

United Nations
Nations UniesInternational Criminal Tribunal
for the former Yugoslavia
Tribunal Pénal International
pour l'ex-Yougoslavie

(IT-04-74)

PRLIĆ *et al.**The Prosecutor v. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić & Berislav Pušić***JADRANKO PRLIĆ**

President of the Croatian Defence Council (HVO) and prime minister of the 'Croatian Republic of Herceg-Bosna' (HR H-B).

- Sentenced to 25 years' imprisonment

• Prlić had knowledge of numerous crimes committed by members of the armed forces of the Croatian Community (and later Republic) of Herceg-Bosna. He was also aware of the harsh conditions under which Muslims arrested by the HVO were detained in the Dretelj, Gabela and the Heliodrom prisons. Nevertheless, he justified the detention of Muslim civilians and denied the reality of their situation. By doing so, he accepted and abetted the extremely precarious conditions and ill-treatment of the detainees in several HVO detention centres.

JADRANKO PRLIĆ

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|--------------------------------|---|
| Born | 10 June 1959 in Đakovo, Croatia |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |
| Trial Chamber judgement | 29 May 2013, sentenced to 25 years' imprisonment |


BRUNO STOJIĆ

As head of the Department of Defence, Stojić was in charge of a majority of the Herceg-Bosna/HVO armed forces.

- Sentenced to 20 years' imprisonment


• Stojić was informed of the crimes committed by the HVO during the military operations in Gornji Vakuf in January 1993 and in Jablanica in April 1993; the evictions of the Muslim population in Čapljina in July 1993; the shelling and attacks against members of international organisations, and the harsh living conditions to which the Muslim population in East Mostar was subjected. He was also informed of the fact that the detention of Muslims by the HVO did not meet standards of international law in the Ljubuški, Dretelj and Gabela prisons and the Heliodrom. However, he did not make serious efforts to end the commission of crimes although he had the authority and the duty to do so.

| BRUNO STOJIĆ | |
|-------------------------|---|
| Born | 8 April 1955 in the village of Hamzići, municipality of Čitluk, Bosnia and Herzegovina |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |
| Trial Chamber judgement | 29 May 2013, sentenced to 20 years' imprisonment |

| SLOBODAN PRALJAK | |
|---|--|
|  | <p>Held office within the Ministry of Defence of Croatia and then commander of the HVO Main Staff</p> <p>- Sentenced to 20 years' imprisonment</p> |


- Praljak was informed of the fact that members of the armed forces were removing and placing in detention the Muslim population of Prozor from July through August 1993. He knew that crimes would be committed in Mostar municipality, in particular murders; the destruction of buildings in East Mostar (including the mosques and the Old Bridge); and the attacking and wounding of members of international organisations. He facilitated the murder of Muslims who did not belong to any armed force, and the destruction of property in Stupni Do in October 1993. He failed to make any serious efforts to put an end to the commission of crimes by the armed forces of the HVO.

| SLOBODAN PRALJAK | |
|-------------------------|---|
| Born | 2 January 1945 in Čapljina, Bosnia and Herzegovina |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |
| Trial Chamber judgement | 29 May 2013, sentenced to 20 years' imprisonment |

| MILIVOJ PETKOVIĆ | |
|---|--|
|  | <p>Chief of the HVO Main Staff then, from late July 1993, deputy overall commander of the HVO forces.</p> <p>- Sentenced to 20 years' imprisonment</p> |


- Petković planned and facilitated the military operations in Gornji Vakuf municipality in January 1993. He planned and directed the military operations in Jablanica municipality in April 1993; blocked access to international observers in the villages of Sovići and Doljani, and then orchestrated the removal of civilians to Gornji Vakuf. He directed military operations in Prozor municipality in April and June 1993 and planned operations in July and August 1993. He participated in planning the shelling of East Mostar; blocked access for humanitarian convoys to the Muslim population of East Mostar; planned the military offensive against the old town of Mostar, including the assault on 8 November 1993 which led to the destruction of the Old Bridge.

| MILIVOJ PETKOVIĆ | |
|-------------------------|---|
| Born | 11 October 1949 in Šibenik, Croatia |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |
| Trial Chamber judgement | 29 May 2013, sentenced to 20 years' imprisonment |

| VALENTIN ČORIĆ | |
|---|---|
|  | <p>Head of the HVO Military Police administration; in November 1993, appointed minister of interior in the HR H-B.</p> <p>- Sentenced to 16 years' imprisonment</p> |

