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**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-04-74-PT

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ČORIĆ
and BERISLAV PUŠIĆ**

AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Tribunal for the former Yugoslavia (the "Tribunal Statute"), charges:

**JADRANKO PRLIĆ, BRUNO STOJIĆ,
SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ,
VALENTIN ČORIĆ and BERISLAV PUŠIĆ**

with Crimes Against Humanity, Grave Breaches of the Geneva Conventions and Violations of the Laws or Customs of War, as follows:

THE ACCUSED

1. The Croatian Community of Herceg-Bosna declared its existence on 18 November 1991 as a political and territorial entity on the territory of what was then the Socialist Republic of Bosnia and Herzegovina ("SRBiH"). In August 1993, the Croatian Community of Herceg-Bosna declared itself the Croatian Republic of Herceg-Bosna, and this entity, in both its forms, is hereafter referenced as "Herceg-Bosna." Mate Boban was the President of the Croatian

Community of Herceg-Bosna from its inception, and continued as President of the Croatian Republic of Herceg-Bosna, until approximately February 1994. By actions taken on 8 April 1992 and 15 May 1992, various Herceg-Bosna leaders, including Mate Boban, established the Croatian Defence Council ("HVO") as Herceg-Bosna's armed forces and government, describing the HVO as Herceg-Bosna's "supreme" executive, administrative and defence body.

2. **JADRANKO PRLIĆ**, son of Mile, was born on 10 June 1959 in Djakovo, in the Socialist Republic of Croatia. He graduated from the Economics Faculty in Mostar, in the SRBiH, and obtained his master's and doctor's degrees at the Economics Faculty in Sarajevo. He was a full professor at Mostar University (Faculty of Economy and Faculty of Law). He served for a time as President of the Executive Council of Mostar Municipality. In 1989, he became the Vice-President of the Government of the SRBiH and, in late 1990, he became its acting President. On 15 May 1992, Mate Boban appointed JADRANKO PRLIĆ head of the HVO Department of Finance, and on 14 August 1992, Mate Boban appointed JADRANKO PRLIĆ President of Herceg-Bosna's supreme executive, administrative and defence body -- the HVO. After the Croatian Community of Herceg-Bosna became the Croatian Republic of Herceg-Bosna in late August 1993, JADRANKO PRLIĆ's title or position changed from President to Prime Minister (with his functions remaining largely the same). He continued in this position through the time covered by this indictment. JADRANKO PRLIĆ was subsequently the Vice-President of the Government and Defence Minister of the Republic of Bosnia and Herzegovina, and Deputy Prime Minister and Defence Minister of the Federation of Bosnia and Herzegovina, from June 1994 to January 1996; and Minister of Foreign Affairs of Bosnia and Herzegovina, from January 1996 until February 2001.

3. For most of 1992-1993, JADRANKO PRLIĆ was, other than Mate Boban, the most powerful official in the Herceg-Bosna/HVO political and governmental structures, and, by late 1993, he effectively eclipsed Mate Boban. As President, JADRANKO PRLIĆ had *de jure* and/or *de facto* power, effective control and/or substantial influence over the Herceg-Bosna/HVO government and military. He directed the work of and was responsible for the HVO government, including military matters. He signed decisions and decrees that comprised the HVO's official policy. JADRANKO PRLIĆ had the power to appoint and dismiss persons in positions of significant authority in the civilian, military and judicial organs of Herceg-Bosna and the HVO. He also possessed authority to close Herceg-Bosna/HVO prisons and concentration camps.

4. **BRUNO STOJIĆ**, son of Žarko, was born on 8 April 1955 in the village of Hamzići, in Čitluk Municipality, in the SRBiH. He has a degree in Economics. After multiparty elections in 1990, BRUNO STOJIĆ was named an Assistant Minister of the Interior (or Internal Affairs) in the SRBiH central government, in Sarajevo. BRUNO STOJIĆ was a member of the principal Croat nationalist political party in the SRBiH and later the Republic of Bosnia and Herzegovina, known as the Croatian Democratic Union of Bosnia and Herzegovina ("HDZ-BiH"). On 18 September 1991, he was listed as a member of the party's newly-formed Crisis Staff, which would become the core of the HVO's military arm. On or about 16 April 1992, the Army of the Republic of Croatia (the "Croatian Army"), by General Janko Bobetko, assigned BRUNO STOJIĆ as Acting Officer in Charge of Logistical Support at the Croatian Army's Forward Command Post in the town of Grude, in Bosnia and Herzegovina. On 3 July 1992, Mate Boban named BRUNO STOJIĆ head of the HVO Department (later Ministry) of Defence, and he remained in this position until November 1993. On 16 December 1993, BRUNO STOJIĆ was named Head of the Croatian Republic of Herceg-Bosna's Office for the Production and Sales of Weapons and Military Equipment.

5. As head of the HVO Department (later Ministry) of Defence, BRUNO STOJIĆ was that body's top political and management official, in charge of the Herceg-Bosna/HVO armed forces. He exercised *de jure* and/or *de facto* power, effective control and substantial influence over all parts and branches of such forces' operations. His areas of authority and responsibility included, among others, the following areas: security, including the work of the HVO Military Police and an HVO intelligence service known as the Security and Information Service ("SIS"); moral education, which included Information and Propaganda; defence-related health, medical and sanitation services, which were responsible for conditions and services in the Herceg-Bosna/HVO prisons and detention facilities; and military production and logistics. It was part of his responsibility to ensure that all Herceg-Bosna/HVO forces conduct themselves in accordance with the Geneva Conventions and international humanitarian law and that all prisoners, detainees and other persons held by Herceg-Bosna/HVO forces be treated in compliance with such conventions and law. BRUNO STOJIĆ had authority to appoint and dismiss HVO military commanders up to the level of brigade commander. He could and did issue organisational, strategic and combat-related orders. He exercised authority and effective control over HVO prisons and detention facilities, in whole or part, through the HVO Military Police and the head of such police, VALENTIN ĆORIĆ.

6. **SLOBODAN PRALJAK**, also known as "Brada," son of Mirko, was born on 2 January 1945, in the town of Čapljina, in Čapljina Municipality, SRBiH. After studying in Zagreb and obtaining a degree in electrical engineering, he worked as a theatrical, film and television producer and as professor of philosophy and sociology. In the early summer of 1991, he joined the Army of the Republic of Croatia and, by 3 April 1992, held the rank of major general in the Croatian Army. On about 14 March 1992, SLOBODAN PRALJAK became Assistant Minister of Defence for the Republic of Croatia, and worked closely with the Minister of Defence, Gojko Šušak. On 10 September 1992, Croatian President Franjo Tudjman appointed SLOBODAN PRALJAK to be one of fourteen members of the Republic of Croatia's Council of National Defence, and he remained in this position until at least 15 June 1993. On 13 May 1993, SLOBODAN PRALJAK was named to the Republic of Croatia's state commission for relations with the United Nations Protection Force ("UNPROFOR").

7. From approximately March 1992 to July 1993, SLOBODAN PRALJAK served simultaneously as a senior Croatian Army officer, Assistant Minister of Defence and senior representative of the Croatian Ministry of Defence to the Herceg-Bosna/HVO government and armed forces. He served as a conduit for orders, communications and instructions from President Franjo Tudjman, Gojko Šušak and other senior officials of the Republic of Croatia to the Herceg-Bosna/HVO government and armed forces, and reported to and kept Croatia's senior officials informed of developments in Bosnia and Herzegovina. During this period, SLOBODAN PRALJAK played a prominent role in securing weapons and ammunition for the Herceg-Bosna/HVO armed forces. He directly and indirectly commanded Herceg-Bosna/HVO forces and operations in Bosnia and Herzegovina. From approximately 24 July 1993 to 9 November 1993, SLOBODAN PRALJAK served as the military head of the Herceg-Bosna/HVO armed forces, with the title "Commander of the Main Staff."

8. In his various positions and functions, SLOBODAN PRALJAK exercised *de jure* and/or *de facto* command and control over the Herceg-Bosna/HVO armed forces. At times relevant to the indictment, he exercised effective control and substantial influence over the Herceg-Bosna/HVO armed forces (including the operative zone commanders). He was responsible for the management, organization, planning, preparation, training, discipline, supply, deployment and operations of the Herceg-Bosna/HVO armed forces. He issued organisational, strategic and combat orders. It was part of his responsibility to ensure that all Herceg-Bosna/HVO forces conduct themselves

in accordance with the Geneva Conventions and international humanitarian law and that all prisoners, detainees and other persons held by Herceg-Bosna/HVO forces be treated in compliance with such conventions and law. SLOBODAN PRALJAK also had command authority over the Herceg-Bosna/HVO civilian police, when they acted under or in co-ordination with the Herceg-Bosna/HVO armed forces during times of armed conflict. He was closely involved in all aspects of Herceg-Bosna/HVO military planning and operations.

9. **MILIVOJ PETKOVIĆ**, son of Jerko, was born on 11 October 1949 in Šibenik, Socialist Republic of Croatia. MILIVOJ PETKOVIĆ graduated from the military academy of the Yugoslav National Army ("JNA") and held the rank of lieutenant-colonel when he left the JNA on or about 25 July 1991 and joined the Croatian Army. On or about 14 April 1992, Croatian Army General Janko Bobetko assigned MILIVOJ PETKOVIĆ to the command of the Croatian Army's Forward Command Post in the town of Grude, in Bosnia and Herzegovina, which was or became the senior command staff of the Herceg-Bosna/HVO armed forces. From April 1992 until about 24 July 1993, MILIVOJ PETKOVIĆ served as the military head of the Herceg-Bosna/HVO armed forces, with the title "Chief of the HVO Main Staff." When SLOBODAN PRALJAK was appointed the *senior military* HVO commander on or about 24 July 1993, MILIVOJ PETKOVIĆ became and continued as, in effect, the deputy overall commander of the Herceg-Bosna/HVO armed forces. On or about 26 April 1994, MILIVOJ PETKOVIĆ was again named the overall HVO commander, and he remained in this position until about 5 August 1994.

10. In his various positions and functions, MILIVOJ PETKOVIĆ exercised *de jure* and/or *de facto* command and control over the Herceg-Bosna/HVO armed forces. At times relevant to the indictment, he exercised effective control and substantial influence over the Herceg-Bosna/HVO armed forces (including the operative zone commanders). He was responsible for the management, organization, planning, preparation, training, discipline, supply and deployment and operations of the Herceg-Bosna/HVO armed forces. He issued organisational, strategic and combat orders. It was part of his responsibility to ensure that all Herceg-Bosna/HVO forces conduct themselves in accordance with the Geneva Conventions and international humanitarian law and that all prisoners, detainees and other persons held by Herceg-Bosna/HVO forces be treated in compliance with such conventions and law. MILIVOJ PETKOVIĆ also had command authority over the Herceg-Bosna/HVO civilian police, when they acted under or in co-ordination with the Herceg-Bosna/HVO armed forces during times of armed conflict. He was

closely involved in all aspects of Herceg-Bosna/HVO military planning and operations.

11. **VALENTIN ČORIĆ**, son of Andrija, was born on 23 June 1956 in the village of Paoča, in Čitluk Municipality, in the SRBiH. He has a degree in engineering and served as Maintenance Director of the Bauxite Mines in Čitluk. After joining the HDZ-BiH, VALENTIN ČORIĆ became a member of the Čitluk Municipal Staff, where he became involved in military matters and obtaining weapons and equipment. VALENTIN ČORIĆ was later named commander of the military training center at Krvavice, in the Republic of Croatia, where some eight hundred soldiers from Herceg-Bosna were trained. In April 1992, Mate Boban appointed VALENTIN ČORIĆ Deputy for Security and Commander of the HVO Military Police. His position was later titled "Chief of the Military Police Administration" (within the HVO Department, later Ministry, of Defence), and he continued in this position until 20 November 1993. In November 1993, VALENTIN ČORIĆ was appointed Minister of Interior in the Croatian Republic of Herceg-Bosna.

12. In his various positions and functions, VALENTIN ČORIĆ, from at least April 1992 to November 1993, played a central role in the establishment, administration and operation of the HVO Military Police. He had *de jure* and/or *de facto* command and control of the HVO Military Police, which regularly played important roles in administering Herceg-Bosna/HVO prisons and detention facilities (including the release and transfer of prisoners and detainees) and in combat and ethnic cleansing operations. VALENTIN ČORIĆ exercised effective control and substantial influence over the HVO Military Police, and had the authority and responsibility to command and discipline members of the HVO Military Police. It was part of his responsibility to ensure that all Herceg-Bosna/HVO forces, including the Military Police, conduct themselves in accordance with the Geneva Conventions and international humanitarian law and that all prisoners, detainees and other persons held by Herceg-Bosna/HVO forces be treated in compliance with such conventions and law. It was also part of the duties of the Military Police, which VALENTIN ČORIĆ commanded, to investigate alleged crimes by Herceg-Bosna/HVO armed forces.

13. **BERISLAV PUŠIĆ**, also known as "Berto" or "Berko," son of Andrija, was born on 8 June 1952, in the town of Krivodol, in Mostar Municipality, in the SRBiH. In 1992, BERISLAV PUŠIĆ became an officer in the HVO Military Police in Mostar, and held a command position in the Military Police in 1993. By an order dated 22 April 1993, VALENTIN ČORIĆ assigned BERISLAV PUŠIĆ to act on behalf of the HVO Military Police in exchanging

Bosnian Muslim detainees held by the HVO. On 11 May 1993, BRUNO STOJIĆ appointed BERISLAV PUŠIĆ as an HVO liaison officer to UNPROFOR. On 5 July 1993, JADRANKO PRLIĆ appointed BERISLAV PUŠIĆ as Head of the Service for the Exchange of Prisoners and Other Persons. On 6 August 1993, BRUNO STOJIĆ appointed BERISLAV PUŠIĆ as president of the commission to take charge of all Herceg-Bosna/HVO prisons and detention facilities holding prisoners of war and detainees. During 1993, BERISLAV PUŠIĆ was also a member of the HVO Commission for Exchange of Prisoners.

14. As a result of his various positions and functions, BERISLAV PUŠIĆ was an instrumental, high-level official in the Herceg-Bosna/HVO system concerning the detention, use, release, exchange, transfer and deportation of Bosnian Muslims. Based on his *de jure* and/or *de facto* powers, he exercised effective control and substantial influence over various components and personnel in this system. It was part of his responsibility to classify and process Muslim detainees in accordance with the Geneva Conventions and international humanitarian law. BERISLAV PUŠIĆ issued orders and decisions, signed authorisations and gave instructions for the handling of Bosnian Muslim detainees, which controlled their continued detention and/or their transfer or deportation to other areas or countries.

THE JOINT CRIMINAL ENTERPRISE

15. From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg-Bosna, and to join these areas as part of a "Greater Croatia," whether in the short-term or over time and whether as part of the Republic of Croatia or in close association with it, by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means, which constituted or involved the commission of crimes which are punishable under Articles 2, 3, and 5 of the Tribunal Statute. The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941. It was part of the joint criminal enterprise to engineer the political and ethnic map of these areas so that they would be Croat-dominated, both politically and demographically.

16. A number of persons joined, participated in and contributed to the joint criminal enterprise, including Franjo Tudjman, the President of the Republic of Croatia (deceased, 10 December 1999); Gojko Šušak, the Minister of Defence of the Republic of Croatia (deceased, 3 May 1998); Janko Bobetko, a senior General in the Army of the Republic of Croatia (deceased, 29 April 2003); Mate Boban, President of the Croatian Community (and Republic) of Herceg-Bosna (deceased, 8 July 1997); JADRANKO PRLIĆ; BRUNO STOJIĆ; SLOBODAN PRALJAK; MILIVOJ PETKOVIĆ; VALENTIN ĆORIĆ; BERISLAV PUŠIĆ; Dario Kordić; Tihomir Blaškić; and Mladen Naletilić (also known as "Tuta"). Other members included: members of the Herceg-Bosna/HVO leadership and authorities (as described in Paragraph 25), including various officials and members of the Herceg-Bosna/HVO government and political structures, at all levels (including in municipal governments and local organisations); various leaders and members of the Croatian Democratic Union ("HDZ") and Croatian Democratic Union of Bosnia and Herzegovina ("HDZ-BiH"), at all levels; various officers and members of the Herceg-Bosna/HVO forces (as described in Paragraph 25); various members of the armed forces, police, security and intelligence services of the Republic of Croatia; and other persons, both known and unknown.

16.1. In addition or in the alternative, the members of the joint criminal enterprise, including Franjo Tudjman, Gojko Šušak, Janko Bobetko, Mate Boban, JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ, BERISLAV PUŠIĆ, Dario Kordić, Tihomir Blaškić, Mladen Naletilić (also known as "Tuta") and others, implemented the objectives of the joint criminal enterprise through the following organisations and persons, who they controlled, directly or indirectly: members of the Herceg-Bosna/HVO leadership and authorities (as described in Paragraph 25), including various officials and members of the Herceg-Bosna/HVO government and political structures, at all levels (including in municipal governments and local organisations); various leaders and members of the HDZ and HDZ-BiH, at all levels; various officers and members of the Herceg-Bosna/HVO forces (as described in Paragraph 25); various members of the armed forces, police, security and intelligence services of the Republic of Croatia; and other persons, both known and unknown.

17. Each of the accused -- JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ -- acting individually and through the positions and powers described above, and in concert with other members of the joint criminal enterprise, participated as leaders in the joint criminal enterprise in one or more of the following ways:

- (a) establishing, organising, directing, funding, facilitating, supporting, maintaining and/or operating Herceg-Bosna/HVO governmental and political structures and processes (or various elements thereof), including governmental or state-like powers over the control of housing and property, the status of refugees and displaced persons, the provision of public services and humanitarian assistance, restrictions on freedom of movement, and/or the exchange of prisoners, which were used to pursue and implement the joint criminal enterprise;
- (b) establishing, organising, commanding, ordering, directing, funding, facilitating, participating in, supporting, maintaining and/or operating the Herceg-Bosna/HVO military, police, intelligence and/or other forces through which the objectives of the joint criminal enterprise were pursued and implemented and by which various crimes charged in this indictment, such as persecutions, killing, forcible transfer, deportation, unlawful forced labour, plunder, looting and destruction of property, were committed;
- (c) initiating, promoting, planning, preparing, participating in, supporting and/or encouraging the development, formulation, dissemination and/or implementation of Herceg-Bosna/HVO political, governmental and/or military policies, programs, plans, decrees, decisions, regulations, strategies or tactics which were used as bases or vehicles for various actions against or to the disadvantage of Bosnian Muslims, such as depriving them of fundamental human rights, housing, property and/or humanitarian assistance, as part of the joint criminal enterprise;
- (d) instigating, supporting, encouraging, facilitating and/or participating in the dissemination of information and propaganda to Bosnian Croats that was intended to advance the joint criminal enterprise, by engendering in Bosnian Croats fear, hatred and mistrust of Bosnian Muslims, or to gain support and participation in the joint criminal enterprise, such as information that Bosnian Croats were at imminent risk of oppression and extermination at the hands of Bosnian Muslims, that various territories on which Bosnian Muslims resided were Croatian territory, and that Mostar was the rightful capital of Herceg-Bosna;
- (e) planning, instigating, commanding, directing, participating in, facilitating or supporting the HVO takeover of various municipal governments and efforts to "Croatise" the Bosnian Muslim and other

non-Croat population in areas which the Herceg-Bosna/HVO leaders claimed were part of Herceg-Bosna.

