

## **Naletelic and Martinovic**

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Defence asks for more lenient sentences.

Lawyers for two Bosnian Croat warlords found guilty of crimes against Muslims in southern Bosnia this week criticised the sentences given to their clients, saying they should be cut by more than half.

Mladen Naletelic and Vinko Martinovic, known as Tuta Stela, received 20 and 18 years respectively. The joint indictment charged them both with five counts of crimes against humanity, eight of grave breaches of the 1949 Geneva conventions and nine of violations of the laws or customs of war.

Tuta was found guilty on eight counts and Stela on nine relating to a catalogue of crimes committed by the so-called Bosnian Croat Convicts' Battalion – a private army founded by Tuta in the early Nineties in which Stela was a commander.

This unit helped push Serb forces out of Mostar in 1992, and then controlled a campaign of ethnic cleansing against Muslims in the city, and participated in the destruction of mosques. The unit put four Muslim prisoners of war into Croat uniforms and sent them into no-man's land to be shot at by Muslim units. Later the men gave evidence for the prosecution.

The men were both found guilty of torturing Muslim detainees and prisoners of war in the Heliodrom – a former air force base on the outskirts of Mostar.

This week, they took the opportunity to plead their innocence directly to the court.

Tuta insisted he was not guilty of persecution and added, "I also wish to express my deepest sympathies to those who were killed – Serbs, Muslims, and foreigners. There were many of them killed in Hercegovina."

Stela, a former taxi driver, asked the appeals judges for a lighter sentence, saying it hurt him to be "lumped together with the serious criminals".

"If your honours believe I did not do enough to help the people in Mostar, then yes, I am guilty," he said.

Tuta's lawyer, Christopher Young Meek, argued a sentence of eight years or less would have been more appropriate for his client, saying others found guilty of similar crimes had been treated less harshly by the court.

The defence conceded that Tuta founded the Convicts' Battalion and was an influential man, but said he did not know about the crimes committed under his watch, saying his role as commander placed him away from the scenes of the crimes and that he would have punished those responsible had he known.

The prosecution, represented by Norman Farrell, asked the trial chamber to uphold the 20-year sentence, insisting that Tuta was "a true and effective commander of the Convicts' Battalion" and that he allowed prisoners to be terrorised.

Stela's defence counsel, Zelemir Par, listed several mitigating factors that he said the trial chamber should have considered while deciding on the sentence. They included his request to be transferred to the tribunal and that he had assisted several Muslims in Mostar.

"Martinovic came here to have a fair trial and a fair sentence," said Par. "That is the only thing he expects. We do have a fair trial now, but we need a fair sentence."

Par argued that Stela was brought up in an ethnically diverse neighbourhood where he lived with, worked with and fought alongside Muslims as comrades-at-arms. Therefore, Stela would not have discriminated against Muslims, said the lawyer.

He pointed out that when Stela needed prisoners to work for him on the front line he only asked for a number of men, without specifying he wanted Muslims.

"He did not go out looking for this war. This war came to the streets of his youth, and he stayed there," concluded Par.

In his address to the court, Stela added, "I was only a soldier in the war that took place in front of my house. I did not want this war."

The prosecution responded that since the crimes were so grave, Stela's assistance to certain friends and neighbours should not be given any weight.

The trial chamber did not need to consider his desire to be transferred to The Hague, the prosecution added, suggesting that Stela only wanted to escape his murder conviction in Croatia, thinking that he would be found not guilty at the tribunal.

The appeal court will make its decision at a later date.

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