- Čorić played a key role in operating the network of HVO detention facilities until 10 November 1993. He helped keep thousands of Muslims in detention in harsh conditions, and during that detention, they were beaten, abused, and treated in a humiliating and degrading manner. Moreover, despite the alarming information he was receiving, Čorić did nothing to prevent detainees from being sent to work at the front line, where many of them were killed or injured.

| VALENTIN ČORIĆ | |
|-------------------------|---|
| Born | 23 June 1956 in the village of Paoča, municipality of Čitluk, Bosnia and Herzegovina |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |
| Trial Chamber judgement | 29 May 2013, sentenced to 16 years' imprisonment |

| BERISLAV PUŠIĆ | |
|---|--|
|  | <p>Overseeing official at the Department of Criminal Investigations of the Military Police Administration; President of the Service for the Exchange of Prisoners and Other Persons; Head of the commission in charge of all Herceg-Bosna/HVO prisons and detention facilities; an HVO representative to the international community and before the senior officials of Croatia and BiH</p> <p>- Sentenced to 10 years' imprisonment</p> |

- Pušić had knowledge of the mass arrests of Muslims from Herceg-Bosna, as early as April 1993. He had knowledge of the very harsh conditions in which Muslims were confined - at Sovići School, and in the prisons at Dretelj, Gabela and Ljubuški - and about the mistreatment inflicted upon the detainees at the Heliudrom and at the Vojno detention facility. However, he never took the necessary measures to improve these conditions or to cause the mistreatment to stop.

| BERISLAV PUŠIĆ | |
|-------------------------|---|
| Born | 8 June 1952 in Mostar, Bosnia and Herzegovina |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |
| Trial Chamber judgement | 29 May 2013, sentenced to 10 years' imprisonment |

STATISTICS

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|-----------------------|--|
| Trial days | 465 |
| Prosecution witnesses | 249 |
| Prosecution exhibits | 4914 |
| Defence witnesses | Prlić: 24 Stojić: 19 Praljak: 17 Petković: 9 Ćorić: 6 Pušić: 0 |
| Defence exhibits | Prlić: 1619 Stojić: 1032 Praljak: 1047 Petković: 764 Ćorić: 422 Pušić: 63 |
| Chamber exhibits | 15 |

| TRIAL | |
|-----------------------------|---|
| Commenced | 26 April 2006 |
| Closing arguments | 7 February - 2 March 2011 |
| Trial Chamber III | Judge Jean-Claude Antonetti (presiding), Judge Árpád Prandler, Judge Stephan Trechsel, Judge Antoine Kesia-Mbe Mindua (Ad Litem Reserve Judge) |
| Counsel for the Prosecution | Kenneth Scott, Douglas Stringer |
| Counsel for the Defence | For Jadranko Prlić: Michael G. Karnavas, Suzana Tomanović For Bruno Stojić: Senka Nožica, Karim A.A. Khan For Slobodan Praljak: Nika Pinter, Nataša Fauveau-Ivanović For Milivoj Petković: Vesna Alaburić, Guénaël Mettraux For Valentin Ćorić: Dijana Tomašegović-Tomić, Dražen Plavec For Berislav Pušić: Fahrudin Ibrišimović, Roger Sahota |
| Judgement | 29 May 2013 |

| APPEALS | |
|-----------------------------|---|
| Appeals Chamber | Judge Theodor Meron (presiding), Judge Carmel Agius, Judge Bakone Justice Moloto, Judge Fausto Pocar and Judge Liu Daqun |
| Counsel for the Prosecution | Douglas Stringer, Mathias Marcussen |
| Counsel for the Defence | For Jadranko Prlić: Michael G. Karnavas, Suzana Tomanović For Bruno Stojić: Senka Nožica, Karim A.A. Khan For Slobodan Praljak: Nika Pinter, Nataša Fauveau-Ivanović For Milivoj Petković: Vesna Alaburić, Guénaël Mettraux For Valentin Ćorić: Dijana Tomašegović-Tomić, Dražen Plavec For Berislav Pušić: Fahrudin Ibrišimović, Roger Sahota |

INDICTMENT AND CHARGES

The initial indictment against Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić, Berislav Pušić was confirmed on 4 March 2004 and made public on 2 April 2004.