- (f) encouraging, controlling, funding, facilitating, assisting and/or participating in the production, acquisition and/or distribution of military equipment, arms, ammunition, funds, logistical support and other means which were used to advance the joint criminal enterprise;
- (g) requesting, obtaining, arranging, facilitating and/or co-ordinating the participation and assistance of elements of the Republic of Croatia government, armed forces, police and/or intelligence services, including funding and/or logistical support, in furtherance of the joint criminal enterprise;
- (h) establishing, organising, directing, funding, facilitating, supporting, participating in, maintaining and/or operating a system of Herceg-Bosna/HVO prisons, concentration camps and other detention facilities which were used to imprison and detain Bosnian Muslims as part of and in furtherance of the joint criminal enterprise;
- (i) establishing, organising, directing, funding, facilitating, supporting, participating in, maintaining and/or operating a system for the deportation or forcible transfer of Bosnian Muslims to other countries or parts of Bosnia and Herzegovina which were not claimed or controlled by Herceg-Bosna, as part of and in furtherance of the joint criminal enterprise;
- (j) ordering, instigating, promoting, encouraging, facilitating and/or implementing the systematic use by Herceg-Bosna/HVO forces of Bosnian Muslim detainees for unlawful forced labour;
- (k) promoting, instigating, encouraging and condoning the commission of crimes against Bosnian Muslims by failing to report and/or investigate crimes or alleged crimes against them, and/or to follow up on such investigations, and/or to punish or discipline subordinates and others in the Herceg-Bosna/HVO authorities and forces for crimes committed against Bosnian Muslims or other non-Croats; and
- (l) engaging in, encouraging, facilitating or supporting efforts to deny, conceal and/or minimise crimes committed by the Herceg-Bosna/HVO authorities and forces against Bosnian Muslims or other non-Croats,

including the provision of false, incomplete or misleading information to international organisations, monitors, investigators and the public.

17.1. As part of Paragraph 17, subparagraphs (a) through (l), and as examples, JADRANKO PRLIĆ participated in and furthered the joint criminal enterprise, without limitation, as follows:

- (a) As President and then Prime Minister of Herceg-Bosna's supreme executive, administrative and defence body, JADRANKO PRLIĆ was a key and integral figure in the Herceg-Bosna/HVO leadership, in establishing, instigating, facilitating and carrying out Herceg-Bosna/HVO policies, strategies and practices. He had *de jure* and/or *de facto* power, effective control and/or substantial influence over the Herceg-Bosna/HVO government and military. He initiated, participated in, agreed with and signed decisions and decrees that comprised official Herceg-Bosna/HVO policy and practice.
- (b) JADRANKO PRLIĆ organised, participated in and often led high-level meetings of the Herceg-Bosna/HVO leadership and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg-Bosna and pursuing the goals and objectives of the joint criminal enterprise.
- (c) JADRANKO PRLIĆ directed the work and activities of the HVO government as a whole and each of its departments, ministries, services and offices, which included, among others, the Department (or Ministry) of Defence, the Department (or Ministry) of Justice and the Department (or Ministry) of Interior.
- (d) JADRANKO PRLIĆ participated in the formation and adoption of, and signed the vast majority of the decisions and decrees that comprised official Herceg-Bosna/HVO policy and were used to pursue and implement the joint criminal enterprise, such as the Decision on the Status of Refugees and Displaced Persons on the Territory of HZ H-B, the Decree on the Temporary Use of Military Flats on the Territory of HZ H-B, the Decree on Border Crossing and Traffic in the Border Area of HZ H-B, and the Decree on the Use of Deserted/Abandoned Apartments.

- (e) JADRANKO PRLIĆ organised, facilitated, supported and/or supervised the HVO take-over of various municipalities claimed to be part of Herceg-Bosna, and directed and supervised the work of the HVO Municipal Governments; appointed members of several Municipal Councils, including those in Ljubuški and Vareš; and failed to intervene and quash decisions, orders or instructions established, given or implemented to the injury and detriment of the Bosnian Muslim population, such as the 15 April 1993 Decision on the Statutory Rights of Refugees and Expelled and Displaced Persons in Mostar Municipality adopted by the HVO Mostar Municipal Government, which was used to pursue and implement the objectives of the joint criminal enterprise.
- (f) JADRANKO PRLIĆ encouraged, facilitated and supported efforts to “Croatise” the Bosnian Muslim and other non-Croat population in areas claimed to be part of Herceg-Bosna, which included the adoption and signing of decisions, decrees and regulations such as the Decree on Founding and the Work of the University of Mostar in Times of War or the Imminent Threat of War; Decision on the Coat of Arms and Flag of HZ H-B in Times of War or the Imminent Threat of War; Regulation on Secondary Education on the Territory of HZ H-B in Times of War or the Imminent Threat of War, Regulation on Elementary Education in Times of War or the Imminent Threat of War; and the Regulation on Payment of Transactions in Croatian Dinars in the Territory of HZ H-B during the Immediate Threat of War or State of War.
- (g) JADRANKO PRLIĆ, in whole or part, directly or indirectly, controlled the Herceg-Bosna/HVO fiscal and financial organs, controlled, directed, supported and facilitated the raising or collection of funds and material support from numerous sources, such as the Republic of Croatia and organisations and persons outside Bosnia and Herzegovina, and from the imposition and collection of customs duties, excise payments and taxes; and controlled, supervised and oversaw the Herceg-Bosna/HVO budget, payroll and expenditures.
- (h) JADRANKO PRLIĆ established, organised, facilitated and/or regulated the structures and activities of Herceg-Bosna/HVO military, police, intelligence and other forces through which the objectives of the joint criminal enterprise were pursued and implemented, through the adoption and signing of decisions and decrees such as the decisions and decrees on drawing up Defence Plans; the Decision on Establishing the Office for National Security; the Conveyance and Carrying out Mobilization of Persons on the Territory of HZ H-B; the Decree on the Coat of Arms &

Flag of the HZ H-B in Times of War and the Imminent Threat of War; and Decision on the Ranks, Insignia and Conditions for Qualifying for Police Rank. He facilitated, encouraged and supported military operations in pursuit of the joint criminal enterprise and received regular briefings on military matters.

- (i) JADRANKO PRLIĆ had the power to appoint and remove persons in positions of significant authority in the civilian, military and judicial organs of Herceg-Bosna and the HVO, such as the Deputy Head of the HVO Department (or Ministry) of Defence; Assistant Head of the HVO Department (or Ministry) of Defence for Supplies, Procurement and Production; and other Assistant Heads in the HVO Department (or Ministry) of Defence; the Head of the Office for Refugees, Exiled and Displaced Persons; and the Head of the Service for the Exchange of Prisoners and Other Persons, BERISLAV PUŠIĆ.
- (j) JADRANKO PRLIĆ organised, controlled, regulated, facilitated and/or supported Herceg-Bosna/HVO forces in acquiring military equipment, weapons and ammunition, through such activities as adopting and signing decisions and decrees concerning the acquisition and production of military equipment, such as the Decision on the Manufacture and Trade of Arms and Military Equipment on the Territory of HZ H-B.
- (k) JADRANKO PRLIĆ arranged, facilitated and maintained the political, logistical, financial and military co-operation and involvement of, and support from the Republic of Croatia (in particular, through meetings with Franjo Tudjman, Gojko Šušak and others) for establishing, carrying out and accomplishing Herceg-Bosna/HVO goals and objectives, which included the signing of decisions, decrees and regulations facilitating such co-operation and involvement, such as the Decision on the Import of Goods from the Republic of Croatia.
- (l) JADRANKO PRLIĆ issued and signed the 15 January 1993 ultimatum which required ABiH forces to subordinate themselves to the HVO in, or depart from, proposed Vance-Owen Peace Plan provinces 3, 8 and 10, which was transmitted and implemented by his subordinates and others throughout the Herceg-Bosna/HVO authorities and forces, and which caused and contributed to the commission of crimes by Herceg-Bosna/HVO forces, such as those committed in and around Gornji Vakuf in January 1993.

- (m) JADRANKO PRLIĆ participated in and approved issuing the same or a similar ultimatum to the ABiH in April 1993, with a compliance date of 15 April 1993, which marked the beginning of widespread, systematic and protracted armed conflict against the ABiH and Muslim population and caused and contributed to the commission of crimes by Herceg-Bosna/HVO forces, such as those committed in and around Prozor, Sovići and Doljani in the spring of 1993.
- (n) JADRANKO PRLIĆ established, controlled, facilitated and/or supported a system of ill-treatment involving a network of Herceg-Bosna/HVO prisons, concentration camps and other detention facilities which were used to arrest, detain and imprison thousands of Bosnian Muslims in unlawful and harsh conditions, where they were killed, mistreated, beaten and abused, with his control and role in such matters being demonstrated, *inter alia*, by his authority to establish and close such prisons, camps and facilities.
- (o) JADRANKO PRLIĆ instigated, facilitated, assisted and encouraged the use of Bosnian Muslims detainees in unlawful forced labour, during which many were killed or injured, in knowing of such use, practices and situations and failing to prevent, stop, punish or redress such use.
- (p) JADRANKO PRLIĆ continued to participate in, facilitate, support or encourage Herceg-Bosna/HVO policies, actions and practices that operated to the injury and detriment of Bosnian Muslims, after receiving information about and knowing of such practices, injuries and effects.
- (q) JADRANKO PRLIĆ established, controlled, facilitated and/or supported a system of ill-treatment which was used to expel, deport or forcibly transfer large numbers of Bosnian Muslims, by deporting them out of Bosnia and Herzegovina to other countries or transferring them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna/HVO forces, through such activities as the establishment, organisation, support and/or supervision of several governmental authorities or structures subordinated to the HVO government, including the Office for Refugees, Exiled and Displaced Persons, the Service for Exchange of Prisoners and Other Persons, the Commission on the Question of the Migration of Population which were involved in such activities.
- (r) JADRANKO PRLIĆ organised, participated in, proposed, requested, caused, supported and/or advocated the movement of large numbers of

Bosnian Croats into the territory (or core territory) claimed to be part of Herceg-Bosna, in furtherance of the joint criminal enterprise.

- (s) JADRANKO PRLIĆ engendered fear, hatred and mistrust of Bosnian Muslims among Bosnian Croats -- for example, by publicly proclaiming that the ABiH intended to conquer the "historical territory of the Croat people," that the ABiH's actions and goals jeopardised the existence of Bosnian Croats; and advocating Mostar as the rightful capital of Herceg-Bosna.
- (t) JADRANKO PRLIĆ controlled, regulated and/or facilitated the movement of, and access to humanitarian aid in the territory claimed to be part of Herceg-Bosna, including East Mostar, which was used, in part, to deprive Bosnian Muslims of fundamental human needs and to create or maintain appalling living conditions which caused them to accept subjugation by the Herceg-Bosna/HVO authorities or to leave Herceg-Bosna to other countries or other parts of Bosnia and Herzegovina.
- (u) JADRANKO PRLIĆ facilitated, supported, encouraged and participated in the joint crime enterprise and crimes charged in this indictment in planning, approving, preparing, supporting, ordering and/or directing military operations and actions during and as part of which cultural and religious property such as mosques were destroyed, and private property of Bosnian Muslims was looted, burned or destroyed, without justification or military necessity, and failing to prevent, stop, punish or redress such destruction and looting.
- (v) JADRANKO PRLIĆ participated in, facilitated, instigated, encouraged and condoned crimes and abuses against Bosnian Muslim by Herceg-Bosna/HVO structures, forces and organisations, by failing to intervene, investigate, report or denounce such conduct and failing to prevent, punish or take other measures to stop, redress or correct such conduct.
- (w) JADRANKO PRLIĆ participated in, facilitated and/or supported the promotion and dissemination of false and inaccurate information about the reasons for detaining Bosnian Muslims and the conditions of their detention, and limited access by international observers to detained Muslims.
- (x) JADRANKO PRLIĆ participated in, facilitated and/or supported the promotion and dissemination of false, inaccurate and misleading

information about the occurrence and commission of crimes, by pretending, for example, that crimes committed by the Herceg-Bosna/HVO authorities and forces were the actions of uncontrolled elements, and giving or supporting false information about the existence and effect of investigations and corrective measures allegedly taken.

17.2. As part of Paragraph 17, subparagraphs (a) through (l), and as examples, BRUNO STOJIC participated in and furthered the joint criminal enterprise, without limitation, as follows:

- (a) As head of the HVO Department (later Ministry) of Defence, BRUNO STOJIC was that body's top political and management official, in charge of the HVO armed forces. He directed and operated the HVO Department (later Ministry) of Defence and was responsible for its actions and activities which were carried out in furtherance of the joint criminal enterprise and in connection with the crimes charged in this indictment.
- (b) BRUNO STOJIC exercised *de jure* and/or *de facto* power, effective control and substantial influence (including the authority to appoint and remove HVO military commanders up to and including brigade commanders) over all parts of the HVO armed forces, including the HVO armed forces which committed various crimes charged in this indictment.
- (c) BRUNO STOJIC directed, controlled, facilitated and supported the operations and activities of the HVO Military Police, through which various objectives of the joint criminal enterprise were pursued.
- (d) BRUNO STOJIC participated in, facilitated and supported the joint crime enterprise and crimes charged in this indictment in planning, approving, preparing, supporting, ordering and/or directing military operations and actions during and as part of which such crimes were committed.
- (e) BRUNO STOJIC directed, controlled and facilitated the financial operations of the HVO armed forces, including the HVO armed forces' budget, payroll and expenditures.
- (f) BRUNO STOJIC participated in the Herceg-Bosna/HVO efforts to take over JNA and Territorial Defence equipment and facilities located on the territory claimed to comprise Herceg-Bosna and to seize control of

various enterprises located in Bosnia and Herzegovina that were involved in the production of military equipment and supplies.

- (g) BRUNO STOJIĆ controlled and regulated the shipment of military equipment, arms and ammunition into or through the territory claimed by Herceg-Bosna.
- (h) BRUNO STOJIĆ participated in, facilitated and supported the role and involvement of the Republic of Croatia in the HVO armed forces' objectives, policies, plans and practices, and facilitated and participated in the Republic of Croatia's military, logistical and financial involvement in and support for the HVO armed forces, and in particular, through contacts with Gojko Šušak, the Minister of Defence of the Republic of Croatia.
- (i) BRUNO STOJIĆ played an integral role in the Herceg-Bosna/HVO subjugation of, and commission of crimes against Bosnian Muslims in the territory claimed as Herceg-Bosna, by approving and giving support to such efforts and issuing orders, commands, directions, instructions and ultimatums, such as the ultimatums that he participated in and assisted in January 1993 and April 1993, demanding the subordination of ABiH troops to HVO command.
- (j) BRUNO STOJIĆ controlled, directed, facilitated, assisted and/or participated in a system of ill-treatment involving a network of Herceg-Bosna/HVO prisons, concentration camps and other detention facilities which were used to arrest, detain and imprison thousands of Bosnian Muslims in unlawful and harsh conditions, where they were killed, mistreated, beaten and abused.
- (k) BRUNO STOJIĆ controlled, facilitated, assisted and/or participated in the use of Bosnian Muslims detainees in unlawful forced labour, during which many were killed or injured.
- (l) BRUNO STOJIĆ engendered fear, hatred and mistrust of Bosnian Muslims among Bosnian Croats -- for example, by publicly proclaiming that the ABiH intended to conquer the "historical territory of the Croat people," that the ABiH's actions and goals jeopardised the existence of Bosnian Croats; and advocating Mostar as the rightful capital of Herceg-Bosna.

- (m) BRUNO STOJIĆ facilitated, supported, encouraged and participated in the joint crime enterprise and crimes charged in this indictment in planning, approving, preparing, supporting, ordering and/or directing military operations and actions during and as part of which cultural and religious property such as mosques were destroyed, and private property of Bosnian Muslims was looted, burned or destroyed, without justification or military necessity, and failing to prevent, stop, punish or redress such destruction and looting.
- (n) BRUNO STOJIĆ directed, facilitated and participated in the seizure of movable and immovable property and its transfer to the Herceg-Bosna/HVO forces.
- (o) BRUNO STOJIĆ controlled and regulated the flow of humanitarian aid to Bosnian Muslims, including in East Mostar, and prevented international organizations and relief groups from entering East Mostar.
- (p) BRUNO STOJIĆ participated in, facilitated and assisted a system of ill-treatment designed and implemented to expel, deport or forcibly transfer large numbers of Bosnian Muslims, by deporting them out of Bosnia and Herzegovina to other countries or transferring them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna or the HVO, in establishing procedures for the release of Bosnian Muslim detainees in order that they be sent to other countries or ABiH-held territory, through conditional releases and conditional exchanges, and by the involvement of the HVO Military Police in the transport and movement of such persons.
- (q) BRUNO STOJIĆ was responsible for ensuring that the HVO armed forces conducted themselves in accordance with the Geneva Conventions and international humanitarian law and that all prisoners, detainees and other persons held by the HVO armed forces were treated in compliance with such conventions and law, and failed to do so.
- (r) BRUNO STOJIĆ participated in, facilitated, instigated, encouraged and condoned crimes and abuses against Bosnian Muslim by Herceg-Bosna/HVO forces, by failing to prevent and punish such crimes and by commending, rewarding and promoting HVO officers and soldiers who participated in or played a role in such crimes.

17.3. As part of Paragraph 17, subparagraphs (a) through (l), and as examples, SLOBODAN PRALJAK participated in and furthered the joint criminal enterprise, without limitation, as follows:

- (a) As a senior commander of the Herceg-Bosna/HVO armed forces, SLOBODAN PRALJAK exercised *de jure* and/or *de facto* command and control over the Herceg-Bosna/HVO armed forces. While Commander of the HVO Main Staff, he directed and operated the HVO armed forces and was responsible for the activities and actions of such forces in furtherance of the joint criminal enterprise and in connection with the crimes charged in this indictment. He also played a central command role in the Herceg-Bosna/HVO armed forces both before and after the time that he was commander of the HVO Main Staff, including as a senior officer in the Republic of Croatia armed forces (“HV”) and/or Assistant Minister of Defence of the Republic of Croatia.
- (b) SLOBODAN PRALJAK participated in high-level meetings of the HVO armed forces and also the Herceg-Bosna/HVO leadership, and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg-Bosna and pursuing the goals and objectives of the joint criminal enterprise. As examples, SLOBODAN PRALJAK participated in meetings with leaders of the joint criminal enterprise on 11 September 1992 and 26 September 1992 where the number of Muslims within the territories claimed to comprise Herceg-Bosna (and identified by Franjo Tudjman as part of the Banovina) was identified as an obstacle to achieving Croat control, and where it was stated that such territory belonged demographically and geopolitically to Croatia. The expulsion of Bosnian Muslims from these areas was raised at both meetings and SLOBODAN PRALJAK indicated that their expulsion was necessary and would have to be accomplished during the coming war between the HVO and ABiH.
- (c) SLOBODAN PRALJAK acted as a conduit for information, instructions, requests, policies and feedback between the leadership of the Republic of Croatia and the Herceg-Bosna/HVO authorities and forces, in advancing, facilitating and carrying out the joint criminal enterprise.
- (d) SLOBODAN PRALJAK requested, arranged, facilitated and participated in obtaining military and logistical support for the Herceg-

Bosna/HVO forces from the Republic of Croatia armed forces, in particular through his dealings with the Minister of Defence of the Republic of Croatia, Gojko Šušak.

- (e) SLOBODAN PRALJAK ordered, directed, facilitated, supported and participated in the Herceg-Bosna/HVO subjugation of, and commission of crimes against Bosnian Muslims in the territory claimed as Herceg-Bosna, by issuing orders, commands, directions, instructions and ultimatums, such as the ultimatums that he participated in and assisted in January 1993 (including a local ultimatum to Bosnian Muslims in Gornji Vakuf) and in April 1993, demanding the subordination of ABiH troops to HVO command.
- (f) SLOBODAN PRALJAK participated in, facilitated and supported the joint criminal enterprise and crimes charged in this indictment in planning, approving, preparing, supporting, ordering and/or directing military operations and actions during and as part of which such crimes were committed.
- (g) SLOBODAN PRALJAK directed, facilitated and supported the operations and activities of the HVO military police, through which various objectives of the joint criminal enterprise were pursued.
- (h) SLOBODAN PRALJAK controlled, directed, facilitated, assisted and/or participated in a system of ill-treatment involving a network of Herceg-Bosna/HVO prisons, concentration camps and other detention facilities which were used to arrest, detain and imprison thousands of Bosnian Muslims in unlawful and harsh conditions, where they were killed, mistreated, beaten and abused. Muslim detainees were systematically taken from these facilities by Herceg-Bosna/HVO forces and used in unlawful forced labour, during which many detainees were killed or injured.
- (i) SLOBODAN PRALJAK instigated, facilitated and encouraged the obstruction of humanitarian assistance to Bosnian Muslims by not exerting his authority to effect a constant and un-interrupted flow of humanitarian assistance, including to East Mostar, where his lack of action resulted in substantially blocking all humanitarian aid in July and August 1993.

