

## **VIEW FROM THE HAGUE**

### **MASSACRE AT MOUNT VLAŠIĆ**

Darko Mrđa, a former Bosnian Serb police officer was sentenced to 17 years imprisonment on March 31 of this year, for his role in the murders of around 200 civilians and the attempted murder of 12 others near Mt. Vlašić of central Bosnia in 1992.

Mrđa, who as born in Zagreb and grew up in Tukovi, in the municipality of Prijedor was, in 1992 during the conflict in Bosnia and Herzegovina, a member of the special police unit know as the "Intervention Squad", serving under the Bosnian Serb authorities in Prijedor. Following his arrest on 13 June 2002, Mrđa initially pleaded not guilty to extermination, murder, and inhumane acts. However, five days before the trial was scheduled to begin Mrđa entered into a plea agreement with the Prosecution and at a hearing of 24 July 2003, he pleaded guilty to murder and committing inhumane acts and agreed to cooperate with the Prosecution.

The crimes to which Mrđa pleaded guilty occurred in August of 1992 during the armed conflict underway in Bosnia and Herzegovina. Crucially, Mrđa acknowledged that the crimes were part of a widespread and systematic attack on the non-Serb civilian population of the municipality of Prijedor. On August 21, hundreds of Muslim and other non-Serb civilians from Prijedor were placed on buses, and told that they were being sent to Travnik as part of a prisoner exchange. However, en route Mrđa personally ordered the separation of women and children from men of military age with, as the Judgements states, "...the awareness and expectation that they would be murdered".

A large number of men, in excess of 200, were loaded onto buses and taken to Koričanske Stijene where on the side of the road, above a ravine they were shot and killed. The Judgement states that Mrđa personally and directly participated in the unloading, guarding, escorting, shooting and killing of these men. Only twelve men survived the massacre and one, Midhet Mujkanovic, came to the Tribunal and testified during the Sentencing Hearing for Mrđa in October 2003.

"...and then they brought us to the very edge, the very edge shown there, next to the abyss, facing the abyss. Then people started screaming, yelling. I knew right away that something bad was going to happen... I just know that I leaped into the abyss. ... When I became conscious, I realised that through some incredible luck I was not injured. ..So I took a body of a man and I covered myself with that human body. I sheltered myself with it. And then I tried to crawl to the rock. And at that moment I heard somebody yell from above, "Somebody's moving down there." And then they started shooting. So the dead man, whose name I don't know to this day, saved my life. The entire time they shot at anybody who cried for help. They had no mercy".

In assessing the seriousness of the crimes the Trial Chamber established that whilst Mrđa was not an "architect" of the massacre they concluded that he personally selected the civilians who were going to be killed, participated in their killing, knowing a widespread and systematic attack against civilians was underway. The Trial Chamber also evaluated the significant effect the crimes had on the victims and their families and concluded that the sentence should, "... reflect all of the cruelty and inhumanity embodied in Darko Mrđa's direct participation..."

In Mrđa's personal statement given to the court he claimed that, "I did not commit this because I wanted to commit this or I enjoyed doing this...I did it because I was ordered to do so." The Trial Chamber did not accept that Mrđa had no alternative but to participate in the massacre and this prevented them from accepting duress as a mitigating circumstance. Indeed the Judgement

stated, ..." we consider that the orders Mrđa acted on were so manifestly unlawful that he must have been well aware that they violated the most elementary laws of war and the basic dictates of humanity."

The Trial Chamber did accept Mrđa's cooperation with the Prosecution as a mitigating circumstance and also held that his guilty plea helps establish the truth surrounding the crimes committed at Koričanske Stijene.

In sentencing Mrđa to 17 years, the Trial Chamber felt that the sentence should be proportional to all the seriousness, cruelty and inhumanity of the massacre. Darko Mrđa himself offered the following comment regarding his role on that terrible day.

"I know that all of those families who lost their loved ones on the 21st of August, 1992 can see me only as a murderer and perhaps will think that my apologies are insincere. I can understand them for believing so, and I am prepared to serve time in order to pay for this. I hope that my confession will aid in ensuring that such things are never repeated in our territory."

**Outreach Programme**

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