

VIEW FROM THE HAGUE

HUNDREDS OF PEOPLE BURNED ALIVE IN THEIR HOMES

In January 1992, Dario Kordić, one of the highest ranking Croatian politicians in Herzegovina, declared at a rally in Busovača, BiH, that the Croatian community of Herceg-Bosna, is "Croatian land and that is how it will be". In December 2004, the Appeals Chamber of the ICTY confirmed his sentence to 25 years for crimes he participated in with the "desire to attain the sovereign Croatian state within the territory of BiH at any cost".

In Herzegovina in 1992, this 'cost' included, attacking towns and villages inhabited by Bosnian Muslims and killing and causing great suffering or severe pain to civilians, including women, children, the elderly and the infirm. The Chamber established that through propaganda speeches Kordić encouraged, instigated and promote hatred and strife on political racial or ethnic grounds.

Bosnian Muslims were removed from government and municipal positions and civilians were forcibly transferred from their homes and villages. Dwellings, buildings, business and civilian person property were plundered or suffered extensive destruction. Those who were imprisoned or detained were deprived of basic human necessities such as adequate food, water or shelter and some were used as hostages and human shields.

A particularly striking example of this occurred in the village of Ahmići in April 1993. Early in the morning on Friday 16 April 1993, in a planned attack against the Muslim civilian population, Croatian forces simultaneously attacked several towns and villages in the Busovača municipality, including Ahmići, Nadioci, Šantici and Pirici. In Ahmići, the attack began between 5:00 and 6:00 in the morning, when the inhabitants were either sleeping or at prayer. The villagers did not attempt to defend themselves but hid in their houses.

When the soldiers attacked, some villagers were forced out of their houses, still in their night-clothes and barefoot. The soldiers killed the men of fighting age at point blank range and set fire to the houses and stables with incendiary bullets, grenades and petrol. Then they torched some of the houses even before their inhabitants had a chance to get out. In the end – over 100 people were dead, most of whom were elderly people, women, children and infants, who appear to have burned alive in the flames of their homes.

The Appeals Chamber established that, as the responsible regional politician, Dario Kordić planned and instigated the crimes which occurred in Ahmići on 16 April 1993 and in three neighbouring villages. He was also convicted of numerous crimes committed in the Kiseljak municipality.

Mario Čerkez was tried with Kordić and the Appeals Chamber concluded that he did not participate in the crimes committed in Ahmići and some other areas of Herzegovina, but that he "bears criminal responsibility for the imprisonment and unlawful confinement of Bosnian Muslims civilians" in Vitez until the end of April 1993 and that this unlawful detention amounts to persecutions because the detainees were solely Bosnian Muslims and Čerkez had the "intent to systemically discriminate against them". For this, he was sentenced to six years in prison.

In addition, the Appeals Chamber also concluded that Croatia exercised overall control over the Croatian Defence Council (HVO) and that it provided leadership in the planning, coordination and organisation of the HVO and that there was an international armed conflict between Croatia and BiH at the time.

This is the third case so far before the Tribunal related to the crimes committed in the Lašva Valley in BiH in 1992 and 1993. There are still cases pending against Paško Ljubičić and Miroslav Bralo, who are currently in custody of the Tribunal. However, in the words of the Appeals Chamber: "the fact is that, this International Tribunal has never had and will never have the opportunity to hear cases against all the persons allegedly ... responsible for the events in Lašva Valley... The fact that, seen from an objective point of view, a case against an alleged serious offender is – and will – not be heard before this International Tribunal may be due to several reasons, among them primarily that the Prosecution had not enough evidence and/or that there was insufficient co-operation between the International Tribunal and a State, either in the past or still today. As a result, each Chamber can only carefully analyse the question of individual criminal responsibility for the crimes committed in Lašva Valley in relation to each of the accused brought before it."

This is why the local judiciaries throughout the former Yugoslavia bear a great responsibility to prosecute numerous individuals who will not appear before the ICTY.

Outreach Programme

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