- (j) SLOBODAN PRALJAK participated in the seizure of movable and immovable property and transfer of its ownership to the Herceg-Bosna/HVO military.
- (k) SLOBODAN PRALJAK facilitated, supported, encouraged and participated in the joint crime enterprise and crimes charged in this indictment in planning, approving, preparing, supporting, ordering and/or directing military operations and actions during and as part of which cultural and religious property such as mosques were destroyed, and private property of Bosnian Muslims was looted, burned or destroyed, without justification or military necessity, and failing to prevent, stop, punish or redress such destruction and looting.
- (l) SLOBODAN PRALJAK participated in, facilitated, assisted and supported a system of ill-treatment designed and implemented to expel, deport or forcibly transfer large numbers of Bosnian Muslims, by deporting them out of Bosnia and Herzegovina to other countries or transferring them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna or the HVO, which included his proposal that Bosnian Muslims be expelled from the territory claimed by Herceg-Bosna during the war between the HVO and ABiH.
- (m) SLOBODAN PRALJAK was responsible for ensuring that the HVO armed forces conducted themselves in accordance with the Geneva Conventions and international humanitarian law and that all prisoners, detainees and other persons held by the HVO armed forces were treated in compliance with such conventions and law, and failed to do so.
- (n) SLOBODAN PRALJAK participated in, facilitated, instigated, encouraged and condoned crimes and abuses against Bosnian Muslim by Herceg-Bosna/HVO forces, by failing to prevent and punish such crimes and by commending, rewarding, promoting or leaving in place HVO officers and soldiers who committed or played a role in such crimes.

17.4. As part of Paragraph 17, subparagraphs (a) through (l), and as examples, MILIVOJ PETKOVIĆ participated in and furthered the joint criminal enterprise, without limitation, as follows:

- (a) As a senior commander of the Herceg-Bosna/HVO armed forces, MILIVOJ PETKOVIĆ exercised *de jure* and/or *de facto* command and control over the Herceg-Bosna/HVO armed forces. While Chief of the

HVO Main Staff, he directed and operated the HVO armed forces and was responsible for the activities and actions of such forces in furtherance of the joint criminal enterprise and in connection with the crimes charged in this indictment. He also played a central command role in the Herceg-Bosna/HVO armed forces during the time that SLOBODAN PRALJAK was Commander of the HVO Main Staff, as the overall deputy commander.

- (b) MILIVOJ PETKOVIĆ participated in high-level meetings of the HVO armed forces and also the Herceg-Bosna/HVO leadership, and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg-Bosna and pursuing the goals and objectives of the joint criminal enterprise.
- (c) MILIVOJ PETKOVIĆ ordered, directed, facilitated, supported and participated in the Herceg-Bosna/HVO subjugation of, and commission of crimes against Bosnian Muslims in the territory claimed as Herceg-Bosna, by issuing orders, commands, directions, instructions and ultimatums, such as the ultimatums that he participated in and assisted in January 1993 and April 1993, demanding the subordination of ABiH troops to HVO command.
- (d) MILIVOJ PETKOVIĆ participated in, facilitated and supported the joint crime enterprise and crimes charged in this indictment in planning, approving, preparing, supporting, ordering and/or directing military operations and actions during and as part of which such crimes were committed.
- (e) MILIVOJ PETKOVIĆ mobilised military, logistical and manpower resources which were used to pursue the political and military goals of the Herceg-Bosna/HVO leadership and which included military, logistical and manpower support from the Republic of Croatia Ministry of Defence and armed forces.
- (f) MILIVOJ PETKOVIĆ participated in and facilitated the financial operations of the HVO armed forces, including the HVO armed forces' budget, payroll and expenditures.

- (g) MILIVOJ PETKOVIĆ participated in the seizure of movable and immovable property and transfer of its ownership to the Herceg-Bosna/HVO military.
- (h) MILIVOJ PETKOVIĆ facilitated, supported, encouraged and participated in the joint crime enterprise and crimes charged in this indictment in planning, approving, preparing, supporting, ordering and/or directing military operations and actions during and as part of which cultural and religious property such as mosques were destroyed, and private property of Bosnian Muslims was looted, burned or destroyed, without justification or military necessity, and failing to prevent, stop, punish or redress such destruction and looting.
- (i) MILIVOJ PETKOVIĆ controlled, directed, facilitated, assisted and/or participated in a system of ill-treatment involving a network of Herceg-Bosna/HVO prisons, concentration camps and other detention facilities which were used to arrest, detain and imprison thousands of Bosnian Muslims in unlawful and harsh conditions, where they were killed, mistreated, beaten and abused. In particular, MILIVOJ PETKOVIĆ ordered and directed the widespread and systematic arrest of Bosnian Muslim men in the summer of 1993.
- (j) MILIVOJ PETKOVIĆ controlled, authorised, facilitated, condoned and allowed the use of Bosnian Muslim detainees in unlawful forced labour, during which many of them were killed or injured, and issued specific instructions on the use of Bosnian Muslim detainees in such labour.
- (k) MILIVOJ PETKOVIĆ participated in, facilitated and assisted a system of ill-treatment designed and implemented to expel, deport or forcibly transfer large numbers of Bosnian Muslims, by deporting them out of Bosnia and Herzegovina to other countries or transferring them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna or the HVO, such as the transfer of Bosnian Muslim civilians from the area of Sovići-Doljani in May 1993 and the removal of Muslims from Prozor Municipality in July 1993.
- (l) MILIVOJ PETKOVIĆ promoted, facilitated and encouraged the joint criminal enterprise by casting Bosnian Muslims in a negative light by referring to them in derogatory terms in orders and communications to the Herceg-Bosna/HVO armed forces.

- (m) MILIVOJ PETKOVIĆ was responsible for ensuring that the HVO armed forces conducted themselves in accordance with the Geneva Conventions and international humanitarian law and that all prisoners, detainees and other persons held by the HVO armed forces were treated in compliance with such conventions and law, and failed to do so.
- (n) MILIVOJ PETKOVIĆ participated in, facilitated, instigated, encouraged and condoned crimes and abuses against Bosnian Muslim by Herceg-Bosna/HVO forces, by failing to prevent and punish such crimes and by commending, rewarding, promoting or leaving in place HVO officers and soldiers who committed or played a role in such crimes.
- (o) MILIVOJ PETKOVIĆ directed, participated in and facilitated the concealment of crimes committed by Herceg-Bosna/HVO forces, in -- by way of example -- ordering in August 1993 that Bosnian Muslim detainees in Prozor be made presentable before allowing international observers to see them, and misrepresenting and covering-up crimes committed by Herceg-Bosna/HVO forces at Stupni Do in October 1993.

17.5. As part of Paragraph 17, subparagraphs (a) through (l), and as examples, VALENTIN ĆORIĆ participated in and furthered the joint criminal enterprise, without limitation, as follows:

- (a) As Chief of the HVO Military Police Administration, VALENTIN ĆORIĆ was the central figure in administering and operating the HVO Military Police. He had *de jure* and/or *de facto* command and control of the HVO Military Police, which played important roles in combat and ethnic cleansing operations, and in securing and administering Herceg-Bosna/HVO prisons, concentration camps and detention facilities.
- (b) VALENTIN ĆORIĆ requested, obtained, arranged and facilitated the participation, co-operation and assistance of various elements of the Government of the Republic of Croatia, such as the HV Military Police and Croatian Ministry of Interior police, in training HVO Military Police in Neum and Ljubuški, in Bosnia and Herzegovina, and in Kravice, in the Republic of Croatia, and in participating in border control tasks.
- (c) VALENTIN ĆORIĆ facilitated and assisted the acquisition and distribution of military equipment, vehicles, arms and ammunition by the Herceg-Bosna/HVO forces, and obtained funds and property for

such forces by collecting donations and confiscating property at HVO Military Police checkpoints.

- (d) VALENTIN ČORIĆ controlled, directed and regulated the movement of Bosnian Muslims, through HVO Military Police checkpoints which were used in persecuting, arresting and detaining Bosnian Muslims and confiscating Bosnian Muslim property.
- (e) VALENTIN ČORIĆ controlled and regulated the transport and passage of equipment and supplies to Bosnian Muslims, including humanitarian assistance, through border controls and checkpoints.
- (f) VALENTIN ČORIĆ operated, directed, facilitated, assisted and participated in a system of ill-treatment involving a network of Herceg-Bosna/HVO prisons, concentration camps and detention facilities which were used to arrest, detain and imprison thousands of Bosnian Muslims in unlawful and harsh conditions, where they were killed, mistreated, beaten and abused.
- (g) In connection with such prisons, camps and facilities, VALENTIN ČORIĆ played an integral role in setting up such prisons, camps and facilities; staffing (or failing to staff) the facilities; providing (or failing to provide) both external and internal security; participating in the formation of classification and processing procedures for prisoners and detainees; providing (or failing to provide) adequate food and water; providing (or failing to provide) adequate space, bedding, ventilation and sanitation facilities; and providing (or failing to provide) adequate medical care.
- (h) In connection with such prisons, camps and facilities, VALENTIN ČORIĆ prevented, obstructed and/or limited access to such facilities and to the prisoners and detainees by international organisations and relief groups.
- (i) VALENTIN ČORIĆ directed, promoted, facilitated and assisted the use of Bosnian Muslim detainees by Herceg-Bosna/HVO forces in unlawful forced labour and as human shields and in dangerous conditions, during which many were killed or injured.
- (j) VALENTIN ČORIĆ operated, directed, facilitated, assisted and participated in a system of ill-treatment designed and implemented to expel, deport or forcibly transfer large numbers of Bosnian Muslims, by

deporting them out of Bosnia and Herzegovina to other countries or transferring them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna or the HVO, though the HVO Military Police and in co-ordination with various elements of the Herceg-Bosna/HVO government, such as the Office for Exchange of Prisoners and Other Persons, in organising and arranging the release of Bosnian Muslim detainees, the transport of Bosnian Muslim detainees and civilians to various locations; and the handover of such persons to Republic of Croatia authorities.

- (k) VALENTIN ČORIĆ facilitated, assisted and participated in the eviction and expulsion of Bosnian Muslims from their homes and the confiscation and looting of their money and property, which frequently involved the HVO Military Police.
- (l) VALENTIN ČORIĆ caused, facilitated and contributed to a humanitarian crisis for Bosnian Muslims, in controlling the provision of humanitarian assistance and public services to the injury and detriment of Bosnian Muslims.
- (m) VALENTIN ČORIĆ was responsible for ensuring that the HVO armed forces, and in particular the HVO Military Police, conducted themselves in accordance with the Geneva Conventions and international humanitarian law and that all prisoners, detainees and other persons held by the HVO armed forces were treated in compliance with such conventions and law, and failed to do so.
- (n) VALENTIN ČORIĆ participated in, facilitated, instigated, encouraged and condoned crimes and abuses against Bosnian Muslim by Herceg-Bosna/HVO forces by minimizing or failing to report and investigate the more severe crimes, failing to follow up on various investigations and failing to prevent and punish such crimes.

17.6. As part of Paragraph 17, subparagraphs (a) through (l), and as examples, BERISLAV PUŠIĆ participated in and furthered the joint criminal enterprise, without limitation, as follows:

- (a) BERISLAV PUŠIĆ played a central and instrumental role in the Herceg-Bosna/HVO machinery and structures that were involved in and/or facilitated the expulsion, detention, deportation and forced transfer of Bosnian Muslim detainees and civilians, and also the used of detained Muslims in unlawful forced labour. Based on his *de jure*

and/or *de facto* powers, BERISLAV PUŠIĆ exercised effective control and substantial influence over the elements and personnel in these systems and processes, in implementing the policies of the joint criminal enterprise with respect to the displacement, transfer and deportation of Bosnian Muslims.

- (b) BERISLAV PUŠIĆ organised and operated the Service for Exchange of Prisoners and Other Persons, an HVO government structure, and the Commission for Exchange of Prisoners, thus supporting the Herceg-Bosna/HVO policies and practices on exchanges of prisoners, detainees and civilians. In these capacities, he facilitated and supported the Herceg-Bosna/HVO policies concerning the restriction of movement and detention of Bosnian Muslims, in furtherance of the goals of the joint criminal enterprise.
- (c) BERISLAV PUŠIĆ directed, facilitated, assisted and/or participated in a system of ill-treatment involving a network of Herceg-Bosna/HVO prisons, concentration camps and other detention facilities which were used to arrest, detain and imprison thousands of Bosnian Muslims in unlawful and harsh conditions, where they were killed, mistreated, beaten and abused.
- (d) BERISLAV PUŠIĆ participated in this system, which also involved the use of Bosnian Muslim detainees in unlawful forced labour, as a member of the Military Police and substantially supported the work of the HVO Military Police and SIS in detaining Bosnian Muslims, through his positions as Head of the Service for Exchange and President of the Commission to Take Charge of All Herceg-Bosna/HVO Prisons and Detention Facilities.
- (e) BERISLAV PUŠIĆ exercised significant authority over Bosnian Muslim detainees, as evidenced by his ability to order the release or continued detention of such persons and/or their use in forced labour.
- (f) BERISLAV PUŠIĆ participated in, facilitated and assisted a system of ill-treatment designed and implemented to expel, deport or forcibly transfer large numbers of Bosnian Muslims, by deporting them out of Bosnia and Herzegovina to other countries or transferring them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna or the HVO.

- (g) BERISLAV PUŠIĆ established and organised processes for the classification and registration of detainees and also the release of detainees. He participated in, supported and/or encouraged the implementation of Herceg-Bosna/HVO detention, exchange and releases policies which worked to the injury and detriment of Bosnian Muslims, such as a one-for-one exchange policy and making release conditional on Bosnian Muslims leaving to another country or to another part of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna or the HVO.
- (h) BERISLAV PUŠIĆ approved the use of prisoners for unlawful labour. He failed to intervene to stop or denounce the illegal practice of forced labour, despite being made aware of this practice.
- (i) BERISLAV PUŠIĆ participated in, facilitated, instigated, encouraged and condoned crimes and abuses against Bosnian Muslims by Herceg-Bosna/HVO forces by failing to intervene, investigate, denounce or take measures to prevent, correct or punish such conduct and conditions, including the inadequate conditions at Herceg-Bosna/HVO prisons, camps and detention facilities.
- (j) BERISLAV PUŠIĆ gave false or inaccurate information to the representatives of international organisations and the press about the conditions of detention in Heliodrom and Dretelj as well as the expulsion of Bosnian Muslims by the Herceg-Bosna/HVO forces in order to minimise or deny the crimes.

STATEMENT OF THE CASE

18. The events alleged in this indictment occurred as part of the dissolution of the former Yugoslavia. The Republic of Croatia declared its independence on 25 June 1991. By September 1991, the Republic of Croatia was at war with nationalist Serb forces attempting to incorporate parts of Croatia into a "Greater Serbia." A United Nations peace agreement ended the war in Croatia in January 1992, after Serb forces had taken control of about one-fourth to one-third of the Republic of Croatia's territory. The European Community recognised the Republic of Croatia as an independent State on 15 January 1992 and the United Nations admitted Croatia as a member-State on 22 May 1992.

19. The Republic of Bosnia and Herzegovina ("Bosnia and Herzegovina") was recognised by the European Community as an independent State on 6 April 1992, and admitted as a member-State of the United Nations on 22 May

1992. By the spring of 1992, Bosnian Serb forces had already begun an armed campaign to dismember the fledgling country and expel Muslims and Croats from territory claimed as Greater Serbia.

20. The ruling party in the Republic of Croatia, the Croatian Democratic Union (the "HDZ"), organised and controlled the branch of the party in Bosnia and Herzegovina, the HDZ-BiH. By the latter part of 1991, the more extreme nationalist elements of the HDZ-BiH, under the leadership of Mate Boban, Dario Kordić and others, with the support of Franjo Tuđman and Gojko Šušak, had taken effective control of the party.

21. On 18 November 1991, the more extreme nationalist elements of the HDZ-BiH, led by Mate Boban and Dario Kordić, proclaimed the existence of the Croatian Community of Herceg-Bosna, as a separate "political, cultural, economic and territorial whole," on the territory of Bosnia and Herzegovina. On 28 August 1993, the Croatian Community of Herceg-Bosna declared itself the Croatian Republic of Herceg-Bosna. (As stated earlier, this entity, whether as the "Community" or "Republic," is referenced hereafter as "Herceg-Bosna.") Neither the Republic of Bosnia and Herzegovina nor the international community ever recognised Herceg-Bosna as a State. The Constitutional Court of Bosnia and Herzegovina declared Herceg-Bosna illegal, first on or about 14 September 1992 and again on 20 January 1994.

22. According to Article 2 of the 18 November 1991 Decision on the Establishment of the Croatian Community of Herceg-Bosna, Herceg-Bosna consisted of the following municipalities in the territory of Bosnia and Herzegovina: Jajce, Kreševo, Busovača, Vitez, Novi Travnik, Travnik, Kiseljak, Fojnica, Kakanj, Vareš, Kotor Varoš, Tomislavgrad, Livno, Kupres, Bugojno, Gornji Vakuf, Prozor, Konjic, Jablanica, Posušje, Mostar, Široki Brijeg, Grude, Ljubuški, Čitluk, Čapljina, Neum, Stolac and parts of Skender Vakuf (Dobretići) and Trebinje (Ravno). By virtue of Article 4 of the same Decision, the municipality of Žepče was added to Herceg-Bosna in about October 1992.

23. In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tuđman, Mate Boban and JADRANKO PRLIĆ, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the

leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina. In a similar fashion, while Franjo Tudjman and other Croatian officials sometimes made efforts to distance themselves, at least publicly, from the Herceg-Bosna/HVO authorities, they generally worked closely together behind-the-scenes and in their dealings with the international community and media.

24. During a meeting in Zagreb on 27 December 1991, Franjo Tudjman summarised the joint criminal enterprise's objective, saying: "[I]t is time that we take the opportunity to gather the Croatian people inside the widest possible borders." In a meeting on 17 September 1992, Franjo Tudjman told other leaders of the joint criminal enterprise, including Gojko Šušak, Mate Boban and JADRANKO PRLIĆ, after first discussing the Croatian Banovina, that it was in the "vital interest" of the Croatian state "that we secure our position, in the national and territorial sense, in Bosnia and Herzegovina."

25. By a decision dated 8 April 1992, leaders and members of the joint criminal enterprise, including Mate Boban, established the Croatian Defence Council (the "HVO"), as Herceg-Bosna's "supreme defence body," "to defend the sovereignty of the territories of the Croatian Community of Herceg-Bosna." On 15 May 1992, the HVO was likewise declared Herceg-Bosna's "supreme executive and administrative body," combining political, governmental and military powers. While the self-proclaimed political entity and its territory were referred to as "Herceg-Bosna," the government and armed forces of Herceg-Bosna were called the "Croatian Defence Council" or "HVO." The governmental and political leadership and administrative authorities of Herceg-Bosna and the HVO (the "Herceg-Bosna/HVO leadership" or "Herceg-Bosna/HVO authorities") were in charge of, and worked closely with the Herceg-Bosna/HVO armed forces, special units, military and civilian police, security and intelligence services, paramilitaries, local defence forces and other persons acting under the supervision of or in co-ordination or association with such armed forces, police and other elements ("Herceg-Bosna/HVO forces"). While not every member of the HVO or the HDZ-BiH was part of the joint criminal enterprise, Herceg-Bosna, the HVO and the HDZ-BiH were essential structures and instruments of the joint criminal enterprise.