On 16 November 2005, the Prosecution filed an amended indictment which clarified allegations already made against the accused.

On 22 May 2008, the Prosecution was ordered to amend the indictment in order to further clarify certain allegations. The second amended indictment was filed on 11 June 2008 and it became the operative indictment.

The indictment charged the accused on the basis of their individual criminal responsibility (Article 7(1) of the Statute) and on the basis of their superior criminal responsibility (Article 7(3) of the Statute) with:

- **Wilful killing; inhuman treatment (sexual assault); unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly (grave breaches of the Geneva Conventions, Article 2),**
- **Cruel treatment; unlawful labour; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack on civilians; unlawful infliction of terror on civilians (violations of the laws or customs of war, Article 3),**
- **Persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts (crimes against humanity, Article 5).**

THE TRIAL

The trial commenced on 26 April 2006. The Prosecution completed its case on 24 January 2008. The Defence case commenced on 5 May 2008 and officially closed on 17 May 2010.

The closing arguments took place between 7 February and 2 March 2011.

RULE 98*bis* DECISION

After the conclusion of the presentation of Prosecution evidence, the Trial Chamber can rule on whether there is a case to answer. If the Chamber believes that the Prosecution has not presented sufficient evidence to prove certain charges, it can dismiss those charges and enter a judgement of acquittal before the beginning of the presentation of Defence evidence.

On 20 February 2008, the Trial Chamber in the *Prlić et al.* case issued an oral decision pursuant to Rule 98*bis* and dismissed the motions for acquittal filed by the Defences of Ćorić and Pušić.

TRIAL CHAMBER JUDGEMENT

In the judgement, the Chamber made numerous findings concerning crimes committed by members of the HVO. Among the Chamber's findings were:

- That tension between Croats and Muslims in Bosnia and Herzegovina increased throughout 1992, particularly in the municipality of Prozor. On 23 October 1992, the HVO attacked the town of Prozor and

its surroundings. After assuming control of Prozor and the village of Paljike on 24 October 1992, the HVO destroyed many Muslim homes and vehicles in the town, and burnt down one house and killed two people in Paljike.

- On 18 January 1993, the HVO attacked the town of Gornji Vakuf and several neighbouring villages. Fighting between the HVO and the Army of Bosnia and Herzegovina (ABiH) continued for several days. From 18 January 1993 onwards, the HVO detained 40 to 60 Muslim men at the furniture factory in Trnovaća, located in the municipality of Gornji Vakuf. Some of them were beaten and/or suffered abuse from HVO soldiers. For example, two HVO soldiers cut off Hasan Behlo's ear and stood on the wound. These Muslim men were exchanged or deported after two weeks of detention.

- On 17 April 1993, the HVO launched attacks on the municipalities of Prozor and Jablanica. Between 17 and 19 April 1993, the HVO attacked the villages of Parcani, Lizoperci and Tošćanica in the municipality of Prozor, where they burned down Muslim homes and killed two people. On 17 April, the HVO shelled the villages of Sovići and Doljani in the municipality of Jablanica. After the fighting, and continuing up to 23 April 1993, the HVO arrested ABiH soldiers, Muslim men of military age, women, children and elderly persons in these villages and took them to the Sovići school where many of them were held until 5 May 1993 under very harsh conditions. The HVO soldiers beat and mistreated the detainees, including women, and killed four ABiH soldiers.

- On 9 May 1993, the HVO launched a major attack on the ABiH in Mostar, during which it took the Vranica building complex where the headquarters of the ABiH was located. During this operation that lasted several days, HVO soldiers blew up the Baba Besir mosque. HVO soldiers conducted mass arrests of Muslims in West Mostar and separated the men from the women, children and elderly persons. The men belonging to the ABiH were detained in the Ministry of the Interior building and at the 'Tobacco Institute' where they were savagely beaten. Other men - some belonging to the ABiH and others not - were detained and beaten at the Faculty of Mechanical Engineering. Ten ABiH soldiers died as a result of the violence exerted upon them. The women, children and elderly persons of West Mostar were sent to the Heliodrom where they were held for several days before being able to return home.

