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10 July 2006
reg.

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-95-14-R

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mehmet Güney
Judge Liu Daqun
Judge Andréia Vaz
Judge Wolfgang Schomburg

Registrar: Mr. Hans Holthuis

Date Filed: 10 July 2006

THE PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

PUBLIC REDACTED VERSION

REQUEST FOR REVIEW OR RECONSIDERATION

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INTERNATIONAL CRIMINAL TRIBUNAL
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V.

TIHOMIR BLAŠKIĆ

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REQUEST FOR REVIEW OR RECONSIDERATION

1. The Prosecution files this request for Review, pursuant to Article 26 and Rule 119, on the basis that there are new facts which have come to the attention of the Prosecution within one year of the pronouncement of the final Judgement in *Prosecutor v. Blaškić*. In the alternative, the Prosecution seeks a re-consideration by the Chamber in relation to one of its Decisions and the resultant findings in the Judgement on appeal.
2. The new facts are that:
 - a) Blaškić issued an oral order to the Vitez Municipal Government on 15 April 1993 to conduct preparations during the night of 15-16 April 1993 for the attack scheduled for 16 April 1993 in Vitez Municipality;
 - b) a meeting was held on 15 April 1993 by the Vitez Municipal Government at which "Conclusions" were reached to try to postpone the attack which had been ordered by Blaškić as the Commander of the Central Bosnia Operative Zone;
 - c) Blaškić was approached during the evening of 15 April 1993 by members of the Vitez Municipal Government and asked to stop the attack, but Blaškić declined and as a result General Praljak and Dario Kordić were approached;
 - d) oral orders from Blaškić in relation to the attack on Ahmići included orders to commit crimes;
 - e) the MUP report filed by the Appellant as exhibit 1 to the Second Rule 115 Motion and relied upon extensively by the Appeals Chamber had been manipulated and altered from the original MUP Report;
 - f) the Vitezovi were involved in the attack on Grbavica in September 2003 on the order of Blaškić.

3. The Prosecution files as annexes to this Request evidence in support of these new facts. Some of the evidence has arisen over the last year from ongoing investigations into related cases, and was not in the possession of the Prosecution at the time the *Blaškić* Appeal Judgement was rendered.¹ Other evidence was withheld from the Prosecution and only obtained after further searches of material originating from archives in Zagreb after the Appeal Judgement in *Blaškić* was rendered.² The Prosecution has withheld filing individual motions on each piece of evidence, but has waited to assess all the received evidence in totality before deciding whether a Request for Review was warranted. In this filing two of the witnesses will be referred to by way of pseudonym, BR-C and BR-D. This is pending the Prosecution filing a request for protective measures for these witnesses and the Appeals Chamber granting such an order.
4. After considering the totality of the evidence upon which the new facts are based, it is evident that these new facts, if proved, could have been a decisive factor in the Judgement reached by the Appeals Chamber. In fact, the impact of each and all the new facts on the Judgement is such that to ignore them would lead to a miscarriage of justice.³ As a result, the Prosecution has filed this Request for Review.

(A) NEWS FACT WHICH COULD HAVE BEEN A DECISIVE FACTOR

5. Pursuant to Rule 120, if the majority of the Judges of the Chamber agree that the new fact, if proved, could have been a decisive factor in reaching its previous judgement, the Chamber shall review that judgement. Even where the requirements of unavailability and due diligence have not been strictly satisfied, courts presented with facts which would clearly alter an earlier decision, have felt bound by the interests of justice to take these into account.⁴ In the present case, there is no doubt that if the facts are proven, they would clearly impact on the Judgement of the Appeals Chamber and the interests of justice would compel intervention.
6. A distinction has been made between new facts which justify review and additional evidence of a fact that was litigated at trial.⁵ Evidence of a new fact is evidence of a distinctly new feature which was not in issue at the trial.⁶

¹ [REDACTED]

² See Declaration of Mr. William Tomljanovich, Annex 11.

³ *Prosecutor v. Josipović*, Decision on Motion for Review, 7 March 2003, para. 13.

⁴ *Prosecutor v. Barayagwiza*, Decision (Prosecutor's Request for Review or Reconsideration), 31 March 2000, para. 66; *Prosecutor v. Josipović*, Decision on Motion for Review, 7 March 2003, para. 13.

⁵ *Prosecutor v. Barayagwiza*, para 42; *Prosecutor v. Josipović*, 7 March 2003, para. 28.

7. In *Barayagwiza*, the Appeals Chamber had to make a determination of what constitutes a new fact⁷, considering the previous decision of the Appeals Chamber which was being reviewed. One of the issues litigated at trial and before the Appeals Chamber at the first appeal hearing was whether the State of Cameroon was willing to transfer the Appellant Barayagwiza to the Tribunal. In its first decision, the Appeals Chamber concluded that on the basis of the evidence adduced at the time, Cameroon was willing to transfer the Appellant, as there was no evidence to the contrary.⁸
8. On the Review, a statement of a witness⁹ which explained that transfer by Cameroon was delayed due to elections was considered as a new fact. Therefore, though the issue of the State's willingness to transfer (a central concern as to whether Barayagwiza's rights had been violated) was litigated before the first Appeals Chamber, this was not determinative of the matter. The Appeals Chamber considered that evidence showing that Cameroon was not prepared to effect Barayagwiza's transfer constituted a new fact. As there had not been an issue of fact in the previous proceedings as to whether the government of the United States had intervened, this fact was new.¹⁰
9. Likewise, though the issue of the cause of the delay in bringing Barayagwiza before the Tribunal for his first appearance was litigated before the Appeals Chamber, certain facts pertaining to this matter were not. The Appeals Chamber on Review accepted evidence of the fact that Defence Counsel for Barayagwiza assented to the delay in the initial appearance as a new fact. Once again, though the issue of delay was litigated and findings made by the first Appeals Chamber, the consent of defence counsel to the delay was found to be "a new fact for the Appeals Chamber"¹¹.
10. The issue for determination therefore is not whether the broader factual issue was considered or litigated, but whether the specific fact was in issue before the Chamber who rendered the decision in question. In the present case, none of the specific facts proposed in para. 2 above were issues of fact litigated before the Appeals Chamber and are new facts for the Chamber. For example, at trial and in the Appeals Judgement, the factual findings concerning Blaškić's orders were in relation to written orders which purported to be defensive orders, not whether civilian authorities and others became

⁶ *Prosecutor v. Barayagwiza*, Separate Opinion of Judge Shahabuddeen, para. 47.

⁷ *Prosecutor v. Barayagwiza*, Decision (Prosecutor's Request for Review or Reconsideration), 31 March 2000.

⁸ *Ibid.*, para. 57, Separate Opinion of Judge Shahabuddeen, para.47.

⁹ Statement of United States ambassador at large for war crimes, David Scheffer, Decision, para 56(2).

¹⁰ *Barayagwiza*, Decision, paras 57-58, Separate Opinion of Judge Shahabudeen, para.47.

aware of oral orders originating from Blaškić and were required to act as a result. Further, the fact that there was a meeting of civilian authorities on the night of 15 April 1993 at which it was decided to oppose Blaškić's oral orders to attack in the morning and the approach to Blaškić by members of those authorities for this very purpose was clearly not an issue of fact in previous proceedings. The new facts will be addressed below.

(1) Blaškić issued an oral order to the Vitez Municipal Government on 15 April 1993 to conduct preparations during the night of 15-16 April 1993 in relation to a military attack scheduled for 16 April 1993 in Vitez Municipality;

11. In the present case, there was not an issue of fact in the previous proceedings as to whether Blaškić issued an order to the Vitez Municipal Government on 15 April 1993 in preparation of the attack the next morning. This is a distinctly new feature which was not in issue at trial, or on appeal.
12. This new fact fits squarely within the classification established by the Appeals Chamber in *Barayagwiza*. As indicated, one of the issues litigated at trial and before the Appeals Chamber at the first appeal hearing in *Barayagwiza* was whether the State of Cameroon was willing to transfer the Appellant Barayagwiza to the Tribunal. In its first decision, the Appeals Chamber concluded that on the basis of the evidence adduced at the time, Cameroon was willing to transfer the Appellant, as there was no evidence to the contrary.¹² At the Review, the fact that the issue was in dispute and there was no evidence to the contrary was not determinative of whether the new information that Cameroon delayed its transfer of the accused was a new fact. The Chamber found that this contrary evidence was a new fact.
13. In the *Blaškić* case there was no factual dispute as to whether Blaškić issued an oral order to the Vitez Municipal government to prepare through the night of 15-16 April as a result of his order to the attack Muslims within the Vitez municipality. The only reference to the municipal government authorities was Blaškić's testimony when he states that he met with concerned civilian authorities from Vitez on the night of 15 April 1993 and told them that "we did not wish nor had we planned any combat operations".¹³ Based on the assessment of the Appeals Chamber in *Barayagwiza*, the information that Blaškić ordered the Vitez government authorities to prepare for an attack which was to

¹¹ *Barayagwiza*, Decision, paras. 60-61.

¹² *Ibid.*, para. 57, Separate Opinion of Judge Shahabuddeen, para.47.

start the next morning constitutes a new fact not known to the Chamber (or the Prosecution) at the time.¹⁴

14. Evidence of the new fact can be found in:

- (a) Conclusions of the Extraordinary Session of the HVO Government of Vitez on 15 April 2005 at 22:00 hours ("15 April 1993 Conclusions").¹⁵ There are two copies of the 15 April 1993 Conclusions: the first is a typed version signed by Ivan Šantić, President of the Vitez HVO; the second is an unsigned version with handwritten notations at the bottom of the page;
- (b) Statement of Nikola Krizanović who attended the 15 April 1993 Extraordinary Session of the HVO Vitez Government and who was the wartime director of the SPS Factory in Vitez, dated 29 November 2004¹⁶;
- (c) [REDACTED]¹⁷.

15. The order was issued by the Central Bosnia Operations Zone (CBOZ) on 15 April 1993, in respect of a military operation to attack the Muslims the following morning.¹⁸ The order was given verbally.¹⁹ Officials of the HVO Vitez municipal government were ordered by CBOZ to conduct preparations during the night of 15-16 April 93.²⁰ This was because the order coming from the CBOZ was that the HVO planned to start an attack against the Muslims on 16 April 1993.²¹ Krizanović [REDACTED] believed that the order came from Blaškić.²² [REDACTED]²³

16. This new fact clearly impacts on the judgement of the Appeals Chamber. In fact, it is directly contrary to the findings of the Appeals Chamber that the additional evidence shows that Blaškić's written order was "a command to prevent an attack" and that

¹³ Witness Tihomir Blaskic (Open Session), 25 February 1999, pages 18488 – 18489.

¹⁴ *Barayagwiza*, Decision, paras. 60-61.

¹⁵ Exhibit BR1 and BR2 (15 April 1993 Conclusions) Annexes 1 and 2.

¹⁶ Exhibit BR3 (Annex 3)

¹⁷ [REDACTED]

¹⁸ Exhibit BR1 and BR2 (15 April 1993 Conclusions) Annexes 1 and 2; [REDACTED]; Exhibit BR3 (Statement of Witness Križanović) para. 4 (Annex 3)

¹⁹ Exhibit BR1 and BR2 (15 April 1993 Conclusions) Annexes 1 and 2; [REDACTED]; Exhibit BR3 (Statement of Witness Križanović) para. 4, Annex 3

²⁰ Exhibit BR1 and BR2 (15 April 1993 Conclusions) Annexes 1 and 2;

²¹ Exhibit BR3 (Statement of Witness Križanović) para. 4, Annex 3; [REDACTED]

²² Exhibit BR3 (Statement of Witness Križanović) para. 4, Annex 3; [REDACTED]

²³ [REDACTED]

Blaškić “did not instruct the troops mentioned therein to launch an offensive attack”.²⁴ These findings are found in paras. 325 – 335 of the Judgement.

17. In its findings, the Appeals Chamber considers the wording of Order D269 and additional evidence on appeal showing that there was a Muslim presence in Ahmići and neighbouring villages, to conclude that Blaškić only issued a justified defensive order. The new fact shows that not only did Blaškić give an order to his troops to attack the next morning, but he issued an order to the Municipal government to carry out preparations for the offensive attack the next morning. Further, it is clear that the orders from Blaškić were given orally, [REDACTED].²⁵ In light of this, D269 cannot be considered a justified preventative order that was issued in case there was a possible attack by the ABiH. In fact, it exposes, as a deliberate cover-up, the web of documents falsely generated by the Central Bosnia Operative Zone on 15 and 16 April 1993 to convey a contrary impression.²⁶
18. Further, the Appeals Chamber relies on documents and testimony cited in footnote 687 of the Appeals Judgement for the proposition that Blaškić had reason to believe that the ABiH intended to launch an attack against the HVO.
19. When the new fact is considered, it places the inferences to be drawn from this evidence in a different light. First, a review of exhibit 12 as referred to in footnote 687 demonstrates that it is written in response to the HVO attack on 16 April 1993²⁷, there is no reference to a pending or possible ABiH attack prior to 16 April 1993. Second, exhibit 13 is an order for ABiH troops to join in combat after the HVO has already launched the attack on the morning of 16 April 1993. There is nothing indicating a possible ABiH attack from the area of Ahmići prior to the surprise attack as ordered by Blaškić.
20. Third, Witness BA5’s testimony, referred to in footnote 687, that there was a Territorial Defence platoon of a maximum of 30 or 35 people in Ahmići, some equipped with

²⁴ Appeals Chamber Judgement, para. 335.

²⁵ [REDACTED]; 15 April 1993 Conclusions, Exhibits BR 1 and 2 (Annexes 1 and 2); Exhibit BR 3 (Statement of Witness Križanović) para. 4, Annex 3.

²⁶ E.g. the orders set out in *Trial Judgement*, para. 620 ((order from Blaškić at 1545 hours on 15 April 1993 to “be ready to act defensively”; order from Blaškić at 0130 hours on 16 April 1993 to “occupy defence region and blockade villages against enemy attack...”). Further, the claim that the intercepted communication that the ABiH was to start the war has no further independent substantiation in the evidence on appeal.

hunting rifles, was in support of the proposition that Blaškić had reason to believe that the ABiH was going to attack and therefore his orders to his troops were purely defensive. In light of the new fact, the Appeals Chamber may wish to consider what Witness BA5 actually said about what happened on the morning of 16 April 1993.

21. Witness BA5 (a military commander in the area) stated in relation to the attack:

A. the HVO started the attack at 5:30 at Ahmići and all other villages inhabited by Muslims, now known as Bosniaks.²⁸

Further, Witness BA5 answered the following question in the affirmative:

Q. ... "The Croats in Vitez launched a coordinated attack on 16 April against the Muslims villages around Vitez and on Old Vitez, the predominately Muslim part of the town."

Do you agree with Mr. McLeod's conclusion, Witness BA5?

A. Fully.²⁹

22. Lastly, even considering the two other witnesses relied upon by the Appeals Chamber in footnote 692, the new fact could clearly impact the Judgement. Witness BA1 was simply giving his opinion as to the nature of Blaškić's orders. He has no personal knowledge of what happened on the evening of 15 April 1993 – Witness BA1 was not even in the country of Bosnia until November 1993.³⁰ Likewise, the testimony of Witness BA3 was his opinion of how Blaškić's orders could be read, but he did not provide any evidence as to orders given by Blaškić on the evening of 15 April 1993.
23. The new fact clearly meets the requirement of Rule 119, in that, if proved, it could have been a decisive factor in reaching the determinations in the Judgement. The facts as found by the Appeals Chamber would certainly be impacted, in fact the inference drawn from the evidence relied upon by the Appeals Chamber would be unreasonable if the evidence of the new fact was found to be credible and reliable. Based on this evidence alone, the Judgement must be reviewed.
24. For the sake of argument, even if the Appeals Chamber were to conclude that this fact was known to the Prosecution at the time, in the wholly exceptional circumstances of

²⁷ It is also noted that a proper translation of the complete document includes a communications stamp indicating that the document was sent on 17 April 1993.

²⁸ AT, 11 December 2003, page 521.

²⁹ Ibid, page 522.

this case, the failure to consider this fact (and all the facts set forth in this Review) could result in a miscarriage of justice. Where facts would clearly alter an earlier decision, it is in the interests of justice to take them into account.³¹ These facts and the other facts, if proved, would clearly have altered the Appeals Chamber's Judgement; there can be no dispute that as the facts show that Blaškić ordered the attack on the morning of 16 April 1993 and ordered the crimes which were to take place to achieve the objectives of the attack, a reasonable trier of fact would have no option but to convict.

(2) A meeting was held on 15 April 1993 by the Vitez Municipal Government at which "Conclusions" were reached to try to postpone the attack which had been ordered by Blaškić as the Commander of the Central Bosnia Operative Zone

25. The information that a meeting was held by the HVO Vitez Government at 22:00 on the evening of 15 April 1993 to formulate a response to the order of the Central Bosnia Operative Zone to prepare in light of the order to attack the Muslims the next day was not an issue of fact in the previous proceedings. This is a distinctly new feature which was not in issue at trial, or on appeal.
26. Evidence of the new fact can be found in:
 - (a) Conclusions of the Extraordinary Session of the HVO Government of Vitez on 15 April 2005 at 22:00 hours ("15 April 1993 Conclusions").³² There are two copies of the 15 April 1993 Conclusions: the first is a typed version signed by Ivan Šantić, President of the Vitez HVO; the second is an unsigned version with handwritten notations at the bottom of the page;
 - (b) Statement of Nikola Krizanović who attended the 15 April 1993 Extraordinary Session of the HVO Vitez Government and who was the wartime director of the SPS Factory in Vitez, dated 29 November 2004;
 - (c) [REDACTED]

³⁰ AT 171 (8 December 2003) (Closed Session)

³¹ *Barayagwiza*, paras 65-66.

³² Exhibit BR1 and BR2 (15 April 1993 Conclusions) Annexes 1 and 2.

27. At 2200 hours on the evening of 15 April 1993, an extraordinary session of the HVO Government-Vitez was held in the Post Office building in Vitez ("15 April 1993 Extraordinary Session").³³ [REDACTED].³⁴
28. The government officials who attended the meeting were so concerned about the planned attack that they adopted a series of formal conclusions to record their position in relation to the unfolding events.³⁵
29. The meeting was attended by twelve local government officials and chaired by the President of the HVO Vitez, Mr. Ivan Šantić. The meeting was also attended by several local businessmen, including those involved in the operation of the munitions factories in Vitez, who had grave concerns about the implications of the planned attack. Among them was Mr. Nikola Križanović, who was the Director of the SPS Factory in Vitez.³⁶
30. [REDACTED].³⁷
31. The participants at the 15 April 1993 Extraordinary Session meeting agreed that it was unacceptable for such a far-reaching order to be given only verbally,³⁸ and called upon the Operations Zone Central Bosnia to issue the order in writing. They wanted the order in writing. They expressed the view that the planned operation would result in "catastrophic consequences", that it was unnecessary and proposed that the operation be postponed.³⁹ It is clear that they were not referring to a defensive HVO operation, but a planned attack on Vitez municipality. [REDACTED]⁴⁰ [REDACTED].⁴¹
32. Numerous other less extreme options were identified that the HVO could have implemented to achieve any legitimate objectives that it might have, including

³³ Exhibit BR 1 and BR 2 (15 April 1993 Conclusions) (Annexes 1 and 2).

³⁴ [REDACTED]

³⁵ Exhibit BR 1 and BR 2 (15 April 1993 Conclusions) (Annexes 1 and 2).

³⁶ Exhibit BR 1 (15 April 1993 Conclusions) (Annex 1); Exhibit BR 2 (15 April 1993 Conclusions with notations) (Annex 2); Exhibit BR 3 (Statement of Witness Križanović) (Annex 3), para. 4 (confirming that both he and Vlado Divković, director of Vitezit were present at the meeting). *See also* para. 14. Although Exhibit BR2 (a) does not reflect the full name of Mr. Križanović, when the BCS copy is viewed in light of Mr. Križanović's statement that he was at the meeting, it is clear that the handwritten name at the bottom of the document is his..

³⁷ [REDACTED].

³⁸ Exhibit BR3 (Statement of Witness Križanović) (Annex 3), para. 6.

³⁹ Exhibit BR1 (15 April 1993 Conclusions) (Annex 1); Exhibit BR 3 (Statement of Witness Križanović) (Annex 3), para. 6 [REDACTED]

⁴⁰ [REDACTED].

⁴¹ [REDACTED].

“blockades, ultimatums, sabotage, [and] activating international organisations”.⁴² This is evidence, from people inside the HVO who were in a position to know, from which it can be inferred that the attack, as planned, was unjustified.

33. It is highly instructive that the participants at the 15 April Extraordinary Session referred to the “political” implications of the attack and expressed the view that, even if the attack was successfully implemented as planned, it would have catastrophic consequences for them. It is beyond dispute that the members of the HVO Government present that night, were fully aware that they were not discussing a defensive operation. In addition, it is difficult to imagine that such a description would have been applied to a lawfully planned attack to achieve legitimate military objectives, which had been crafted as a proportionate response to a genuine military threat. The 15 April 1993 Conclusions give rise to a strong inference that the Bosnian Croat municipal authorities knew the unlawful nature of the orders that had been issued and were concerned about the severe political repercussions that the commission of such crimes would have for the Bosnian Croat community of Vitez.
34. As a result of the concerns raised during the meeting, members of the Vitez municipal government went to see Blaškić and then Kordić (this will be addressed subsequently).
35. In addition, as a result of the meeting, Nikola Krizanović contacted General Praljak in Zagreb, Croatia. General Praljak was a Croatian General and HVO Chief of Staff until he was replaced by General Petković in July 2003.⁴³ Mr. Krizanović called General Praljak because Mr. Krizanović and others knew that this order was issued from the higher levels. Mr. Krizanović informed General Praljak about the scheduled attack and the order issued by the Central Bosnia Operative Zone. [REDACTED]⁴⁴
36. This new fact as to the meeting of the Vitez Government officials and their Conclusions in response to the attack scheduled for the next morning clearly impacts on the Appeals Chamber’s Judgement, particularly its finding at para. 335. The new fact demonstrates that there was an offensive attack against the Muslims, it had to have been planned early in the afternoon or evening of 15 April 1993, it originated from Blaškić’s command, was known by the higher levels of the military command and that the consequences of

⁴² Exhibit BR1 (15 April 1993 Conclusions) Annex 1. See also Exhibit BR3 (Statement of Witness Križanović) Annex 3, para. 7 [REDACTED]; para. 11 [REDACTED].

