

DECLARATION OF WILLIAM TOMLJANOVICH

I, William Tomljanovich, do solemnly declare:

1. I have worked in the Office of the Prosecutor as a Research Officer in the Leadership Research Team since March 1999. By professional training I am an historian and have a PhD. from Yale University. My responsibilities here at the Tribunal include analysis of documentary evidence. I have been working extensively with the documents received from Croatian authorities since 2000, and have reviewed materials both on site in the State Archive of Croatia and also analyzed the material brought up by colleagues. I also have taken part in the planning of the exploitation of archival sources, including the formulation and drafting of new requests for material.
2. As part of my functions, I am regularly informed of new material brought into the Office of the Prosecutor in relation to various prosecutions, including, but not limited to those related to the Lašva Valley cases.
3. In late May 2004, possible existence of new documents relating to the Blaškić and Kordić cases was revealed to me and my colleagues in the Leadership Research Team. At that time it was not clear to members of my immediate office if this material was in fact "new" to the Prosecution, nor could we tell if it was of any value to our trials, appeals and investigations.
4. As we were not certain if these new materials were in fact taken from the broader "HVO archive" which we had access to since 2000, or if there was other material contained within this large collection of documents, [REDACTED].
5. Prior to an answer to this request from the Croatian government, the OTP did not have access to these particular document collections.
6. By late June 2004, [REDACTED] had been granted access to this collection and began a preliminary review of this collection with the intent of discovering if this collection contained only copies of materials which were contained in the "HVO Archive" which the OTP received access to in 2000, or

if it also had materials which came from other sources. Were this material actually "new" to the OTP, then a decision would be made on whether to conduct a systematic review of the collection.

7. Although this one OTP staff member was allowed access to this collection shortly before, it was not until 13 July 2004, that the Office of the Prosecutor received a copy of the archival guide to material.
8. On 21 July, I first received a copy of the guide of this archival collection, which had been received by ICTY Investigations on 19 July 2004, after being sent by the Zagreb Field Office on 15 July 2004. This guide, as well as materials being reviewed at this time made it clear that this collection of documents was not simply a working set of copies from the "HVO Archive" (although the vast majority of documents reviewed in the early weeks of this process were already known to the OTP to exist in the "HVO Archive") but rather, this was an entirely new collection, which drew from sources beyond what the OTP had access to up until this point. It should be noted that the archival catalogue of this extensive collection is itself 111 pages long, and details the contents of many cartons and binders of paper documents and hundreds of video tapes.
9. On 22 July, after communication with the [REDACTED] in Zagreb, I informed my immediate supervisor and senior OTP attorneys that a more thorough review of this material with more staff should be planned in the near future.
10. On the morning of 23 July 2004, at approximately 0945 hrs., I received a telephone call from [REDACTED] from the State Archive of Croatia, where [REDACTED] had been reviewing material contained within these collections of new material. [REDACTED] called on an urgent basis to inform me that [REDACTED] had just found a document that morning in the "Tihomir Blaškić Collection" which was of urgent interest to the OTP. This document

was the report of Paško Ljubičić of 26 November 1993 (0359-5339-0359-5542).¹

11. Following this, a mission was organized to review this entire collection with a team of OTP personnel from The Hague, including myself. We traveled to Zagreb and read and copied materials from this archival fund from 6 to 24 September 2004. Only documents of which there was no existing copy from the HVO archive were to be taken, in so far as it was possible to check for duplication.
12. This collection consists of both copies and original documents. It is subdivided into eight sections, and contains 212 binders of material. This roughly amounts to 36,000 documents.²
13. Each of the eight sections of the collection were clearly created for a specific purpose. The first part, the "Tihomir Blaškić Collection" consists of 94 binders of material which the intelligence authorities put together for his defense at his trial before the ICTY. The second, which we found labeled as, "Documents Collected by or Created by Dario Kordić," are 29 binders of precisely that. It is an extensive collection mainly consisting of correspondence from and to Dario Kordić during the period of the war. This collection contained many original documents taken in large part from civilian organs whose documents are entirely new to the OTP. The third collection, "HVO Collection" is 35 binders of material HVO documentation presumably collected by the SIS. There are also a number of collections not directly relevant to the Blaškić and Kordić appeals. Finally, there are 10 binders in a collection of "Attachments from the Correspondence of the SIS of the Republic of Croatia." This collection was apparently created apart from the other seven, and were documents used by the Republic of Croatia SIS in their reports, although the reports themselves are not found here.

¹ The Prosecution filed this document confidentially with the Chamber on 27 July 2004.

