army soldiers - welcomed the verdict, Bosnian Croats didn't hide their disappointment.

“We are dismayed. We don’t know what to say,” Josip Dreznjak, president of the victims’ association Grabovica 93, told the Bosnian media.

Bosnian Croat party HDZ 1990 says the outcome was not unexpected and claims the acquittal was the result of a weak indictment and the fact that the prosecutors failed to prove that Halilovic was in command of the Neretva 93 operation.

“However, these crimes did happen and someone must be held responsible for them,” said HDZ 1990. “Now it’s up to the local judiciary to identify and punish the perpetrators.”

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