- The HVO besieged East Mostar between June 1993 and April 1994. During this period, East Mostar and the neighbourhood of Donja Mahala in the west were subjected to a prolonged military assault by the HVO, including intense and uninterrupted gunfire and shelling. This firing and shelling caused many casualties, including the deaths of many civilians and representatives of international organisations. Ten mosques were badly damaged or destroyed. The HVO impeded and at times even completely cut off the passage of humanitarian aid. The Muslim population was thus forced to live in extremely harsh conditions, deprived of food, water, electricity and adequate care. Many women, including one 16-year-old girl, were raped by HVO soldiers before being forced across the front line to East Mostar. On 8 November 1993, as part of the offensive, a HVO tank fired throughout the day at the Old Bridge until it was unusable and on the verge of collapse. The bridge then collapsed on the morning of 9 November 1993. The Chamber found that although the bridge was used by the ABiH and thus constituted a legitimate military target for the HVO, its destruction caused disproportionate damage to the Muslim civilian population of Mostar.

- On the morning of 23 October 1993, HVO armed forces launched an offensive on the village of Stupni Do. Soldiers from the Maturice and Apostoli special units raped and sexually abused three women from the village. During the attack, they also killed 36 people, including three children aged 13, 8 and 3. The entire village was destroyed and the villagers were stripped of their belongings.

The Chamber, by a majority, found that the conflict between the HVO and the ABiH during this period was of an international character. Evidence showed that troops of the Croatian Army fought alongside the HVO against the ABiH and that the Republic of Croatia had overall control over the armed forces and the civilian authorities of the Croatian Community (and later Republic) of Herzeg-Bosna.

The Chamber, by a majority, found that a joint criminal enterprise (JCE) existed and had as its ultimate goal the establishment of a Croatian territorial entity with part of the borders of the Croatian Banovina of 1939 to enable a reunification of the Croatian people. This Croatian territorial entity in BiH was either to be united with Croatia following the prospective dissolution of BiH, or become an independent state within BiH with direct ties to Croatia. As early as December 1991, the leadership of the Croatian Community of Herceg-Bosna (which included Mate Boban, president of the Croatian Community (and later

Republic) of Herceg-Bosna) and Croatian leaders (including Franjo Tuđman, the president of Croatia) deemed that in order to achieve the ultimate goal, namely the establishment of a Croatian territorial entity as previously described, it was necessary to modify the ethnic composition of the territories claimed to be part of the Croatian Community of Herceg-Bosna. From at least the end of October 1992, Prlić, Stojić, Petković and Praljak were aware that achieving this goal went against the peace talks conducted in Geneva and would entail moving Muslim populations out of the territory of Herceg-Bosna.

The Chamber found that the many crimes committed by HVO forces against the Muslims between January 1993 and April 1994 followed, for the most part, a clear pattern of conduct. In the majority of cases, the crimes committed were not the random acts of a few unruly soldiers. On the contrary, these crimes were the result of a plan drawn up by members of the JCE whose goal was to permanently remove the Muslim population from Herceg-Bosna.

In the cases of each of the accused, the Chamber, by a majority, was satisfied that they made substantial contributions to the JCE and that their contributions established that they intended to achieve the common criminal purpose to expel the Muslim population.

Jadranko Prlić

It was found that by virtue of his involvement in achieving the common criminal purpose and his knowledge of the facts, Prlić could reasonably have anticipated the crimes of murder and sexual abuse committed during the operations to evict Muslims from West Mostar; of looting committed during the evacuation operations in Gornji Vakuf, Jablanica and West Mostar, and the murders related to the detentions in Sovići and the destruction of the two mosques in Sovići and Doljani.

Bruno Stojić

It was found that by virtue of his involvement in achieving the common criminal purpose and his knowledge of the facts, Stojić could reasonably have anticipated the sexual abuse committed during the operations to evict Muslims from West Mostar; the looting carried out during the evacuation operations in Gornji Vakuf in January 1993 and in the municipality of Mostar from May 1993 onwards.

Slobodan Praljak

It was found that, because of his contribution to the implementation of the common criminal purpose and his knowledge of the facts, Praljak could reasonably foresee that looting would be committed during the eviction operations in Gornji Vakuf in January 1993 and during the HVO operation at Raštani in August 1993.