² This figure was arrived at by taking the average number of documents in the "Dario Kordić Collection," the one section of this fund with a complete catalogue listing each individual document, and multiplying that number by the total number of binders in all of the constituent collections.

14. From the content of many documents in these collections, in particular the SIS documents, it became clear that all of these materials had been gathered as part of Operational Actions (OAs) of the Republic of Croatia's intelligence agencies which were intended to assist the defense of indicted Croats, and to "protect the interests" of the Republic of Croatia in cases before the ICTY. These included, but were not limited to, *OA Haag*, *OA Proces*, and *OA Put*. This documentation had been collected in the Republic of Croatia where it could be used to assist the Defense, and where it would be safe from any possible search and seizure operation of SFOR acting on behalf of the ICTY seeking HVO documentation in binding orders and requests for assistance.
15. From these collections, the OTP scanned 780 documents, and copied 104 hours of video footage from 65 video tapes. All of the documents have been processed as per OTP procedure.
16. The conclusions of the Extraordinary Session of the HVO Vitez from 15 April 1993 at 2200 hrs. (0420-1660-0420-1660) was discovered in binder 11 of the "Documents Collected by or Created by Dario Kordić," collection on 14 September 2004. The public commendation of the units involved in the action at Grbavica by Koštroman and Kordić from 9 September 1993 (0420-0327-0420-0327) was discovered in binder 25 of the "Documents Collected by or Created by Dario Kordić," collection on 9 September 2004. Tihomir Blaškić's plan of action for Operation "Radar" from 6 September 1993 (0420-1400-0420-1403) was discovered in binder 14 of the "Tihomir Blaškić Collection" on 14 September 2004.
17. Because it was still unclear as to whether or not more such evidence still existed, and why and with whom material had been hidden until 2004, and as the sudden appearance of the "Blaškić documents" and the "Kordić documents" remained unexplained after the examination of this material, [REDACTED]. These "Operational Actions" were carried out by the intelligence agencies of the Republic of Croatia from 1996 to 2000. Among other activities these actions included; assistance for the defense teams of indicted Croats at the ICTY, to "coordinate" and direct the activities of the defense teams to ensure a "team approach" to defense, to secure documentary

evidence and hide it from the OTP, and to hide suspects for the crimes committed in Ahmići on 16 April 1993.

18. From 17 to 21 January, a team of seven OTP employees, including myself, reviewed materials relating to these operations which had been made available to us in Zagreb. We reviewed 112 binders of documentation which had been taken from the Archives of the OA (Intelligence Agency), the POA (Counter-Intelligence Agency), the Ministry of Defense, and other Croatian government organs. From this larger collection which we reviewed, we requested 791 documents for copying. The Croatian authorities produced these copies and delivered them to the ICTY Field Office in Zagreb on 21 February 2005. They were immediately taken to The Hague and processed into the OTP's system within days.
19. Among this documentation was the Croatian Ministry of the Interior's report on the crime in Ahmići of 16 April 2003, (the "MUP Report) which was originally sent on 22 August 2000 to the Interior Minister and six other Croatian officials, including Deputy Prime Minister Goran Granić.
20. This report of 40 pages was nearly identical in some parts to the Croatian Ministry of the Interior's report on Ahmići which Goran Granić had sent to the OTP on 14 November 2000, (the MUP Report) although that document was only 20 pages long. Upon review I realized that the 40 page Report was the original of the MUP Report of 20 pages which had been filed before the Blaškić Appeals Chamber as Exhibit 1 to the Defense's Second Additional Evidence Motion.
21. Comparing the two versions of this report, there are three major differences between the original 40 page report and the heavily altered version sent by Granić to the OTP in November 2000. First, Granić took out the rather substantial section on the hiding of suspects for the crime in Ahmići by organs of the Croatian government in the 1990s. Second, Granić removed the suggestions for further action at the end of the report along with other references to how the report had been assembled. The net effect of this alteration was to make the reader unaware that the Ministry of the Interior had

only made a handful of interviews and seen a very small number of documents, and instead gives the impression that a larger investigation had been made. Finally and most importantly, in the shorter version given to the OTP by Goran Granić in November 2000, information regarding the crime in Ahmići itself was unsourced and unattributed. In the original document -- a copy of which was obtained by the OTP in February 2005 -- the source of this information is usually identified with each assertion, and quite frequently, as it turns out, this information had come from Defense Counsel Anto Nobile.

22. The material gathered on the January 2005 mission to Zagreb was all processed as per OTP procedure.

I declare that the foregoing is true and accurate to the best of my knowledge.

William Tomljanovich

The Hague, The Netherlands
27 July 2005