26. Following Herceg-Bosna's establishment in November 1991, and especially from May 1992 forward, the Herceg-Bosna/HVO leadership (including the accused and other leaders and members of the joint criminal enterprise) engaged in continuing and co-ordinated efforts to dominate and "Croatise" the municipalities which they claimed were part of Herceg-Bosna,

with increasing persecution and discrimination directed against the Bosnian Muslim population. The HVO took control of many municipal governments and services, removing or marginalising local Bosnian Muslim leaders. Herceg-Bosna/HVO authorities and forces took control of the media and imposed Croatian ideas and propaganda. Croatian symbols and currency were introduced, and Croatian curricula and the "Croatian language" were introduced in schools. Many Bosnian Muslims were removed from positions in government and private business; humanitarian aid was managed and distributed to the Muslims' disadvantage; and Muslims in general were increasingly harassed.

27. In the spring and early summer of 1992, the Herceg-Bosna/HVO authorities and forces, while asserting their control and engaging in the actions described above, carried out military operations with armed forces of the Government of Bosnia and Herzegovina in response to JNA and Bosnian Serb military actions in Herzegovina and elsewhere. In connection with or following the Serb forces leaving Mostar, the Herceg-Bosna/HVO-led forces destroyed the city's Serbian Orthodox Church and nearby Serb houses. Many Serbs left Mostar during this time, while others were held in poor conditions in HVO-run detention camps. Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadžić and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.

28. Despite some co-operation in the spring and summer of 1992, tensions between the Herceg-Bosna/HVO structures and Bosnian Muslims continued and increased over time. Significant violence broke out between the Herceg-Bosna/HVO forces and Bosnian Muslims on 19 October 1992 in Novi Travnik, the site of an important munitions factory, and in the course of several days thereafter, Herceg-Bosna/HVO forces cleansed most of the Muslims from the town of Prozor and several surrounding villages.

29. In January 1993, United Nations and European Community peace negotiators met in Geneva with Croat, Serb and Muslim representatives and discussed a proposed peace agreement, known as the Vance-Owen Peace Plan, which would maintain a single, unified Bosnia and Herzegovina with a central government and ten numbered provinces. While neither the Serbs nor Muslims had agreed to the Vance-Owen proposals by mid-January 1993, Franjo Tudjman, Gojko Šušak and the Herceg-Bosna/HVO leadership

(including the accused) found the plan, as they envisioned and interpreted it, much to their favour -- essentially giving them the Croatian Banovina and even additional territory, covered by the proposed Vance-Owen provinces 3, 8 and 10, despite the fact that many of the areas included in these provinces had majority or at least equal Muslim populations and were controlled or occupied by the Army of Bosnia and Herzegovina.

30. At a meeting in Zagreb on 15 January 1993, Franjo Tudjman, Gojko Šušak and Mate Boban failed to convince Bosnia and Herzegovina's President, Alija Izetbegović, to accept their views and immediately set out to implement their plans without the agreement of the BiH Government or the international peace negotiators. On the same day, the HVO President, JADRANKO PRLIĆ, signed a Decision that "[a]ll units of the Army of Bosnia and Herzegovina which at this moment are stationed in provinces 3, 8 and 10, which have been declared Croatian provinces in the Geneva accords, shall be subordinated to the Command of the Main Staff of the HVO Armed Forces. . . . The deadline for implementing this Decision is hereby set at five (5) days, starting from today, 15 January 1993."

31. Despite the fact that neither the President of Bosnia and Herzegovina nor the international peace negotiators had agreed to the unilateral implementation of their views of the Vance-Owen proposals, Herceg-Bosna/HVO authorities and forces, with the passage of the 15 January 1993 deadline and around that time, took military and violent actions to enforce the ultimatum, attacking and pressing the Muslims at a number of locations, including at Novi Travnik, Gornji Vakuf and Busovača. Following international protests, a cease-fire was put in place after some days.

32. While tensions remained high and there were local skirmishes, major conflict was avoided until the end of March 1993, when President Izetbegović, following further negotiations, provisionally accepted the Vance-Owen plan (which the Serbs never accepted), with certain military aspects of the plan still to be resolved. As in January 1993, knowing that the Government of Bosnia and Herzegovina had not agreed on the remaining issues and that the Bosnian Serbs had not accepted the plan, the Herceg-Bosna/HVO leadership (including the accused) once again set a deadline, stating that all units of the Army of Bosnia and Herzegovina in provinces 3, 8 and 10, by 15 April 1993, either subordinate themselves to the HVO or leave the areas covered by the proposed provinces.

33. When the 15 April deadline passed without the BiH Government acceding to their position, Herceg-Bosna/HVO forces set about a broad

campaign of persecutions, military actions, arrests and expulsions to enforce their demands, with more than thirty attacks on Muslim towns and villages on 16-18 April 1993, including the attacks and atrocities in Ahmići on 16 April, in Sovići and Doljani on 17 April, and in Parcani, Lizoperci and Tošćanica on 17-19 April.

34. The Herceg-Bosna/HVO attacks, arrests and expulsions in the second half of April 1993 set in motion an extensive campaign of such actions, interrupted by occasional ceasefires, which continued even after the signing of another peace plan, the Washington Agreement, in March 1994.

35. On 9-10 May 1993, Herceg-Bosna/HVO forces attacked Bosnian Muslims in Mostar, a city on the Neretva River in southwest Bosnia and Herzegovina. The Herceg-Bosna/HVO forces rounded up hundreds, if not thousands, of Bosnian Muslim men, women, children and elderly. Large numbers of Bosnian Muslims were expelled into east Mostar, while hundreds of others were detained at the Heliodrom prison. By June 1993, the Herceg-Bosna/HVO forces had commenced a siege against east Mostar which continued to April 1994 and involved continual shelling, sniper fire, blocking of humanitarian aid and horrible deprivations, directed against the Bosnian Muslims in east Mostar.

36. After an attack by the Army of Bosnia and Herzegovina ("ABiH") on an HVO camp in the northern part of Mostar town on 30 June 1993, JADRANKO PRLIĆ and BRUNO STOJIĆ issued a proclamation stating that Croat civilians were being exterminated, that the very existence of Croats in Bosnia and Herzegovina was in extreme and imminent danger and that Mostar was and would remain a Croatian town. On 2 July 1993, criminal enterprise leader Franjo Tuđman told Gojko Šušak and others in a meeting in Zagreb that it was "important to put pressure on the Muslim units on the Neretva front."

37. In early July, Herceg-Bosna/HVO forces, supported by (and involving) the government and armed forces of the Republic of Croatia, launched a massive campaign to attack, arrest and cleanse Bosnian Muslims from areas claimed to be part of Herceg-Bosna (including the municipalities of Mostar, Prozor, Stolac, Čapljina and Ljubuški). From June through September 1993, Herceg-Bosna/HVO forces systematically arrested, mistreated and evicted tens of thousands of Bosnian Muslim men, women, children and elderly from their homes, detained them and/or transferred them to other areas or deported them to other countries. At the same time, the Herceg-Bosna/HVO authorities engaged in efforts throughout 1993 to transfer (or cause the transfer of)

thousands of Bosnian Croats from other parts of Bosnia and Herzegovina, and in particular, Central Bosnia, to western Herzegovina.

38. The Herceg-Bosna/HVO actions followed a pattern: First, most of the Bosnian Muslim military-aged men (including many who had served in the HVO) were arrested and detained at various HVO prisons and concentration camps. Then, with most of the Muslim men removed, the HVO took control of towns and villages and systematically rounded up Bosnian Muslim women, children and elderly, who were then detained for varying lengths of time and/or transferred to ABiH-controlled areas or deported to other countries.

39. As part of and in the course of these actions, involving ethnic cleansing on a widespread and systematic basis, and in furtherance of the joint criminal enterprise, JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ČORIĆ and BERISLAV PUŠIĆ, together with other leaders and members of the Herceg-Bosna/HVO authorities and forces, engaged in:

- (a) *Instigation and Fomentation of Political, Ethnic or Religious Strife, Division and Hatred:* By speeches, propaganda and false information, the Herceg-Bosna/HVO authorities created, instigated and supported a charged anti-Muslim atmosphere, promoted ethnic division and fostered religious mistrust.
- (b) *Use of Force, Intimidation and Terror:* Herceg-Bosna/HVO authorities and military and police units used force and the threat of force to dominate, suppress and persecute Bosnian Muslims. In the course of mass arrests and evictions, Bosnian Muslims were killed, severely injured, sexually assaulted, robbed of their property and otherwise abused. Identity papers and similar documents were often taken from Muslims, placing them at various risks and limiting their freedom of movement. In attacks on Muslim towns, villages and areas, and in the siege of east Mostar, there was regular and widespread shelling and sniping of Muslim civilians.
- (c) *Appropriation and Destruction of Property:* Herceg-Bosna/HVO authorities and soldiers forced Bosnian Muslims to abandon their homes or sign them over to the HVO. Money, cars and personal property were often taken or looted. Muslim dwellings and other buildings, including public buildings and services, were appropriated, destroyed or severely damaged, together with Muslim buildings, sites and institutions dedicated to religion or education, including mosques. Much of this

destruction was meant to ensure that Muslims could not, or would not, return to their homes and communities. The Herceg-Bosna/HVO authorities appropriated public property belonging to the Republic of Bosnia and Herzegovina. Seized or abandoned Muslim apartments and homes were often given or assigned to HVO members or Croat refugees.

- (d) *Detention and Imprisonment:* The accused and other members of the joint criminal enterprise, together with various members of the Herceg-Bosna/HVO authorities and forces, established, supported and operated a system of ill-treatment, involving a network of prisons, concentration camps and other detention facilities (including, without limitation, the Heliodrom Camp, Ljubuški Prison, Dretelj Prison, Gabela Prison and Vojno Camp) to arrest, detain and imprison thousands of Bosnian Muslims, including women, children and elderly. Many of the imprisoned and detained Muslims were kept in horrible conditions and deprived of basic human necessities, such as adequate food, water and medical care. Many suffered inhumane treatment and physical and psychological abuse, including beatings and sexual assaults.
- (e) *Forcible Transfer and Deportation:* The accused and other members of the joint criminal enterprise, together with various members of the Herceg-Bosna/HVO authorities and forces, established, supported and operated a system of ill-treatment to deport Bosnian Muslims to other countries or transfer them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna. Many of the transferred or deported Muslims were first imprisoned and detained as described above, and only "released" to be transferred or deported. Many persons so transferred or deported were forced to sign over their property to the HVO or to simply abandon their property and leave their belongings.
- (f) *Forced Labour:* Many Bosnian Muslims held by the HVO were forced to engage in physical labour, such as building military fortifications, digging trenches, carrying ammunition and retrieving bodies, often in combat and dangerous conditions, which resulted in many Bosnian Muslim detainees being killed or severely wounded. Some were used as human shields or to draw fire from enemy positions, in order to locate those positions. HVO units and soldiers used Muslim prisoners to plunder and loot Muslim homes and property.

40. The Herceg-Bosna/HVO campaign of attacks and ethnic cleansing continued into the latter part of 1993, as demonstrated by the HVO's 23 October 1993 attack on the Muslim village of Stupni Do. After discussions in

Zagreb on what to do concerning the HVO officer who commanded the Herceg-Bosna/HVO forces involved in the killings at Stupni Do, senior political and military leaders engaged in what Franjo Tudjman described as a "game": the international community was told that the HVO officer had been removed, when in fact, he simply changed his name, remained in essentially the same position and was never punished.

41. As a result of the Herceg-Bosna/HVO campaign of persecution and ethnic cleansing, the Bosnian Muslim population in many parts of Herceg-Bosna was substantially reduced, and those who remained were plainly dominated by the Herceg-Bosna/HVO authorities and forces, as planned and intended by the joint criminal enterprise, including the accused.

42. On about 1 March 1994, Franjo Tudjman and the Herceg-Bosna/HVO leadership entered into the Washington Agreement, which established the Croat-Muslim federation and ended the large-scale open fighting between the two sides.

PROZOR MUNICIPALITY

43. Prozor Municipality is located in central Bosnia and Herzegovina, with a 1991 population of approximately 19,760 persons. In the 1991 census, about 62% of the municipality's inhabitants declared themselves Croat, and 36.5% declared themselves Muslim. The principal town in Prozor Municipality is Prozor. Its 1991 population (about 3,500 persons) was approximately 60% Muslim.

44. The 18 November 1991 proclamation of Herceg-Bosna included Prozor Municipality as part of Herceg-Bosna. By a decision of Mate Boban, the HVO Municipal Government was officially established in Prozor Municipality on 12 August 1992.

45. From August to October 1992, tensions between the HVO and ABiH increased. In mid-October 1992, the Croatian flag was raised on the police station in Prozor town. On the morning of 23 October 1992, the HVO President in Prozor told the Bosnian Muslims, *inter alia*, that the increasing Croat-Muslim tensions would be solved by the Bosnian Muslims' immediate acceptance of Herceg-Bosna/HVO political and military control. The Muslims did not accept the HVO proposal.

46. On the afternoon of 23 October 1992, Herceg-Bosna/HVO forces attacked the Bosnian Muslims in Prozor town. On 23-24 October 1992, after

they had taken control of Prozor town, the Herceg-Bosna/HVO forces plundered, burned and destroyed Bosnian Muslim homes and other properties. See Confidential Amended Annex (hereafter "Annex").¹

47. On 24 October 1992, Herceg-Bosna/HVO forces rounded up Bosnian Muslims, promising that no harm would be done to them. In fact, the Herceg-Bosna/HVO forces arrested the Bosnian Muslim men and detained them in the Ripci primary school. Some of the Muslim men were kept for several days, while others were kept for several weeks. Herceg-Bosna/HVO forces severely beat a number of the Muslim detainees. (Annex)

48. On about 24 October 1992, Herceg-Bosna/HVO forces attacked Paljike, a predominantly Muslim village approximately one kilometer south of Prozor town. The Herceg-Bosna/HVO forces deliberately destroyed Bosnian Muslim houses and property. HVO forces confined four Bosnian Muslims inside a house and then fired shots and threw hand grenades inside the house, killing two of the civilians. (Annex) The Herceg-Bosna/HVO forces detained all of the Bosnian Muslim men in one house in the village and transferred them the next day to the Ripci primary school. (Annex)

49. On the evening of 24 October 1992, an area HVO commander reported that Prozor town was "ethnically pure," the Muslim population having been detained or having fled. On 26 October 1992, BRUNO STOJIĆ, MILIVOJ PETKOVIĆ, Janko Bobetko and others were informed that the HVO had taken control of Prozor on 25 October, with many casualties on the Muslim side.

50. In November 1992, after negotiations between the Herceg-Bosna/HVO and ABiH authorities, Bosnian Muslim civilians returned to Prozor Municipality. The HVO, however, continued to harass and persecute the Bosnian Muslim population. (Annex)

51. On about 17-19 April 1993, Herceg-Bosna/HVO forces attacked several villages, including Parcani, Lizoperci and Tošćanica. In Parcani, Lizoperci and Tošćanica, most inhabitants fled into the surrounding woods for safety when they saw the HVO soldiers approaching the villages. The Herceg-Bosna/HVO forces killed Bosnian Muslim civilians in Tošćanica (Annex), entered the villages, burned houses, destroyed livestock and looted the area.

¹ The Amended Annex lists victims related to referenced parts of this indictment.

52. Beginning in the summer of 1993, the Herceg-Bosna/HVO authorities required that all movements of Bosnian Muslims into, out of or within Prozor Municipality be approved by Herceg-Bosna/HVO authorities. (Annex)

53. From June to mid-August 1993, Herceg-Bosna/HVO forces attacked Bosnian Muslim civilians and destroyed and looted Bosnian Muslim civilian property in or about the villages of Duge, Lug, Lizoperci, Skrobućani, Parcani, Munikoze, Podonis (sometimes referenced as Podaniš) and Gračanica. The Herceg-Bosna/HVO forces also attacked Muslim civilians hiding in the region of Prajine and Tolavac, killing six of them. (Annex) Herceg-Bosna/HVO forces burned down the mosque in Skrobućani and the Islamic Community building in Prozor town, and seriously damaged the mosque in Lizoperci.

54. From spring 1993 until the end of that year, Herceg-Bosna/HVO forces arrested Bosnian Muslim men and took them to various detention centres in Prozor Municipality, including the Secondary School Centre, the Unis building, the military police building located at the fire station and the Ministry of Interior ("MUP") building. Herceg-Bosna/HVO forces physically abused the Muslim detainees, some of whom were taken away and never seen again. Beginning in July 1993, the HVO transferred some detainees to other detention facilities at Ljubuški, the Heliodrom, Dretelj and Gabela. (Annex)

55. Herceg-Bosna/HVO forces used Bosnian Muslim detainees to perform forced labour, including construction of military fortifications and digging trenches. Some Muslim detainees died or were injured while performing forced labour. HVO soldiers often beat and humiliated Muslim detainees while they were being held or used as labourers, and on some occasions forced them to perform sexual acts. (Annex)

56. On or about 31 July 1993, Herceg-Bosna/HVO forces took approximately fifty Muslim detainees from the Secondary School Centre to the confrontation line at Makljen Crni Vrh. The Herceg-Bosna/HVO forces tied the detainees together with telephone cable around their arms and necks and forced them to walk in front of HVO soldiers in the direction of ABiH positions near the forest. While the detainees were walking in front of the HVO soldiers, the HVO soldiers opened fire in their direction and at least twenty detainees were killed. The dead detainees were untied and left behind while the HVO forced the remaining detainees to walk toward the forest. (Annex)

57. During July and August 1993, the Herceg-Bosna/HVO forces collected and confined (in houses under HVO control) several thousand Bosnian Muslim

women, children and elderly in or about the villages of Lapsunj and Duge and in a part of Prozor town called Podgrade. The various locations were overcrowded and the living conditions were deplorable. Herceg-Bosna/HVO forces frequently robbed, abused and humiliated the Bosnian Muslim women, children and elderly and looted their property. Members of the Herceg-Bosna/HVO forces often raped Bosnian Muslim women. (Annex).

58. In late August 1993, Herceg-Bosna/HVO forces gathered the several thousand Bosnian Muslim civilians kept in the three villages, loaded them onto trucks and took them to the village of Kučani near the frontline, where they were forced to walk in the direction of ABiH-held territory. As the Muslim civilians walked toward ABiH territory, the HVO fired shots at them, resulting in several Muslims being injured. (Annex)

59. At the end of August 1993 and thereafter, Herceg-Bosna/HVO forces continued to persecute and mistreat Bosnian Muslim civilians who remained in Prozor Municipality, subjecting them to harassment, physical and sexual assault and humiliating acts. (Annex) By December 1993, there were only about 500 to 600 Muslims in Prozor Municipality and by the end of the month, most of them were either in HVO prisons or concentration camps, sent to ABiH-held territory or deported to other countries.

60. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **rape** (Count 4); **inhuman treatment (sexual assault)** (Count 5); **deportation** (Count 6); **unlawful deportation of a civilian** (Count 7); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); **unlawful labour** (Count 18); **extensive destruction of property** (Count 19); **wanton destruction** (Count 20); **destruction or wilful damage to institutions dedicated to religion or education** (Count 21); **appropriation of property** (Count 22); and **plunder** (Count 23).

GORNJI VAKUF MUNICIPALITY

61. Gornji Vakuf Municipality is located in central Bosnia and Herzegovina, with a 1991 population of approximately 25,181 persons. In the 1991 census, about 56% (or 14,063) of the municipality's inhabitants declared themselves Muslim, and about 42.5% (or 10,706 persons) as Croat.

62. The 18 November 1991 proclamation of Herceg-Bosna included Gornji Vakuf Municipality as part of Herceg-Bosna. By a decision of Mate Boban, the HVO armed forces were officially established in Gornji Vakuf on 8 April 1992. In the first few months of its existence, the HVO recruited a large number of Bosnian Croats and set up various checkpoints to control population movement in the municipality.

63. On or about 24-25 October 1992, shortly after Herceg-Bosna/HVO forces attacked Bosnian Muslims in neighbouring Prozor Municipality on 23 October 1992, Herceg-Bosna/HVO and ABiH forces engaged in fighting in Gornji Vakuf town, and the HVO seized control of several factories and the MUP building.