⁴³ *Blaškić Trial Judgement*, Annex, page viii.

⁴⁴ [REDACTED].

such an attack were considered to be catastrophic. This new fact could decisively impact on the Appeals Chamber's findings in paragraphs 325-335 and could impact, in light of all the new facts to be presented on the Judgement, paras. 340 – 347.

(3) Blaškić was approached during the evening of 15 April 1993 by members of the Vitez Municipal Government and asked to stop the attack, but Blaškić declined and as a result General Praljak and Dario Kordić were approached

37. The fact that Blaškić when approached by members of the Vitez Municipal government on 15 April 1993 to have Blaškić stop the attack scheduled for the next day declined to make any effort to do so was not an issue of fact in the previous proceeding. This constitutes a new fact.
38. Further, the fact that the members of the Vitez Municipal government as a result of the failure by Blaškić to act then contacted General Praljak to try to postpone the attack as well as going to speak to Kordić at his house to try to postpone the attack are new facts. This was not an issue of fact in the previous proceeding.
39. In essence there are two new facts, as indicated above, but they are treated together because one fact arises out of the other; in other words, the new fact that Blaškić declined to act is linked to the other new fact, which is that others within the military hierarchy and civilian authority were contacted and acknowledged the attack but also declined to postpone it.
40. Evidence of the new facts can be found in:
 - (a) Statement of Nikola Križanović who attended the 15 April 1993 Extraordinary Session of the HVO Vitez Government and who was the wartime director of the SPS Factory in Vitez, dated 29 November 2004;
 - (b) [REDACTED].
41. Several of the participants at the 15 April 1993 Extraordinary Session, [REDACTED] Nikola Križanović, resolved to speak to General Blaškić about the order issued by the Central Bosnia Operative Zone, given his role as Zone Commander.⁴⁵ [REDACTED].
42. [REDACTED].⁴⁶ [REDACTED].

⁴⁵ Exhibit BR3 (Statement of Witness Križanović) Annex 3, para. 4; [REDACTED].

⁴⁶ [REDACTED].

43. [REDACTED].
44. [REDACTED].⁴⁷ [REDACTED].⁴⁸ [REDACTED].⁴⁹
45. [REDACTED].⁵⁰
46. [REDACTED]⁵¹ [REDACTED].
47. [REDACTED]⁵² [REDACTED].
48. These new facts, if proved, clearly impact the Judgement in that the following version of events reflect what took place in the Vitez Municipality which is contrary to the findings of the Appeals Chamber:
- (a) there was an oral order to attack on the morning of 16 April 1993 which was not put in writing by Blaškić, and which resulted in an order to the civilian authorities of Vitez to prepare for the upcoming attack on the Municipality;
 - (b) the order came from the Central Bosnia Operative Zone, of which Blaškić was the commander;
 - (c) as a result of the order, Vitez government officials went to see Blaškić to have the attack stopped or postponed;
 - (d) [REDACTED];
 - (e) the Head of the HVO was contacted, General Praljak, who declined to intervene and said that if the HVO did not attack first, the Muslims would attack them. This demonstrates that the military hierarchy are aware and support the attack;
 - (f) Kordić is approached, who is also aware of the attack, but he indicates that it is out of the question and that if we did not attack them, they would attack us and there was nothing to be done about it.

⁴⁷ [REDACTED].

⁴⁸ [REDACTED].

⁴⁹ [REDACTED].

⁵⁰ [REDACTED].

⁵¹ [REDACTED].

⁵² [REDACTED].

49. These specific facts are new, and provide distinctively new features to the factual matrix before the Appeals Chamber. [REDACTED].

(4) Oral orders from Blaškić in relation to the attack on Ahmići included orders to commit crimes

50. As indicated by the Appeals Chamber, the issue before the Trial Chamber of whether Blaškić ordered an offensive attack in the Vitez Municipality was based on four facts: the level and planning of the attack; that HVO forces carried out the fighting and no military justification was present; that the Appellant had command authority over the HVO forces; and lastly, the fact that Blaškić issued three written orders.⁵³
51. The Appeals Chamber concluded that orders given, all written, were defensive in nature; and specifically that the written combat order D269 was a preventative order and did not instruct troops to launch an offensive attack. The issue concerning the written orders was the interpretation to be given to them, i.e., offensive or defensive orders.
52. In its findings, the Appeals Chamber considers the wording of Order D269 and additional evidence on appeal showing that there was a Muslim presence in Ahmići and neighbouring villages, to conclude that Blaškić only issued a written order, which was justified as a defensive order.
53. The new fact is that Blaškić issued oral orders concerning the attack (set out in above sections) and these orders contained an order to commit crimes. As was evident from the evidence at trial and the new facts, the crimes were to ensure that the area became “Croat” land. The Appeals Chamber itself notes that the Trial Chamber considered the role of Kordić in a persecutory campaign.⁵⁴ As the new facts demonstrate that Blaškić was operating in conjunction with and pursuant to orders from Kordić, the acts of Kordić as filed in the Defence additional evidence must now be seen as implicating Blaškić, not distancing himself from those very acts.
54. The Prosecution notes that it sought to file as rebuttal evidence the testimony of Witness AT from the Kordić trial. This evidence was excluded by the Appeals Chamber.⁵⁵ The proposed evidence of AT included testimony as to an oral order to commit crimes issued by Ljubčić at the Bungalow which came from Blaškić. This evidence was not

⁵³ Appeals Chamber Judgement, paras. 324-331.

⁵⁴ Ibid, para. 340. The Appeals Chamber is careful to not adjudicate on the question of Kordić’s criminal responsibility for the crimes committed in Ahmići.

admitted and therefore the issue of the oral order based on AT's testimony from the Kordić trial was not litigated before the Chamber.⁵⁶ Without reasons provided by the Appeals Chamber, it must be assumed that one of the criteria for admitting the rebuttal evidence of AT was not met. But it is clear that the facts of BR-C is directly relevant, reasonably capable of belief and if proved, could affect the verdict.

55. The issue then becomes whether the fact that there was evidence of an oral order which was known to the Prosecution at the appeal in the form of AT's testimony but which was not fully litigated on appeal (as it was not admitted before the Chamber) results in the information constituting a new fact. It was not in issue before the Trial Chamber, and it was excluded from being fully litigated on appeal.
56. If the Appeals Chamber finds that the information that Blaškić issued an oral order is not a new fact, the Prosecution submits the failure to take it into account would be contrary to the interests of justice. The Chamber now has evidence before it which, if proved, demonstrates that Blaškić was incorrectly acquitted of a crime in which almost 100 persons were killed, civilians were forcibly transferred and Muslims houses burned. Surely the Chamber cannot close its eyes to injustice on account of the fact that the issue was raised on appeal yet the Prosecution was unable to find [REDACTED] at the time.⁵⁷ The Prosecution also submits that the injustice would be compounded when it is realised that the Appeals Chamber actually found the witness that was excluded on appeal (Witness AT) to be credible, reliable and his testimony directly relevant to the very issue being brought now before the Appeals Chamber. The Chamber has the opportunity to address and rectify this injustice and the failure to do so would result in a miscarriage of justice.
57. Evidence of the new fact can be found in:
 - (a) Transcript of Interview of Witness BR-C, [REDACTED].
 - (b) Admission by Miroslav "Čičko" Bralo of the factual basis of the Plea Agreement and Amended Indictment, filed on 18 July 2005, in which he states that he was incorporated into the Jokers and was also present when orders were given to commit crimes in Ahmići, though not identifying Blaškić as a source of those orders.

⁵⁵ The issue of the exclusion of AT's testimony during the appeal proceedings in *Blaškić* will be dealt with in other sections of the Request for Review.

⁵⁶ [REDACTED].

(c) Statements of Witness BR-D, [REDACTED].

58. [REDACTED].

59. During the night between 15 and 16 April 1993, soldiers of the 4th Military Police Battalion, including the anti-terrorist platoon know as the Jokers, were ordered to gather at the Bungalow, a building located near the village of Ahmići. At that gathering, Paško Ljubičić issued orders to attack Ahmići in the early morning of 16 April, and to commit various crimes in Ahmići.

60. [REDACTED].⁵⁸ [REDACTED].⁵⁹ [REDACTED].⁶⁰ [REDACTED].⁶¹

61. At the Bungalow that night, there were approximately 70 – 80 soldiers in attendance,⁶² [REDACTED] Miroslav Bralo. Bralo was in prison but was released on 15 April 1993 on the condition that he would take part in the attack on Ahmići; he subordinated himself to the Jokers upon his release.⁶³

62. During that night of 15-16 April, Ljubičić issued orders on the attack on Ahmići. Ljubičić ordered the military police and the Jokers to launch an attack on Ahmići beginning at about 0530 hours on 16 April. According to Miroslav Bralo, Ljubičić also ordered the soldiers to kill all the Muslim males of military age in Ahmići,⁶⁴ to burn the houses,⁶⁵ and expel the rest of the civilian population.⁶⁶

63. [REDACTED]⁶⁷ [REDACTED],⁶⁸ [REDACTED].⁶⁹ [REDACTED].⁷⁰ [REDACTED].

64. [REDACTED].⁷¹ [REDACTED].

⁵⁷ Barayagwiza, para. 66; Josipović, 7 March 2003, para. 13.

⁵⁸ Exhibit BR6 (First Statement of Witness BR D) (Annex6), p. 3; Exhibit BR6 (Second Statement of Witness BR D) (Annex 6), p. 2.

⁵⁹ Exhibit BR6 (First Statement of Witness BR D) (Annex 6), p. 4.

⁶⁰ Exhibit BR6 (First Statement of Witness BR D) (Annex 6), p. 4-5.

⁶¹ Exhibit BR6 (First Statement of Witness BR D) (Annex 6), p. 4-5.

⁶² Exhibit BR5 (Statement of Witness BR C) (Annex 5), p. 15; Exhibit BR6 (First Statement of Witness BR D) (Annex 6), p. 13.

⁶³ Exhibit BR 7 (Factual Basis of Bralo Plea Agreement) (Annex 7), para. 7.

⁶⁴ Exhibit BR 7 (Factual Basis of Bralo Plea Agreement) (Annex 7), para. 9.

⁶⁵ Exhibit BR 7 (Factual Basis of Bralo Plea Agreement) (Annex 7), para. 9.

⁶⁶ Exhibit BR 7 (Factual Basis of Bralo Plea Agreement) (Annex 7), para. 9.

⁶⁷ [REDACTED].

⁶⁸ [REDACTED].

⁶⁹ [REDACTED].

⁷⁰ [REDACTED].

65. [REDACTED]⁷² [REDACTED],⁷³ [REDACTED].⁷⁴ [REDACTED].⁷⁵ [REDACTED].
66. [REDACTED].⁷⁶ [REDACTED].
67. This new fact clearly impacts on the Judgement of the Appeals Chamber. In paragraph 335 of the Judgement, the Appeals Chamber concluded that no reasonable trier of fact could have concluded beyond reasonable doubt that D269 was issued with the clear intent that the massacre would be committed or that it would otherwise resulting the crimes committed in Ahmići on 16 April 1993. Indeed, the Appeals Chamber went on to stress that the additional evidence heard on appeal confirmed a military justification for the attack.
68. Furthermore, the Appeals Chamber found that the Accused was not responsible for ordering the crimes committed in Ahmići,⁷⁷ is premised in part on its consideration of the fact that certain additional evidence on appeal did not identify Blaškić as responsible for planning and ordering the massacre.⁷⁸ The new fact is directly contrary to this premise. The material cited by the Appeals Chamber in support of its premise does not undermine the new fact.
69. The new evidence cited by the Appeals Chamber in footnote 705 are three documents. The first, exhibit 13 to the First Rule 115 Motion, is a handwritten page with an illegible signature and a date stamp, suggesting that the killings in Ahmići were a revenge act because three Jokers were killed at the beginning of the attack. The evidentiary value of this piece of evidence is minimal since it even contradicts the Defence's case theory (that a group including Kordić had planned and executed the crimes); it is also contrary to the testimony of Blaškić himself wherein he stated that the attack on Ahmići was an organised, systematic and planned crime.⁷⁹
70. Exhibit 1 of the first Rule 115, to which the Appeals Chamber refers, only speaks of the execution of the crimes (mainly describing the units and commanding officers involved)

⁷¹ [REDACTED].

⁷² [REDACTED].

⁷³ [REDACTED].

⁷⁴ [REDACTED].

⁷⁵ [REDACTED].

⁷⁶ [REDACTED].

⁷⁷ Appeal Judgement, para. 348.

⁷⁸ Appeal Judgement, para. 342.

⁷⁹ Trial Judgement, para. 392.

but says nothing about whether or not Blaškić had ordered or planned these crimes. Moreover, the exhibit even further devaluates the abovementioned handwritten note. Whereas exhibit 1 agrees with exhibit 13 about the three dead soldiers, it provides a substantially different explanation of what happened thereafter. It states that the Croat forces “cleansed” the village “[e]nraged by the deaths of their comrades *and on orders from their commander.*”⁸⁰

71. In contrast, to the two abovementioned exhibits the filed MUP report contains three passages that are very supportive of the Defence position and must be considered the basis of the Appeals Chamber’s decision.⁸¹ As will be discussed in a section following, the MUP report was manipulated and altered and cannot be relied upon by the Chamber as reliable and credible.
72. The new fact clearly meets the requirement of Rule 119, in that, if proved, it could have been a decisive factor in reaching the determinations in the Judgement..

(i) Availability in Relation to Witnesses and Exhibits referred to in first 4 New Facts

73. The Prosecution did not know, at the time of the proceedings, specifically the new facts. The documents and witnesses evidencing the new facts were not known to the Prosecution. The Prosecution acknowledges that certain evidence contained in the record before the Appeals Chamber raised the factual issue generally but was not the specific fact put forward.⁸²
74. With regard to new fact that Blaškić issued orders to commit crimes in Ahmići, the Prosecution did not know if that fact because it did not have access to the witnesses with evidence of that fact. This relates to [REDACTED]: Nikola Križanović, [REDACTED], Witness BR C and Witness BR D.
75. The significance of the evidence of witness Nikola Križanović really became known to the Prosecution only in the fall of 2004 when the Prosecution discovered the 15 April 1993 Conclusions document which listed Križanović as being at the meeting of the Vitez Municipal government on 15 April 1993.⁸³ [REDACTED].⁸⁴ [REDACTED]

⁸⁰ RP 16892 (*emphasis added*).

⁸¹ This is also evidenced by the volume of the portions from the exhibit which the Appeals Chamber reprinted in its footnote 705.

⁸² E.g., Witness AT testimony filed as Prosecution rebuttal evidence PA 67; Testimony of Witness BA2 heard at Additional Evidence Hearing.

⁸³ [REDACTED].

first came to the awareness of the Prosecution at the beginning of 2004, [REDACTED].⁸⁵

76. Due to legal determinations as to whether the case under investigation by the OTP was to be continued or sent under Rule 11bis to state authorities [REDACTED]. Finally, [REDACTED] became known to the Prosecution in early 2005, [REDACTED].⁸⁶
77. The lack of discovery of the new facts cannot be attributable to a failure by the Prosecution to exercise due diligence.
78. The Prosecution has taken diligent steps to identify relevant documents in the possession of the government of Croatia. An explanation of the extensive measures taken are set out in Exhibit BR 11. However, it is clear that despite these rigorous measures, there were documents that were not available to the Prosecution due to several reasons. Primary among these were active steps taken by Croatian government officials to hide relevant inculpatory documents from the Prosecution.⁸⁷ For example, the intelligence agencies of the Republic of Croatia carried out so-called "operational actions" between 1996-2000 in order, *inter alia*, secure documentary evidence and hide it from the Prosecution, as well as to hide suspects for the crimes committed in Ahmići.⁸⁸ The Prosecution was only able to obtain key documents after the proceedings in this case.⁸⁹

(5) the MUP report filed by the Appellant as exhibit 1 to the Second Rule 115 Motion and relied upon extensively by the Appeals Chamber had been manipulated and altered from the original MUP Report;

79. The Prosecution submits and will set out in detail below that newly discovered original version of the MUP Report (hereinafter the "original MUP report") proves a new fact, namely that a piece of evidence upon which the Appeals Chamber heavily relied - the filed "MUP report" - was a manipulated and altered document.
80. During the appeal the evidence for this new fact was not accessible for the Prosecution through the exercise of due diligence. Would it have been known that the "MUP report"

⁸⁴ [REDACTED].

⁸⁵ [REDACTED].

⁸⁶ [REDACTED].

⁸⁷ Exhibit BR 11, para. 17.

⁸⁸ Exhibit BR 11, para. 17.

⁸⁹ Exhibit BR 11.

was a forgery, the evidence would not have been relied upon and the verdict would have been different.

81. The "filed MUP report" which was before the Appeals Chamber was provided to the Prosecution by Croatia in November 2000. It was subsequently disclosed with a letter of 23 January 2001 to Blaškić, who requested its admission as additional evidence with his motion of 16 October 2001.⁹⁰ The report was admitted by the Appeals Chamber's decision of 31 October 2003.⁹¹
82. The filed version was 20 pages long, makes factual allegations on the basis of sources or information and was relied upon by the Appeals Chamber on this basis. The original MUP Report is 40 pages long, is unsubstantiated in most respects and is based in many respects on the assertions by Defence Counsel Anto Nobile.
83. The newly discovered original MUP Report was altered by the providers to hide the fact that crucial factual assertions were not supported by any witness or document, but originate from conclusions of Defence Counsel. For example, among the statements of Nobile which, through the filed MUP report, came before the Appeals Chamber and was relied upon is the following:

1993 a meeting of an informal group, composed of **Ignac KOŠTROMAN, Dario KORDIĆ, Ante SLIŠKOVIĆ, Tomo VLAJIC, SLIŠKOVIĆ's** deputy **Paško LJUBIČIĆ, Vlado ĆOSIĆ** and **Anto FURUNDŽIJA**, was held at **Dario KORDIĆ's** house. This group wanted conflict with the Muslims at any price. At this meeting it was agreed that an order would be issued to kill the entire male population in Ahmići and to torch the village."⁹²

The same passage in the original report reads:

*"According to NOBILO and /part of the line redacted/ on the night of 15/16 April 1993 a meeting of an informal group, composed of **Ignac KOŠTROMAN, Dario KORDIĆ, Ante SLIŠKOVIĆ, Tomo VLAJIC, SLIŠKOVIĆ's** deputy **Paško LJUBIČIĆ, Vlado ĆOSIĆ** and **Anto FURUNDŽIJA**, was held at **Dario KORDIĆ's** house. This group wanted conflict with the Muslims at any price. At this meeting it was agreed that an order would be issued to kill the entire male population in Ahmići and to torch the village."*⁹³

⁹⁰ Appellant's Second Motion to Admit Additional Evidence on Appeal Pursuant to Rule 115, 16 October 2001.

⁹¹ Decision on Evidence, 31 October 2003.

⁹² Filed Report, p. 11.

⁹³ Original Report, p. 21.

84. The original was altered to hide the source. It is submitted that no Chamber would rely on factual assertions from defence counsel, without substantiation, as the basis for acquitting an accused. It is hard to imagine that the accurate passage above including the words “*According to Nobile*” would have been placed in footnote 705 as the basis for the Appeals Chamber’s findings, had the Appeals Chamber been fully apprised of this.
85. Further, there is no admitted evidence whatsoever on the record at trial or on appeal to support the claim that the plan to commit the crimes took place at Kordić’s house without Blaškić’s knowledge. How can the Appeals Chamber rely on an assertion by Defence Counsel when there has been no evidence admitted on behalf of the Defence which substantiates such a claim?
86. The Appeals Chamber extensively referred⁹⁴ to the MUP report filed by Counsel for Blaškić, despite the Prosecution had argued that much of the MUP-report was based upon statements of Anto Nobile, counsel for Blaškić.⁹⁵
87. During the appeal, the Prosecution presented the argument forward that the MUP Report was unsubstantiated on the basis of an inference.⁹⁶ Meanwhile, however, the Prosecution obtained a second, fuller version of the MUP report (“original report”),⁹⁷ which revealed the fact that the report filed with the Appeals Chamber (“filed report”) had been manipulated in a manner that suggested two incorrect conclusions.
88. The Appeals Chamber extensively referred⁹⁸ to the MUP report filed by Counsel for Blaškić, despite the Prosecution had argued that much of the MUP-report was based upon statements of Anto Nobile, counsel for Blaškić.⁹⁹

⁹⁴ Appeal Judgement, paras. 253, 320, 352, 400, 418, footnotes 656, 659, 701, 705, 722, 772, 8-3, 804, 805, 830, 1019.

⁹⁵ Prosecution’s Response to Appellant’s Second Motion to Admit Additional Evidence on Appeal Pursuant to Rule 115, 10 December 2001, paras. 45-46; Prosecution’s Rebuttal Evidence and Arguments in Response to Additional Evidence Admitted on Appeal, 6 January 2003, paras. 3.25 *et seq.*

⁹⁶ In its Response of 6 January 2003 (above fn. 95) the Prosecution had filed copies of the MUP Report and of an interview which Anto Nobile had given to the MUP as rebuttal evidence. The Prosecution had marked in the MUP Report the passages which used similar or the same formulations as the note on Nobile’s interview. This rebuttal evidence was rejected by the Appeals Chamber without giving any reasons (Decision on Evidence, 31 October 2003, p.5).

⁹⁷ Original MUP report.

⁹⁸ Appeal Judgement, paras. 253, 320, 352, 400, 418, footnotes 656, 659, 701, 705, 722, 772, 8-3, 804, 805, 830, 1019.

