

## **Kupreskic and Others: Closing Arguments**

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Perpetrators of Ustashe crimes were not tried, but now, there is a Hague Tribunal to ensure that history will not be repeated."

With those words, Prosecutor Franck Terrier, concluded his closing argument in the trial of six Bosnian Croats, accused of being participants in the massacre committed against the Muslim population in the village of Ahmici in Central Bosnia on April 16, 1993. Terrier requested prison sentences ranging between eight and 30 years for the six accused.

Terrier asserts the prosecution has proven " a technically perfect, planned assault" was launched on Ahmici on 16 April 1993. The assault, carried out with surgical precision, killed over 100 people, forced hundreds more to flee and razed to the ground every single Muslim home in the village.

"An entire (Muslim) community was wiped off from that location," Terrier said. Triggered by what prosecution describes a "logic of terror," the attack sought to serve as a lesson to other Muslims and enable the Croats to establish an ethnically pure heartland in the region.

Terrier rejected defence arguments that the attack was the result of a spontaneous move by an out-of-control faction. The 'Jokers' (a special unit of the Bosnian Croat army military police), "could not have carried it out on their own since a large number of soldiers had taken part in the attack and someone (from the village) had to show them which houses were Bosnian Muslims' and which Croats", Terrier said.

The attack on Ahmici, Terrier added, was not an isolated event, but part of a greater military offensive with the political aim to "ethnically cleanse" Bosnian Muslims from that area.

"We do not know with certainty the number of victims of the massacre in Ahmici. But, 116 dead were registered, of whom nearly a third were children, and not a single Bosnian remained in Ahmici after that crime," Terrier said.

Terrier requested the highest sentence for Vlado Santic. "He was the commander of the 1st company of the 4th battalion of the Military Police of the HVO, and that company encompassed the intervention platoon 'Jokers'," the Prosecutor said adding that the "Jokers" had ascribed themselves the "victory" in Ahmici.

"Due to his commanding position, Santic had to know perfectly well the extent and the nature of the crime that was being prepared, " the Prosecutor said and pointed out that several witnesses saw Santic in Ahmici on the day of the crime.

At the same time, the Prosecutor rejects the credibility of Santic's alibi, i.e. the claim that he spent that day securing the Hotel Vitez.

The Prosecutor is requesting at least 20 years in prison for Zoran Kupreskic accusing him of "actively participating in the aggression" against the Bosnian. Witnesses testified that Zoran Kupreskic killed an entire family in Ahmici including little children.

The Prosecutor is requesting at least 15 years in prison for his brother Mirjan Kupreskic, pointing out that he had taken part in the crimes with which his brother is charged, but that he "could have been under the influence of an older brother."

Terrier also requested 15 years imprisonment for Drago Josipovic, stating that he took part in the preparation and the execution of the attack on Ahmici, that he was seen at the site of several massacres and that witnesses accused him taking part in two killings.

Terrier requested a sentence of 12 years imprisonment for Vlatko Kupreskci. Kupreskci, Terrier said, was also "linked to the preparation of the crime ...He gave the attackers his house and means at their disposal and fired at the civilians fleeing the attack."

The lowest sentence was proposed for Dragan Papic who is charged with participating in the general policy of persecution of the Bosnian Muslims in the Lasva Valley. Papic is not, however, accused of individual killings.

"He carried out the orders of the HVO commanders, but the Bosnian Muslims feared him. He was a proud and active member of the HVO," the Prosecutor said requesting a sentence of eight years' imprisonment.

The closing arguments by the defence counsels followed. Counsels for all six accused - Zoran, Mirjan and Vlatko Kupreskic, Drago Josipovic, Dragan Papic and Vlada Santic - rejected all charges and called for each to be acquitted. The defence counsels disputed the credibility of witnesses who charged the accused with individual killings. They claimed that the statements of those witnesses were inconsistent and that the accused had not been in the locations where the prosecution witnesses placed them at the time of the attack.

The defence counsels for several of the accused claimed the witnesses had already demonstrated their unreliability, citing that those very same witnesses claimed two persons (Stipo Alilovic and Marinko Katava) - whom the Tribunal had already acquitted - were in Ahmici on 16 April 1993.

The defence counsels of Kupreskic brothers - accused of the murdering the entire family of Naser Ahmic, including his two little children - assert that the key prosecution witness, Sakib Ahmic, has changed his statements about the perpetrators of those crimes on several occasions.

Jadranka Slokovic Glumac - representing Mirjan Kupreskic - said: "There is reasonable doubt in the credibility of his accusations, since in eight statements he has given in various circumstances, there are significant differences."

The Prosecutor claims that the accused, as local members of the HVO, had helped the military police in the attack and killings in Ahmici. The defence refutes this and claims the accused were drafted in only after 16 April 1993 and that they knew nothing about the preparations and the aims of the attack.

They were citizens of Ahmici, "but the Prosecutor failed to establish a link between their presence in the village and the commission of the crime," Slokovic Glumac has insisted.

With respect to the charge of persecution of Bosnian Muslims on religious or ethnic grounds - on which all six defendants stand accused - the defence disputes they demonstrated nationalist prejudice towards Bosnian Muslims.

In addition, the majority of the accused was not in a position - militarily or politically - to plan or execute a discriminatory policy, the Defence has added.

Defence counsel for Vlada Santic - for whom the Prosecutor had requested the highest, 32 year sentence - claimed the prosecution has failed to present evidence that he was in fact the commander of the 1st division of the Military Police of the HVO.

Furthermore, he said, the prosecution has failed to prove that the Jokers unit, that numerous witnesses testify to seeing in Ahmici during the attack, was under Santic's command. The defence contests that Santic was, in fact, securing the main HVO headquarters in Vitez on the day of the attack.

The trial of six Bosnian Croats, who surrendered to the Tribunal in 1997, started in August 1998. Presiding Judge Antonio Cassese, concluded the trial on Thursday, thanking the defence and the prosecutors for "professional and co-operative attitude", announcing that he "expects to be able to deliver judgements and sentences, if any, in mid-January."

**Location:** Bosnia and Herzegovina

**Focus:** International Criminal Tribunal for the former Yugoslavia

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