64. On 6 January 1993, two days after Mate Boban announced that the Herceg-Bosna/HVO authorities had accepted the Vance-Owen peace plan, Herceg-Bosna/HVO forces provoked the predominantly Muslim population in Gornji Vakuf town by raising a Croatian flag. An HVO policeman shot at an ABiH soldier who tried to remove the flag. On 11-12 January 1993, open fighting between the HVO and ABiH broke out and continued in Gornji Vakuf town and several surrounding villages, including Duša, Hrasnica, Uzričje and Ždrimci.

65. As described above, the Herceg-Bosna/HVO authorities demanded on 15 January 1993 that ABiH forces in large parts of Bosnia and Herzegovina, including Gornji Vakuf, either subordinate themselves to the HVO or withdraw from these areas. On 16 January 1993, the HVO issued a specific ultimatum to the Bosnian Muslims in Gornji Vakuf, demanding, *inter alia*, that the ABiH troops withdraw from the area by midnight, 17 January 1993. The ABiH rejected the HVO ultimatum.

66. On 18 January 1993, Herceg-Bosna/HVO forces, using heavy artillery, attacked Bosnian Muslim residential areas in Gornji Vakuf town and several surrounding villages, including Duša, Hrasnica, Uzričje and Ždrimci. The HVO attacks and artillery fire killed a number of Bosnian Muslim civilians

and destroyed or damaged a substantial amount of Bosnian Muslim property. (Annex)

67. Following the HVO attack on Duša, Hrasnica, Uzričje and Ždrimci, the HVO plundered and burned Bosnian Muslim houses and property in and around these villages. The HVO robbed hundreds of arrested or captured Bosnian Muslims of their valuables and separated the Muslim men from the Muslim women, children and elderly. In most instances, the Herceg-Bosna/HVO forces took the Muslim men away to HVO detention facilities, while they detained the women, children and elderly in one or two houses in the village. During their detention, Muslim men, women, children and elderly were kept in harsh conditions and often mistreated or abused. The HVO actions resulted in hundreds of Muslim civilians leaving the Gornji Vakuf area. (Annex)

68. Following the HVO takeover of Ždrimci around 18 January 1993, the HVO forces separated Muslim women and children from the men and detained them in a few houses for approximately one month. (Annex) During this time, the HVO forces burned down the Muslim houses in the village. The Muslim women and children were often intimidated and harassed by the HVO forces, being forced to say Christian prayers and cross themselves. On one occasion, all of the Muslim women and children were lined up in front of a mekteb in the village. An HVO soldier asked them to take a Koran and set fire to the mekteb. When none of the Muslim women or children would do so, the HVO soldiers burned the mekteb down.

69. Following the HVO takeover of Hrasnica around 18 January 1993, the HVO transferred the Bosnian Muslim population in buses to a furniture factory in Trnovaća which served as an HVO detention center. After the first day of detention, the HVO took the Bosnian Muslim women, children and elderly to Muslim houses in the neighbourhood, where they were held for another two weeks. (Annex) On being released, HVO soldiers told the Muslims to go to ABiH-held territory and live there.

70. The Herceg-Bosna/HVO forces detained approximately sixty military-aged Bosnian Muslim men from Duša and Hrasnica in the Trnovaća furniture factory, for about two weeks. The Bosnian Muslim men were frequently beaten and subjected to physical and psychological abuse, intimidation and inhuman treatment by HVO soldiers. (Annex) After approximately two weeks, the Bosnian Muslim men from Duša were exchanged, while the Muslim men from Hrasnica were transferred to an HVO detention facility in Prozor.

71. After the HVO takeover of Uzričje around 22 January 1993, the HVO detained the entire Bosnian Muslim population in the only two remaining Muslim houses in the village for several weeks, under horrible conditions. It was winter and each house had only a wood stove, with no electricity. The fifty to sixty Muslims detained in the houses received no food and stayed alive by eating whatever was left in these houses. (Annex) When the HVO released the Muslim detainees, HVO soldiers told the Muslims to go to ABiH-held territory and live there.

72. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ** and **VALENTIN ĆORIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); **extensive destruction of property** (Count 19); **wanton destruction** (Count 20); **destruction or wilful damage to institutions dedicated to religion or education** (Count 21); **appropriation of property** (Count 22); and **plunder** (Count 23).

SOVIĆI AND DOLJANI (JABLANICA MUNICIPALITY)

73. The villages of Sovići and Doljani are located in the western part of Jablanica Municipality. According to the 1991 census, about 71% of Jablanica Municipality's total population of approximately 12,691 inhabitants declared themselves Muslim, and 18% as Croat. The village of Sovići was predominantly Muslim, while Doljani was predominantly Croat.

74. The 18 November 1991 proclamation of Herceg-Bosna included Jablanica Municipality as part of Herceg-Bosna, despite the fact that the municipality was 71% Muslim.

75. As described above, in early April 1993, the Herceg-Bosna/HVO leadership issued statements calling for all ABiH forces in large areas of Bosnia and Herzegovina, including Jablanica Municipality and Sovići and

Doljani, to either subordinate themselves to the HVO or leave these areas by no later than 15 April 1993.

76. Shortly after the 15 April 1993 deadline passed, and around the same time that Herceg-Bosna/HVO forces attacked other locations in Bosnia and Herzegovina, the HVO attacked Sovići and Doljani, on 17 April 1993. A number of Bosnian Muslim men attempted to defend the villages, but most resistance was quickly overcome by late afternoon on 17 April 1993, when the Bosnian Muslim commander surrendered.

77. On 17-18 April 1993, the HVO collected and detained approximately 70 to 90 military-aged Bosnian Muslim men at a school in Sovići (the "Sović school"). (Annex) During or about this time, the HVO forces executed at least four Bosnian Muslim men near the Sovići school. (Annex) The HVO forces severely beat, mistreated, and abused other Muslim men. (Annex)

78. On about the evening of 18 April 1993, the Herceg-Bosna/HVO forces transported many of the Muslim men detained at the Sovići school to Ljubuški Prison, where they continued to be detained. (Annex) While being transported to Ljubuški, the HVO forces continued to beat, abuse and humiliate the Muslim men and forced them to sing nationalistic Croatian songs. (Annex)

79. Commencing on about 18 April 1993 and continuing thereafter, the HVO forces expelled and collected Bosnian Muslim men, women, children and elderly from their homes in the Sovići-Doljani area. The HVO detained several hundred Bosnian Muslim men, women (Annex), children (Annex) and elderly at the Sovići school and in about six or seven houses in the Junuzovići hamlet (the "Junuzovići houses"). The conditions at these locations were harsh and inhumane, with little food or water and inadequate sanitation facilities. The HVO beat, mistreated, and abused many Muslim detainees, including women. (Annex)

80. In the following days, between approximately 18 April and 23 April 1993, other Bosnian Muslim men were either captured by the Herceg-Bosna/HVO forces or surrendered. The HVO forces took a number of these men to the HVO headquarters located at a fish farm near Doljani. There, the Herceg-Bosna/HVO forces mistreated, abused, interrogated and tortured the men. The HVO forces executed some of the Muslim detainees. (Annex)

81. The HVO forces used Bosnian Muslim men detained in the Sovići-Doljani area for forced labour at various places in the surrounding area, in

building military fortifications, digging trenches and carrying ammunition. (Annex)

82. On 18 April 1993 and thereafter (continuing to about 24 April 1993), after all or most of the principal fighting had ended, the Herceg-Bosna/HVO forces deliberately burned or otherwise destroyed most of the Bosnian Muslim homes in Sovići and Doljani.

83. Between about 18 April and 22 April 1993, the HVO forces deliberately destroyed two buildings dedicated to the Muslim religion in Sovići and Doljani (including at least one mosque).

84. On 17 April 1993 and for several days thereafter, the HVO authorities blocked international observers and peace-keeping forces from entering the Sovići-Doljani area, although much of the destruction and burning houses could be seen from a distance.

85. From 17 April 1993 to approximately 4 May 1993 and thereafter, Muslim property was confiscated, stolen, plundered and robbed by Herceg-Bosna/HVO members. (Annex) An HVO authorities' decision on 13 May 1993 declared that all property of the "exiled Muslim population" was HVO property.

86. The Herceg-Bosna/HVO forces continued to hold Bosnian Muslim women, children and elderly at the Sovići school and the Junuzovići houses until approximately 4-5 May 1993, when the HVO forces transported 400 to 500 Bosnian Muslim civilians toward Gornji Vakuf. There, the HVO forces unloaded the Muslim women, children and elderly and told them to walk toward ABiH-controlled territory. (Annex)

87. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16);

cruel treatment (Count 17); **unlawful labour** (Count 18); **extensive destruction of property** (Count 19); **wanton destruction** (Count 20); **destruction or wilful damage to institutions dedicated to religion or education** (Count 21); **appropriation of property** (Count 22); and **plunder** (Count 23).

MOSTAR MUNICIPALITY

88. Mostar Municipality is located in southwest Bosnia and Herzegovina, with a 1991 population of approximately 126,628 persons. In the 1991 census, approximately 34.6% of the municipality's inhabitants (43,856 persons) declared themselves Muslim, approximately 33.9% (43,037 persons) declared themselves Croat; 18.8% (23,846 persons) as Serb; and 12.3% (15,889) as Yugoslav or "other." The town of Mostar ("Mostar town") is the historical capital and largest city of that part of Bosnia and Herzegovina known as Herzegovina. As of 1991, Mostar town was approximately 34.2% Muslim, 28.7% Croat, 18.6% Serb, and 18.5% Yugoslav or "other."

89. The 18 November 1991 proclamation of Herceg-Bosna included Mostar Municipality as part of Herceg-Bosna. Despite the fact that Mostar town was only about 29% Croat, the Herceg-Bosna/HVO authorities claimed Mostar as Herceg-Bosna's capital.

90. As described above, Herceg-Bosna/HVO authorities, in 1992, engaged in a campaign to control and "Croatise" Mostar Municipality (including Mostar town), with increasing persecution and discrimination aimed at the municipality's Bosnian Muslim population. By mid-1992 and continuing into 1993, Bosnian Muslims, with few exceptions, were removed from positions in the municipal and local governments; humanitarian aid was distributed to the Muslims' disadvantage; and Muslims in general were increasingly harassed.

91. In October 1992, Herceg-Bosna/HVO authorities ordered the HVO Military Police to tighten its control over Mostar town. Herceg-Bosna/HVO forces occupied government and public buildings, disarmed Muslim soldiers, took over the refugee centers and raided the local headquarters of the leading Muslim political party, the Party of Democratic Action ("SDA"). The Herceg-Bosna/HVO authorities took the Muslim radio station off the air and imposed a curfew.

92. As described above, the Herceg-Bosna/HVO authorities demanded on 15 January 1993 that ABiH forces, including those in Mostar Municipality, either subordinate themselves to the HVO or withdraw from the area. In mid-

January 1993, the Herceg-Bosna/HVO authorities raised the Mostar HVO forces' combat readiness to the highest level and imposed a curfew. All Muslim transports of weapons and military equipment were ordered confiscated.

93. As described above, the Herceg-Bosna/HVO authorities made a similar demand in early April 1993, with a deadline of 15 April 1993. On that same day, 15 April 1993, the HVO Mostar Municipal Government adopted a "Decision on the Statutory Rights of Refugees and Expelled and Displaced Persons in Mostar Municipality," which redefined the criteria for determining an individual's status as a "refugee," at a time when being classified as a "refugee" was a prerequisite to obtaining humanitarian aid. At that time, there were approximately 19,000 refugees in Mostar town, nearly 18,000 of whom were Muslim, and the effect of the Decision was to disqualify approximately 10,000 persons from receiving aid.

94. On the morning of 9 May 1993, Herceg-Bosna/HVO forces attacked Bosnian Muslims in Mostar town. As part of this operation, the Herceg-Bosna/HVO forces attacked the Vranica building complex, which was an apartment complex in West Mostar housing a large number of civilians. A part of the basement in one building serving as a local ABiH headquarters, with a small number of ABiH soldiers. On 10 May 1993, the Vranica building's civilian and military inhabitants surrendered to the HVO. Most of the military-aged Bosnian Muslim men were detained and taken to the Tobacco Institute, some to the Mechanical Engineering Faculty building, and some to the police station (or "MUP building"). The other Bosnian Muslim inhabitants were taken to the Velež football stadium and from there to the Heliodrom. The Bosnian Croat inhabitants were released. Muslim men taken to the Tobacco Institute -- where they were presented to a gathering of senior Herceg-Bosna/HVO officials and officers -- were beaten, mistreated and abused by the Herceg-Bosna/HVO forces. (Annex)

95. Twelve of the military-aged Muslim men who surrendered at the Vranica building on 10 May 1993 were taken to an HVO military police headquarters at the Mechanical Engineering Faculty building, where they were interrogated, severely beaten and humiliated. (Annex) One of the detainees had an ear cut off while being beaten and was subsequently shot to death. After the beatings, two HVO soldiers entered the room where the men were held and fired numerous shots at the detainees at close range. None of the twelve Muslim men were ever seen again.

96. Also commencing on 9 May 1993, at about the same time that the HVO attacked the Vranica building complex, and continuing on 10 May 1993, the HVO rounded up and detained hundreds of Bosnian Muslim men, women, children and elderly living in the part of Mostar west of the Neretva River. Some of the Bosnian Muslims were expelled into east Mostar, while many others were taken to the Velež football stadium, and then either transported or forced to walk to the Heliodrom (described below), just south of Mostar. Approximately 1,800 Bosnian Muslim civilians were detained by the Herceg-Bosna/HVO forces at the Heliodrom for varying periods, up to about ten days. Some Muslim detainees were transferred to Ljubuški Prison, while others continued to be held at the Heliodrom, notwithstanding an internationally negotiated cease-fire agreement. (Annex)

97. On or about 9 May 1993, Herceg-Bosna/HVO forces blew up the Baba Besir Mosque (also known as the Balinovac Mosque) in the Balinovac district, in west Mostar. On or about 11 May 1993, Herceg-Bosna/HVO forces dynamited the Hadži Ali-Beg Lafo Mosque (sometimes known as the Hadji Ali-Bey Lafa Mosque) at Pijesak, also in west Mostar.

98. The HVO actions on 9-10 May 1993 and thereafter resulted in Mostar town being divided by an HVO-ABiH confrontation line, running north and south along the Bulevar and Šantićeva Street, just west of the Neretva River. Most of the Bosnian Muslims were surrounded in a small area located on the east side of the river, together with a narrow strip of buildings on the west bank (hereafter "East Mostar"). The Bosnian Croats and HVO occupied most of the west bank ("West Mostar") and the areas north and south of the Muslim enclave, with Bosnian Serb forces to the east.

99. From 9 May 1993 and continuing to April 1994 and thereafter, the Herceg-Bosna/HVO forces engaged in the systematic expulsion and forcible transfer of thousands of Bosnian Muslim civilians from West Mostar. During and in the course of these expulsions, often at gunpoint, Bosnian Muslims were routinely beaten, sexually assaulted, shot at, robbed, had their property confiscated and were otherwise mistreated. Some of the evicted Bosnian Muslims were taken to HVO prisons and concentration camps and detained there, while many others were forced across the confrontation line into East Mostar. (Annex)

100. During and throughout this time, from May 1993 forward, the Herceg-Bosna/HVO authorities and forces allowed some Bosnian Muslims in West Mostar to go to ABiH-controlled parts of Bosnia and Herzegovina or other countries, so long as they left Herceg-Bosna. Hundreds of Bosnian Muslims

were allowed to leave Mostar only if they signed a statement, required by the Herceg-Bosna/HVO authorities, that they "voluntarily" relinquished all of their belongings to the HVO. The homes and flats from which the Bosnian Muslims were evicted were assigned by the Herceg-Bosna/HVO authorities to HVO soldiers and Bosnian Croat civilians. (Annex)

101. While many Bosnian Muslims who were arrested and detained on 9-10 May 1993 were released after being held a short time, the Herceg-Bosna/HVO authorities and forces continued to evict Bosnian Muslims from their homes and flats in West Mostar, in the second half of May 1993. (Annex)

102. In about mid-June 1993, Herceg-Bosna/HVO forces expelled and forcibly evicted a large number of Bosnian Muslims from their homes in West Mostar. (Annex)

103. On 30 June 1993, the ABiH attacked and occupied the HVO's "Tihomir Mišić" Barracks (also known as the "Northern Barracks"), in the north part of Mostar town. Following this attack, the HVO arrested several thousand military-aged Bosnian Muslim men in and around Mostar, and detained them at the Heliodrom or Dretelj Prison. In connection with or following the mass arrest of Muslim men, approximately 400 Bosnian Muslim families (women, children and elderly) were expelled from West Mostar. (Annex)

104. During the time from 9 May 1993 and thereafter, Herceg-Bosna/HVO forces used the Mechanical Engineering Faculty building in Mostar to detain, interrogate and mistreat arrested or captured Bosnian Muslim men. In the first week of July 1993, five Bosnian Muslim men were arrested near Drežnica and taken to the Mechanical Engineering Faculty building. HVO members severely beat the five men, two of whom died from the beating. (Annex)

105. In mid-July 1993, the Herceg-Bosna/HVO forces carried out another round of forcible evictions, expelling Bosnian Muslim women, children and elderly from their homes in West Mostar and into East Mostar. Around the same time, the Herceg-Bosna/HVO authorities offered to release Muslim men detained at the Heliodrom, as well as their families in the Mostar area, if they agreed to leave Bosnia and Herzegovina and go to another country. Approximately 800 Bosnian Muslims agreed to this proposal and were deported to the Republic of Croatia, as a transit point to other countries. (Annex)

106. On about 14 July 1993, a Muslim boy and his grandfather were arrested at their home in Buna (just outside Mostar town) and taken to an HVO

Military Police station, where they were interrogated and tortured by HVO Military Police. Later the same day, they were put in a van to be transported to Dretelj Prison. On their way to Dretelj Prison, the HVO Military Police stopped the van and ordered the boy and his grandfather to stand at the edge of the road, above the Neretva River. The HVO Military Police then fired a hail of bullets at them, seriously wounding the boy (who fell down the riverbank and survived) and killing his grandfather. (Annex)

107. During the same period of the continuing evictions from West Mostar, from May 1993 forward, Herceg-Bosna/HVO forces regularly engaged in looting, theft and plunder of Muslim property, either in the course of the continuing evictions themselves or by separately entering still occupied or abandoned Muslim homes and apartments. (Annex)

108. On or about 24 August 1993, Herceg-Bosna/HVO forces attacked various locations around Mostar town, including the village of Raštani, the Mostar hydro-electric plant and the "Tihomir Mišić" Barracks. Herceg-Bosna/HVO forces entered Raštani and surrounded houses where ABiH soldiers were believed to be quartered. When HVO soldiers surrounded the house of one local Muslim man, he was the only ABiH soldier in the house, along with fifteen relatives and neighbours who were Muslim civilians. The Herceg-Bosna/HVO forces ordered all of the persons to come out of the house, and immediately shot and killed the unarmed ABiH soldier and three other unarmed military-aged Muslim men as they came out of the house. (Annex) The HVO forces lined the Muslim women and children in front of a wall and stole their money and jewellery and otherwise mistreated them. The surviving Muslims were then ordered to cross the Neretva River to ABiH-held territory. (Annex)

109. In late September 1993, the Herceg-Bosna/HVO forces engaged in another round of evictions of Bosnian Muslims from West Mostar, in the Centar II district. Approximately 600 Bosnian Muslim civilians were forced from their homes, and at least one Bosnian Muslim woman was raped. (Annex)

110. From about June 1993 to April 1994, East Mostar and certain areas connected to it, including Blagaj, were under siege. As a result of Bosnian Muslims being expelled into this enclave or fleeing to the enclave from other areas, the Muslim population in this area increased from a pre-war estimate of approximately 18,400 persons to a number estimated as high as 51,600 persons. In East Mostar itself, the Muslim population increased from about 10,400 to approximately 27,700 persons.