⁹⁹ Prosecution’s Response to Appellant’s Second Motion to Admit Additional Evidence on Appeal Pursuant to Rule 115, 10 December 2001, paras. 45-46; Prosecution’s Rebuttal Evidence and Arguments in Response to Additional Evidence Admitted on Appeal, 6 January 2003, paras. 3.25 *et seq.*

89. First, as will be set out below, the original report frequently identifies Counsel for *Blaškić*, Anto Nobile, as a source of information contained in the report, including for passages upon which the Appeals Chamber relied in its Judgement. These passages were manipulated (rewritten or deleted) in the filed report so as to eliminate the name of Nobile. The effect is that the report appears as if it would rely upon “real” sources (that is sources other than assertions of *Blaškić*’s own counsel).
90. Second, in the filed report most of the material on the extensive cooperation between Nobile, Hayman and other counsel for *Blaškić* and the SIS is omitted, whereas all material on difficulties between Nobile and the SIS is retained. As will be explained in detail below, the impression created is that the Croatian authorities and Nobile worked against each other and that no substantial cooperation took place. Both suggested conclusions reinforce each other: If Croatia and Nobile had different agendas then there is little reason to believe that the MUP would support Nobile by including many of his statements into its report.

(a) **The filed report was altered and partly rewritten in order to conceal that the MUP referred to Nobile as an important source in the report**

91. Among the statements of Nobile which, through the filed MUP report, came before the Appeals Chamber and was relied upon¹⁰⁰ is the following:

*“According to unconfirmed information Ante Slisković masterminded the operation in Ahmići”*¹⁰¹;

92. In contrast the original report reads:

*“According to Nobile Ante Slisković masterminded the operation in Ahmići”*¹⁰²

93. Another highly significant passage in the filed report - which, too, was relied upon by the Appeals Chamber¹⁰³ - reads:

“According to the information at our disposal on the night of 15/16 April 1993 a meeting of an informal group, composed of Ignac KOŠTROMAN, Dario KORDIĆ, Ante SLIŠKOVIĆ, Tomo VLAJIC, SLIŠKOVIĆ’s deputy Paško LJUBIČIĆ, Vlado ĆOSIĆ and Anto FURUNDŽIJA, was held at Dario KORDIĆ’s house. This group wanted conflict with the Muslims at any price. At this meeting it was agreed that an order would be

¹⁰⁰ Appeal Judgement in fn. 705.

¹⁰¹ Filed Report, p. 14.

¹⁰² Original Report, p. 24 (*emphasis added*).

¹⁰³ Appeal Judgement, para. 342, fn. 705.

issued to kill the entire male population in Ahmići and to torch the village.”¹⁰⁴

94. The same passage in the original report reads:

“According to *NOBILO* and /part of the line redacted/ on the night of 15/16 April 1993 a meeting of an informal group, composed of **Ignac KOŠTROMAN, Dario KORDIĆ, Ante SLIŠKOVIĆ, Tomo VLAJIĆ, SLIŠKOVIĆ’s** deputy **Paško LJUBIČIĆ, Vlado ĆOSIĆ** and **Anto FURUNDŽIJA**, was held at **Dario KORDIĆ’s** house. This group wanted conflict with the Muslims at any price. At this meeting it was agreed that an order would be issued to kill the entire male population in Ahmići and to torch the village.”¹⁰⁵

95. Yet another passage upon which the Appeals Chamber heavily relied reads in the filed report:

“According to the information available, it is most likely that two meetings were held with the commanders of the military units from this area – the first at 1400 hours in the cellar of the post office in Busovača (present were **Vlado ĆOSIĆ**, Assistant Commander for the Military Police, **Dario KORDIĆ, Ignac KOŠTROMAN, Paško LJUBIČIĆ, Darko KRALJEVIĆ** and **Vlado ĆOSIĆ**) at which **BLAŠKIĆ** issued orders about the attack and the manner of the attack, and the second without **BLAŠKIĆ**, according to the information at our disposal, in the evening in **KORDIĆ’s** family home. The decision to carry out the massacre was taken at this meeting.”¹⁰⁶

96. The same passage reads in the original report:

“According to the information available, it is most likely that two meetings were held with the commanders of the military units from this area – the first at 1400 hours in the cellar of the post office in Busovača (present were **Vlado ĆOSIĆ**, Assistant Commander for the Military Police, **Dario KORDIĆ, Ignac KOŠTROMAN, Paško LJUBIČIĆ, Darko KRALJEVIĆ** and **Vlado ĆOSIĆ**) at which **BLAŠKIĆ** issued orders about the attack and the manner of the attack, and the second without **BLAŠKIĆ**, according to the information at our disposal, in the evening in **KORDIĆ’s** family home. The decision to carry out the massacre was taken at this meeting, *which is supported by the statement /part of the line redacted/ and information that A. NOBILO has* (this should be cleared up by a follow up interview with /part of the line redacted/ - time of the meeting, who was present, what decisions were exactly brought at the second meeting and so forth).”¹⁰⁷

¹⁰⁴ Filed Report, p. 11.

¹⁰⁵ Original Report, p. 21.

¹⁰⁶ Filed Report, p. 11.

¹⁰⁷ Original Report, p. 21.

The passage continues¹⁰⁸:

“As an illustration, NOBILO states that one of the participants of the meeting asked what should be done with the children and most probably **Ignac KOŠTROMAN** answered that they too would “one day be men”, thereby making it clear that they should execute them, too.”¹⁰⁹

97. The filed report had instead of the words, “As an illustration, NOBILO states”, the phrase: “According to unverified information”.¹¹⁰
98. With regard to the question whether Blaskić requested an investigation into the crimes in Ahmići the filed report upon which the Appeals Chamber relied¹¹¹ reads: “Blaskic asked for a report [...] the report does not mention the crime only the fighting.” The original report reads: “Blaskic asked for a report [...] the report does not mention the crime only the fighting. (*Nobilo*)”¹¹²
99. It is worth noting that Counsel for Blaškić never informed the Appeals Chamber about the extent to which the MUP Report depended upon Nobilo’s statements.¹¹³

(b) It is a new fact that filed report was a manipulated and altered document

100. The filed MUP report which became an exhibit on appeal was a substantially altered, partly rewritten document, which lacked decisive characteristics.
101. The Prosecution submits that the circumstance that an altered and manipulated document was before the Appeals Chamber is a new fact in the sense of Rule 119.¹¹⁴

¹⁰⁸ This part is not explicitly referred to by the Appeals Chamber.

¹⁰⁹ Original Report, p. 21.

¹¹⁰ Filed Report, p. 11.

¹¹¹ Appeal Judgement, para. 418.

¹¹² Original Report, p. 25 (*emphasis added*).

¹¹³ Only, after the Prosecution had argued that some parts of the Report used the same formulation as the note on the interview with Nobilo (above fn. 95), Counsel for Blaškić made a partial concession that “the MUP Report appears to incorporate information that investigators who interviewed Appellant’s counsel recorded in their notes.” (Appellant’s Reply Brief in Support of Second Motion to Admit Additional Evidence on Appeal Pursuant to Rule 115, 7 January 2002).

¹¹⁴ Some jurisdiction explicitly provide for the case of falsification of documents: see for example § 355 of the Austrian code of criminal procedure: “The prosecutor [...] may only request the reopening of criminal proceedings with respect to an act for which the accused was acquitted by a final judgment [rechtskräftiges Urteil] [...] if either the decision was brought about through forging of a document [...] or another criminal act of the accused or a third person” (OTP draft translation). Section 976 of the (Danish code of criminal procedure) a case can be re-opened, if a confession by the accused or other new evidence indicates that he has indeed committed a crime for which he has been acquitted or if the accused has been convicted for a considerably lesser offence, or if false or falsified evidence has most probably contributed to an acquittal. The code of criminal procedure of Germany provides in § 362 “Reopening of proceedings concluded by a final judgment shall be admissible to the defendant’s detriment: 1. if a document produced as genuine, for his benefit, at the main hearing was false or forged.” translation by German Ministry of Justice); The Russian code of criminal procedure provides in Article 413: Art. 413, (2) “The grounds for the reviewing of the reviewing a criminal case are the following: newly-discovered

The new information which demonstrates that it has been manipulated and thereby altered is equivalent to a forged document. For example, Under German law a document is forged if the document purports to stem from one author when, in truth it stems from another.¹¹⁵

(c) Availability

102. During the appeal the original report was not accessible to the Prosecution through exercise of due diligence. It came in the Prosecution's possession in early 2005 and was identified during a thorough review of this material in accordance with established OTP procedure.¹¹⁶

103. Thus, in the present case the exercise of due diligence consisted in a generally thorough approach to all available material which indeed resulted in the identification of the original report.

(d) Impact

104. Had the Appeals Chamber been aware of the fact that the filed report was a forgery it could not have relied upon it. However, it did heavily rely on the report - and thus, in essence, upon evidence given by defence counsel.¹¹⁷

105. In particular, the Appeals Chamber dismissed the possibility that Blaškić had planned and ordered the crimes in Ahmići almost exclusively on the basis of the filed report. the Appeals Chamber stated:

"The Appeals Chamber considers that some documents admitted as additional evidence on appeal, support the assertion that the 4th MP Battalion and the Jokers committed the crimes in the Ahmići area on 16 April 1993, and do not identify the Appellant as responsible for planning and ordering the massacre"¹¹⁸

115 facts – those mentioned below in paragraph 3 of the current article, that had been existing by the time the court decision came into the force but were not known to the court [...] 3. As newly-discovered facts should be regarded the following: 1) a knowingly false testimony of the victim or of the witness, expert's report, as well as falsification of exhibits, record of investigative, court or any other actions, as well as a knowingly wrongful translation (any of the mentioned facts must be proved by a judgment, that came into the force) that led to the imposition of an illegal, ungrounded or unfair judgment." (OTP draft translation) (Tröndle/Fischer, Strafgesetzbuch und Nebengesetze, 51st ed. 2003, § 267, margin no. 18); Under chapter 45 section 9 (1) of the UK's Forgery and Counterfeiting Act 1981 "[a]n instrument is false for the purposes of this Part of this Act -- (a) if it purports to have been made in the form in which it is made by a person who did not in fact make it in that form." In the present case the document purports to stem from the MUP but in truth the MUP never issued the document that was before the court.

116 Paras.17-21 of the declaration of William Tomljanovich, Annex 11.

117 Had counsel had anything to back up the speculations he related to the MUP he would have had the duty in respect of his client to adduce it as evidence before the court.

118 Appeal Judgement, para. 342.

106. For this statement the Appeals Chamber relies upon three pieces of evidence exhibits 13 and 1 to the first Rule 115 motion, and the filed MUP report.
107. Exhibit 13 to the first Rule 115 motion, a handwritten page with an illegible signature and a date stamp, suggests that the killings in Ahmići were committed since at the beginning of the attack three Jokers were killed and the rest of the unit wanted revenge. The evidentiary value of this piece of evidence is minimal since it even contradicts the Defence's case theory (that a group including Kordić had planned and executed the crimes) and the fact that Blaškić himself stated in his testimony that the attack on Ahmići had to be planned.
108. Exhibit 1 of the first Rule 115, to which the Appeals Chamber refers, only speaks of the execution of the crimes (mainly describing the units and commanding officers involved) but says nothing about whether or not Blaškić had ordered or planned these crimes. Moreover, the exhibit even further devalues the abovementioned handwritten note. Whereas exhibit 1 agrees with exhibit 13 about the three dead soldiers, it provides a substantially different explanation of what happened thereafter. It states that the Croat forces "cleansed" the village "[e]nraged by the deaths of their comrades *and on orders from their commander.*"¹¹⁹ Based on the new facts, and the competing and contradictory theories of the defence, the assertion that the crimes in Ahmići were committed because three Jokers were killed is not worthy of consideration.
109. In contrast, to the two abovementioned exhibits the filed MUP report contains three passages that are supportive of the position accepted by the Appeals Chamber and must be considered the basis of the Appeals Chamber's decision.¹²⁰
- First, the filed report sets out that "most probably" two meetings took place - one where Blaškić ordered a legal attack and a second one, without Blaškić, where a group including Kordić planned the crime.
 - Second, a few paragraphs later the filed report repeats the assertion about the second meeting and provides additional details.
 - Third, on a different page, the filed report alleges that Šlišković "masterminded the operation in Ahmići" and Ljubičić "coordinated the attack."

¹¹⁹ RP 16892 (*emphasis added*).

110. The Appeals Chamber relied upon all three of these passages and reprinted them in footnote 705 of the Appeal Judgement. As has been set out above all three passages were manipulated and altered in that the name of Nobile as source of the allegations in the MUP report was omitted.
111. The Prosecution submits that the Appeals Chamber would not have relied upon the document had it known that it was manipulated in that manner. In this case however, there would have been virtually no evidence upon which base a reasonable doubt that the crimes were not planned and ordered by Blaškić.

(6) Vitezovi were involved in the attack on Grbavica in September 2003 on the order of Blaškić

112. As indicated, a new fact refers to new information of an evidentiary nature of a fact that was not in issue during the trial or appeal proceedings.¹²¹ The Prosecution came into possession of two documents that show that the Vitezovi took part in the attack of Grbavica on 7 September 1993 as a result of Blaškić's order dated 6 September 1993.
113. This fact is distinctively new, as even recognised implicitly by the Appeals Chamber when it stated:

The Appeals Chamber notes that one unit that was known to be difficult for the Appellant to control, the Vitezovi, was not involved in the attack.¹²²

114. The involvement of the Vitezovi constitutes a new fact pursuant to Rule 119 and 120 of the Rules.
115. The Prosecution learned about the new fact when the two documents referred to above were discovered. The two documents were not available to the Prosecution at the time of the original proceedings. The Prosecution came into the possession of the two documents as part of a large collection during a mission conducted in September 2004.¹²³ The combat operational order by Blaškić was discovered on 14 September 2004 and the public commendation document by Kordić was discovered on 14

¹²⁰ This is also evidenced by the volume of the portions from the exhibit which the Appeals Chamber reprinted in its footnote 705.

¹²¹ *Prosecutor v. Tadić, Decision on Motion for Review*, Case No. IT-95-10-R, Appeals Chamber, 2 May 2002, p.3.

¹²² Appeals Chamber Judgement, para. 480.

¹²³ Exhibit BR11, Declaration of William Tomljanovich, Annex 11 to this Motion, para. 11.

September 2004, thus after the Appeals Judgement was issued.¹²⁴ Thus the new fact was not known to the Prosecution at the time of the original proceedings.

116. The lack of discovery of the new fact was not due to lack of due diligence by the Prosecution. The Prosecution only learnt about the possible existence of further material in late May 2004 and was granted access to the archives where the two relevant documents were subsequently found in late June 2004¹²⁵. Extensive efforts were made to review the material, and the Appeals Chamber is already aware that the Prosecution made every effort to bring to the Chamber's attention a document obtained from this collection just prior to delivery of the *Blaškić* Appeal Judgement (the Ljubicić Report of 26 November 1993). As referred to above, the documents were only discovered in September 2004¹²⁶.

(a) Blaškić's Order to attack Grbavica on 7 September 1993

117. The first document,¹²⁷ Combat Order No. 59, dated 6 September 1993, from the Central Bosnia OZ Command signed by Blaškić, is directed to the Vitezovi amongst other independent units and is an order to mount attack operations with the main forces on the axis Kremenik – Djekića Kuće – Grbavica, and with the auxiliary forces on the axis Mali Mošunj – Bosna GP – Grbavica to take the settlements on the southern slopes of Grbavica and establish a new defence line.¹²⁸
118. There are therefore two sets of forces, the assault forces and the auxiliary forces. The Vitezovi were designated by Blaškić as one of the assault, or attack, forces.
119. With regard to the Vitezovi, Blaškić orders that as part of the assault battalion forces, they attack from their initial position along the line between elevation point 458 and the old railway line, along the axis Kremenik – Djekića Kuće – Grbavica, with the task of capturing the Varupa and Djekića Kuće settlements and continuing their attack up to the elevation point 523, the summit of Grabovica hill north-east of the Grbavica settlement.¹²⁹ The Prosecution has attached to this motion as Appendix BR9 an excerpt of the original map of the area referred to in the order for the Courts reference.

¹²⁴ Exhibit BR11, Declaration of William Tomljanovich, Annex 11 to this Motion, para. 16.

¹²⁵ Exhibit BR11, Declaration of William Tomljanovich, Annex 11 to this Motion, para. 6.

¹²⁶ Exhibit BR11, Declaration of William Tomljanovich, Annex 11 to this Motion, para. 16.

¹²⁷ Combat Order No. 59, dated 6 September 1993 (ERN 0420-1400-0420-1403).

¹²⁸ Combat Order No. 59, dated 6 September 1993 (ERN 0420-1400-0420-1403-ET), p.2.

¹²⁹ Combat Order No. 59, dated 6 September 1993 (ERN 0420-1400-0420-1403-ET), p.3, para.5.

120. The order shows that the Vitezovi attacked initial position of the HVO forces including the Vitezovi was along the line between elevation 458 which was to the right of the position of the troops and the old railway line to the left. From there the troops were ordered to move across the entire axis north of the road from Kremenik through Grbavica to elevation point 523 on the hill near Grbavica. This meant that they were one of the assault forces, attacking Grbavica and then attacking up the hill of the settlement. The Vitezovi were clearly part of the forward assault forces as part of the attack on Grbavica and were engaged by Blaškić for this purpose.

(b) Document commending participants in Grbavica operation

121. The second document, dated 9 September 1993, originates from the Croatian Defence Council, is signed by Dario Kordić and Ignac Koštroman and addressed to Tihomir Blaškić, the Special Purpose Unit Vitezovi and other participating units, commending them publicly for their success in the Grbavica operation that was completed on 8 September 1993.¹³⁰
122. This document follows the order by Blaškić cited above, is independent evidence of the involvement of the Vitezovi in the attack and it is copied to Blaškić corroborating the evidence as found in his order.
123. The two above-mentioned documents were not available at trial or on appeal and the fact that the Vitezovi were involved in the attack on Grbavica was not otherwise on issue during the trial or appeals proceedings.
124. The Trial Chamber dealt with Blaškić's responsibility regarding the attack on Grbavica and held Blaškić responsible for criminal acts of destruction and looting in the course of the attack.¹³¹ However, the Trial Chamber based its decision on the fact that the Džokeri, the Nikola Šubić Zrinski Brigade the Tvrtko II unit and the Military Police took part in the attack.¹³²
125. No additional evidence in this regard was presented on appeal. The Appeals Chamber, however, reversed the Trial Chambers finding on the basis that it applied the wrong legal standard for Blaškić's *mens rea* and held that "the trial evidence does not prove beyond reasonable doubt that the Appellant ordered the attack with the awareness of a substantial likelihood that crimes would be committed during the attack on the village.

¹³⁰ (BCS ERN 0420-0327-0420-0327).

¹³¹ Blaškić Trial Judgement, paras. 551-562.

¹³² Blaškić Trial Judgement, paras. 554.

The Appeals Chamber notes that one unit that was known to be difficult for the Appellant to control, the Vitezovi, was *not* involved in the attack.”¹³³

126. In particular the Appeals Chamber’s finding that the Vitezovi were not involved shows that information on their actual involvement in the attack on Grbavica on 7 September 1993, following Blaškić’s direct order is a new fact that may justify a review under Rules 119 and 120 of the Rules.
127. The new fact that the Vitezovi were involved in the attack on Grbavica on 7 September 1993, following Blaškić’s direct order, could have been a decisive factor in the Appeals Judgement because, if proven, it would show that Blaškić specifically ordered a unit to participate in the attack, which according to the Appeals Chambers own findings, he knew was difficult to control.¹³⁴
128. As regards the underlying crimes that were committed, the Trial Chamber found that in the course of the attack on Grbavica on 7 September 1993, acts of destruction not justified by military necessity and systematic pillage occurred.¹³⁵ These findings were not challenged on appeal.¹³⁶ However, the Appeals Chamber held that the trial evidence does not prove that Blaškić ordered the attack with the awareness of a substantial likelihood that crimes would be committed and specifically notes that the Vitezovi, a unit known to be difficult to control were not involved in the attack.¹³⁷ This finding by the Appeals Chamber’s leads to the conclusion that if there had been an involvement of the Vitezovi in the attack, the decision would have been different, because Blaškić knew that this unit was difficult to control and that there was a substantial likelihood that crimes would be committed in the course of the attack.
129. On the basis of the two above-mentioned documents, in particular Order No. 59¹³⁸, the involvement of the Vitezovi on Blaškić’s direct order, has now been proven and their actual participation was confirmed by the commendation document, issued by Kordić after the attack on 9 September 1993 which was sent, amongst others, to Blaškić and the members of the Vitezovi.¹³⁹

¹³³ Blaškić Appeals Judgement, para. 480. (footnotes omitted) (Emphasis added)

¹³⁴ Blaškić Appeals Judgement, para. 480. (footnotes omitted)

¹³⁵ Blaškić Trial Judgement, paras. 557-558.

¹³⁶ Blaškić Appeals Judgement, para. 479 referring to the Trial Chamber’s findings that destruction not justified by military necessity occurred as well as looting. (footnotes omitted)

¹³⁷ Blaškić Appeals Judgement, para. 480. (footnotes omitted)

¹³⁸ (ERN 0420-1400-0420-1403).

¹³⁹ (BCS ERN 0420-0327-0420-0327).

130. The documents in combination with trial evidence show that the Vitezovi's operated in areas where the crimes occurred. As described above, Order No.59 sets out the route to be taken by the Vitezovi in the course of their attack across the entire axis north of the road from Kremenik through Grbavica to elevation point 523 on the hill near Grbavica. When moving towards the elevation point 523 near Grbavica the Vitezovi were involved in criminal acts such as the destruction of Muslim houses. At trial, Witness Duncan confirmed that a number of houses were set on fire near the top of the hill feature in the course of the attack.¹⁴⁰ These houses were located in the area, captured by the Vitezovi in the course of their operation.
131. For the above-mentioned reasons the new fact could have been a decisive factor and a review on the basis of the new fact is justified.

