

Trial Chamber Judgement in the case of Zdravko Tolimir

Zdravko Tolimir was the Assistant Commander for Intelligence and Security of the Bosnian Serb Army (VRS) Main Staff. The initial indictment against him was confirmed on 10 February 2005 and on 25 February 2005 it was made public. Tolimir was arrested on 31 May 2007 and subsequently transferred into the Tribunal's custody on 1 June 2007. His trial started on 26 February 2010 and the Trial Chamber judgement was handed down on 12 December 2012. He appealed the trial judgement and the appeal hearing was held on 12 November 2014 and on April 08, 2015 the Appeals Judgement will be handed down which will be the next issue on our report.

The events that unfolded in the territory of the former Yugoslavia in the early 90s were unspeakable to such an extent that the United Nations Security Council Resolution in the Spring of 1993 had declared the enclaves of Srebrenica and Žepa, eastern Bosnia and Herzegovina as safe havens.

The crimes charged in the indictment against the accused took place from March until November 1995, he was allegedly involved in two categories of joint criminal enterprise (JCE): the first was to murder able-bodied Bosnian Muslim men from the enclave of Srebrenica sometime between 11 July and 1 November 1995, and the second was to forcibly remove and deport the Bosnian Muslim population from the enclaves of Srebrenica and Žepa. These horrendous crimes were sanctioned by a Directive 7 which was signed by the President of Republika Srpska (RS). This move by the President Mr. Radovan Karadžić and other top ranking officials including the accused corroborates an existing policy in RS in 1992 which was designed to de-populate Bosnian Muslims from eastern Bosnia and Herzegovina. Tolimir was pursuant to Article 7(1) of the Statute, charged with planning, instigating, ordering, and otherwise aiding and abetting in the planning, preparation, and execution of the charged crimes.

The Chamber found based on conservative estimates that from 13 July to August 1995, at least 4,970 Bosnian Muslim men were murdered during the execution of the JCE to murder. The majority contended that this was just the median number, it however stressed that 6000 was the closest minimum who perished.

Tolimir was found guilty by the Chamber for having knowledge of the genocidal intent of his subordinate and other JCE members, he was involved in directing and participating in genocide acts that led to hideous and monstrous crimes. The Chamber by majority pursuant to JCE III found him responsible for the genocidal death of three Bosnian Muslims from Žepa and therefore convicted him of the following individual criminal responsibility as ordained in Article 7(1) of the Statute of the Tribunal. The charges include:

- Genocide
- Conspiracy to commit genocide
- Extermination, persecutions and inhumane acts/forcible transfer (crimes against humanity)
- Murder (violations of the laws or customs of war)

As a result of all these charges he was sentenced for life.¹

It is well within the margins to say that as this lengthy case draws to the final minutes; spectators, journalists, victims, friends and families including those seeking justice patiently await the verdict of the Appeals Chamber which will be handed down on 08 April 2015. There is tension and hope that the outcome will heal the wounds of those who suffered and lost loved ones while the region is still in the process of reconstruction with the assistance of the UN outreach program designed to rebuild the shattered region from the monstrous atrocities that took place in the early 90s.

Zdravko Tolimir and his entourage may be sentenced for life but their legacy of the horrific and ugly incidents will live on as those who will receive the feeling or sense of justice still have to deal with the consequences that the civil war left in the greater region.

¹ See generally ICTY: <http://www.icty.org/sid/11175>, [31 March 2015].