111. During this time, from June 1993 to April 1994, there was continued fighting between Herceg-Bosna/HVO forces and the ABiH in and around Mostar town. While the Herceg-Bosna/HVO forces were generally better equipped with heavier weapons, including tanks and artillery, the smaller Muslim forces, using primarily light infantry weapons, resisted HVO advances and held the small strip of land west of the Neretva River.

112. The Bosnian Muslims in East Mostar lived, or attempted to live, in increasingly dangerous, squalid and horrific conditions. While the Herceg-Bosna/HVO forces regularly forced more Bosnian Muslims into the small, densely populated area of East Mostar, the same forces continually shelled East Mostar with artillery and fired at civilians using sniper and other direct fire weapons (including heavy machine guns and anti-aircraft weapons). At the same time, the Herceg-Bosna/HVO authorities blocked and deprived the Bosnian Muslims in East Mostar of humanitarian aid, and cut off or failed to repair water and power supplies to that part of the city. Constant shelling and sniping forced the civilian Muslim population into an underground life. Venturing out for food, water and other necessities was often a terrifying, dangerous experience.

113. In the early part of the East Mostar siege, from approximately late June 1993 to late August 1993, international organisations and humanitarian agencies were completely or substantially blocked from entering East Mostar, which caused increasing hardships for the Bosnian Muslims in East Mostar, who were cut off from outside aid.

114. The HVO shelling of East Mostar killed or wounded hundreds of Bosnian Muslim civilians, of both sexes and all ages. Herceg-Bosna/HVO gunfire killed or wounded at least 135 civilians in East Mostar, including women, children and elderly. (Annex) Firemen responding to emergencies, women washing their clothes, family members going out for water and small children who ventured outside were killed or wounded by Herceg-Bosna/HVO snipers.

115. Members of international organisations were also routinely targeted by Herceg-Bosna/HVO sniper fire and, on occasion, were targeted by HVO artillery and mortar fire, with several UN peacekeepers and others being killed or wounded. (Annex)

116. As part of and in the course of the East Mostar siege, the Herceg-Bosna/HVO forces deliberately destroyed or significantly damaged the following mosques or religious properties in East Mostar: Sultan Selim Javuz Mosque (also known as the Mesdjid Sultan Selimov Javuz Mosque), Hadži

Mehmed-Beg Karadžoz Mosque, Koski Mehmed-Paša Mosque, Nesuh Aga Vučjaković Mosque, Čejvan Čehaja Mosque, Hadži Ahmed Aga Lakišić Mosque, Roznamedžija Ibrahim Efendija Mosque, Ćosa Jahja Hodža Mosque (also known as the Džamiha Ćose Jahja Hodžina Mosque), the Hadži Kurto or Tabačica Mosque, and the Hadži Memija Cernica Mosque. On 9 November 1993, the Herceg-Bosna/HVO forces destroyed the Stari Most ("Old Bridge"), an international landmark that crossed the Neretva River between East and West Mostar.

117. The East Mostar siege ended around 12 April 1994, following a peace agreement signed by the Herceg-Bosna/HVO authorities and the Muslim side in Split, in the Republic of Croatia.

118. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ** and **BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **rape** (Count 4); **inhuman treatment (sexual assault)** (Count 5); **deportation** (Count 6); **unlawful deportation of a civilian** (Count 7); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); **extensive destruction of property** (Count 19); **wanton destruction** (Count 20); **destruction or wilful damage to institutions dedicated to religion or education** (Count 21); **appropriation of property** (Count 22); **plunder** (Count 23); **unlawful attack on civilians** (Count 24); **unlawful infliction of terror** (Count 25); and **cruel treatment (Mostar siege)** (Count 26).

HELIODROM CAMP

119. The Heliodrom Camp (also called the "Central Military Prison" or "Central Military Remand Prison") (the "Heliodrom") was located in Rodoč, just south of Mostar town, in Mostar Municipality. The Heliodrom was a complex of buildings, with some parts of the complex used as an HVO prison or detention facility, and other parts as barracks for HVO and other troops. The HVO prison/detention facility was established in September 1992, on the orders of BRUNO STOJIĆ and VALENTIN ĆORIĆ, and held Bosnian Muslim detainees until 21 April 1994.

120. As described above, on 9-10 May 1993, Herceg-Bosna/HVO forces systematically rounded up and detained hundreds of Bosnian Muslim men, women, children and elderly living in West Mostar. Hundreds of arrested Bosnian Muslims were either transported or forced to walk to the Heliodrom, where most of them were detained for periods up to about ten days.

121. As described above, on 30 June 1993, the ABiH attacked and occupied the HVO's "Tihomir Mišić" or Northern Barracks. Following this attack, Herceg-Bosna/HVO forces arrested several thousand military-aged Muslim men in Herzegovina, and detained many of them at the Heliodrom, for extended periods of time.

122. As a result of the arrests, the prison population at the Heliodrom increased from a small number of persons prior to May 1993 to approximately 1,800 detainees around 9-10 May 1993, and then declined to about 500 persons by late June 1993. From July to December 1993, the prison population averaged several thousand persons, with an estimated maximum of about 6,000 detainees held at any one time. While the remaining Bosnian Muslim women were released from the Heliodrom on 17 December 1993, a substantial number of Muslim men were held there until April 1994.

123. Bosnian Muslim men were held and continued to be detained at the Heliodrom prison without any *bona fide* or adequate effort by the Herceg-Bosna/HVO authorities or forces to distinguish, classify or separate military prisoners from civilian detainees, or to provide for the release of civilian detainees.

124. Conditions at the Heliodrom prison were inhumane, with severe overcrowding, inadequate medical and sanitary facilities, insufficient food and water, inadequate ventilation, and in the summer, suffocating heat. Detainees often slept on concrete floors with no bedding or blankets. On some occasions, HVO guards withheld all food and water from the detainees, in retaliation for HVO military setbacks.

125. Herceg-Bosna/HVO forces regularly mistreated and abused, and allowed the mistreatment and abuse of, Bosnian Muslim detainees, both at the Heliodrom itself (Annex) and at various locations where detainees were taken for forced labour or other purposes. (Annex) There was regular cruel treatment and infliction of great suffering, with HVO soldiers and guards routinely beating detainees, often to the point of unconsciousness and severe injuries. Muslim detainees lived in constant fear of physical and mental abuse. Passing HVO soldiers often fired their weapons indiscriminately at Muslim

detainees held in crowded areas. Other detainees were attacked by HVO guard dogs which were released by the guards for the specific purpose of inflicting injury and fear. Muslim detainees were often humiliated in various ways, including being forced to sing nationalistic Croatian songs.

126. From approximately mid-May to 17 December 1993, at least thirty Bosnian Muslim women (Annex) (including some more than 70 years old and others with young children (Annex) with them) were detained at the Heliodrom prison, in the main building of the detention facility. Some were kept in the attic and others were placed in isolation cells in the basement. The conditions were inhumane, with insufficient sanitary facilities and medical attention, inadequate food and water and poor ventilation. They often slept on concrete floors with no bedding or blankets.

127. As described above, the HVO actions on and following 9-10 May 1993 resulted in Mostar town being divided by an HVO-ABiH confrontation line, running along the Bulevar and Šantićeva Street. During the period from May 1993 to April 1994, Bosnian Muslim men held at the Heliodrom were taken on a virtually daily basis to perform forced labour at the Mostar confrontation line and at other locations in the Mostar region. Such labour regularly involved building military fortifications, digging trenches, loading weapons, carrying ammunition and explosives, and retrieving the bodies of killed HVO soldiers, all in dangerous combat conditions, with many Muslim detainees being killed or wounded.

128. From approximately August 1993 to March 1994, Bosnian Muslim men detained at the Heliodrom prison were transported to Vojno Camp (described below), often on a seven-day rotation, where they were used in forced labour in dangerous conditions. Many Muslim detainees were killed or injured in the course of such labour.

129. On a number of occasions, Herceg-Bosna/HVO forces used Muslim detainees as human shields, placing them between HVO and ABiH forces or making them walk in front of advancing HVO forces. On some occasions, Muslim detainees were given wooden rifles or otherwise made to look like HVO soldiers and forced to walk toward ABiH positions in order to draw fire and assist the HVO in identifying ABiH positions. (Annex)

130. The use of Bosnian Muslim detainees held at the Heliodrom in forced labour or as human shields resulted in at least fifty-six Muslim detainees being killed (Annex) and at least one-hundred-and-seventy-eight being wounded. (Annex)

131. Some Bosnian Muslim detainees were released or permitted to leave the Heliostrom on the conditions that they surrender all of their property to the HVO and move to another country. On about 17 July 1993, the Herceg-Bosna/HVO authorities offered to release Muslim men detained at the Heliostrom if they agreed to be transferred to the Republic of Croatia, from where the HVO would allegedly assist them in relocating to other countries. Approximately 800 Bosnian Muslims accepted this proposal, and were transported to the island of Obonjan and Gašinci in the Republic of Croatia, with the direct involvement of Herceg-Bosna/HVO forces and Republic of Croatia police.

132. Similar practices continued from July to November 1993, with the Herceg-Bosna/HVO authorities agreeing to release detained Muslim men on the usual condition that they leave Herceg-Bosna. Between 15-17 December 1993, at least 1,477 Muslim detainees were released from the Heliostrom. Many were deported to the Republic of Croatia or other countries (Annex), and some were sent or allowed to return to East Mostar. (Annex) On some occasions, Muslim detainees were also told they would be released if they signed loyalty oaths to the HVO.

133. On various occasions, the Herceg-Bosna/HVO authorities blocked international observers and humanitarian organisations from gaining full and truthful information about the existence and circumstances of Muslim detainees held at the Heliostrom, and on some occasions barred international observers from having contact with the detainees. On 18 May 1993, representatives of international humanitarian organisations who visited the Heliostrom were not permitted to inspect all of the premises where detainees were kept, and were given false information concerning the detention and release of Bosnian Muslims, including Muslim women. By August 1993, an international humanitarian organisation had notified the Herceg-Bosna/HVO authorities of violations of the Geneva Conventions related to the detention of Muslims at the Heliostrom, including their use in forced labour.

134. In January 1994, representatives of an international humanitarian organisation were prevented from having contact with detainees who were still being used in forced labour.

135. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ** and **BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder**

(Count 2); **wilful killing** (Count 3); **deportation** (Count 6); **unlawful deportation of a civilian** (Count 7); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); and **unlawful labour** (Count 18).

VOJNO CAMP

136. From approximately June 1993 to March 1994, the Herceg-Bosna/HVO forces used and operated several buildings in the area of Vojno, in Mostar Municipality, about twelve kilometers north of Mostar town, as a place to detain Bosnian Muslim men, women and children who had been arrested or otherwise taken into custody ("Vojno Camp"). The camp was located close to an active HVO-ABiH confrontation line.

137. Conditions at Vojno Camp were harsh and unhealthy, with overcrowding, insufficient food and water, poor ventilation, insufficient bedding and inadequate sanitation facilities.

138. The HVO forces physically and mentally abused Bosnian Muslim men detained at the Vojno Camp on a daily basis. Herceg-Bosna/HVO forces killed at least fifteen Muslim men while they were detained at Vojno Camp and injured many others. (Annex) The HVO forces routinely beat Bosnian Muslim men with fists, feet, rubber batons and various wooden objects. Muslim men were subjected to electrical shocks, often forced to beat each other and otherwise abused and humiliated. Muslim detainees were forced to witness the summary execution of other detainees. Detainees were often subjected to particularly severe mistreatment in retaliation for ABiH military successes. (Annex)

139. From approximately August 1993 to March 1994, Bosnian Muslim men detained at Vojno Camp, together with Bosnian Muslim men detained at the Heliodrom (who were often sent to Vojno Camp on a seven-day rotation) were used in forced labour in the Vojno area. The forced labour included building military fortifications, digging trenches, carrying ammunition to HVO soldiers, and retrieving killed and injured HVO soldiers, often along the confrontation line and in the midst of combat conditions. Bosnian Muslim men engaged in such labour were regularly exposed to mortar, sniper and other small arms fire,

and at least thirty-eight Muslim men were killed (Annex) or wounded. (Annex)

140. The HVO forces detained approximately fifty civilian Bosnian Muslim women and girls (together with their small children) at Vojno Camp, from approximately June to December 1993. The Muslim women and others were held without any genuine or *bona fide* effort by the HVO authorities to determine their status or distinguish military detainees from civilians. Neither did the HVO provide for the civilians' release or transfer to a safe location.

141. HVO soldiers repeatedly raped and sexually assaulted Bosnian Muslim women and girls detained at Vojno Camp. (Annex) Such episodes of sexual assault were often preceded or accompanied by beatings or threats that non-compliance would result in the woman's child (or children) being killed.

142. Bosnian Muslim children detained at the Vojno Camp were regularly exposed to cruel treatment, hunger and separation from their mothers, resulting in physical suffering and trauma to these, some of the younger victims of the Herceg-Bosna/HVO persecution and cleansing. (Annex)

143. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **rape** (Count 4); **inhuman treatment (sexual assault)** (Count 5); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); and **unlawful labour** (Count 18).

LJUBUŠKI MUNICIPALITY AND DETENTION CENTERS

144. Ljubuški Municipality is located in southwest Bosnia and Herzegovina, bordering the Republic of Croatia. In 1991, approximately 92% of Ljubuški Municipality's total 28,340 inhabitants declared themselves Croat and only 5.6% (or about 1,592 persons) as Muslim.

145. The 18 November 1991 proclamation of Herceg-Bosna included Ljubuški Municipality as part of Herceg-Bosna. In 1992 and continuing into 1993, the Herceg-Bosna/HVO authorities and forces increasingly persecuted Bosnian Muslims in Ljubuški town and the villages of Gradska and Vitina.

146. Commencing in April 1993 and continuing through March 1994, the Herceg-Bosna/HVO authorities and forces operated the Ljubuški Military Remand Prison ("Ljubuški Prison") in Ljubuški town and another detention center located in a tin hangar in or near the hamlets of Vitina and Otok ("Vitina Hangar," sometimes also known as the "Otok camp"). The HVO operated these camps, in whole or part, as places to detain and imprison Bosnian Muslims, including Bosnian Muslim leaders, civilian Muslim women and Muslim intellectuals, as well as Muslims arrested or collected in the Republic of Croatia and sent to Ljubuški Prison. (Annex)

147. Conditions at the Ljubuški Prison and the Vitina Hangar were harsh and unhealthy due to overcrowding, bad ventilation, a complete lack of beds, insufficient bedding, insufficient food and water and poor sanitation facilities. (Annex)

148. From approximately April 1993 to March 1994, the HVO regularly used Bosnian Muslims detained at Ljubuški Prison and the Vitina Hangar to perform forced labour. (Annex) This labour included dangerous military-related tasks such as building bunkers and digging trenches in combat conditions, which resulted in the death or injury of a number of Muslim detainees.

149. Particularly during the time from May to July 1993, the HVO routinely beat, tortured, and mistreated Bosnian Muslims detained at Ljubuški Prison and the Vitina Hangar, both at the detention facilities themselves and while engaged in forced labour. (Annex)

150. Between 16 August 1993 and 28 August 1993, the Herceg-Bosna/HVO authorities deported the Bosnian Muslim populations of Gradska, Vitina and other parts of Ljubuški Municipality from Bosnia and Herzegovina. This mass deportation was accomplished by allowing Bosnian Muslims to leave HVO concentration camps and detention facilities only if they provided a letter of guarantee from another country willing to accept them and their families. Bosnian Muslims from Ljubuški Municipality were arrested, robbed of their property and subsequently deported with their families to third countries, via the Republic of Croatia. (Annex)

151. From July 1993 to March 1994, many of the Bosnian Muslims detained at the Ljubuški Prison and the Vitina Hangar were transferred to Vrda, Dretelj Prison, Gabela Prison or the Heliodrom, sent to East Mostar or ABiH-held territory or deported to third countries. (Annex)

152. In September 1993, the Herceg-Bosna/HVO forces destroyed the mosque in the village of Gradska, as part of the continuing persecution directed against the Bosnian Muslims.

153. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIC, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **deportation** (Count 6); **unlawful deportation of a civilian** (Count 7); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); **unlawful labour** (Count 18); and **destruction or wilful damage to institutions dedicated to religion or education** (Count 21).

STOLAC MUNICIPALITY

154. Stolac Municipality is located in southwest Bosnia and Herzegovina, with a 1991 population of approximately 18,681 persons. According to the 1991 census, 43.4% of the population (8,101 persons) declared themselves Muslim, and 33.1% (6,188 people) declared themselves Croat. The main town in the municipality is Stolac town, with a 1991 population of approximately 5,530 persons. About 62% of the town's inhabitants (3,426 persons) declared themselves Muslim, and approximately 12% (653 persons) declared themselves Croat.

155. The 18 November 1991 proclamation of Herceg-Bosna included Stolac Municipality as part of Herceg-Bosna, despite the fact that Bosnian Croats constituted a minority in the municipality. As in other municipalities described in this indictment, there were growing tensions between the Herceg-Bosna/HVO authorities and Bosnian Muslim population in 1992 and 1993, with increasing HVO persecution against the Muslims. When Bosnian Serb

forces and much of the Serb population left Stolac town in mid-1992, the Herceg-Bosna/HVO authorities took control of the town.

156. Despite the HVO's efforts to Croatise the institutions and population in Stolac Municipality, the municipality's Bosnian Muslims rejected Herceg-Bosna/HVO control. In December 1992, the Bosnian Muslim members of the Stolac Crisis Staff refused to endorse the incorporation of Stolac Municipality into Herceg-Bosna.

157. During the early part of 1993, tensions between the Herceg-Bosna/HVO authorities and the Bosnian Muslims increased. Around 20 April 1993, the Herceg-Bosna/HVO authorities arrested prominent Bosnian Muslims in Stolac Municipality (including the Bosnian Muslim members of the Stolac Crisis Staff) and detained them for varying periods of time in HVO detention facilities at Dretelj, Gabela, Ljubuški and the Heliodrom. (Annex)

158. On or about 10 May 1993, the HVO converted the Koštana Hospital in Stolac to an HVO Military Police facility and transferred the hospital's bone disease patients to the Grabovina barracks in Čapljina Municipality. The HVO then used the Koštana Hospital building as a short-term detention facility for Bosnian Muslim men.

159. As described above, the Herceg-Bosna/HVO authorities, in July 1993, carried out a massive, orchestrated campaign to expel, cleanse and forcibly transfer Bosnian Muslims from various parts of Herzegovina, including Stolac Municipality. After first arresting and detaining most of the Bosnian Muslim men, the HVO systematically removed Bosnian Muslim women, children and elderly from their homes and ultimately expelled them to ABiH-controlled areas or to other countries, via the Republic of Croatia. In the course of expelling the Bosnian Muslim civilians, the Herceg-Bosna/HVO forces robbed them of their property.

160. On or about 6 July 1993, the Herceg-Bosna/HVO forces expelled Bosnian Muslim civilians from in or around the village of Prenj. (Annex)

161. On or about 12-15 July 1993, Herceg-Bosna/HVO forces expelled Bosnian Muslim civilians from in or around the villages of Aladinići, Pješivac Greda and Rotimlja on the Dubrave Plateau. (Annex) In the course of forcibly expelling Bosnian Muslim civilians from Pješivac Greda on 12-13 July 1993, Herceg-Bosna/HVO forces shot and killed an eighteen-year-old Bosnian Muslim woman. (Annex)

162. In the course of expelling Bosnian Muslim civilians from the Dubrave Plateau, Herceg-Bosna/HVO forces, on 13-15 July 1993, destroyed Bosnian Muslim houses in Aladinići and Rotimlja, including Muslim houses and property in the Huskovići, Medine and Selo parts of Rotimlja. Herceg-Bosna/HVO forces destroyed the mosques in Aladinići and Rotimlja on 14 July 1993.

163. On 13-14 July 1993, in Stolac town, Herceg-Bosna/HVO forces expelled Bosnian Muslim women, children and elderly (Annex) and destroyed the Sultan Selim Mosque (also known as the Emperor Mosque).