(B) REVIEW OF JUDGEMENT INCLUDES DECISIONS ON ADMISSIBILITY OF REBUTTAL EVIDENCE

132. Upon it being decided that the new facts, if proved, could have been a decisive factor in "reaching a decision", the Chamber shall review the judgement and pronounce a further judgement. Obviously, the part of the decision or judgement which is sought to be reviewed is that to which the new facts are relevant. When the judgement is reviewed, all decisions which are affected by the new facts are the subject of review, as are the facts accepted or rejected if a different conclusion could have been reached in relation to those facts.
133. In the present case, the new facts – if accepted – are directly relevant to a decision made by the Appeals Chamber during the course of appellate proceedings, in addition to the ultimate determinations of fact found in the Judgement. Specifically, the decision of the Appeals Chamber rejecting as rebuttal evidence the testimony of Witness AT in the *Kordić* trial is affected by the new facts.¹⁴¹
134. The exclusion of this testimony as rebuttal evidence must have been because the Chamber found it did not meet the requirements for admissibility of evidence in

¹⁴⁰ Witness: Mark Bower, Case No. IT-95-14-T, T 9401.

¹⁴¹ Witness AT's *Kordić* trial testimony was submitted as Rebuttal Evidence PA-67, attached to "Prosecution's Rebuttal Evidence and Arguments in Response to Additional Evidence Admitted on Appeal" (confidential), filed 7 January 2003. Though not *explicitly* mentioned in the Appeals Chamber's decisions on the admissibility of the additional and rebuttal evidence, it was apparently rejected on the basis of the Appeals Chamber's reference in one of the decisions that "the remaining items [of Prosecution rebuttal material] are rejected": see "Decision on Evidence" dated 31 October 2003 (public) and "Decision on Additional Evidence" dated 31 October 2003 (confidential).

rebuttal. It is submitted that it clearly was relevant to the evidence put forward by the Defence and rebutted various admitted exhibits of the defence (including Witness BA2). It was, on its face, reasonably capable of belief as it was found credible by a Trial Chamber of this Tribunal. And it was reliable for the same reason.

135. Though it is uncertain it must have been found not to have met one of the relevant requirements. If any of the first four new facts (1-4) is found, if proved, could affect the verdict, it is submitted that these new facts warrant a review of the Appeals Chamber's Decision to reject Witness AT's testimony as rebuttal evidence.
136. All of the first 4 new facts are corroborative is certain ways of AT's testimony. The Prosecution will set out examples of corroboration below.
137. The deliberations of the local government officials and businessmen of Vitez at 2200 hours on 15 April 1993 about the oral order from the Central Bosnia Operative Zone to attack the Muslims of Vitez Municipality the next day confirm the testimony of Witness AT. One of the central tenets of Witness AT's evidence was that the HVO had not been acting defensively on 16 April 1993, but had engaged in an attack on Vitez municipality that had been planned during the afternoon and evening of 15 April 1993.¹⁴²
138. Confronted in cross-examination during his testimony with documents purporting to show that the HVO acted defensively and that the Muslims forces started the attack on 16 April 1993, Witness AT rejected the documents as fabrications that did not accord with reality.¹⁴³ [REDACTED]¹⁴⁴

[REDACTED].
139. The new facts confirm that Witness AT was correct and exposes, as a deliberate cover-up, the web of documents falsely generated by the Central Bosnia Operative Zone on 15 and 16 April 1993 to convey a contrary impression.¹⁴⁵
140. [REDACTED].¹⁴⁶ [REDACTED].¹⁴⁷ [REDACTED].

¹⁴² Witness AT, Trial Transcript, 27593 (a decision was made on the afternoon of 15 April 1993 to launch an attack against the Muslims the next day). See also *Trial Judgement*, para. 632.

¹⁴³ [REDACTED]. See also *Trial Judgement*, para. 632.

¹⁴⁴ [REDACTED].

¹⁴⁵ E.g. the orders set out in *Trial Judgement*, para. 620 ((order from Blaškić at 1545 hours on 15 April 1993 to "be ready to act defensively"; order from Blaškić at 0130 hours on 16 April 1993 to "occupy defence region and blockade villages against enemy attack...").

¹⁴⁶ [REDACTED].

¹⁴⁷ [REDACTED].

141. The 15 April 1993 Conclusions were adopted at 2200 hours, suggesting that the deliberations had commenced before that time. Further, when Praljak was contacted in Zagreb, it was apparent to the Vitez government officials that the military hierarchy already knew. The decision of the Central Bosnia Operative Zone to attack the Muslims the next day must have been made and the information conveyed to members of the Vitez government, shortly before the 15 April 1993 Extraordinary Session was convened.
142. This new fact is consistent with the evidence of Witness AT that the decision to attack and the planning of the attack occurred at a series of meetings that took place at the Hotel Vitez during the afternoon of 15 April 1993.¹⁴⁸
143. Certainly the new fact of Witness BRC that the order to commit crimes as part of the attack in Ahmići is corroborative of the testimony of Witness AT.
144. If any of the first 4 new facts warrant a Review under Rule 119, that review should encompass all decisions or findings to which those new facts are relevant. The Decision of the Appeals Chamber rejecting Witness AT's testimony as rebuttal evidence certainly is a Decision which is affected by such a review.

(C) ALTERNATIVELY APPEALS CHAMBER SHOULD RECONSIDER ITS DECISION THAT BLAŠKIĆ DID NOT ORDER CRIMES IN AHMIĆI

(a) Introduction

145. In the previous section the Prosecution has requested the Appeals Chamber to review its decision that Blaškić was not responsible for ordering the crimes committed in Ahmići on 16 April 1993 (including review of the Appeals Chamber's procedural ruling on the admission of rebuttal evidence relevant to that decision) based on the new facts outlined above. Alternative to its request for review based on the new facts, the Prosecution also brings this further request for reconsideration of that decision.
146. The Appeals Chamber has acknowledged that it possesses an inherent power to reconsider its previous judgement in an appropriate case, so as to prevent injustice.¹⁴⁹ The Prosecution asks the Appeals Chamber to invoke this inherent power, and to reconsider its previous finding that Blaškić was not responsible for ordering the crimes

¹⁴⁸ Witness AT, Trial Transcript pp. 27587-27601.

¹⁴⁹ *Prosecutor v Mucić, Delić and Landžo* "Judgment on Sentence Appeal", 8 April 2003, paras 48- 52. See also *Barayagwiza v The Prosecutor*, "Decision on Prosecutor's Request for Review or Reconsideration", Separate Opinion by Judge Shahabuddeen, paras 3-4.

committed in Ahmići on 16 April 1993.¹⁵⁰ The basis for this request is that the findings made by the *Kordić* Appeals Chamber about Ahmići in its Appeals Judgement rendered 5 months after the *Blaškić* Appeals Judgement – based largely on the evidence of Witness AT - in particular upholding the Trial Chamber's findings as to the planning and orchestration for the attack at meetings held on 15 April 1993 - and the oral orders given by Blaškić for the illegal attack - demonstrate that the *Blaškić* Appeals Chamber made a clear error of reasoning by rejecting the Prosecution's request to admit Witness AT's *Kordić* trial testimony in the appeal to rebut Blaškić's admitted additional evidence.¹⁵¹ An injustice was caused by the rejection of this evidence because that the Appeals Chamber was not properly apprised of the true nature of Blaškić's criminal involvement in Ahmići, despite clear evidence of this having been put forward by the Prosecution. As a result, a miscarriage of justice has occurred.

147. Before turning to examine the issue of reconsideration in more detail, the Prosecution will explain the reason why it is bringing this reconsideration request at this present moment rather than at an earlier point in time.
148. The inconsistent approach taken by the Appeals Chambers in the *Kordić* and *Blaskić* cases in the treatment of the evidence of Witness AT arose as a result of the *Kordić* Appeals Judgment rendered on 17 December 2004.
149. This inconsistent approach can be briefly summarised. In *Kordić*, the Appeals Chamber upheld the *Kordić* Trial Chamber's findings about the meetings and orders given prior to the attack on Ahmići, and in doing so, endorsed the Trial Chamber's reliance on Witness AT as a credible and reliable witness on these issues.¹⁵² Witness AT's evidence, as accepted by the Appeals Chamber, equally implicates Blaškić, and as such was highly relevant and probative on the issue of criminal responsibility for the crimes committed in Ahmići.
150. On the other hand, the Appeals Chamber in the *Blaškić* case, when confronted by the Prosecution's request to admit the very same evidence of Witness AT in the *Kordić* trial, and without giving any reasons, was not even prepared to admit his evidence in the

¹⁵⁰ *Blaškić* Appeals Judgment, para 348

¹⁵¹ The Prosecution filed Witness AT's *Kordić* trial testimony as PA-67, attached to "Prosecution's Rebuttal Evidence and Arguments in Response to Additional Evidence Admitted on Appeal" (confidential), filed 7 January 2003. Although this evidence (PA-67) was not *explicitly* mentioned in the Appeals Chamber's decisions on the admissibility of the additional and rebuttal evidence, it was apparently included in the Appeals Chamber's reference in one of the decisions that "the remaining items [of Prosecution rebuttal material] are rejected": see "Decision on Evidence" dated 31 October 2003 (public) and "Decision on Additional Evidence" dated 31 October 2003 (confidential).

appeal. This stark difference in approach is all the more inexplicable given that the composition of the benches in the two appeal cases was identical.

151. Moreover, the *Blaškić* Appeals Chamber's posture towards Witness AT's evidence is in striking contrast to that of the Appeals Chamber's earlier Judgment in *Kupreškić*, which not only admitted Witness AT's *Kordić* trial evidence as additional evidence on appeal, but accepted the correctness of his evidence regarding the planning that took place on 15 April 1993 for the attack on Ahmići the following day.¹⁵³
152. The reason why the Prosecution has waited until now - the end of the one year period for bringing requests for review - to bring this request for reconsideration is to ensure that it could review and assess all material collected as a result of further investigations in related cases, and file any new facts obtained as a result, in a review procedure, at the same time as making its request for reconsideration of Witness AT's evidence.
153. In this way, the Appeals Chamber will be able to reconsider its findings as to Blaškić's role in Ahmići in light of *both* Witness AT's evidence *and* the other new facts tendered in the review proceedings. In particular, since some of the new material now sought to be tendered in the review application provides general corroboration of Witness AT's account of what transpired in the lead-up to the Ahmići attack, this will also be a relevant factor for the Appeals Chamber to consider when assessing the impact of the new facts and Witness AT's evidence. It is important that the Appeals Chamber consider the complete "package" of material presented in this motion, rather than Witness AT's evidence on its own, so as to obtain a more complete picture of Blaškić's true criminal role in giving illegal orders to attack Ahmići.
154. The Prosecution proposes to proceed as follows. First, it will briefly outline the law relating to reconsideration and the circumstances in which the Appeals Chamber has held this to be an appropriate avenue for relief.
155. Second, the Prosecution will briefly outline the procedural history as to the rejection of Witness AT's evidence in the appeal proceedings against Blaškić. The Appeals Chamber's cursory approach to this important item of evidence strengthens the Prosecution's argument that the Appeals Chamber's decision on Blaškić's role should be reconsidered in light of what can now be considered an erroneous decision by the

¹⁵² *Kordić* Appeals Judgement, paras 245, 284, 291-294, 693-698.

¹⁵³ *Kupreškić* Appeals Judgment, para 291 and 295.

Appeals Chamber to reject the admission of Witness AT's *Kordić* trial testimony in the appeal.

156. Third, it will summarise the key portions of Witness AT's *Kordić* trial testimony that - by virtue of the *Blaškić* Appeals Chamber's decision *not* to admit Witness AT's evidence - were *not* considered by the *Blaškić* Appeals Chamber. In doing so, the Prosecution will highlight that these key aspects of Witness AT's evidence were accepted by the *Kordić* Trial Chamber, and critically, upheld on appeal by the Appeals Chamber, notwithstanding vigorous challenges in that case by the defence to the Trial Chamber's reliance on Witness AT's evidence.
157. Fourth, the Prosecution will show that Witness AT's evidence, despite some discrepancies, is generally corroborated by the evidence [REDACTED] Krizanović, [REDACTED] and Witnesses BRC and BRD, who are the subject of the Prosecution's above request for review. This should provide the Appeals Chamber with further assurance as to the credibility and reliability of Witness AT such that the Appeals Chamber should proceed to reconsider its earlier decision as to *Blaškić*'s role in *Ahmići* in light of AT's evidence which was previously erroneously excluded.
158. Finally, the Prosecution will argue that a proper reconsideration of its previous judgement relating to *Blaškić*'s role in *Ahmići* – canvassing Witness AT's evidence, the trial evidence, the evidence admitted on appeal, and the new facts sought to be admitted above under Rule 119, should lead this Appeals Chamber to conclude that *Blaškić* gave illegal orders to attack *Ahmići* on the eve of the attack and accordingly should be liable for ordering the crimes committed in the *Ahmići* area on 16 April 1993.

(b) Appeals Chamber has inherent power to reconsider its previous decisions

159. The Prosecution requests the Appeals Chamber to exercise its inherent power to reconsider its previous decision regarding *Blaškić*'s role and responsibility for *Ahmići* on the basis that it is now evident that it made an error in rejecting the admission of Witness AT's evidence, leading to *Blaškić* being wrongly acquitted for these crimes. The Prosecution submits that the Appeals Chamber not only retains such an inherent power, but that the present case meets the test for reconsideration as enunciated by the Appeals Chamber in its Judgment on Sentence Appeal in the *Čelibići case*.¹⁵⁴
160. In that Judgment, the Appeals Chamber acknowledged that it has an inherent power to reconsider any decision, including a judgement where it is necessary to do so to prevent

an injustice.¹⁵⁵ In several interlocutory decisions the Appeals Chamber had previously held that a Chamber may reconsider a decision, and not only when there has been a change of circumstances, where the Chamber has been persuaded that its previous decision was erroneous and has caused prejudice.¹⁵⁶

161. The Appeals Chamber found it was satisfied that it also has such a power in relation to a judgment which has been given. The Appeals Chamber stated that in order to invoke such power it would need to be persuaded that:

“(a) (i) a clear error of reasoning in the previous judgement has been demonstrated by, for example, a subsequent decision of the Appeals Chamber itself, the International Court of Justice, the European Court of Human Rights or a senior appellate court within a domestic jurisdiction, or (ii) that the previous judgment was given *per incuriam*; and

(b) that the judgment of the Appeals Chamber sought to be reconsidered has led to an injustice.”¹⁵⁷

162. The Appeals Chamber acknowledged that the Tribunal’s principal purpose to administer justice and to ensure that its proceedings do not lead to injustice. It recognised that the prospect of an injustice resulting from a judgement of the Appeals Chamber is not met by any further levels of appeal, and that “such a prospect must be met in some way to ensure that the Tribunal’s proceedings do not lead to injustice.” Since the right of review under Article 26 is limited to the discovery of a new fact which was not known at the time of the proceedings before the Appeals Chamber and which could have been a decisive factor in reaching the decision, the Appeals Chamber recognised that that procedural avenue is only a partial answer to the prospect of injustice.¹⁵⁸
163. The Appeals Chamber in that case did not think that the absence of any reference in the Tribunal’s Statute or Rules to the existence of a power to reconsider was any bar since the Tribunal possesses an inherent jurisdiction to prevent injustice. It noted that there

¹⁵⁴ *Prosecutor v Mucić, Delić and Landžo*, “Judgment on Sentence Appeal”, 8 April 2003, paras 48-60.

¹⁵⁵ In a Separate Opinion Judges Meron and Pocar reserved their position on the issue, taking the view that in the particular circumstances of that case, there was no reason for the Appeals Chamber to address the circumstances in which it may reconsider its judgments. In his Separate Opinion Judge Shahabuddeen elaborated on why, in his opinion, it was within the competence of the Appeals Chamber to pronounce on the matter. He also elaborated on the existence of the power of reconsideration, and the limits within which the power of reconsideration may be exercised. See also Separate Opinion of Judge Shahabuddeen in *Barayagwiza*, 31 March 2000.

¹⁵⁶ See *Prosecutor v Galić*, “Decision on Application by Prosecution for leave to Appeal”, 14 December 2001, para 13; *Prosecutor v Milošević*, “Reasons for Refusal of leave to Appeal from Decision to Impose Time Limit”, 16 May 2002, para 17; *Prosecutor v Kvočka et al*, “Decision on Further Request for Review by Zoarn Žigić”, 11 March 2003, para 6.

¹⁵⁷ *Čelibići Sentencing Appeal Judgment*, para 49.

¹⁵⁸ *Čelibići Sentencing Appeal Judgment*, para 51.

was nothing in the Statute which is inconsistent with the existence of an inherent power of the Appeals Chamber to reconsider its judgement in the appropriate case.¹⁵⁹

164. In doing so the Appeals Chamber gave credence to what was said by Lord Browne-Wilkinson in the *Pinochet* case in which the House of Lords agreed to reconsider its earlier judgment, given in proceedings for extradition on criminal charges:

“In principle it must be that your Lordships, as the ultimate court of appeal, have power to correct any earlier injustice caused by an earlier order of this House. There is no relevant statutory limitation on the jurisdiction of the House in this regard and therefore its inherent jurisdiction remains unfettered...

However, it should be made clear that the House will not reopen any appeal save in circumstances where, through no fault of a party, he or she has been subjected to an unfair procedure. Where an order has been made by the House in a particular case there can be no question of that decision being varied or rescinded by a later order made in the same case just because it is thought that the first order is wrong.”

165. The Appeals Chamber in *Čelibići* stated that the test will not be satisfied merely where the Appeals Chamber is satisfied that its previous decision was wrong; it must also be satisfied that its previous decision has led to an injustice.¹⁶⁰
166. Judge Shahabudden in his Separate Opinion gave further consideration to the “limits” within which reconsideration is allowed, noting that this determination must be made by holding a balance between the principle that a litigant has a right to a correct decision and the principle that his opponent has a right to rely on the finality of litigation. He referred to some domestic cases for guidance. For example, in *Calloway v City of Reno* the Supreme Court of Nevada considered that it had “overlooked material matters and that rehearing will promote substantial justice”¹⁶¹ In *Wolf v Glenn*, the Ohio Court of Appeals held that:

“At present, we have no rule permitting applications for rehearing and it is only in rare instances, where there is something which, manifestly, the Court has overlooked in the original opinion that such applications are entertained.”¹⁶²

167. Accordingly, Judge Shahabudden understood the reference in the judgement to “clear error” to be a reference to “something which the Court manifestly or obviously

¹⁵⁹ *Čelibići* Sentencing Appeal Judgment, para 52.

¹⁶⁰ *Čelibići* Sentencing Appeal Judgment, para 52.

¹⁶¹ *Calloway v City of Reno* (1998) 971 P2d 1250

¹⁶² *Wolf v Glenn*, 9 N.E. 2d 320 at 323, 4 January 1950.

overlooked in its reasoning and which is material to the achievement of substantial justice.”

168. The Prosecution endorses the above approach and submits that in the present case a clear error in the Appeals Chamber’s reasoning as to Blaškić’s role in the issuance of illegal orders to attack Ahmići arose as a result of the Appeals Chamber having erroneously excluded the evidence of Witness AT. As will be shown below, it is unclear why the Appeals Chamber rejected Witness AT’s evidence. What is clear, however, is that the erroneous nature of this decision is clearly demonstrated by the *Kordić* Appeals Chamber’s subsequent decision affirming the Trial Chamber’s findings in that case, based in large part on the evidence of Witness AT, as to the meetings and orders by Blaškić in the lead-up to the attack on Ahmići.

(c) The Appeals Chamber’s decision not to admit Witness AT (PA-67) was clearly erroneous

169. As discussed in further detail below, the reason why Witness AT’s *Kordić* trial testimony was rejected by the Appeals Chamber in the *Blaškić* appeal proceedings was, and remains, unclear. In its two Decisions on 31 October 2003 dealing with the admission of the additional and rebuttal evidence, the Appeals Chamber did not expressly refer to this item of Prosecution rebuttal evidence (PA 67), nor did it enunciate any reasons for rejecting it.
170. Once the Appeals Chamber’s Judgment in *Kordić* was rendered, it became evident that the reason why the Appeals Chamber did not admit AT’s evidence was *not* due to an assessment of lack of credibility or reliability of Witness AT. The *Kordić* Appeals Chamber’s finding that the Trial Chamber did not err by relying upon the evidence of Witness AT clearly shows that the reason for not admitting Witness AT in the *Blaškić* appeal proceedings could *not* have been due to its analysis of the credibility or reliability of this witness.
171. Furthermore, the findings in the *Kordić* Appeals Judgment¹⁶³ demonstrate the clear relevance – indeed the central importance – of AT’s evidence on the issue of the planned, orchestrated and illegal nature of the attack on Ahmići, and Blaškić’s role therein.
172. In view of the *Kordić* Appeals Judgement, and the clear relevance and probative value of the evidence of Witness AT to the issues in *Blaškić*, there appears to be no valid

¹⁶³ Especially those at paras 693-698

reason as to why Witness AT's evidence was rejected by the Appeals Chamber. In view of the absence of reasons for rejecting Witness AT's evidence in the *Blaškić* appeal proceedings, particularly when juxtaposed to the *Kordić* Appeals Chamber's affirmation of the Trial Chamber's findings based - in large part - upon the evidence of this witness, the Prosecution submits that the Appeals Chamber should find that its previous decision not to admit Witness AT's evidence was clearly erroneous and its continued exclusion would lead to an injustice. The Appeals Chamber should reconsider its findings about Blaškić's role in issuing illegal orders to attack Ahmići on 16 April 1993, and his criminal responsibility for the crimes that occurred there, in light of AT's evidence as assessed together with all of the other trial and appeal evidence as well as the new facts admitted as a result of the review application.