Milivoj Petković

It was found that, because of his contribution to the implementation of the common criminal purpose and his knowledge of the facts, Petković could reasonably have foreseen that acts of sexual abuse would be committed during the operations evicting the Muslim population from West Mostar between June 1993 and February 1994 and during military operations in Vareš town in late October 1993; that looting would be committed during the eviction operations in Gornji Vakuf in January 1993, in Jablanica municipality in April 1993, in Mostar municipality between June 1993 and February 1994, during the military operations in Vareš town in late October 1993 and, lastly, that the mosques of Sovići and Doljani would be destroyed during operations in Jablanica municipality in April 1993.

Valentin Ćorić

It was found that, because he contributed to the implementation of the common criminal purpose and was aware of the facts, Ćorić could reasonably foresee that looting would be committed during the eviction operations in the municipality of Gornji Vakuf in January 1993; that acts of sexual brutality and looting would be committed during the eviction operations in West Mostar commencing in May 1993; and that, finally, certain detainees would die, in August 1993, at the Dretelj prison, as a result of mistreatment.

As the Chamber decided not to accept the crimes committed in Prozor municipality in October 1992 as constituting part of the JCE, it considered the responsibility of each of the accused under the other modes

of participation alleged in the indictment. The evidence admitted to the record enabled the Chamber to make findings pursuant to Article 7 (3) of the Statute (superior responsibility) in respect of Ćorić only. On 25 October 1992, Ćorić was informed of the fact that members of the Military Police had stolen certain vehicles belonging to Muslims. Even though he knew this, Ćorić did nothing to punish the perpetrators of these crimes, despite having the capacity and the duty to do so. Moreover, Ćorić was advised at that same time that numerous houses had been damaged during the fighting that was taking place in Prozor town. The information available to Ćorić was sufficiently alarming to justify further investigation into this destruction, which was not done. As he did not discharge his duties as a superior, the Chamber held that Ćorić was responsible, pursuant to Article 7(3) of the Statute, for the looting and destruction committed in Prozor municipality in October 1992.

Berislav Pušić

The Chamber, by a majority, was satisfied beyond all reasonable doubt that Pušić made a substantial contribution to the joint criminal enterprise. Moreover, his contribution also established that he intended to achieve the common criminal purpose to expel the Muslim population.

On 29 May 2013, the Trial Chamber rendered its judgement:

Prlić, Stojić, Petković and Ćorić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) were found guilty of:

- Persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts (crimes against humanity, Article 5)
- Cruel treatment; unlawful labour; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack on civilians; unlawful infliction of terror on civilians (violations of the laws or customs of war, Article 3)
- Wilful killing; inhuman treatment (sexual assault); unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly (grave breaches of the Geneva Conventions, Article 2)

Sentence: Prlić, 25 years' imprisonment; Stojić, 20 years' imprisonment; Petković, 20 years' imprisonment; Ćorić, 16 years' imprisonment.

Praljak, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) was found guilty of:

- Persecutions on political, racial or religious grounds; murder; deportation; imprisonment; inhumane acts (crimes against humanity, Article 5)
- Cruel treatment; unlawful labour; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack on civilians; unlawful infliction of terror on civilians (violations of the laws or customs of war, Article 3)
- Wilful killing; unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly (grave breaches of the Geneva Conventions, Article 2)

Sentence: 20 years' imprisonment.

Pušić, on the basis of individual criminal responsibility (Article 7(1) of the Statute of the Tribunal) was found guilty of:

- Persecutions on political, racial or religious grounds; murder; deportation; imprisonment; inhumane acts (crimes against humanity, Article 5)
- Cruel treatment; unlawful labour; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack on civilians; unlawful infliction of terror on civilians (violations of the laws or customs of war, Article 3)

- Wilful killing; unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly (grave breaches of the Geneva Conventions, Article 2)

Sentence: 10 years' imprisonment

Judge Trechsel appended a separate opinion and a partially dissenting opinion to the judgement.

Judge Antonetti appended a separate opinion and a partially dissenting opinion to the judgement.

APPEALS PROCEEDINGS

On 28 June 2013, Pušić and Praljak filed their notices of appeal against the judgement. On 27 August 2013, the Prosecution filed its notice of appeal. Pušić refiled his notice of appeal on 13 March 2014. Ćorić, Stojić, Petković and Prlić filed their notices of appeal on 4 and 5 August 2014 .