164. In late July 1993, Herceg-Bosna/HVO forces destroyed Bosnian Muslim houses and property in Borojevići.

165. On 4-5 August 1993, Herceg-Bosna/HVO forces destroyed Bosnian Muslim houses and property in Prenj, including the mosque.

166. On or about 4 August 1993, Herceg-Bosna/HVO authorities forcibly expelled additional Bosnian Muslim civilians from Stolac town. During or about the time of 4 August 1993, the HVO destroyed the Begovina Complex and the old town center (including the market) in Stolac town, and three additional mosques -- the Ali Paša Rizvanbegović Mosque, the Hadži Alija Hadžisalihović Mosque and the Ismail Kapetan Šarić Mosque. Including the earlier expulsions on 13-14 July 1993, Herceg-Bosna/HVO forces expelled the vast majority of all Bosnian Muslims from Stolac town, totalling more than 3,000 persons.

167. As part of the expulsion campaign, Herceg-Bosna/HVO forces immediately placed Bosnian Muslims (primarily women, children and elderly) on trucks and buses and transported them to Muslim enclaves or ABiH-held territory or its vicinity. From there, the Herceg-Bosna/HVO forces forced or told the Bosnian Muslims to walk to such enclaves or territory. In Buna especially, Herceg-Bosna/HVO forces forced Bosnian Muslims to walk to Blagaj, often under gunfire. (Annex)

168. In other instances, the Herceg-Bosna/HVO authorities detained or held Bosnian Muslim civilians at various locations, including the Crnići School, the TGA factory and the VPD (Stolac Juvenile Correction Center). At other locations, Bosnian Muslim civilians were kept in private houses and severely limited in their freedom of movement. The conditions and practices at these locations were inhumane and overcrowded, involving cruel treatment, insufficient food and water, and inadequate sanitary facilities, bedding and

medical care. Many of those detained were eventually transferred to ABiH-controlled areas. (Annex)

169. During the summer and fall of 1993, Herceg-Bosna/HVO members severely mistreated Bosnian Muslim men held at the Koštana Hospital detention facility, kicking and beating them with batons, clubs, rifle butts and chairs, often in the course of interrogations and for prolonged periods. (Annex) Many Muslim detainees died or were seriously injured by this mistreatment, with at least five Muslim men dying between July and mid-October 1993. (Annex) (One of the Muslim men died from his injuries after he was moved to Dretelj Prison.)

170. By the latter part of September 1993, Herceg-Bosna/HVO leaders assured President Tudjman in Zagreb that not a single Muslim remained in Stolac Municipality, and that the HVO had re-populated and filled the Muslim homes in the area with Croats from Central Bosnia.

171. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); **extensive destruction of property** (Count 19); **wanton destruction** (Count 20); **destruction or wilful damage to institutions dedicated to religion or education** (Count 21); **appropriation of property** (Count 22); and **plunder** (Count 23).

ČAPLJINA MUNICIPALITY

172. Čapljina Municipality is located in southwest Bosnia and Herzegovina, with a 1991 population of approximately 27,882 persons. According to the 1991 census, 53.7% of the municipality's inhabitants (or about 14,969 persons) declared themselves Croat, and 27.5% (7,672 persons) Muslim. The Bosnian Muslim population was concentrated in the municipality's principal town, Čapljina, and in villages on the Dubrave Plateau, which straddles Stolac and

Čapljina Municipalities. In 1991, about 41% (or 3,067 persons) of Čapljina town's inhabitants declared themselves Croat, and 29.4% (or 2,191 persons) as Muslim.

173. The 18 November 1991 proclamation of Herceg-Bosna included Čapljina Municipality as part of Herceg-Bosna. As in other municipalities described in this indictment, there were growing tensions between the Herceg-Bosna/HVO authorities and Bosnian Muslim population in 1992 and 1993, with increasing HVO persecution against the Muslims. (Annex)

174. Around 20 April 1993, the Herceg-Bosna/HVO authorities arrested a substantial number of Bosnian Muslim men in Čapljina Municipality, including prominent Muslim men in that area, and detained them at various HVO detention facilities (including the Grabovina barracks) for varying periods of time. (Annex)

175. The HVO's conduct and practices in the systematic and large-scale arrests and expulsions in other parts of Herzegovina in July 1993 were also applied to Bosnian Muslims in Čapljina Municipality. After first arresting and detaining most of the Bosnian Muslim men, the Herceg-Bosna/HVO forces systematically removed Bosnian Muslim women, children and elderly from their homes, and expelled them to ABiH-controlled areas or other countries, via the Republic of Croatia. In the course of expelling the Bosnian Muslims, the Herceg-Bosna/HVO forces robbed them of their property.

176. During the days around 13 July 1993, the Herceg-Bosna/HVO authorities forcibly expelled Bosnian Muslim civilians from or around the village of Domanovići. (Annex) During these expulsions, the Herceg-Bosna/HVO forces shot and killed two young Bosnian Muslim women. (Annex)

177. During the days around 13 July 1993, the Herceg-Bosna/HVO forces expelled Bosnian Muslim civilians from or around the village of Bivolje Brdo. (Annex) In the course of these expulsions, HVO soldiers shot and killed an 83-year-old Bosnian Muslim man at his home in the Kevčići hamlet, and destroyed Bosnian Muslim houses. (Annex) On 16 July 1993, in the course of expelling Bosnian Muslims from Bivolje Brdo, the Herceg-Bosna/HVO forces separated twelve Bosnian Muslim men, who went missing and were never seen alive again. (Annex)

178. Around 13 July 1993, the Herceg-Bosna/HVO forces expelled Bosnian Muslim civilians from in or around the village of Počitelj. Between 27 July

1993 and 5 August 1993, the Herceg-Bosna/HVO forces evicted additional Bosnian Muslims from Počitelj, including many who had fled there from other villages. The Herceg-Bosna/HVO forces loaded many of the Muslim civilians onto trucks and took them to Buna, where they were made to walk to Blagaj (which was part of the East Mostar enclave). (Annex)

179. Around 13 July 1993, and again from 27 July 1993 to 5 August 1993, Herceg-Bosna/HVO forces forcibly expelled Bosnian Muslim civilians from in or around the village of Opličići. (Annex) The Herceg-Bosna/HVO forces burnt and dynamited Bosnian Muslim houses and buildings in Opličići on 4 August 1993, and destroyed the mosque in Opličići on 7 August 1993.

180. During the time from 13 July to 15 July 1993, Herceg-Bosna/HVO forces expelled Bosnian Muslim civilians from in or around the village of Lokve. (Annex) The Herceg-Bosna/HVO forces destroyed the mosque in or about Lokve on 14 July 1993 and destroyed Bosnian Muslim houses there on 16 July 1993.

181. On about 14 July 1993, Herceg-Bosna/HVO forces destroyed the mosque in or about the village of Višići. On 11 August 1993, Herceg-Bosna/HVO forces expelled Bosnian Muslim civilians from the village of Višići, initially detaining them for several days at Silos in Čapljina town, and then evicting them from HVO-held territory. (Annex)

182. During August and September 1993, Herceg-Bosna/HVO forces expelled and forcibly transferred Bosnian Muslim women, children and elderly from Čapljina town. The main expulsion occurred on or about 23 August 1993, when Herceg-Bosna/HVO forces loaded about 3,000 Bosnian Muslim civilians into a large convoy of trucks and removed them from the town. After a brief stop at Silos, where their personal property was taken from them, the Muslim civilians were removed to ABiH-held territory. Around 29 September 1993, Herceg-Bosna/HVO forces expelled the last remaining Bosnian Muslims from Čapljina town, even though many of these civilians had obtained letters of guarantee to go to other countries. Herceg-Bosna/HVO forces took the civilians to Buna and made them walk to Blagaj. (Annex)

183. During and as part of the expulsions, the Herceg-Bosna/HVO authorities placed some Bosnian Muslims on trucks and buses and transported them to Muslim enclaves or ABiH-held territory (or to its vicinity, from where they were told or forced to walk to such enclaves or territory). The HVO detained other Bosnian Muslim civilians for varying periods of time at various locations, such as the Silos in Čapljina town and at various houses and schools.

The Herceg-Bosna/HVO authorities often held the detained Bosnian Muslims in inhumane, overcrowded, and cruel conditions, with insufficient food and water and inadequate sanitary facilities, bedding, and medical care. Many of those detained were eventually transferred to ABiH-controlled areas, or deported to other countries, via the Republic of Croatia.

184. When the Herceg-Bosna/HVO authorities converted the Koštana Hospital in Stolac Municipality to an HVO Military Police facility on about 10 May 1993, they transferred the bone disease patients (most of whom were unable to move by themselves), to the Grabovina barracks in Čapljina Municipality. On 24 July 1993, Herceg-Bosna/HVO forces harshly loaded these bone disease patients onto the back of a truck without their wheelchairs or other medical aids, saying that the wheelchairs and aids would not be needed. The truck's Bosnian Muslim driver ignored the HVO's instructions to drive the truck to an isolated part of HVO-controlled territory and took the patients instead to an ABiH-controlled area.

185. From July to September 1993, the Herceg-Bosna/HVO authorities expelled and forcibly transferred or deported thousands of Bosnian Muslim civilians from Čapljina Municipality.

186. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **deportation** (Count 6); **unlawful deportation of a civilian** (Count 7); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); **extensive destruction of property** (Count 19); **wanton destruction** (Count 20); **destruction or wilful damage to institutions dedicated to religion or education** (Count 21), **appropriation of property** (Count 22); and **plunder** (Count 23).

DRETELJ DISTRICT MILITARY PRISON

187. Dretelj is a village located in Čapljina Municipality, approximately 1.5 kilometers from Čapljina town. The Dretelj District Military Prison ("Dretelj Prison") was part of, or located alongside, the Dretelj Barracks, and consisted of five tin hangars and two ammunition storage tunnels. The HVO used Dretelj Prison in 1992 and the first half of 1993 to hold arrested and captured Serbs.

188. The HVO detained Bosnian Muslim men at the Dretelj Prison primarily from April to September 1993, with some Muslims being detained there until approximately April 1994. The prison population at Dretelj Prison peaked on 11 July 1993, when the HVO detained approximately 2,270 Bosnian Muslim men at the prison. After that, the detainee population averaged about 1,700 Muslim men.

189. As described elsewhere, during the time from 30 June until mid-July 1993, the Herceg-Bosna/HVO forces conducted mass arrests of Bosnian Muslim men, including Muslim members of the HVO, and detained many of them at Dretelj Prison. (Annex) The Herceg-Bosna/HVO authorities held and continued to detain Bosnian Muslim men at the Dretelj Prison irrespective of their civilian or military status, including a number of boys younger than sixteen and men older than sixty. The Herceg-Bosna/HVO authorities made no *bona fide* or adequate effort to distinguish military detainees from civilians, or to provide generally for the release of civilian detainees. During August and September 1993, the HVO criteria for releasing Bosnian Muslim men from detention included being married to a Croat woman or possessing a visa and letter of guarantee to leave Bosnia and Herzegovina to another country. Many Bosnian Muslims detained at Dretelj Prison were deported by the Herceg-Bosna/HVO authorities to other countries, via the Republic of Croatia. (Annex)

190. Conditions at Dretelj Prison were harsh and unhealthy due to overcrowding, bad ventilation, no beds and insufficient bedding, and inadequate sanitary facilities. The HVO provided the detainees with insufficient food and water and often made them eat under cruel and humiliating circumstances. In the heat of mid-July 1993, the HVO kept detainees locked up without food and water for a number of days, resulting in the death of at least one Bosnian Muslim detainee. (Annex)

191. Throughout the time that Bosnian Muslims were detained at Dretelj Prison, members of the Herceg-Bosna/HVO forces, including the prison

warden and members of Herceg-Bosna/HVO forces not attached to the prison, subjected detainees to beatings and cruel treatment, including constant fear of physical and mental abuse. Bosnian Muslim detainees were sometimes forced or instigated to beat or abuse other Muslim detainees. Muslim detainees held in the isolation cell were particularly brutalised. Muslim detainees were harassed, subjected to ethnic insults and humiliated. (Annex)

192. The HVO acts and practices resulted in the serious injury and occasional death of many Bosnian Muslim detainees. At least four Bosnian Muslim detainees died at the Dretelj Prison as a result of being beaten or shot by HVO members. (Annex)

193. The HVO denied international observers and humanitarian organisations access to Dretelj Prison until approximately August 1993. At the end of August 1993, the HVO moved detained Muslim clerics, detainees in the worst physical condition and detainees held in the isolation cell to another location (Silos) in Čapljina, in order to conceal them from representatives of the International Committee of the Red Cross who visited the prison in early September 1993.

194. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ** and **BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **deportation** (Count 6); **unlawful deportation of a civilian** (Count 7); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); and **cruel treatment** (Count 17).

GABELA DISTRICT MILITARY PRISON

195. Gabela is a village located in Čapljina Municipality, approximately 4.1 kilometers south of Čapljina town. The Gabela District Military Prison ("Gabela Prison") was located outside Gabela in a former JNA logistics base, where detainees were held in four tin hangers.

196. Although the Herceg-Bosna/HVO forces detained some Bosnian Muslim men in Gabela Prison after the arrest of prominent Bosnian Muslims from Stolac and Čapljina Municipalities in April 1993, the prison was officially established on 8 June 1993. While the HVO officially converted Gabela Prison to a transit center for released detainees on 22 December 1993, they continued to hold Muslim men at the prison until April 1994. During the principal time of its use (from July to December 1993), the HVO, at any one time, confined about 1,200 Muslim men at Gabela Prison.

197. During the time of the mass arrests of Bosnian Muslim men from 30 June until mid-July 1993, the Herceg-Bosna / HVO forces detained many of the Bosnian Muslim men at the Gabela Prison. (Annex) The Herceg-Bosna/HVO authorities held and continued to detain Muslim men at Gabela Prison irrespective of their civilian or military status, including boys younger than age sixteen and men older than sixty. The authorities made no *bona fide* or adequate effort to distinguish military detainees from civilians, or to provide generally for the release of civilian detainees. As at Dretelj Prison, during August and September 1993, the HVO criteria for releasing Bosnian Muslim men from detention included being married to a Croat woman or possessing a visa and a letter of guarantee to leave Bosnia and Herzegovina to another country.

198. Conditions at Gabela Prison were harsh and unhealthy due to overcrowding, bad ventilation, no beds and insufficient bedding, and inadequate sanitary facilities. The HVO provided the Bosnian Muslim detainees with insufficient food and water and often made them eat under cruel and humiliating circumstances. In the heat of mid-July 1993, the HVO kept Muslim detainees locked up without food and water for several days. (Annex)

199. Throughout the time that Bosnian Muslims were detained at the Gabela Prison, members of the Herceg-Bosna/HVO forces, including the prison warden and members of Herceg-Bosna/HVO forces not attached to the prison, subjected detainees to beatings and cruel treatment, including constant fear of physical and mental abuse. Bosnian Muslim detainees were harassed, subjected to ethnic insults and humiliated. Muslim detainees were sometimes forced or instigated to beat or abuse other Muslim detainees. Muslim detainees held in the isolation cell were particularly brutalised. (Annex)

200. The HVO acts and practices described in the preceding paragraphs resulted in the serious injury and occasional death of Bosnian Muslim detainees. At least six Muslim detainees died at Gabela Prison as a consequence of being beaten or shot by HVO members. (Annex)

201. The HVO denied international observers and humanitarian organisations access to Gabela Prison during its first months of existence. During October 1993, the HVO concealed Bosnian Muslim detainees held in the isolation cell at Gabela Prison from representatives of an international humanitarian organisation when those representatives came to inspect the prison and visit the detained persons.

202. Many Bosnian Muslims detained at Gabela Prison were deported by the Herceg-Bosna/HVO authorities to other countries, via the Republic of Croatia, which continued after the time that Gabela Prison was operated as a transit center.

203. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ** and **BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **deportation** (Count 6); **unlawful deportation of a civilian** (Count 7); **inhumane acts (forcible transfer)** (Count 8); **unlawful transfer of a civilian** (Count 9); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); and **cruel treatment** (Count 17).

VAREŠ MUNICIPALITY

204. Vareš Municipality is located in central Bosnia, north of Sarajevo, with a 1991 population of 22,203 persons. According to the 1991 census, 40.60% of the population (9,016 persons) declared themselves Croat, 30.23% (6,714 persons) as Muslim, 16.41% as Serb, and 12.73% as other. Stupni Do was a predominantly Muslim village of about 250 inhabitants and 60 houses, located approximately four kilometers southeast of Vareš town.

205. The 18 November 1991 proclamation of Herceg-Bosna included Vareš Municipality as part of Herceg-Bosna. On 1 July 1992, the HVO took over the Vareš municipal government, and the Bosnian Muslim members of the previously elected municipal government established a separate "War Presidency." Even so, the Croats, Muslims and others in Vareš Municipality continued to live in relatively peaceful co-existence until mid-1993.

206. In June 1993, following an ABiH military action in neighbouring Kakanj Municipality, around 13,000 Bosnian Croats (including HVO soldiers) moved to Vareš town. Around the same time, the Vareš HVO government issued an ultimatum to the Muslims in Stupni Do to surrender their weapons or they would be attacked. The villagers in Stupni Do refused to give up their weapons and, on the expiration of the ultimatum and fearing an attack, fled to neighbouring villages. After several days when the HVO did not attack Stupni Do, the villagers returned home.

207. On 18 October 1993, Herceg-Bosna/HVO forces arrested six local ABiH members at an HVO checkpoint in Pajtov Han. The detainees were interrogated and beaten by Herceg-Bosna/HVO forces, who were seeking information about armed Muslims in Stupni Do. (Annex)

208. On 21-22 October 1993, the ABiH attacked the village of Kopjari in Vareš Municipality, with the village's Bosnian Croat residents moving to the village of Pogar. At about this same time, on 21 October 1993, Herceg-Bosna/HVO commanders, including MILIVOJ PETKOVIĆ and Ivica Rajić, decided to send additional Herceg-Bosna/HVO forces to Vareš. On the same day, Herceg-Bosna/HVO forces, including the "Maturice" and "Apostoli" units, left Kiseljak for Vareš. The HVO forces passed through Bosnian Serb-controlled territory and reached Vareš town on 22 October 1993.

209. On 23 October 1993, SLOBODAN PRALJAK ordered Herceg-Bosna/HVO forces in the Vareš area to "show no mercy to anyone." HVO forces arrested several Vareš HVO officials and more than 250 Bosnian Muslim men, regardless of their civilian or military status. While arresting the Muslim men, HVO soldiers entered their houses, physically and mentally abused the persons present and robbed them of their valuables. (Annex)

210. The Herceg-Bosna/HVO forces detained the arrested Bosnian Muslim men in two schools in Vareš, the "Ivan Goran Kovačić" high school and the "Vladimir Nazor" elementary school. The conditions at the schools were horrible, with insufficient food and no sanitary facilities. Detainees were forced to stand during the day with their hands behind their backs and looking at the floor. HVO soldiers entered the schools and physically abused the detainees. HVO soldiers forced detainees to beat each other, often forcing family members to beat other family members. Some of the detainees were transferred to the prison in Vareš Majdan, where HVO soldiers severely beat them. (Annex)

211. On the morning of 23 October 1993, Herceg-Bosna/HVO forces attacked Stupni Do. After gaining control of various parts of the village, HVO soldiers forced the civilians out of their homes and hiding places, robbed them of their valuables, sexually assaulted Muslim women and killed at least thirty-one Muslim men, women and children. (A list of the victims killed and the women sexually assaulted is part of the Annex.) During and following the attack, Herceg-Bosna/HVO forces wantonly destroyed almost the entire village. All together, the HVO attack on Stupni Do resulted in the deaths of at least thirty-seven Muslim men, women and children.

212. In the days following the HVO attack on Stupni Do, the Herceg-Bosna/HVO authorities told Bosnian Croats living in Vareš that they had to leave Vareš because of the risk of being killed by ABiH forces responding to the HVO attack on Stupni Do. Thousands of Bosnian Croats left Vareš and went to Kiseljak.