173. The Appeals Chamber addressed the admission of Blaškić's additional evidence and the Prosecution's evidence in rebuttal in two separate decisions rendered on 31 October 2003, one dealing with the documents Blaškić sought to have admitted, which was rendered publicly, and one dealing with the witnesses which he sought to have admitted, which was rendered confidentially. Curiously, in neither of these two Decisions does the Appeals Chamber expressly refer to AT's *Kordić* trial testimony (PA- 67) which the Prosecution sought to adduce on appeal, or give any reasons for its rejection. Rather, the rejection of PA-67 as evidence in rebuttal was apparently meant to be encapsulated in the Appeals Chamber's sweeping language in its public Decision, that, *vis-à-vis* the Prosecution's rebuttal material, "remaining items are rejected." Its confidential Decision made no reference at all to any of the Prosecution's rebuttal material.
174. This outcome was perplexing given that the Prosecution had filed Witness AT's *Kordić* trial evidence (PA-67) primarily in rebuttal of Blaškić's proposed additional defence witness, [REDACTED] - the subject of the confidential Decision.¹⁶⁴ The Prosecution had filed Witness AT for a number of reasons. One of the main reasons was to rebut Blaškić's [REDACTED] allegations that the Military Police and the Jokers were not under Blaškić's control and that the orders for the crimes in Ahmići were given by Ljubičić, Slišković and Čoskić, with Kordić's consent. In addition, the Prosecution filed it to rebut other pieces of additional evidence such as Exhibit 14 from Blaškić First Rule 115 Motion and Exhibit 14 from his Second Rule 115 Motion which Blaškić put

¹⁶⁴ Prosecution Exhibit PA 67, filed in Prosecution's Rebuttal Evidence and Arguments in Response to Additional Evidence Admitted on Appeal, 7 January 2003 (Confidential), paras 4.82 and 4.84.

forward in support of his assertions that the Viteška Brigade was not involved in Ahmići.

175. The lack of reasoning by the Appeals Chamber as to why it rejected Witness AT's evidence, especially when considered in light of the clear endorsement by the *Kordić* Appeals Chamber as a credible and reliable witness, is inexplicable. The Prosecution submits that this decision to reject such critical evidence – which can now be seen to be clearly erroneous – led the Appeals Chamber to reach wholly erroneous findings as to the planned and orchestrated nature of the illegal attack on Ahmići, and Blaškić's issuance of illegal orders to attack Ahmići.
176. In the next section the Prosecution summarises the key features of Witness AT's evidence which it submits should have been before the *Blaškić* Appeals Chamber. These key aspects were accepted by the *Kordić* Trial Chamber and endorsed on appeal. The exclusion of this evidence led the Appeals Chamber to a miscarriage of justice by acquitting Blaškić for the crimes in Ahmići. As will be shown in the final section, a proper reconsideration of AT's evidence (together with the trial evidence, the appeal evidence and new facts admitted under the review mechanism) should lead the Appeals Chamber to find that Blaškić issued illegal orders to attack Ahmići and should be criminally liable for the crimes that occurred during the attack.

(d) As a result of the Appeals Chamber's erroneous decision, key aspects of Witness AT's evidence (as accepted by the Kordić Trial and Appeals Chambers) were not before the Blaškić Appeals Chamber

177. Witness AT, in his *Kordić* trial testimony, gave important evidence showing the planned and orchestrated nature of the attack on Ahmići on 16 April 1993, and the role of Blaškić in issuing illegal orders to attack Ahmići. The Prosecution submits that the Appeals Chamber should reconsider its findings in relation to Blaškić's role in Ahmići, taking into account the whole of AT's evidence, in particular the following key aspects which were accepted by the *Kordić* Trial Chamber and upheld on appeal by the *Kordić* Appeals Chamber:
 - In the afternoon of 15 April 1993, Witness AT was informed by Paško Ljubicić (the commander of the 4th Battalion of the Military Police) of a meeting of the political leadership then taking place in Blaškić's office at the Hotel Vitez. Although Witness AT was not present at the meeting, he saw some of the attendees including Ivan

Santić¹⁶⁵, Pero Skopljak and Zoran Matić. Ljubicić informed AT that Kordić was present, and after the meeting AT heard Ljubicić order an escort for Kordić and Kostroman.¹⁶⁶

- Later that same day, there was a second meeting in Blaškić's office, of the military leaders including Ljubicić, Ante Slisković, Mario Čerkez and Darko Kraljević. During that meeting Ljubicić came to AT's office and said that at the previous meeting a decision had been made that the next morning an attack would be launched against the Muslims and that at the military meeting, the directions of the attack were being determined for the participating units.¹⁶⁷
- After this second meeting, a briefing was given by Ljubicić to a company of the 4th Battalion of the Military Police in the TV room at Hotel Vitez, at which AT was present. Ljubicić said the decision had been taken to start the war the next morning, claiming a Muslim message had been intercepted saying that they would attack in the morning, and so to forestall this the Croats would attack first. Ljubicić said that the company would be transferred to the Bungalow (where the Anti-Terrorist Platoon of the Battalion (the Jokers) already were) and the direction of attack would be Ahmići. The Vitezovi were to be assigned Vitez, the Vieška Brigade was assigned all Muslim village sand hamlets with Muslim inhabitants. UNPROFOR would be prevented from entering the Ahmići area. Late that evening the military police company, including AT, was transferred to the Bungalow.¹⁶⁸
- After their arrival at the Bungalow, the military police received two further briefings. In the first one, Ljubicić said that Colonel Blaškić's order was to attack at 5:30am and all Muslim men of military age were to be killed while the civilians were not to be killed, but expelled, and their houses set on fire.¹⁶⁹ Ante Slišković (Second in Command) then spoke and said that if they did not attack, the Muslims would do so and commit slaughter and Mujahedin had been infiltrated into Ahmići during the night. Slišković added that Dario Kordić had placed full trust in the

¹⁶⁵ [REDACTED]. The Prosecution relies on AT's evidence in this regard and highlights the principle that a Chamber can rely on parts of a witness' evidence while not accepting other parts: Kunarac Appeals Judgement, para. 228.

¹⁶⁶ AT T 27590-92; *Kordić* Trial Judgement, para 610.

¹⁶⁷ AT T 27592-93; *Kordić* Trial Judgement, para 610.

¹⁶⁸ AT T 27597-99; *Kordić* Trial Judgment para 612

¹⁶⁹ AT T 27603-04; *Kordić* Trial Judgment para 613.

police to carry out the action successfully.¹⁷⁰ AT and others then drew sketches of the village showing the location of the Muslim houses on pieces of cardboard and tasks were assigned to the various groups. These groups were given different lines of advance. At some stage, Miroslav Bralo, who had been released from prison, joined the group in the Bungalow.¹⁷¹

- Later in the night Ljubicić gave the order that the groups would move off in line and there were to be no living witnesses. He also said there would be artillery support from Hrasno and short wave radio for communication.¹⁷²

178. The *Kordić* Trial Chamber made its finding in Paragraph 631 of the Judgement as to the meetings, preparations and illegal orders to attack Ahmići based on Witness AT's evidence and as corroborated by other evidence. This was notwithstanding the vigorous challenges at trial by both Kordić and Čerkez as to Witness AT's credibility.

179. This vigorous challenge to Witness AT's evidence continued on appeal, the two accused submitting that the Trial Chamber erred in fact by accepting Witness AT's evidence, thereby resulting in a miscarriage of justice. The Appeals Chamber carefully considered these challenges to AT's credibility in its Appeals Judgment paragraphs 254-267, but concluded that the Trial Chamber's treatment of Witness AT's testimony was:

"... thorough and cautious, and taken together with the manner in which it was relied upon at trial, the Appeals Chamber concludes that the Accused have failed to demonstrate that the Trial Chamber erred in its assessment of the credibility of that witness. The Trial Chamber did not err in its assessment of the primary circumstantial evidence corroborating Witness AT's testimony. The manner of Trial Chamber's reliance on Witness AT's testimony, to the extent that it was hearsay, was not erroneous."

180. Later in paragraph 294 the Appeals Chamber held that:

"The Trial Chamber considered the probative value of Witness AT's evidence and – together with other evidence – arrived at its conclusions in a fully reasoned and methodical manner. The Appeals Chamber has considered the arguments alleging Witness AT's evidence to be uncorroborated hearsay evidence deficient in credibility and finds that the Accused have failed to demonstrate that the Trial Chamber erred in its assessment of the evidence....The arguments against the Trial Chamber's reliance upon the testimony of Witness AT are dismissed."

181. Critically, the *Kordić* Appeals Chamber concluded at paragraph 698:

¹⁷⁰ ATT 27604; *Kordić* Trial Judgment para 613

¹⁷¹ ATT 27604-06; *Kordić* Trial Judgment, para 613.

“In light of Witness AT’s evidence concerning the briefings to the military police at the Bungalow, viewed together with the afore-discussed political developments and other corroborating evidence, the Appeals Chamber considers that a reasonable trier of fact could have concluded that an order was given to attack at 5:30am, to kill all Muslim men of military age, to expel civilians, and to set houses on fire, and that this order was approved at the meeting of the political leadership, which was attended by Kordić.”

182. The *Kordić* Appeals Chamber stressed in paragraph 698 that it was only necessary for it to deal with the criminal liability of Kordić in that case. However, the important aspect insofar as this motion for reconsideration is concerned which can be derived from the *Kordić* Appeals Judgment is that the Appeals Chamber, by upholding the *Kordić* Trial Chamber’s findings about the meetings and illegal order given prior to the attack on Ahmići, thereby endorsed the Trial Chamber’s reliance on Witness AT as a credible and reliable witness on these issues.¹⁷³ Witness AT’s evidence, as accepted by the Appeals Chamber, *equally implicates* Blaškić, and as such was highly relevant and probative on the issue of *his* criminal responsibility for the crimes committed in Ahmići. Despite this, it was not even considered by the Appeals Chamber because of its earlier erroneous decision to exclude it.

(e) **Proper reconsideration of AT’s evidence should lead the Appeals Chamber to find that Blaškić issued illegal orders to attack Ahmići and should be criminally liable for the crimes that occurred during the attack.**

183. Witness AT’s evidence - when assessed in light of the trial evidence, evidence admitted on appeal and the “new facts” sought to be admitted – would have affected the verdict in that had the Appeals Chamber properly had this evidence before it, it would have found that Blaškić issued illegal orders to attack Ahmići. AT’s evidence would have cast the Court’s consideration and analysis of all evidence relevant to the issue, as set out in paragraphs 334 -342 of the *Blaškić* Appeals Judgement, in a wholly different light. The Appeals Chamber’s findings on Blaškić’s role in the Ahmići crimes would clearly have been different had they had before them his evidence.

184. The Prosecution will not attempt an exhaustive examination as to how Witness AT’s evidence would have led to a different outcome. Rather it will highlight how his evidence would have affected three main issues decided by the Appeals Chamber and which led it ultimately to acquit Blaškić for ordering the crimes in Ahmići.

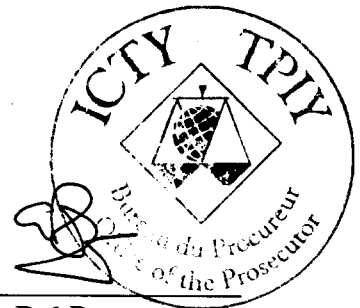
¹⁷² AT T 27608-12; *Kordić* Trial Judgment, para 613.

¹⁷³ *Kordić* Appeals Judgement, paras 245, 284, 291-294, 693-698.

185. First, Witness AT's would have affected the Appeals Chamber's consideration of the Trial Chamber's interpretation of the instructions in Blaškić' written order D269. The Appeals Chamber in paragraph 330 of the *Blaškić* Appeals Judgement concluded that the Trial Chamber had erred in interpreting the order as an order to attack when its terms were presented as a combat command to prevent an attack, and in paragraph 333 the Appeals Chamber treated the presence of ABiH forces in the area as relevant to its consideration of the proper meaning of D269.
186. Consideration of Witness AT's evidence would have significantly impacted the Appeals Chamber's assessment of D269 and put this item of evidence into proper context. In light of AT's evidence regarding the illegal oral order issued by Blaškić, the Appeals Chambers would not have concluded that D269 was indeed as it looked on the surface (a defensive order). AT's evidence shows that behind these written orders lay Blaškić' illegal oral order.
187. Likewise, Witness AT's evidence would have affected the Appeals Chamber's consideration of the issue regarding the troops involved in the commission of crimes in Ahmići. In paragraph 339 of the *Blaškić* Appeals Judgement the Appeals Chamber accepted the additional evidence and found that the crimes committed in Ahmići area on 16 April 1993 were perpetrated by the Jokers and 4th Military Battalion. Again, Witness AT's evidence would have made it clear that for the purposes of the planned illegal operation in Ahmići, these latter units were operating under the subordination and orders of Blaškić.
188. Finally Witness AT's evidence would have affected the Appeals Chamber's consideration of the issue of whether individuals other than Blaškić planned and ordered the commission of crimes in the Ahmići area. In particular, in paragraph 342 of the Appeals Judgement the Appeals Chamber stated that it considered that "some documents admitted as additional evidence on appeal support the assertion that the 4th MP Battalion and the Jokers committed the crimes in Ahmići on 16 April 1993, and do not identify the Appellant as responsible for planning and ordering the massacre", referring in footnote 705 to Exhibit 13 to the First Rule 115 Motion (MUP report).
189. In its review application to admit new facts the Prosecution has demonstrated above that that MUP report, relied upon by the Appeals Chamber, has now been shown to be an unsubstantiated, self-serving, and indeed manipulated document, the crucial parts of which were based mainly on information traceable to Mr Nobile, Blaškić's lawyer. In

addition, the Prosecution submits that Witness AT's evidence further demonstrates the falsity of the information in the MUP report relied upon by the Appeals Chamber that others may have ordered the attack on Ahmići.

190. In sum, the rejection of Witness AT's evidence led the Appeals Chamber to form wholly erroneous findings on Blaškić's criminal liability for ordering the attack on Ahmići. The Prosecution requests that the Appeals Chamber reconsider its decision in light of Witness AT's evidence and the new facts so as to prevent a miscarriage of justice.



 Carla Del Ponte
Prosecutor

Dated this 10th day of July 2006
At The Hague, The Netherlands

*The Prosecutor v. Tihomir Blaškić***REQUEST FOR REVIEW OR RECONSIDERATION****LIST OF ANNEXES**

ANNEX	DESCRIPTION
1	<p>Exhibit BR1(a): English translation of the Conclusions of the extraordinary session of the HVO Government Vitez, dated 15 April 1993 at 22:00 hours, signed by HVO Vitez President Ivan Šantić (“signed 15 April 1993 Conclusions”)</p> <p>Exhibit BR1(b): BCS copy of Exhibit BR1(a)</p> <p>Exhibit BR2(a): English translation of the Conclusions of the extraordinary session of the HVO Government Vitez dated 15 April 1993 at 22:00 hours – unsigned and containing handwritten notations at the bottom of the document (the “15 April 1993 Conclusions with notations”)</p> <p>Exhibit BR2(b): BCS copy of Exhibit BR2(a)</p>
2	Exhibit BR3: [REDACTED]
3	Exhibit BR4: [REDACTED]
4	<p>Exhibit BR5(a): [REDACTED]</p> <p>Exhibit BR5(b): [REDACTED]</p>
5	Exhibit BR6: [REDACTED]
6	Exhibit BR7: Filing of documents relating to Rule 62 ter of 15 July 2005” in the <i>Prosecutor v. Miroslav Bralo</i> case, no. IT-95-17-PT which contains: Plea Agreement, Proposed Amended Indictment and Factual Basis and including the transcript of the Plea Hearing on 19 July 2005, in English.
7	<p>Exhibit BR8(a): The MUP Report of 08 August 2002, in English. 40 pages in length, received by the Prosecution in February 2005.</p> <p>Exhibit BR8(b): BCS copy of Exhibit BR8(a)</p>
8	<p>Exhibit BR9(a): Combat order for HVO forces including Vitezovi, to attack Grbavica, signed by Colonel Tihomir Blaškić on 6 September 1993, in English and including two maps</p> <p>Exhibit BR9(b): BCS copy of Exhibit BR9(a)</p>
9	Exhibit BR10(a): Commendation signed by Dario Kordić on 9 September

	1993 regarding the operation in Grabavica, in English Exhibit BR10(b): BCS copy of Exhibit BR10(a)
10	Exhibit BR11: Declaration of William Tomljanović dated 27 July 2005, in English.
11	Exhibit BR12: [REDACTED]

The Prosecutor v. Tihomir Blaškić

PUBLIC REDACTED VERSION

REQUEST FOR REVIEW OR RECONSIDERATION

ANNEX 1

Exhibit # BR1 (a)

Y003-0664-ET/Translation

HVO /Croatian Defence Council/ GOVERNMENT, VITEZ
2200 hours, 15 April 1993

CONCLUSIONS

of the extraordinary session

The latest ORDER of the Central Bosnia Operations Zone regarding the operation /set/ for 16 April 1993 in Vitez municipality was discussed at the session. The government adopted the following conclusions:

1. All heads of the Vitez municipal government departments are ordered to carry out preparations that are in their competence in accordance with the mentioned ORDER on the night of 15/16 April.
2. The HVO Government in Vitez hereby requests the Central Bosnia Operations Zone to issue the stated ORDER in written form.
3. Even though all heads of GOVERNMENT departments have agreed to carry out their tasks according to CONCLUSION NO.1, it was unanimously decided that in accordance with the political evaluation /?of the situation in/ Vitez, this ORDER, regardless of the final outcome, will result in disastrous consequences for Vitez municipality. The unanimous opinion of the GOVERNMENT is that it would be better to try other methods (blockades, ultimatums, sabotage or involving international institutions) at this time. In the meantime, certain activities involving the civilian population should be carried out anyway, such as providing security for products and equipment in military factories and so on.
4. In accordance with CONCLUSION NO. 3, the GOVERNMENT proposes to prolong the deadline for carrying out this ORDER.

Present at the government session:

Željko TOPALović, Franjo ALILOVIĆ, Stipo KRIŽANAC, Blaž KESIĆ, Vlado ALILOVIĆ, Marijan SKOPLJAK, Pero SKOPLJAK, Josip MARIĆ, Marko KNEZOVIĆ, Ivan ŠANTIĆ, Bruno BUZUK and Dragan RADOŠ.

PRESIDENT OF THE HVO, VITEZ

Ivan ŠANTIĆ

/signed/

Exhibit # BR1 (b)

V L A D A H V O - V I T E Z

Dana, 15.04.1993. godine u 22.00 sati

Y0030664

Z A K L J U C A K

sa izvanredne sjednice

Na sjednici je razmatrana posljednja ZAPOVJED Operativne zone "S.Bos" glede akcije za 16.04.1993.g. u općini VITEZ. Vlada je donijela sljedeće zaključke:

1. Naređuje se svim predstojnicima općinske VLADE VITEZ da u toku noći (15/16) izvrše svako u svojoj oblasti pripreme u duhu navedenog ZAPOVJEDI.
2. Vlada HVO - Vitez traži od OPERATIVNE ZONE S.BOSNA da se navedena ZAPOVJED izda u pismenoj formi.
3. I pored toga što svi predstojnici VLADE prihvataju da izvrše svoje zadatke prema ZAKLJUČKU BR. 1, jednoglasno je zaključeno da će prema političkoj procjeni u Vitezu navedena ZAPOVJED bez obzira na krajnji ishod dovesti do katastrofalnih posljedica za općinu Vitez. Jednoglasan stav VLADE je da bi u ovom trenutku bilo bolje primijeniti druge metode (blokade, ultimatum, diverzije, aktiviranje međ. institucija). U međuvremenu bi se mogle obaviti, inače neophodne radnje oko civilnog stanovništva, osiguranja proizvoda i uređaja u vojnim tvornicama itd.
4. U skladu sa ZAKLJUČKOM BR. 3 VLADE predlaže da se prolongira rok izvršenja navedene ZAPOVJEDI.

Na sastanku vlade prisutni:

Zeljko Topalović, Franjo Alilović, Stipo Križanac, Blaž Kesic, Vlado Alilović, Marijan Skopljak, Pero Skopljak, Josip Marić, Marko Knežević, Ivan Santić, Bruno Buzuk i Dragan Radoš.

PREDSJEDNIK HVO - VITEZ

Ivan Santić dipl.inž.

The Prosecutor v. Tihomir Blaškić

PUBLIC REDACTED VERSION

REQUEST FOR REVIEW OR RECONSIDERATION

ANNEX 2

Exhibit # BR2 (a)

Rough English Translation

HVO GOVERNMENT – VITEZ
Date: 15 April 1993 at 22:00 hours

CONCLUSIONS
of the extraordinary session.

The session examined the latest ORDER issued by Operations Zone "Central Bosnia" in the respect to the operation /scheduled/ for 16 April 1993 in VITEZ municipality. The Government reached the following conclusions:

1. All officials of VITEZ MUNICIPAL GOVERNMENT are ordered to conduct preparations during the night of 15-16 each in their respective field /of work/, in the spirit of the said order.
2. VITEZ HVO Government requests the OPERATIONS ZONE CENTRAL BOSNIA to issue the said order in writing.
3. Despite the fact that all representatives of the GOVERNMENT agree to implement their tasks pursuant to CONCLUSION No. 1, it was unanimously concluded that according to assessment of political situation the said ORDER, regardless of the final outcome, will bring about catastrophic consequences for Vitez municipality. It is a unanimous position of the GOVERNMENT that at this moment it would have been better to apply other methods (blockades, ultimatums, sabotage, activating international organisations) In the meantime one could perform the otherwise necessary actions in relation to civilian population, securing the products and machinery in the military factories etc.
4. The GOVERNMENT proposes that the deadline for implementation of the said ORDER be postponed in accordance with CONCLUSION No. 3

The meeting was attended by:

Željko TOPALOVIĆ, Franjo ALILOVIĆ, Stipo KRIŽANAC, Blaž KESIĆ,
Vlado ALILOVIĆ, Marijan SKOPLJAK, Pero SKOPLJAK, Josip MARIĆ,
Marko KNEZOVIĆ, Ivan ŠANTIĆ, Bruno BUZUK and Dragan RADOŠ
/handwritten: Nikola K????IĆ, Vlado D????IĆ

HVO VITEZ PRESIDENT
Ivan ŠANTIĆ, eng.

