

UNITED
NATIONS



**International Tribunal for the
Prosecution of Persons Responsible
for Serious Violations of
International Humanitarian Law
Committed in the Territory of The
Former Yugoslavia since 1991**

Case No. IT-95-14-T

Date: 3 March 2000

English
Original: French

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Almiro Rodrigues
Judge Mohamed Shahabuddeen

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 3 March 2000

THE PROSECUTOR

v.

TIHOMIR BLA[KI]

JUDGEMENT

The Office of the Prosecutor:

Mr. Mark Harmon
Mr. Andrew Cayley
Mr. Gregory Kehoe

Defence Counsel:

Mr. Anto Nobile
Mr. Russell Hayman

716. In conclusion, the Trial Chamber is of the view that on 20 April 1993, the villagers of Gariće served as human shields for the accused's headquarters in Vitez. Quite evidently, this inflicted considerable mental suffering upon the persons involved. As they were Muslim civilians or Muslims no longer taking part in combat operations, the Trial Chamber adjudges that, by this act, they suffered inhuman treatment (count 19) and, consequently, cruel treatment (count 20).

4. Individual criminal responsibility of General Blaškić

a) Arguments of the parties

717. The Prosecution submitted that the crimes described above were committed by persons either acting pursuant to an order or plan of Tihomir Blaškić, at his incitement or with his aid and encouragement¹⁶²⁷. Moreover, the Prosecutor highlighted that pursuant to Article 7(3) of the Statute the evidence also demonstrated that the accused was criminally responsible for the crimes¹⁶²⁸.

718. The Defence maintained that none of the evidence proved that General Blaškić gave the orders or actively participated in any other way in committing the detention related crimes. In addition, the Defence asserted that General Blaškić had no command responsibility over the detention related crimes since he did not know nor had he any reason to know that ill-treatment was being meted out. In the opinion of the Defence, the accused took many measures either to prevent the crimes or to punish the perpetrators thereof and he had no authority to control or sanction the administrators of the detention centres in central Bosnia¹⁶²⁹.

¹⁶²⁷ Prosecutor's Brief, book 7, XII, 3.

¹⁶²⁸ Prosecutor's Brief, book 7, XIV, 3.

¹⁶²⁹ Defence Brief, IX.