213. From 23 October to 3 November 1993, before leaving Vareš town, Herceg-Bosna/HVO forces appropriated and looted Muslim and other property, robbed Muslims of their valuables and sexually assaulted Muslim women. (Annex) On about 3 November 1993, the HVO forces guarding the two schools and the Vareš Majdan prison left the area and, consequently, the Muslim detainees were free to leave.

214. As information began to reach international organisations in the area, UNPROFOR representatives attempted to enter Stupni Do and the two schools in Vareš town. HVO forces blocked and obstructed these international organisations. UNPROFOR finally entered Stupni Do in armoured vehicles on 26 October 1993.

215. On 26 October 1993, in response to media allegations of HVO atrocities in Vareš and Stupni Do, MILIVOJ PETKOVIĆ ordered an investigation. On 31 October 1993, JADRANKO PRLIĆ, when questioned about the events in Stupni Do, informed international representatives that any crimes committed there were unacceptable, that an investigation had been requested and that all of the commanders involved had been suspended. In fact, as of 30-31 October 1993, none of the HVO commanders involved had been suspended or disciplined in any way.

216. Following a meeting in Zagreb involving Franjo Tuđman and others, the international community was assured that Ivica Rajić, the HVO officer commanding the Herceg-Bosna/HVO forces in Vareš and Stupni Do, had been removed and that a judicial investigation had been initiated. In reality, and

with the knowledge of senior military commanders and political leaders, Ivica Rajić simply changed his name and remained in essentially the same position. Neither Ivica Rajić nor any other person was ever disciplined or punished for what happened in Stupni Do.

217. By the foregoing acts, conduct, practices and omissions and as further described in Paragraphs 15-17, 17.1-17.6, 39 and 218-230, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ** and **BERISLAV PUŠIĆ** are responsible for the following crimes: **persecutions**, as charged in Count 1; **murder** (Count 2); **wilful killing** (Count 3); **rape** (Count 4); **inhuman treatment (sexual assault)** (Count 5); **imprisonment** (Count 10); **unlawful confinement of a civilian** (Count 11); **inhumane acts (conditions of confinement)** (Count 12); **inhuman treatment (conditions of confinement)** (Count 13); **cruel treatment (conditions of confinement)** (Count 14); **inhumane acts** (Count 15); **inhuman treatment** (Count 16); **cruel treatment** (Count 17); **extensive destruction of property** (Count 19); **wanton destruction** (Count 20); **appropriation of property** (Count 22); and **plunder** (Count 23).

CRIMINAL RESPONSIBILITY

Article 7(1)

(Planned, Instigated, Ordered,
Committed or Otherwise Aided and Abetted)

218. Each of the accused, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ** and **BERISLAV PUŠIĆ**, planned, instigated, ordered and/or committed the crimes charged in this indictment, pursuant to Article 7(1). Each accused is responsible for his role and participation in the crimes charged, based on his own acts and, where he had a duty to act, on his omissions or failures to act. Each accused is also charged as a co-perpetrator and/or indirect perpetrator or indirect co-perpetrator. Each accused is responsible for the acts or omissions which he accomplished, effected or caused through or by means of other persons, such as subordinates or other persons (including persons he controlled or over whom he exercised substantial influence), whether such persons acted knowingly or as an innocent agent or actor. In addition or in the alternative, each accused is responsible for the crimes which he committed or caused to be committed, directly or indirectly through other persons, based on the joint control and co-ordination which he possessed and effected with other persons (including the other persons charged in this indictment) over the criminal conduct of Herceg-Bosna/HVO authorities and forces which were used as

tools, by or through organised structures of power which they controlled and in which each of them played a key role. Each accused acted with the knowledge and state of mind required for the commission of the crime charged, was aware of the importance of his own role and the control that he exercised over other persons that were used to commit the crime, and acted with the mutual awareness of the substantial likelihood that crimes would occur as a direct consequence of the pursuit of the common goal.

219. Each accused acted with the knowledge and state of mind required for the commission of each crime charged in this indictment, intending to commit the crime. In addition or in the alternative, each accused was aware of the substantial likelihood that the execution of his plans and orders, and the carrying out of the acts and conduct which he promoted, instigated, encouraged or facilitated, would involve or result in the crimes charged in this indictment. To the extent required, other perpetrators or actors involved in, and/or aiding or abetting, the commission of each crime charged in this indictment acted with the requisite state of mind.

220. In addition or in the alternative, each accused is charged with and criminally responsible for each crime which he substantially aided or abetted, in its planning, preparation or execution, pursuant to Article 7(1). Each accused acted with the knowledge that the acts performed or omitted would assist the commission of the crime or was aware of the substantial likelihood that his acts would assist the commission of the crime. In aiding and abetting such crimes, each accused acted with the requisite state of mind and intent, and other perpetrators, including those who physically committed the crime, also acted with or shared, to the extent necessary, the requisite state of mind.

Article 7(1)

(Joint Criminal Enterprise - Form 1)

221. The crimes charged in this indictment were part of the joint criminal enterprise described in Paragraphs 2 to 17 (including 17.1 to 17.6) and 39 and were committed in the course of the enterprise, which existed at the time of the participatory acts or omissions of each of the accused. Pursuant to Article 7(1), each of the accused, JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ, is criminally responsible for the crimes which were committed as part of the joint criminal enterprise, in the sense that each of the accused committed these crimes as a member of or participant in such enterprise. (By using the word “committed” in this context, the Prosecutor

does not mean to indicate that a particular accused, or any of them, necessarily committed, by his own physical person, the crime(s) charged. “Committed” in this context refers to the accused’s participation in a joint criminal enterprise.) Each accused is responsible for his role and participation in the crimes charged, based on his own acts and, where he had a duty to act, on his omissions or failures to act. Each accused is also responsible for the acts or omissions which he accomplished, effected or caused through or by means of other persons, such as subordinates or other persons (including persons he controlled or over whom he exercised substantial influence), whether such persons acted knowingly or as an innocent agent or actor.

222. Each accused, acting individually and in concert with or through other persons, knowingly participated in and contributed to the joint criminal enterprise, intending to further and accomplish the enterprise and its objectives. Each accused possessed the requisite state of mind and/or shared the requisite state of mind with other members and participants in the joint criminal enterprise, or, to the extent required, possessed, shared or knew the state of mind of those committing or aiding or abetting the crimes. To the extent required, other perpetrators or actors involved in, and/or aiding or abetting, the commission of each crime charged in this indictment acted with the requisite state of mind.

223. In addition or in the alternative, to the extent that an accused was not a member of the joint criminal enterprise, he is criminally responsible for substantially aiding and abetting one or more members or perpetrators of the joint criminal enterprise, in the planning, preparation or execution of the crime, pursuant to Article 7(1). Each accused acted with the knowledge that the acts performed or omitted would assist the commission of the crime or was aware of the substantial likelihood that his acts would assist the commission of the crime. In aiding and abetting such crimes, each accused acted with the requisite state of mind and intent, and, to the extent required, other perpetrators, including those who committed the crime, acted with or shared the requisite state of mind.

Article 7(1)

(Joint Criminal Enterprise - Form 2)

224. Pursuant to Article 7(1), each accused is criminally responsible for his knowing participation in a system of ill-treatment involving a network of Herceg-Bosna/HVO prisons, concentration camps and other detention facilities which were systematically used in arresting, detaining and imprisoning

thousands of Bosnian Muslims in unlawful and harsh conditions, where they were subjected or exposed to beatings, sexual assaults and other deprivations and abuse and as part of which many were taken for unlawful forced labour in dangerous conditions (as described in this indictment), which amounted to or involved the commission of crimes charged in this indictment. Each accused acted as part of a plurality of persons which included himself and the other persons charged in this indictment, and knew of and intended to further the system. Each accused is criminally responsible for participating in this system, including as a co-perpetrator and/or indirect perpetrator.

Article 7(1)

(Joint Criminal Enterprise - Form 2)

225. Pursuant to Article 7(1), each accused is criminally responsible for his knowing participation in a system of ill-treatment which deported Bosnian Muslims to other countries or transferred them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna or the HVO (as described in this indictment), which amounted to or involved the commission of crimes charged in this indictment. Each accused acted as part of a plurality of persons which included himself and the other persons charged in this indictment, and knew of and intended to further the system. Each accused is criminally responsible for participating in this system, including as a co-perpetrator and/or indirect perpetrator.

226. In addition or in the alternative, to the extent that an accused did not participate in one or both of the systems of ill-treatment described in Paragraphs 224-225, he is criminally responsible for substantially aiding and abetting those systems (or either of them) or persons who participated in them, pursuant to Article 7(1). Each accused acted with the knowledge that the acts performed or omitted would assist the commission of the crime or was aware of the substantial likelihood that his acts would assist the commission of the crime. In aiding and abetting such crimes, each accused acted with the requisite state of mind and intent, and, to the extent required, other perpetrators, including those who committed the crime, acted with or shared the requisite state of mind.

Article 7(1)

(Joint Criminal Enterprise - Form 3)

227. In addition or in the alternative, as to any crime charged in this indictment which was not within the objective or an intended part of the joint criminal enterprise, such crime was the natural and foreseeable consequence of

the joint criminal enterprise and of implementing or attempting to implement the enterprise and each accused was aware of the risk of such crime or consequence and, despite this awareness, willingly took that risk, in joining and/or continuing in the enterprise, and is therefore responsible for the crime charged.

Article 7(3)

(Superior Responsibility)

228. In addition or in the alternative, pursuant to Article 7(3), each of the accused is criminally responsible as a superior official or officer for the criminal acts or omissions of subordinates or other persons about or over whom he had effective *de jure* and/or *de facto* control, where he knew or had reason to know that such persons were about to commit or had committed such acts or omissions and failed to take necessary and reasonable measures to prevent such acts or omissions or punish such persons. Each of the accused acted as a superior over or through other persons or subordinates about whom he exercised, or could have exercised, effective control who were involved in the commission of crimes charged in this indictment, and knew or had reason to know that one or more such persons was about to commit or had committed such acts or omissions and failed to take necessary and reasonable measures to prevent such acts or punish, remove or discipline such persons.

COUNTS 1 TO 26

229. By the foregoing acts, conduct, practices and omissions, **JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ** and **BERISLAV PUŠIĆ** are responsible for the following crimes:

Count 1: persecutions on political, racial and religious grounds, a CRIME AGAINST HUMANITY, punishable under Statute Articles 5(h), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 21-41, 43-59, 61-71, 73-86, 88-117, 119-134, 136-142, 144-152, 154-170, 172-185, 187-193, 195-202 and 204-216);

Count 2: murder, a CRIME AGAINST HUMANITY, punishable under Statute Articles 5(a), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 37, 39, 48, 51, 53, 56, 66, 77, 80, 95, 104, 106, 108, 114, 127, 128, 130, 138, 139, 161, 169, 176, 177, 190, 191, 192, 199, 200 and 211);

Count 3: wilful killing, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(a), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 37, 39, 48, 51, 53, 56, 66, 77, 80, 95, 104, 106, 108, 114, 127, 128, 130, 138, 139, 161, 169, 176, 177, 190, 191, 192, 199, 200 and 211);

Count 4: rape, a CRIME AGAINST HUMANITY, punishable under Statute Articles 5(g), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 38, 39, 57, 59, 99, 109, 141, 211 and 213);

Count 5: inhuman treatment (sexual assault), a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(b), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 38, 39, 55, 57, 59, 99, 109, 141, 211 and 213);

Count 6: deportation, a CRIME AGAINST HUMANITY, punishable under Statute Articles 5(d), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 26, 28-30, 33-41, 59, 93, 100, 105, 131-133, 150-51, 175, 182, 183, 185, 189, 197 and 202);

Count 7: unlawful deportation of a civilian, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(g), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 26, 28-30, 33-41, 59, 93, 100, 105, 131-133, 150-51, 175, 182, 183, 185, 189, 197 and 202);

Count 8: inhumane acts (forcible transfer), a CRIME AGAINST HUMANITY, punishable under Statute Articles 5(i), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 26, 28, 29, 30, 33-41, 57-59, 67, 69, 71, 86, 93, 96, 99, 100-103, 105, 108-110, 132, 150, 151, 159-163, 166-168, 170, 175-185 and 197);

Count 9: unlawful transfer of a civilian, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(g), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 26, 28, 29, 30, 33-41, 57-59, 67, 69, 71, 86, 93, 96, 99, 100-103, 105, 108-110, 132, 150, 151, 159-163, 166-168, 170, 175-185 and 197);

Count 10: imprisonment, a CRIME AGAINST HUMANITY, punishable under Statute Articles 5(e), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 28, 33-39, 41, 47-49, 54, 57, 67-71, 77-80, 86, 94, 96, 99, 103-105, 119-134, 136-142, 146-151, 157-159, 168, 169, 174, 175, 181, 183, 184, 187-193, 195-202, 207, 209 and 210);

Count 11: unlawful confinement of a civilian, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(g), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 28, 33-39, 41, 47-49, 54, 57, 67-71, 77-80, 86, 94, 96, 99, 103-105, 119-134, 136-142, 146-151, 157-159, 168, 169, 174, 175, 181, 183, 184, 187-193, 195-202, 207, 209 and 210);

Count 12: inhumane acts (conditions of confinement), a CRIME AGAINST HUMANITY, punishable under Statute Articles 5(i), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 57, 67, 71, 79, 124-126, 133, 134, 137, 142, 147, 168, 183, 190, 193, 198, 201 and 210);

Count 13: inhuman treatment (conditions of confinement), a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(b), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 57, 67, 71, 79, 124-126, 133, 134, 137, 142, 147, 168, 183, 190, 193, 198, 201 and 210);

Count 14: cruel treatment (conditions of confinement), a VIOLATION OF THE LAWS AND CUSTOMS OF WAR, as recognised by Article 3(1)(a) of the Geneva Conventions, punishable under Statute Articles 3, 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 57, 67, 71, 79, 124-126, 133, 134, 137, 142, 147, 168, 183, 190, 193, 198, 201 and 210);

Count 15: inhumane acts, a CRIME AGAINST HUMANITY, punishable under Statute Articles 5(i), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 33-40, 46-48, 51-59, 66-70, 77-81, 94, 95, 99, 104, 106, 108, 112-114, 125, 127-130, 133, 134, 138, 139, 141, 142, 148-150, 161, 167, 169, 176, 177, 184, 188, 190-193, 198-201, 207, 209, 210 and 211);

Count 16: inhuman treatment, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(b), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 33-40, 46-48, 51-59, 66-70, 77-81, 94, 95, 99, 104, 106, 108, 112-114, 125, 127-130, 133, 134, 138, 139, 141, 142, 148-150, 161, 167, 169, 176, 177, 184, 188, 190-193, 198-201, 207, 209, 210 and 211);

Count 17: cruel treatment, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Article 3(1)(a) of the Geneva Conventions, punishable under Statute Articles 3, 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 33-40, 46-48, 51-59, 66-70, 77-81, 94, 95, 99, 104, 106,

108, 112-114, 125, 127-130, 133, 134, 138, 139, 141, 142, 148-150, 161, 167, 169, 176, 177, 184, 188, 190-193, 198-201, 207, 209, 210 and 211);

Count 18: unlawful labour, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Article 40, 51 and 95 of Geneva Convention IV and Articles 49, 50 and 52 of Geneva Convention III, punishable under Statute Articles 3, 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 55, 81, 127, 128, 130, 139, 148 and 149);

Count 19: extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(d), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 46, 48, 51, 53, 66-68, 82-84, 116, 162, 164-166, 177, 179, 180 and 211);

Count 20: wanton destruction of cities, towns or villages, or devastation not justified by military necessity, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Statute Articles 3(b), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 46, 48, 51, 53, 66-68, 82-84, 116, 162, 164-166, 177, 179, 180 and 211);

Count 21: destruction or wilful damage done to institutions dedicated to religion or education, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Statute Articles 3(d), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 53, 68, 83, 84, 97, 116, 152, 162, 163, 165, 166 and 179-181);

Count 22: appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949, punishable under Statute Articles 2(d), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 46, 57, 67, 85, 99, 100, 107, 108, 159, 175, 182, 209, 211 and 213);

Count 23: plunder of public or private property, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, punishable under Statute Articles 3(e), 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 39, 46, 57, 67, 85, 99, 100, 107, 108, 159, 175, 182, 209, 211 and 213);

Count 24: unlawful attack on civilians (Mostar), a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised under customary law and Article 51 of Additional Protocol I and Article 13 of Additional Protocol II to

the Geneva Conventions of 1949, punishable under Statute Articles 3, 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 35-37, 39, 98 and 110-117);

Count 25: unlawful infliction of terror on civilians (Mostar), a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised under customary law and Article 51 of Additional Protocol I and Article 13 of Additional Protocol II to the Geneva Conventions of 1949, punishable under Statute Articles 3, 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 35-37, 39, 98 and 110-117); and

Count 26: cruel treatment (Mostar siege), a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognised by Article 3(1)(a) of the Geneva Conventions, and punishable under Statute Articles 3, 7(1) and 7(3) (as alleged in Paragraphs 15-17.6, 35-37, 39, 98 and 110-117).

230. Notwithstanding any language to the contrary, the accused BERISLAV PUŠIĆ is not charged in this indictment with any crimes in connection with the events in Prozor Municipality in October 1992 or in Gornji Vakuf Municipality in January 1993.

ADDITIONAL ALLEGATIONS

231. Unless otherwise specifically stated, all acts and omissions alleged in this indictment occurred on the territory of the former Yugoslavia.

232. At all times relevant to this indictment, a state of armed conflict, international armed conflict and partial occupation existed in Bosnia and Herzegovina, which involved, in whole or part, the State of the Republic of Croatia and its government, armed forces and representatives in an armed conflict against the State of the Republic of Bosnia and Herzegovina and/or against the ABiH and/or Bosnian Muslims on the territory of the State of the Republic of Bosnia and Herzegovina. All acts and omissions charged in this indictment as Grave Breaches of the Geneva Conventions of 1949, and for which the Accused are responsible, occurred during and in nexus with such international armed conflict and partial occupation.

233. Acts, omissions or conduct charged as persecution were committed, omitted or carried out with discriminatory intent, with the intention to discriminate on political, racial, ethnic or religious grounds.

234. All acts, omissions, conduct and events charged as a crime against humanity occurred as part of a widespread or systematic attack directed by the

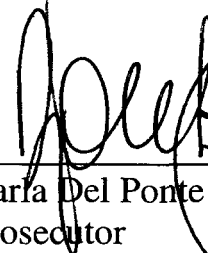
Herceg-Bosna/HVO authorities and forces against the Bosnian Muslim civilian population.

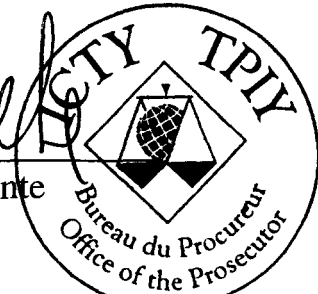
235. At all times relevant to this indictment, JADRANKO PRLIĆ, BRUNO STOJIĆ, SLOBODAN PRALJAK, MILIVOJ PETKOVIĆ, VALENTIN ĆORIĆ and BERISLAV PUŠIĆ were required to abide by the laws and customs governing the conduct of armed conflict, including the Geneva Conventions of 1949 and the additional protocols thereto.

236. All acts and omissions charged as crimes against persons were committed against or involved persons protected under the Geneva Conventions of 1949 (and the additional protocols thereto) and the laws and customs of war.

237. All acts and omissions charged as crimes against property were committed against or involved property protected under the Geneva Conventions of 1949 (and the additional protocols thereto) and the laws and customs of war.

238. None of the acts or omissions charged as crimes were justified by military necessity. Acts, omissions or conduct charged in connection with the destruction of property were committed, omitted or carried out unlawfully and wantonly.


Carla Del Ponte
Prosecutor



DATED this 16 November 2005
At The Hague, The Netherlands