We should call someone who is ours about this such as
PRALJAK

- to have a deadline for evacuation =

The staff /illegible/ complete and gathered, UNPF. at Kruščica

1. The decision /illegible/ without preparations =
2. to do what has been said
- evacuation is No. 1 problem,
- Sabotage groups, NORAs and Zabrde

MAR?O /Marko or Mario/

713-341
711-341
713-655

Exhibit # BR2 (b)

0420-1660

75

V L A D A H V O - V I T E Z
Dana, 15.04.1993. godine u 22.00 sati

Z A K L J U C A K

sa izvanredne sjednice

Na sjednici je razmatrana posljednja ZAPOVJED Operativne zone "S.Bosna" glede akcije za 16.04.1993.g. u općini VITEZ. Vlada je donijela slijedeće zaključke:

1. Naređuje se svim predstojnicima općinske VLADE VITEZ da u toku noći (15/16) izvrše svako u svojoj oblasti pripreme u duhu navedene ZAPOVJEDI.
2. Vlada HVO - Vitez traži od OPERATIVNE ZONE S.BOSNA da se navedena ZAPOVJED izda u pismenoj formi.
3. I pored toga što svi predstojnici VLADE prihvataju da izvrše svoje zadatke prema ZAKLJUCKU BR. 1, jednoglasno je zaključeno da će prema političkoj procjeni u Vitezu navedena ZAPOVJED bez obzira na krajnji ishod dovesti do katastrofalnih posljedica za općinu Vitez. Jednoglasan stav VLADE je da bi u ovom trenutku bilo bolje primjeniti druge metode (blokade, ultimatum, diverzije, aktiviranje međ. institucija). U međuvremenu bi se mogle obaviti, inače neophodne radnje oko civilnog stanovništva, osiguranja proizvoda i uređaja u vojnim tvornicama itd.
4. U skladu sa ZAKLJUCKOM BR. 3 VLADE predlaže da se prolongira rok izvršenja navedene ZAPOVJEDI.

Na sastanku vlade prisutni:

Zeljko Topalović, Franjo Alilović, Stipo Križanac, Blaž Kesic, Vlado Alilović, Marijan Skopljak, Pero Skopljak, Josip Marić, Marko Knezović, Ivan Santic, Bruno Buzuk i Dragan Radoš.

Nikola Kuzmanović, Vlado Vuković

PREDSJEDNIK HVO - VITEZ

Ivan Santic dipl.inž.

- *Trebalo bi nekoga naći s prave lica*
Phelphie

- *mao ne re evaluacija =*
= što je to kompletan ne daju
u Kninici.

① *odluke nebu bez pripreme =*

② *= Mada to je rečeno*

= *evaluacija problem bi i u rečeno pripreme*

= *Dovertne the prave NOKE i pripreme =*

Umeto

713-341
711-341
713-655

The Prosecutor v. Tihomir Blaškić

PUBLIC REDACTED VERSION

REQUEST FOR REVIEW OR RECONSIDERATION

ANNEX 7

Exhibit # BR7

IT-95-17-PT
D351-D305
19 July 2005

IT-95-17-PT p.351

MC

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

Case No. IT-95-17-PT

IN TRIAL CHAMBER I

Before: Judge Liu Daqun, Presiding
Judge Amin El Mahdi
Judge Alphons Orie

Registrar: Mr. Hans Holthuis

Date Filed: 19 July 2005

THE PROSECUTOR

v.

MIROSLAV BRALO

FILING OF DOCUMENTS RELATING TO RULE 62 ter

The Office of the Prosecutor:

Mr. Mark B. Harmon

Counsel for the Accused:

Mr. Jonathan Cooper

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

Case No. IT-95-17-PT

THE PROSECUTOR

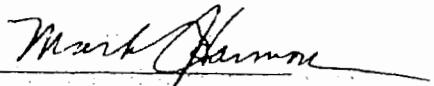
v.

MIROSLAV BRALO

FILING OF DOCUMENTS RELATING TO RULE 62 *ter*

Pursuant to Rule 62 *ter*, the Prosecution files herewith the following documents in English and BCS:

1. Plea Agreement;
2. Proposed Amended Indictment; and
3. Factual Basis.


Mark B. Harmon
Senior Trial Attorney

Dated this 19th day of July 2005
The Hague
The Netherlands

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

PROSECUTOR

v.

**MIROSLAV BRALO
IT-95-17-PT**

PLEA AGREEMENT

Introduction

1. This document constitutes the plea agreement (hereinafter "Agreement") between the accused, Miroslav Bralo, through his counsel, Jonathan Cooper, and the Office of the Prosecutor. The purpose of this Agreement is to set forth in its entirety the understanding of the parties as to the nature of the Agreement, the possible consequences of Mr. Bralo's plea of guilty, and to assist the Trial Chamber in ensuring, pursuant to Rule 62 *bis* of the Tribunal's Rules of Procedure and Evidence (hereinafter "Rules" or "Rule"), that the plea is voluntary and informed and to set forth the Factual Basis for the crimes and the accused's participation in them.
2. The terms of the Agreement are as follows:

Plea

3. Miroslav Bralo agrees to plead guilty to the following crimes, as alleged in the Amended Indictment:
 - a) persecutions on political, racial and religious grounds, a crime against humanity (hereinafter "Persecutions"), punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal (hereinafter "Statute");
 - b) murder, a violation of the law or customs of war, punishable under Articles 3 and 7(1) of the Statute;
 - c) torture or inhuman treatment, a grave breach of the Geneva Conventions of 12 August 1949 (hereinafter "Grave Breach"), punishable under Articles 2(b) and 7(1) of the Statute;
 - d) torture, a violation of the law or customs of war, punishable under Articles 3 and 7(1) of the Statute;

- e) outrages upon personal dignity including rape, a violation of the law or customs of war, punishable under Articles 3 and 7(1) of the Statute; and
 - f) unlawful confinement, a Grave Breach, punishable under Articles 2(g) and 7(1) of the Statute.
4. A written factual basis supporting the crimes alleged in the Amended Indictment and Miroslav Bralo's participation in them has been prepared and filed with the Trial Chamber (hereinafter "Factual Basis"). Miroslav Bralo has reviewed with his attorneys the Factual Basis. Miroslav Bralo adopts the Factual Basis and agrees that he is pleading guilty to the charges contained in the Amended Indictment because he is in fact guilty and acknowledges full responsibility for his actions that are described therein.

Nature of the Offence

5. Miroslav Bralo understands that the Prosecution would have had to prove each of the elements set out in the Annex to this Agreement beyond a reasonable doubt for him to be found guilty of the crimes alleged in the Amended Indictment.

Penalty and Sentencing

6. In respect of each of the counts to which Miroslav Bralo is entering a guilty plea, Miroslav Bralo understands that the maximum sentence that can be imposed by the Trial Chamber as to each count contained in the Amended Indictment is a term of imprisonment for a term up to and including the remainder of the convicted person's life as described in Rule 101(A).
7. In determining the sentence, the Trial Chamber shall, pursuant to Article 24(2) of the Statute, take into consideration such factors as the gravity of the offence and the individual circumstances of the convicted person as well as those factors described in Rule 101(B): any aggravating circumstances; any mitigating circumstances including the substantial co-operation with the Prosecutor before or after conviction; the general practice regarding prison sentences in the courts of the former Yugoslavia.
8. Pursuant to Rule 101(C), Miroslav Bralo shall be given credit for the period during which he was detained in custody pending the imposition of sentence by the Trial Chamber.

Agreement between the parties

9. It is agreed that Miroslav Bralo's guilty pleas represent a full accounting of his criminal behaviour for the events charged before the International Criminal Tribunal for the former Yugoslavia. It is agreed that no promises or inducements have been made by the Prosecutor to induce Miroslav Bralo to enter this Agreement.

Waiver of Rights

10. By pleading guilty, Miroslav Bralo understands that he will be waiving the following rights in these proceedings:
- (a) the right to plead not guilty and require the Prosecution to prove the charges in the Indictment beyond a reasonable doubt at a public trial;
 - (b) the right to prepare and put forward a defence to the charges at such public trial;
 - (c) the right to be tried without undue delay;
 - (d) the right to be tried in his presence, and to defend himself in person at trial or through legal assistance of his own choosing at trial;
 - (e) the right to examine at his trial, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf at a trial under the same conditions as witnesses against him; and
 - (f) the right not to be compelled to testify against himself.

It is understood that by pleading guilty, the accused does not waive his right to be represented by counsel at all stages of the proceedings.

Declaration of Miroslav Bralo

11. I, Miroslav Bralo, have read this plea agreement, which sets forth in its entirety the understanding of the parties, and have carefully reviewed every part of it with my attorney, Jonathan Cooper. My attorney has advised me of my rights, of possible defences, and of the consequences of entering into the Agreement. No promises or inducements have been made to me, other than those contained in this Agreement. Furthermore, no one has threatened me or forced me in any way to enter into this agreement and I have entered into this agreement freely and voluntarily and am of sound mind. I understand the terms of this agreement and I voluntarily agree to each of the terms.

Dated this 18th day of July 2005

Miroslav Bralo
Miroslav Bralo

Declaration of Counsel

12. I, Jonathan Cooper, am counsel for Miroslav Bralo. I have carefully reviewed every part of this Agreement with my client. Further, I have fully advised my client of his rights, of possible defences, of the maximum sentence and the consequences of entering into this Agreement. To my knowledge, my client is of sound mind and his decision is an informed and voluntary one.

Dated this 18th day of July 2005

Jonathan Cooper
Jonathan Cooper
Counsel for Miroslav Bralo

Signed and dated this 18th day of July 2005 at The Hague, The Netherlands.

Miroslav Bralo
Miroslav Bralo

Jonathan Cooper
Jonathan Cooper
Counsel for Miroslav Bralo

Carla Del Ponte
Carla Del Ponte
Prosecutor



Mark B. Harmon
Mark B. Harmon
Senior Trial Attorney

Fergal Gaynor
Fergal Gaynor
Trial Attorney

ANNEX

These are the elements of the crimes alleged in the Amended Indictment:

COUNT 1: Persecutions (a crime against humanity)

- a) the existence of an armed conflict;
- b) the existence of a widespread or systematic attack directed against a civilian population;
- c) the accused's conduct was related to the widespread or systematic attack directed against a civilian population;
- d) the accused had knowledge of the wider context in which his conduct occurred;
- e) the accused committed acts or omissions against a victim or victim population violating a basic or fundamental human right;
- f) the accused intended to commit the violation;
- g) the accused's conduct was committed on political, racial or religious grounds; and
- h) the accused's conduct was committed with a conscious intent to discriminate or awareness of a conscious intent to discriminate of a principal perpetrator.

COUNT 2: Murder (as a violation of the laws or customs of war)

- a) the existence of an armed conflict;
- b) a nexus between the armed conflict and the criminal act or omission;
- c) the acts or omissions of the accused caused the death of one or more persons;
- d) the acts or omissions of the accused were intended to kill, or inflict serious injury in reckless disregard of human life.
- e) the victim or victims were persons taking no active part in hostilities, including members of the armed forces who had laid down their arms and those placed hors de combat.

COUNT 3: Torture or inhuman treatment (as Grave Breaches)

- a) The offence occurred within the context of an international armed conflict;
- b) the offence was committed against a person or property protected by any of the four Geneva Conventions of 1949; and
- c) *either* (for torture):
 - i. the accused inflicted, by act or omission, severe mental or physical pain or suffering;
 - ii. the act or omission occurred for a prohibited purpose (Such aims include obtaining information or a confession, punishing, intimidating, or coercing the victim or a third person, or discriminating, on any ground, against the victim or a third person.); and
 - iii. the act or omission was intentional.
- d) *or* (for inhuman treatment):
 - i. The act or omission of the accused caused serious physical or mental suffering or injury or constituted a serious attack on human dignity; and
 - ii. The act or omission was wilful.

COUNT 4: Torture (as a violation of the laws or customs of war)

- a) The existence of an armed conflict;
- b) a nexus between the armed conflict and the criminal act;
- c) the act or omission of the accused caused severe physical or mental pain or suffering;
- d) the act or omission was intentional; and
- e) pain or suffering was inflicted intentionally, for such purposes as: obtaining information or a confession, punishing, intimidating, humiliating, or coercing the victim or a third person, or discriminating on any ground against the victim or a third person.

COUNT 5: Outrages upon personal dignity, including rape (as a violation of the laws or customs of war)

- a) The existence of an armed conflict;
- b) a nexus between the armed conflict and the criminal acts;
- c) the accused intentionally committed or participated in an act or omission which would generally be considered to cause serious humiliation, degradation or otherwise be a serious attack on human dignity;
- d) the act or omission was intentional, that is deliberate and not accidental, and the accused knew that the act or omission could have that effect;

- e) the victim was subjected to sexual penetration, however slight (a) of the vagina or anus of the victim by a penis or any other object; or (b) of the mouth of the victim by a penis;
- f) the conduct was carried out with coercion, force or threat of force against the victim or a third person.

COUNTS 6 and 7: Unlawful confinement (as a Grave Breach)

- a) The offence occurred within the context of an international armed conflict;
- b) the offence was committed against a person or property protected by any of the four Geneva Conventions of 1949;
- c) the accused unlawfully confined or arbitrarily deprived an individual of liberty without any justifiable legal basis or the continuing confinement or arbitrary deprivation of liberty was unlawful because the requisite procedural and substantive protections, as prescribed in the Geneva Conventions, were violated; and
- d) the accused's acts or omissions were wilful.

COUNT 8: Inhuman treatment (as a Grave Breach)

- a) The offence occurred within the context of an international armed conflict;
- b) the offence was committed against a person or property protected by any of the four Geneva Conventions of 1949;
- c) the act or omission of the accused caused serious physical or mental suffering or injury or constituted a serious attack on human dignity; and
- d) the act or omission was wilful.

MEĐUNARODNI KRIVIČNI SUD
ZA BIVŠU JUGOSLAVIJU

TUŽILAC

protiv

MIROSLAVA BRALE
IT-95-17-PT

SPORAZUM O IZJAŠNJAVANJU O KRIVICI

Uvod

1. Ovaj dokument predstavlja sporazum o izjašnjavanju o krivici (u daljnjem tekstu: Sporazum) sklopljen između optuženog Miroslava Brale, kojeg zastupa branilac Jonathan Cooper, i Tužilaštva. Svrha ovog Sporazuma jeste da u cjelini izloži sve što je dogovoreno između strana u vezi s prirodom ovog Sporazuma, moguće posljedice potvrdnog izjašnjavanja o krivici g. Brale, i da bi se Pretresnom vijeću pomoglo da, shodno pravilu 62. bis Pravilnika o postupku i dokazima Međunarodnog suda (u daljnjem tekstu: Pravilnik, odnosno pravilo), osigura da izjašnjavanje o krivici bude dobrovoljno i upućeno, kao i da bi se izložila činjenična osnova krivičnih djela i učešća optuženog u njima.
2. Ovim Sporazumom dogovoreno je sljedeće:

Izjašnjenje o krivici

3. Miroslav Bralo je saglasan s time da se izjasni krivim za sljedeća krivična djela za koja se tereti u Izmijenjenoj optužnici:
 - a) progone na političkoj, rasnoj i vjerskoj osnovi, zločin protiv čovječnosti (dalje u tekstu: progoni), kažnjiv po članovima 5(h) i 7(1) Statuta Međunarodnog suda (dalje u tekstu: Statut);
 - b) ubistvo, kršenje zakona ili običaja ratovanja, kažnjivo po članovima 3 i 7(1) Statuta;
 - c) mučenje ili nečovječno postupanje, teško kršenje Ženevskih konvencija od 12. avgusta 1949. (dalje u tekstu: teško kršenje), kažnjivo po članovima 2(b) i 7(1) Statuta;

- d) mučenje, kršenje zakona ili običaja ratovanja, kažnjivo po članovima 3 i 7(1) Statuta;
 - e) povrede ličnog dostojanstva uključujući silovanje, kršenje zakona ili običaja ratovanja, kažnjivo po članovima 3 i 7(1) Statuta; i
 - f) protivpravno zatvaranje, tešku povredu, kažnjivu po članovima 2(g) i 7(1) Statuta.
4. Činjenična osnova u prilog navodima o krivičnim djelima za koja se tereti u Izmijenjenoj optužnici i o učešću Miroslava Bralo u njima pripremljena je u pismenom obliku i predana Pretresnom vijeću dalje u tekstu: činjenična osnova). Miroslav Bralo je sa svojim advokatima pregledao tu činjeničnu osnovu. Miroslav Bralo prihvata tu činjeničnu osnovu i sporazuman je s tim da se izjašnjava krivim po optužbama iz Izmijenjene optužnice zato što činjenično jeste kriv i potvrđuje da snosi punu odgovornost za svoje postupke opisane u toj optužnici.

Obilježja krivičnih djela

5. Miroslav Bralo je svjestan toga da bi optužba morala da dokaže van razumne sumnje svaki od elemenata izloženih u Prilogu ovog Sporazuma da bi se on mogao proglasiti krivim za krivična djela za koja se tereti u Izmijenjenoj optužnici.

Krivična sankcija i kazna

6. Miroslav Bralo je svjestan toga da najveća kazna koju mu Pretresno vijeće može izreći na osnovu potvrdnog izjašnjavanja o krivici po svakoj od optužbi koje sadrži Izmijenjena optužnica jeste kazna zatvora, uključujući i kaznu doživotnog zatvora, shodno pravilu 101(A).
7. Prilikom odmjeravanja kazne, Pretresno vijeće će, u skladu s članom 24(2) Statuta, uzeti u obzir faktore kao što su težina počinjenog djela i lične prilike osuđenog, kao i faktore iz pravila 101 (B): eventualne otežavajuće okolnosti; eventualne olakšavajuće okolnosti, koje uključuju značajnu saradnju osuđenog s tužiocem prije ili nakon izricanja osuđujuće presude; opću praksu izricanja zatvorskih kazni na sudovima bivše Jugoslavije.

8. U skladu s pravilom 101(C), Miroslavu Brali će se u izdržavanje kazne uračunati vrijeme koje je proveo u pritvoru čekajući da mu Pretresno vijeće izrekne kaznu.

Sporazum između strana

9. Strane su saglasne s tim da potvrdna izjašnjenja Miroslava Brale o krivici predstavljaju prihvatanje pune odgovornosti za njegovo krivično ponašanje u vezi sa događajima za koje je optužen pred Međunarodnim krivičnim sudom za bivšu Jugoslaviju. Strane su saglasne s tim da tužilac Miroslavu Brali nije dao nijedno obećanje ni podsticaj da bi ga naveo da sklopi ovaj Sporazum.

Odricanje od prava

10. Miroslav Bralo je svjestan toga da se potvrdnim izjašnjavanjem o krivici odriče sljedećih prava u ovom postupku:

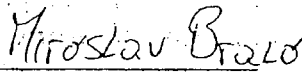
- (a) prava da se izjasni da nije kriv i da od optužbe zahtijeva da van razumne sumnje dokaže optužbe iz Optužnice na javnom suđenju;
- (b) prava da pripremi i na tom javnom suđenju iznese svoju odbranu od tih optužbi;
- (c) prava da mu se sudi bez nepotrebnog odlaganja;
- (d) prava da mu se sudi u njegovom prisustvu i da se na suđenju brani sam ili putem pravnog zastupnika po sopstvenom izboru;
- (e) prava da na svom suđenju ispita svjedoke koji ga terete ili da se oni u njegovo ime ispituju, kao i da se na suđenje dovedu i ispituju svjedoci koji svjedoče u njegovu odbranu pod istim uslovima kao i svjedoci koji ga terete; i
- (f) prava da ne bude prisiljen da svjedoči protiv sebe.

Podrazumijeva se da se potvrdnim izjašnjavanjem o krivici optuženi ne odriče svog prava da ga u svim fazama postupka zastupa branilac.

Izjava Miroslava Brale

11. Ja, Miroslav Bralo, pročitao sam ovaj sporazum o izjašnjavanju o krivici, u kojem se u potpunosti iznose pojedinosti oko kojih su se strane usaglasile, te sam pažljivo pregledao svaki njegov dio sa svojim advokatom Jonathanom Cooperom. Moj advokat me je upoznao s mojim pravima, mogućnostima odbrane i sa posljedicama sklapanja ovog Sporazuma. Nisu mi davana nikakva obećanja ni podsticaji osim onih koji su sadržani u ovom Sporazumu. Osim toga, niko mi nije ni prijetio niti me prisiljavao na bilo koji način da sklopim ovaj sporazum i ja sam ovaj sporazum sklopio po svom slobodnom izboru i dobrovoljno i pri zdravoj svijesti. Razumijem odredbe ovog sporazuma i na svaku njegovu odredbu pristajem dobrovoljno.

Dana 18. jula 2005. godine


Miroslav Bralo

Izjava branioca

12. Ja, Jonathan Cooper, branilac sam Miroslava Brale. Sa svojim klijentom sam pažljivo pregledao svaki dio ovog Sporazuma. Pored toga, svog klijenta sam upoznao s njegovim pravima, s mogućnostima odbrane, te s najvećom mogućom kaznom i posljedicama sklapanja ovog Sporazuma. Koliko mi je poznato, moj klijent je pri zdravoj svijesti i njegova odluka je donesena s punim uvidom i dobrovoljno.

Dana 18. jula 2005. godine


Jonathan Cooper,
branilac Miroslava Brale

Potpisano i datirano 18. jula 2005. godine u Haagu, Nizozemska.

Miroslav Bralo
Miroslav Bralo

Jonathan Cooper,
branilac Miroslava Bralo

Carla Del Ponte
tužilac



Mark B. Harmon,
viši zastupnik optužbe

Fergal Gaynor,
zastupnik optužbe

DODATAK

Slijede elementi krivičnih djela za koja se optuženi tereti u Izmijenjenoj optužnici:

TAČKA 1: progoni (zločin protiv čovječnosti):

- a) postojanje oružanog sukoba;
- b) postojanje rasprostranjenog ili sistematskog napada usmjerenog protiv civilnog stanovništva;
- c) ponašanje optuženog bilo je povezano s rasprostranjenim ili sistematskim napadom usmjerenim protiv civilnog stanovništva;
- d) optuženom je bio poznat širi kontekst u kojem je došlo do njegovog ponašanja;
- e) optuženi je počinio radnje ili propuste protiv civilnog stanovništva ili stanovništva-žrtve kojima je prekršio neko osnovno ili temeljno ljudsko pravo;
- f) optuženi je to kršenje počinio namjerno;
- g) ponašanje optuženog izvršeno je na političkoj, rasnoj ili vjerskoj osnovi; i
- h) ponašanje optuženog počinjeno je sa svjesnom namjerom da diskriminiše ili uz znanje da glavni izvršilac ima svjesnu namjeru da diskriminiše.

TAČKA 2: ubistvo (kao kršenje zakona ili običaja ratovanja):

- a) postojanje oružanog sukoba;
- b) veza između oružanog sukoba i krivičnog djela ili propusta;
- c) djela ili propusti optuženog doveli su do smrti jedne ili više osoba;
- d) djela ili propusti optuženog počinjeni su s namjerom ubijanja ili nanošenja teške povrede uz bezobzirni nemar za ljudski život;
- e) žrtva ili žrtve su bile osobe koje nisu aktivno učestvovala u neprijateljstvima, uključujući pripadnike oružanih snaga koji su položili oružje ili su bili van borbenog stroja.

TAČKA 3: mučenje ili nečovječno postupanje (kao teška kršenja):

- a) krivično djelo je izvršeno u kontekstu međunarodnog oružanog sukoba;
- b) krivično djelo je izvršeno nad osobom ili imovinom zaštićenom bilo kojom od Ženevskih konvencija iz 1949. godine; i
- c) *ili* (za mučenje):
 - i. optuženi je djelom ili propustom nanio teški duševni ili tjelesni bol ili patnju;
 - ii. do djela ili propusta došlo je u svrhu zabranjenog cilja. (Među takve ciljeve spadaju dobivanje informacija ili priznanja, kažnjavanje, zastrašivanje ili prisiljavanje žrtve ili treće osobe, ili diskriminisanje, po bilo kojoj osnovi, žrtve ili treće osobe.); i
 - iii. djelo ili propust izvršeni su namjerno.
- d) *ili* (za nečovječno postupanje):
 - i. djelom ili propustom optuženog nanesena je teška tjelesna ili duševna patnja ili povreda ili ono predstavlja težak napad na ljudsko dostojanstvo; i
 - ii. djelo ili propust su počinjeni hotimično.

TAČKA 4: mučenje (kao kršenje zakona ili običaja ratovanja):

- a) postojanje oružanog sukoba;
- b) veza između oružanog sukoba i krivičnog djela;
- c) djelom ili propustom optuženog naneseni su teška tjelesna ili duševna bol ili patnja;
- d) djelo ili propust izvršeni su namjerno; i
- e) bol ili patnja naneseni su namjerno, i to u svrhe kao što su: dobivanje informacija ili priznanja, kažnjavanje, zastrašivanje ili prisiljavanje žrtve ili treće osobe, ili diskriminisanje, po bilo kojoj osnovi, žrtve ili treće osobe.

TAČKA 5: povrede ličnog dostojanstva uključujući silovanje (kao kršenje zakona ili običaja ratovanja):

- a) postojanje oružanog sukoba;
- b) veza između oružanog sukoba i krivičnog djela;
- c) optuženi je namjerno počinio ili učestvovao u djelu ili propustu za koje bi se generalno smatralo da dovode do teškog poniženja ili sramoćenja ili da predstavljaju težak napad na ljudsko dostojanstvo;
- d) djelo ili propust su bili namjerni, to jest smišljeni, a ne slučajni, i optuženi je znao da će djelo ili propust imati takav učinak;
- e) žrtva je bila podvrgnuta seksualnoj penetraciji, ma kako neznatnoj, i to (a) penisom ili drugim predmetom u vaginu ili anus žrtve; ili (b) penisom u usta žrtve;
- f) to ponašanje je izvršeno uz prinudu, prisilu ili prijetnju upotrebom sile protiv žrtve ili treće osobe.

TAČKE 6 i 7: protivpravno zatvaranje (kao teška povreda):

- a) krivično djelo je izvršeno u kontekstu međunarodnog oružanog sukoba;
- b) krivično djelo je počinjeno nad osobom ili imovinom zaštićenom bilo kojom od četiri Ženevske konvencije iz 1949. godine;
- c) optuženi je protivpravno zatvorio neku osobu ili ju je samovoljno lišio slobode bez ikakve opravdane pravne osnove ili je trajno zatvaranje ili samovoljno lišavanje slobode bilo protivpravno zato što su prekršene nužne proceduralne i materijalne zaštitne mjere, propisane Ženevskim konvencijama; i
- d) djela ili propusti optuženog počinjeni su hotimično.

TAČKA 8: nečovječno postupanje (kao teška povreda):

- a) krivično djelo je izvršeno u kontekstu međunarodnog oružanog sukoba;
- b) krivično djelo je počinjeno nad osobom ili imovinom zaštićenom bilo kojom od četiri Ženevske konvencije iz 1949. godine;

- c) djelom ili propustom optuženog nanesena je teška tjelesna ili duševna patnja ili povreda ili ono predstavlja težak napad na ljudsko dostojanstvo; i
- d) djelo ili propust počinjeni su hotimično.

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

Case No. IT-95-17-PT

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

**MIROSLAV BRALO
also known as "CICKO"**

AMENDED INDICTMENT

Carla Del Ponte, Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Criminal Tribunal for the former Yugoslavia ("Statute of the Tribunal") alleges that:

1. On 6 March 1992, the Republic of Bosnia and Herzegovina declared its independence.
2. From at least 3 July 1992, the Croatian Community of Herzeg-Bosna ("HZ HB") considered itself an independent political entity inside the Republic of Bosnia and Herzegovina.
3. From at least January 1993 through at least mid-July 1993, the HZ HB armed forces, known as the Croatian Defence Council ("HVO"), were engaged in an armed conflict with the armed forces of the government of the Republic of Bosnia and Herzegovina.
4. From the outset of hostilities in January 1993, the HVO attacked villages chiefly inhabited by Bosnian Muslims in the Lašva Valley region in Central Bosnia and Herzegovina. These attacks resulted in the death and wounding of numerous civilians.
5. In addition, other civilians were detained, transported from their places of residence, forced to perform manual labor, tortured, and subjected to sexual assaults and other physical and mental abuse. Hundreds of Bosnian Muslims civilians were arrested by the HVO and

taken to locations such as the Vitez Cinema Complex and the Vitez Veterinary Station which were being used as detention facilities.

6. While imprisoned, numerous Bosnian Muslim prisoners were brought to the front lines where HVO soldiers forced them to dig protective trenches to protect HVO soldiers from being shot by snipers of the Army of Bosnia and Herzegovina ("ABiH"). On several occasions Bosnian Muslim prisoners were killed and wounded while digging these protective trenches.

7. One of the locations relevant to this indictment where Bosnian Muslim prisoners were forced to dig trenches was at Kratine, a small hamlet in the Vitez municipality.

THE ACCUSED

8. **MIROSLAV BRALO** also known as "Cicko" was born in Kratine in the municipality of Vitez on 13 October 1967. During all times relevant to this indictment, **MIROSLAV BRALO** was a member of the "Jokers", the anti-terrorist platoon of the 4th Military Police Battalion of the HVO.

GENERAL ALLEGATIONS

9. At all times relevant to this indictment, a state of international armed conflict existed in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia.

10. All acts or omissions set forth herein as grave breaches of the Geneva Conventions of 1949 (hereinafter "Grave Breach") and punishable under Article 2 of the Statute of the Tribunal occurred during that armed conflict.

11. At all times relevant to this indictment, the victims referred to in the charges contained herein were persons protected by the Geneva Conventions of 1949.

12. At all times relevant to this indictment, the accused was required to abide by all laws or customs governing the conduct of war.

13. The accused is individually responsible for the crimes alleged against him in this indictment pursuant to Article 7(1) of the Statute of the Tribunal. Individual criminal responsibility includes committing, or otherwise aiding and abetting in the execution of any crimes referred to in Articles 2, 3 and 5 of the Statute of the Tribunal.

14. Persecutions charged in this indictment were part of a widespread and systematic attack on the civilian population, principally the Bosnian

Muslim population of Vitez Municipality in the Republic of Bosnia and Herzegovina.

15. The general allegations contained in paragraphs 9 through 14 are realleged and incorporated into each of the charges set forth below.

THE CHARGES

COUNT 1 PERSECUTIONS

16. From 15 April 1993 to a day no later than 30 April 1993, **MIROSLAV BRALO** individually and together with other members of the HVO, including members of the 4th Military Police Battalion, the "Jokers", and the Viteška Brigade, committed persecutions of Bosnian Muslims on political, racial or religious grounds in the villages of Ahmići, Nadioci and their environs.

17. **MIROSLAV BRALO** committed and aided and abetted in the execution of persecutions, *inter alia*, in the following ways:

Killings of Muslim civilians in relation to the attack on Ahmići

18. On the evening of 15 April 1993, **MIROSLAV BRALO** was released from Kaonik Prison in order to participate in the HVO attack of the village of Ahmići that was scheduled for the following day and he proceeded to the "bungalow," the headquarters of the "Jokers". At that location **MIROSLAV BRALO** subordinated himself to the "Jokers" and he engaged in preparations for a surprise attack on Ahmići that was to occur at 0530 hours the following morning. In the early morning hours of 16 April 1993, **MIROSLAV BRALO** and his colleagues, Stipo Krišto, Josip Jukić ("Dugi"), Velimir Benić ("Ninja One"), Fabian Vujica ("Little Fabo"), and Zlatko LNU, left the "bungalow" under cover of darkness. They went on foot to the adjacent settlement of Nadioci and entered the residence of a Muslim family, that of Osman Salkić, where Stipo Krišto and Josip Jukić shot and killed Osman Salkić and his wife Redžiba Salkić, and **MIROSLAV BRALO** killed their daughter, Mirnesa Salkić, with his knife. See the attached Schedule A.

19. On 16 April 1993, **MIROSLAV BRALO** participated, with others, in the surprise attack on the village of Ahmići. The purpose and objective of the attack were to ethnically cleanse Ahmići, to kill all the Muslim males of military age, to burn all Muslim residences, and to forcibly expel all the Muslim residents from the village.

20. On a day between 16 April 1993 and 30 April 1993, **MIROSLAV BRALO** and Nikica Šafradin ("Cico") took custody of 14 Muslim men, women and children who were members of the Salkić family and members of the Mehmet Čeremić family, all of whom were interdicted in the area of Kratine after having fled their homes following the attacks on Ahmići and Nadioci. These persons are listed in Schedule A. On the same day, Nikica Šafradin ("Cico") and **MIROSLAV BRALO**, escorted, under threat of firearms, the aforementioned persons in the direction of the Kaonik prison and whilst en route through a forested area Nikica Šafradin ("Cico") shot and killed all 14 persons being escorted. While these killings took place, **MIROSLAV BRALO** stood guard over the victims, preventing any possibility of flight. The bodies of the victims were left in the forest.

Destruction of the lower mosque in Ahmići

21. On 16 April 1993, while participating in the attack on Ahmići, **MIROSLAV BRALO** and Josip Jukić ("Dugi") planted approximately 4 kilograms of explosives in and around the lower mosque in Ahmići and detonated the same, thereby completely destroying the lower mosque.

Forcible transfer of Muslim residents of Ahmići

22. On 16 April 1993, **MIROSLAV BRALO** participated in the attack on Ahmići. During this attack, the residences of Muslim inhabitants were systematically attacked by **MIROSLAV BRALO** and other members of the HVO and the Muslim inhabitants of Ahmići were systematically expelled by force or threat of force from their residences and driven from the village.

Burning of Muslim residences in the village of Ahmići

23. On 16 April 1993, **MIROSLAV BRALO**, personally set fire to numerous Muslim residences in the village of Ahmići and aided and abetted others in setting fire to other Muslim residences. He personally set fire to these residences by using incendiary materials at his disposal including incendiary bullets and assisted when others did the same.

24. **MIROSLAV BRALO** committed the above acts with discriminatory intent or knowledge of the discriminatory intent of others.

By these acts and omissions, **MIROSLAV BRALO** committed and aided and abetted in the execution of:

COUNT 1: PERSECUTIONS, a CRIME AGAINST HUMANITY, punishable under Articles 5(h) and 7(1) of the Statute of the Tribunal.

**COUNT 2
(MURDER)**

25. On a day between 21 April 1993 and 10 May 1993, in the area of the village of Kratine, **MIROSLAV BRALO** and other HVO soldiers arrested three unarmed Muslim men (Fuad Kermo, a person who the accused believes to be Ibrahim Pezer and another person whose identity is unknown) who were making their way from the villages of Jelinak, Lončari and Travnik.

26. **MIROSLAV BRALO** and others took the three Muslim men into a nearby barn, where **MIROSLAV BRALO** and others beat the three men.

27. Several hours later, **MIROSLAV BRALO** took the same three Muslim males into a wooded area and killed them.

By the foregoing acts and omissions, **MIROSLAV BRALO** committed:

COUNT 2: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (murder) punishable under Articles 3 and 7 (1) of the Statute of the Tribunal.

**COUNTS 3-6
(TORTURE, RAPE AND UNLAWFUL CONFINEMENT)**

28. Between 15 May 1993 and an unknown date in July 1993, Witness A was repeatedly raped by **MIROSLAV BRALO** and by other members of the "Jokers".

29. On 15 May 1993, Witness A, a Bosnian Muslim woman, was taken to the "bungalow" by members of the "Jokers" where she was interrogated by Anto Furundžija and by others at his direction.

30. At one point during her protracted interrogation by Anto Furundžija, a Bosnian Croat soldier (Victim B) who had been badly beaten, was brought into the room where she was being interrogated. Victim B was beaten in her presence by **MIROSLAV BRALO** who also threatened to kill Witness A. During the course of her interrogation, and in order to obtain information from her, **MIROSLAV BRALO**, in the presence of other soldiers, repeatedly raped Witness A, penetrating her vagina with his penis. Whilst raping Witness A, **MIROSLAV BRALO** bit Witness A about the body, including her nipples, and repeatedly threatened to kill her. The aforesaid Anto Furundžija was present throughout the entire incident and did nothing to stop or curtail **MIROSLAV BRALO**'s actions.

31. On 16 May 1993, Witness A was taken from the "bungalow" to a weekend house in the area of Nadioci where she was confined against her will by **MIROSLAV BRALO** and other members of the "Jokers". Whilst at that location, Witness A was repeatedly raped by members of the "Jokers" with the knowledge of **MIROSLAV BRALO**.

By the foregoing acts and omissions, **MIROSLAV BRALO** committed and aided and abetted in the execution of the following crimes:

COUNT 3: a GRAVE BREACH (torture or inhuman treatment) punishable under Articles 2(b) and 7(1) of the Statute of the Tribunal;

COUNT 4: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (torture) punishable under Articles 3 and 7(1) of the Statute of the Tribunal;

COUNT 5: a VIOLATION OF THE LAWS OR CUSTOMS OF WAR (out) punishable under Articles 3 a

COUNT 6:
under Article

ement) punishable
nal.

Part 2
still not
sent to PTV

(U

LIANS)

32. Between **MIROSLAV BRALO** and others, in concert with others, the confinement of Bosnian Muslims to dig trenches around the vi... adverse weat... In addition, **MIROSLAV BRALO**... a ritual of the Catholic religion under threat of physical harm and death.

By the foregoing acts and omissions, **MIROSLAV BRALO** individually, and in concert with others, committed:


COUNT 7: a GRAVE BREACH (unlawful confinement of civilians), punishable under Articles 2(g) and 7(1) of the Statute of the Tribunal.

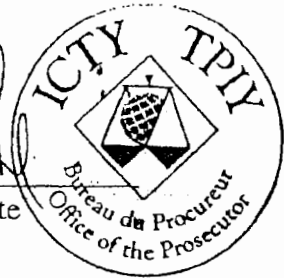
COUNT 8
(INHUMAN TREATMENT)

33. Between on 21 April 1993 and 10 May 1993, in the area of the village of Kratine, **MIROSLAV BRALO** individually and in concert with others did use and participated in the using of civilians as "human shields" in forcing Bosnian Muslim civilians to dig trenches on the front lines to protect HVO soldiers from gun fire by ABiH snipers.

By the foregoing acts and omissions, **MIROSLAV BRALO** committed:

COUNT 8: a GRAVE BREACH (inhuman treatment) punishable under Articles 2(b) and 7(1) of the Statute of the Tribunal.


Carla Del Ponte
Prosecutor



Dated this 18th day of July 2005
At The Hague
The Netherlands

SCHEDULE A

The dates of birth of the persons referred to in paragraph 18 who were killed are:

1. Osman Salkić, 6 April 1931
2. Redžiba Salkić, 2 April 1938
3. Mirnesa Salkić, approximately 1964

The names of the 14 persons referred to in paragraph 20 who were killed, and their dates of birth, are:

1. Nermin Salkić, 10 October 1982
2. Melisa Salkić, 31 January 1985
3. Fatima Salkić, 12 January 1961
4. Adis Salkić, 20 December 1978
5. Adisa Salkić, 20 August 1981
6. Alena Salkić, approximately 1986
7. Senad Salkić, approximately 1977
8. Emsad Salkić, approximately 1956
9. Nihada Salkić, approximately 1959
10. Mehmed Čerimić, 18 November 1946
11. Edin Čerimić, 27 September 1976
12. Elvedin Čerimić, 7 September 1979
13. Ajsa Čerimić, approximately 1952
14. Sanela Čerimić, approximately 1986

The dates of birth of the persons referred to in paragraph 25 who were killed are:

1. Fuad Kermo, 22 August 1968
2. Ibrahim Pezer, 29 August 1967

MEĐUNARODNI KRIVIČNI SUD
ZA BIVŠU JUGOSLAVIJU

Predmet br. IT-95-17-PT

TUŽILAC SUDA

PROTIV

MIROSLAVA BRALE
poznatog i kao "Čicko"

IZMIJENJENA OPTUŽNICA

Carla Del Ponte, tužilac Međunarodnog krivičnog suda za bivšu Jugoslaviju, u skladu s ovlaštenjem iz člana 18 Statuta Međunarodnog krivičnog suda za bivšu Jugoslaviju (Statut Suda) navodi:

1. Na dan 6. marta 1992. Republika Bosna i Hercegovina proglasila je nezavisnost.
2. Barem od 3. jula 1992. Hrvatska Zajednica Herceg-Bosna (HZ-HB) smatrala se nezavisnom političkom cjelinom unutar Republike Bosne i Hercegovine.
3. Barem od januara 1993. pa barem do sredine jula 1993, oružane snage HZ-HB, poznate kao Hrvatsko vijeće odbrane (HVO), bile su u oružanom sukobu s oružanim snagama Vlade Republike Bosne i Hercegovine.
4. Od početka neprijateljstava u januaru 1993, HVO je napadao sela nastanjena uglavnom bosanskim Muslimanima u dolini rijeke Lašve u srednjem dijelu Bosne i Hercegovine. Rezultat tih napada bili su brojni mrtvi i ranjeni civili.
5. Pored toga, civili su zarobljavani, odvoženi iz svojih mjesta stanovanja, tjerani na prisilni fizički rad, mučeni, te seksualno, fizički i mentalno zlostavljani. HVO je uhapsio na stotine bosanskih Muslimana civila i odveo ih na mjesta kao što su kino-dvorana i veterinarska stanica u Vitezu, koja su korištena za pritvaranje.
6. Za vrijeme dok su bili zatvoreni, brojni zatvorenici bosanski Muslimani su odvođeni na linije fronta gdje su ih pripadnici HVO-a tjerovali da kopaju zaštitne robove kako bi se vojnici HVO-a zaštitili od snajperista Armije BiH

(ABiH). U nekoliko navrata dok su kopali te zaštitne rove, zatvorenici bosanski Muslimani su ubijani i ranjavani.

7. Jedna od lokacija na koju se odnosi ova optužnica, gdje su zatvorenici bosanski Muslimani morali kopati rove, jeste zaselak Kratine u općini Vitez.

OPTUŽENI

8. MIROSLAV BRALO, poznat i kao "CICKO", rođen je 13. oktobra 1967. u Kratinama, općina Vitez. Sve vrijeme na koje se odnosi ova optužnica BRALO je bio pripadnik antiterorističkog voda zvanog "Džokeri", u okviru IV VP bataljona HVO-a.

OPĆE POSTAVKE OPTUŽNICE

9. Stanje međunarodnog oružanog sukoba trajalo je u Republici Bosni i Hercegovini na teritoriji bivše Jugoslavije sve vrijeme na koje se odnosi ova optužnica.
10. Sva djela i propusti koji su ovdje navedeni kao teške povrede Ženevskih konvencija iz 1949. (dalje u tekstu: teške povrede) i koji su kažnjivi po članu 2 Statuta Suda, izvršeni su za vrijeme tog oružanog sukoba.
11. Sve vrijeme na koje se odnosi ova optužnica, žrtve navedene u optužbama koje ona sadržava bile su osobe zaštićene Ženevskim konvencijama iz 1949.
12. Sve vrijeme na koje se odnosi ova optužnica, optuženi su bili dužni pridržavati se svih zakona ili običaja koji uređuju vođenje rata.
13. Optuženi je individualno odgovoran za zločine za koje se tereti ovom optužnicom prema članu 7(1) Statuta Suda. Individualna krivična odgovornost obuhvata izvršenje, ili na drugi način pomaganje i podržavanje izvršenja zločina navedenih u članovima 2, 3 i 5 Statuta Suda.
14. Progoni za koje se optuženi tereti u ovoj Optužnici počinjeni su u okviru rasprostranjenog i sistematskog napada na civilno stanovništvo, prije svega stanovništvo bosanskih Muslimana u općini Vitez u Republici Bosni i Hercegovini.
15. Opći navodi optužnice obuhvaćeni paragrafima od 9 do 14 ponovo su navedeni i ugrađeni su u svaku od niže navedenih optužbi.

OPTUŽBE**TAČKA I
PROGON**

16. Od 15. aprila 1993. pa do nekog dana ne kasnije od 30. aprila 1993, Miroslav BRALO, lično i u saradnji sa drugim pripadnicima HVO-a, uključujući pripadnike 4. bataljona Vojne policije, "Džokera" i Viteške brigade, počinio je u selima Ahmići, Nadioci i okolnim krajevima progon bosanskih Muslimana na političkim, rasnim ili vjerskim osnovama.

17. **MIROSLAV BRALO** počinio je, odnosno pomogao i podržao počinjenje progona, između ostalog na sljedeće načine:

Ubijanje civila Muslimana u vezi s napadom na Ahmiće

18. Uveče 15. aprila 1993., **Miroslav BRALO** je pušten iz zatvora u Kaoniku kako bi učestvovao u napadu HVO-a na selo Ahmiće koji je trebalo da započne sljedećeg dana i krenuo je u "bungalov", štab "Džokera". Na tom mjestu **MIROSLAV BRALO** stavio se pod komandu "Džokera" i učestvovao je u pripremama za iznenadni napad na Ahmiće koji je trebalo da uslijedi u 05:30 sati narednog jutra. U ranim jutarnjim satima 16. aprila 1993., **MIROSLAV BRALO** i njegove kolege, Stipo Krišto, Josip Jukić ("Dugi"), Velimir Benić ("Nindža Jedan"), Fabian Vujica ("Mali Fabo") i Zlatko /prezime nepoznato/, napustili su "bungalov" pod okriljem noći. Pješice su se uputili u susjedno naselje Nadioci, gdje su upali u stan muslimanske porodice Osmana Salkića; pri čemu su Stipo Krišto i Josip Jukić upotrebom vatrenog oružja lišili života Osmana Salkića i njegovu suprugu Redžibu Salkić, a **MIROSLAV BRALO** je nožem ubio njihovu kćerku Mirnesu Salkić. Vidi priloženi Dodatak A.

19. Dana 16. aprila 1993., **MIROSLAV BRALO** je zajedno s drugima učestvovao u iznenadnom napadu na selo Ahmiće. Svrha i cilj napada bili su da se izvrši etničko čišćenje Ahmića; da se pobiju svi vojno sposobni muškarci Muslimani, da se spale sve kuće Muslimana i da se iz sela pod prisilom protjeraju svi stanovnici Muslimani.

20. Jednog dana između 16. aprila 1993. i 30. aprila 1993., **MIROSLAV BRALO** i Nikica Šafradin ("Cico") pritvorili su 14 muškaraca, žena i djece Muslimana, članova porodice Salkić i članova porodice Mehmeda Čeremića, koje su zarobili na području Kratine nakon što su oni pobjegli iz svojih kuća poslije napada na Ahmiće i Nadioc. Te osobe navode se u Prilogu A. Istog dana, Nikica Šafradin ("Cico") i **MIROSLAV BRALO** su odveli pod prijetnjom vatrenim oružjem navedene osobe u pravcu zatvora u Kaoniku i na putu do zatvora, dok su se nalazili na jednom šumovitom području, Nikica Šafradin ("Cico") iz vatrenog oružja lišio života svih 14 osoba koje je sprovodio. Dok je ubijanje trajalo, **MIROSLAV BRALO** je čuvao stražu nad

žrtvama, sprečavajući svaku mogućnost bjekstva. Tijela žrtava ostavljena su u šumi.

Rušenje donje džamije u Ahmićima

21. Dana 16. aprila 1993., dok su učestvovali u napadu na Ahmiće, **MIROSLAV BRALO** i Josip Jukić ("Dugi") postavili su oko 4 kilograma eksploziva u donjoj džamiji u Ahmićima i oko nje, detonirajući nakon toga eksploziv, uslijed čega je džamija potpuno razrušena.

Prisilno premještanje stanovnika Ahmića, bosanskih Muslimana

22. Dana 16. aprila 1993., **MIROSLAV BRALO** učestvovao je u napadu na Ahmiće. Tokom tog napada **MIROSLAV BRALO** i drugi pripadnici HVO-a su sistematski napali domove stanovnika Muslimana. Muslimanski stanovnici Ahmića su silom ili pod prijetnjama silom protjerani iz svojih domova i natjerani da napuste selo.

Paljenje kuća Muslimana u selu Ahmići

23. Dana 16. aprila 1993., **MIROSLAV BRALO** je lično podmetnuo požare u više kuća bosanskih Muslimana u selu Ahmići, te pomagao i podržavao druge u pometanju požara u drugim kućama Muslimana. On je lično podmetnuo požare u te kuće koristeći zapaljive materijale koji su mu stajali na raspolaganju, uključujući zapaljive projekte i pomagao je drugima da to čine.

24. **MIROSLAV BRALO** je počinio gorenavedena djela s namjerom i svješću da vrši diskriminaciju, odnosno svjestan da drugi vrše diskriminaciju.

Navedenim djelima i propustima **MIROSLAV BRALO** je počinio, te pomogao i podržao počinjenje:

Tačka 1: PROGON, ZLOČIN PROTIV ČOVJEČNOSTI, kažnjiv na osnovu članova 5(h) i 7(1) Statuta Međunarodnog suda.

TAČKA 2

(UBISTVO)

25. Jednog dana između 21. aprila 1993. i 10. maja 1993., na području sela Kratine, **MIROSLAV BRALO** i drugi pripadnici HVO-a uhapsili su tri nenaoružana muškarca Muslimana (Fuada Kermu, osobu za koju optuženi misli da se zove Ibrahim Pezer i još jednu osobu čiji identitet nije poznat), koji su se probijali iz sela Jelinak, Lončari i Travnik.

26. **MIROSLAV BRALO** i drugi odveli su trojicu muškaraca Muslimana u obližnju štalu, gdje su **MIROSLAV BRALO** i drugi pretukli pomenutu trojicu.

27. Nekoliko sati kasnije, **MIROSLAV BRALO** je istu trojicu muškaraca Muslimana odveo na jedno šumovito područje, gdje ih je ubio.

Gorenavedenim djelima i propustima, **MIROSLAV BRALO** je počinio:

TAČKA 2: KRŠENJE ZAKONA ILI OBIČAJA RATOVANJA (ubistvo), kažnjivo na osnovu članova 3 i 7 (1) Statuta Međunarodnog suda.

TAČKE 3-6 **(MUČENJE, SILOVANJE I PROTIVPRAVNO ZATVARANJE)**

28. U periodu od 15. maja 1993. do nepoznatog datuma u julu 1993., **MIROSLAV BRALO** i drugi pripadnici "Džokera" u više navrata su silovali svjedokinju A.

29. Dana 15. maja 1993., pripadnici "Džokera" odveli su svjedokinju A, bosansku Muslimanku, u "bungalov", gdje su je ispitivali Anto Furundžija i drugi po njegovim uputama.

30. U jednom momentu tokom dužeg ispitivanja od strane Ante Furundžije, jedan pripadnik vojske bosanskih Hrvata, (žrtva B), koji je bio teško premlaćen, doveden je u sobu gdje su svjedokinju A ispitivali. Žrtvu B je u njenom prisustvu pretukao **MIROSLAV BRALO**, koji je takođe zaprijetio da će ubiti svjedokinju A. Tokom njezinog ispitivanja, a u cilju iznudiivanja informacija, **MIROSLAV BRALO** je, u prisustvu drugih vojnika, više puta silovao svjedokinju A i izvršio penetraciju penisom u njenu vaginu. Dok je silovao svjedokinju A, **MIROSLAV BRALO** ujedao ju je po tijelu, uključujući bradavice, i više puta joj je prijetio da će je ubiti. Gorenavedeni Anto Furundžija bio je prisutan tokom cijelog incidenta i nije učinio ništa da spriječi ili zaustavi postupke **MIROSLAVA BRALE**.

31. Dana 16. maja 1993., svjedokinja A odvedena je iz "bungalova" u jednu kuću na području Nađoka, gdje su je protiv njene volje zatvorili **MIROSLAV BRALO** i drugi pripadnici "Džokera". Za vrijeme boravka na toj lokaciji, pripadnici "Džokera" su, uz znanje **MIROSLAVA BRALE**, više puta silovali svjedokinju A.

Gorenavedenim djelima i propustima, **MIROSLAV BRALO** je počinio, te pomagaó i podržavaó počinjenje sljedećih zločina:

TAČKA 3: TEŠKA POVREDA (mučenje ili nečovječno postupanje), kažnjiva na osnovu članova 2(b) i 7(1) Statuta Međunarodnog suda;

TAČKA 4: KRŠENJE ZAKONA ILI OBIČAJA RATOVANJA (mučenje), kažnjivo na osnovu članova 3 i 7(1) Statuta Međunarodnog suda;

TAČKA 5: KRŠENJE ZAKONA ILI OBIČAJA RATOVANJA (povrede ličnog dostojanstva, uključujući silovanje), kažnjivo na osnovu članova 3 i 7(1) Statuta Međunarodnog suda; i

TAČKA 6: TEŠKA POVREDA (protivpravno zatvaranje), kažnjiva na osnovu članova 2(g) i 7(1) Statuta Međunarodnog suda.

**TAČKA 7
(PROTIVPRAVNO ZATVARANJE CIVILA)**

32. U periodu od 21. aprila 1993. do 10. maja 1993., **MIROSLAV BRALO** je u saradnji s drugim pripadnicima HVO-a držao zatvorene civile bosanske Muslimane koje je prisiljavao da kopaju rovove oko sela Kratine. Ti zatvorenici su pod prijetnjom oružjem radili u teškim vremenskim uslovima i uz ograničenu prehranu i odmor. Pored toga, **MIROSLAV BRALO** je prisiljavao zatvorenike bosanske Muslimane da praktikuju jedan obred katoličke vjere pod prijetnjom nanošenjem tjelesnih povreda i smrti.

Gorenavedenim djelima i propustima, **MIROSLAV BRALO** je lično i u saradnji s drugima počinio:

TAČKA 7: TEŠKA POVREDA (protivpravno zatvaranje civila), kažnjiva na osnovu članova 2(g) i 7(1) Statuta Međunarodnog suda.

**TAČKA 8
(NEČOVJEČNO POSTUPANJE)**

33. U periodu od 21. aprila 1993. do 10. maja 1993., na području sela Kratine, **MIROSLAV BRALO** lično i u saradnji s drugima, koristio je i učestvovao u korištenju civila kao "živih štitova" tako što je prisiljavao civile bosanske Muslimane da kopaju rovove na linijama fronta u cilju zaštite pripadnika HVO-a od vatrenog dejstva snajpera ABiH.

Gorenavedenim djelima i propustima **MIROSLAV BRALO** je počinio:

TAČKA 8: TEŠKA POVREDA (nečovječno postupanje), kažnjiva na osnovu članova 2(b) i 7(1) Statuta Međunarodnog suda.

/potpis na originalu/

Carla Del Ponte,

tužilac

Dana 18. jula 2005.

U Haagu,

Nizozemska

PRILOG A

Slijede datumi rođenja ubijenih osoba navedenih u paragrafu 18:

1. Osman Salkić, 6. april 1931.
2. Redžiba Salkić, 2. april 1938.
3. Mirnesa Salkić, otprilike 1964.

Slijede imena 14 ubijenih osoba navedenih u paragrafu 20:

1. Nermin Salkić, 10. oktobar 1982.
2. Melisa Salkić, 31. januar 1985.
3. Fatima Salkić, 12. januar 1961.
4. Adis Salkić, 20. decembar 1978.
5. Adisa Salkić, 20. august 1981.
6. Alena Salkić, otprilike 1986.
7. Senad Salkić, otprilike 1977.
8. Emsad Salkić, otprilike 1956.
9. Nihada Salkić, otprilike 1959.
10. Mehmed Čerimić, 18. novembar 1946.
11. Edin Čerimić, 27. septembar 1976.
12. Elvedin Čerimić, 7. septembar 1979.
13. Ajša Čerimić, otprilike 1952.
14. Sanela Čerimić, otprilike 1986.

Slijede datumi rođenja ubijenih osoba navedenih u paragrafu 25:

1. Fuad Kermo, 22. august 1968.
2. Ibrahim Pezer, 29. august 1967.

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

Case No. IT-95-17-PT

**THE PROSECUTOR
OF THE TRIBUNAL
AGAINST
MIROSLAV BRALO**

also known as "CICKO"

FACTUAL BASIS

The Prosecution and Miroslav Bralo agree that the following facts are true and are the basis for this guilty plea.

1. Miroslav Bralo also known as "Cicko" was born in Kratine in the municipality of Vitez on 13 October 1967.
2. During all times relevant to the Amended Indictment ("Indictment"), Miroslav Bralo was a member of the "Jokers", the anti-terrorist platoon of the 4th Military Police Battalion of the HVO.
3. At all times relevant to the Indictment, a state of international armed conflict existed in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia and Miroslav Bralo was aware of that fact.
4. All acts or omissions set forth in the Indictment as grave breaches of the Geneva Conventions of 1949 and punishable under Article 2 of the Statute of the Tribunal occurred during that armed conflict. At all times relevant to the Indictment, the victims referred to in such charges contained therein were persons protected by the Geneva Conventions of 1949.
5. At all times relevant to the Indictment, Miroslav Bralo was required to abide by all laws or customs governing the conduct of war.

6. Persecutions charged in the Indictment were part of a widespread and systematic attack on the civilian population, principally the Bosnian Muslim population of Vitez Municipality in the Republic of Bosnia and Herzegovina, and Miroslav Bralo had knowledge of the wider context in which his conduct occurred. Miroslav Bralo accepts that his own actions listed in paragraphs 7 – 17 below were committed with a discriminatory intent, and whilst aware of the discriminatory intent of others.

COUNT 1

7. After nightfall on the evening of 15 April 1993, Miroslav Bralo was released from Kaonik Prison, where he had been held as a prisoner, on condition that he agree to participate in the HVO attack of the village of Ahmići that was scheduled for the following day. He was taken to the "bungalow," the headquarters of the "Jokers". At that location he subordinated himself to the "Jokers". He was given arms and a uniform.

8. Preparations for the surprise attack on Ahmići that was to occur at 0530 hours the following morning were already advanced. Miroslav Bralo joined these preparations and in the early morning hours of 16 April 1993, he and his colleagues, Stipo Krišto, Josip Jukić ("Dugi") (Bralo's assigned unit commander), Velimir Benić ("Ninja One"), Fabian Vujica ("Little Fabo"), and Zlatko LNU, left the "bungalow" under cover of darkness. They went on foot to the adjacent settlement of Nadioci and entered the residence of a Muslim family, that of Osman Salkić, where Stipo Krišto and Josip Jukić shot and killed Osman Salkić and his wife Rediba Salkić, using MG V guns (small calibre automatic weapons) to avoid alerting anyone that an attack was about to start. Miroslav Bralo killed their daughter, Mirnesa Salkić, using a knife because he did not have an MG V gun.

9. On 16 April 1993, from 0530 onwards, Miroslav Bralo participated, with others, in the surprise attack on the village of Ahmići. The express instructions given to Miroslav Bralo and other participants, were to ethnically cleanse Ahmići, to kill all the Muslim males of military age, and others bearing arms, to burn all Muslim residences, and to forcibly expel all the Muslim residents from the village.

10. During the attack, the residences of Muslim inhabitants were systematically attacked by Miroslav Bralo and other members of the HVO.

11. Miroslav Bralo personally set fire to numerous Muslim residences in the village of Ahmići and aided and abetted others in setting fire to other Muslim residences. He personally set fire to these residences by

using incendiary materials at his disposal including incendiary bullets and assisted when others did the same.

12. During the course of the attack on Ahmići, Miroslav Bralo captured, interrogated and then shot and killed an adult male.

13. The results of the actions of Miroslav Bralo and other members of the HVO were that Muslim civilians were killed, the Muslim houses were razed or burned, Muslim religious sites were destroyed and the surviving Muslim inhabitants of Ahmići were systematically expelled by force or threat of force from their residences and driven from the village.

14. On 16 April 1993, while participating in the attack on Ahmići, Miroslav Bralo and Josep JUKIC ("Dugi"), his unit commander, planted approximately 4 kilograms of explosives in and around the lower mosque in Ahmići and detonated the same, thereby completely destroying the lower mosque.

15. On a day between 16 April and 1 May 1993, Miroslav Bralo and an HVO soldier named Nikica Šafradin ("Cico") took custody of 14 Muslim men, women and children whose identities are contained in Schedule A to the Indictment. These persons were members of the Salkić family and members of the Mehmet Čeremić family, all of whom had been interdicted in the area of Kratine after having fled their homes following the attacks on Ahmići and Nadioci. Nikica Šafradin ("Cico") and Miroslav Bralo escorted the aforementioned persons in the direction of Kaonik with the intention of delivering them to Kaonik prison.

16. The group proceeded towards Kaonik, under threat of firearms. Whilst en route through a forested area Nikica Šafradin ("Cico") expressed to Miroslav Bralo an intention to kill certain of the prisoners in revenge for certain of his own family members who Šafradin said had been killed by Bosnian Muslims.

17. Miroslav Bralo assisted Šafradin to take the group to a clearing, Šafradin shot and killed all 14 persons being escorted. Miroslav Bralo did not shoot any of victims. Nevertheless Bralo was present and stood guard whilst these killings took place, preventing any possibility of flight. He was unaware of Šafradin's full intentions, and, although armed himself, he did not intervene. In these ways Bralo aided and assisted the actions of Šafradin. The bodies of the victims were left in the forest.

COUNT 2

18. Between 21 April 1993 and 10 May 1993, in the area of the village of Kratine, Miroslav Bralo was responsible for the construction of defensive earthworks. The effect was to create a line of defence to separate HVO controlled territory from ABiH controlled territory.

19. On one day during this period HVO soldiers arrested three unarmed Muslim men (Fuad Kermo, a person who the accused believed to be Ibrahim Pezer and another person whose identity is unknown) who were apparently making their way away from the villages of Jelinak, Lončari and Travnik.

20. In due course Miroslav Bralo and others took the three Muslim men into a nearby barn, where they and others beat the three men. Several hours later, Miroslav Bralo took the same three Muslim males into a wooded area and killed them.

21. The Accused asserts, and the Prosecutor does not seek to deny, that:

- a. During this period Miroslav Bralo had instructions to restrict the passage of potential enemy combatants in this area by, *inter alia*, constructing earthworks, and interdicting any persons seeking to cross through the line of the earthworks, or attempting to circumvent them.
- b. The three Muslim males had been arrested in a small valley which passed through the line of trenches, and where there was a gap in the earthworks. The men were dressed in civilian clothes, but nearby to the scene of arrest were found military uniforms. The HVO soldiers who had arrested the males brought them to where Miroslav Bralo and others were working.
- c. Miroslav Bralo believed the men to be soldiers seeking either to gain intelligence about the HVO lines or seeking to join up with other military units. He and others took the three Muslim men into a nearby barn and beat them. The three men refused to accept responsibility for the military uniforms; denied being soldiers and denied seeking to join up with ABiH forces.
- d. After their interrogation, Miroslav Bralo took the same three Muslim males into a wooded area and killed them.

COUNTS 3-6

22. On or about 15 May 1993, members of the "Jokers" took Witness A, a Bosnian Muslim woman, to the "bungalow" where she was interrogated by Anto Furundžija and others.

23. During the period of time Witness A remained in the "bungalow" on 15 May 1993, she was repeatedly raped and sexually assaulted by Miroslav Bralo.

24. At one stage during her protracted interrogation by Anto Furundžija, Anto Furundžija suggested that Witness A and a Bosnian Croat soldier (Victim B) had collaborated. Victim B, who had been beaten by Miroslav Bralo, was brought into the room where Witness A was being interrogated.

25. In the context of her interrogation, and in order to obtain information from Witness A, Miroslav Bralo, *inter alia*, beat Victim B in Witness A's presence, threatened to kill Witness A, and, in front of other soldiers, raped Witness A (penetrating her vagina with his penis). Whilst abusing Witness A, Miroslav Bralo ejaculated repeatedly over her body. This conduct continued over a number of hours and involved repeated rapes and sexual assaults upon Witness A by Miroslav Bralo, during which time Witness A was overwhelmed by fear and completely traumatised.

26. Whilst raping Witness A, Miroslav Bralo bit Witness A about the body, including her nipples, and repeatedly threatened to kill her.

27. The actions set out in paragraphs 23 – 26 above all took place in the context of interrogation by Anto Furundžija. He was present during this entire incident, and indicated his full understanding that the actions were taking place and his apparently full approval of them. Anto Furundžija did nothing to stop or curtail Miroslav Bralo's actions.

28. On or about 16 May 1993, and following the acts described above, Witness A was taken from the "bungalow" to a weekend house in the Nadioci area where she was confined against her will by Miroslav Bralo and other members of the "Jokers" until a date unknown in July 1993. At that location, Witness A was raped on many occasions by members of the "Jokers" with the knowledge of Miroslav Bralo. Miroslav Bralo was aware of Witness A's ongoing suffering and was in a position to effect the release of Witness A, if only informally, but failed to do so.

COUNTS 7 AND 8

29. Between 21 April 1993 and 10 May 1993, Miroslav Bralo was assigned to trench digging operations in and around the village of Kratine. The trenches were defensive positions around the village of his birth, defending against attack by ABiH forces on higher ground to the north. Bosnian Muslim civilians who had been arrested elsewhere were transported to Kratine and directed to work to the orders of Miroslav Bralo and others.

30. All civilian prisoners were under threat of physical harm and death at all times. Miroslav Bralo and other "Jokers" were armed. The areas on each side of the trenches were mined. Prisoners were told that if they tried to escape they would be shot. Miroslav Bralo forced Muslim prisoners to practice a ritual of the Catholic religion before work on the trenches began. Prisoners worked under adverse weather conditions with limited food and rest.

31. Civilian prisoners were also at risk of injury or death from incoming ABiH sniper fire which occurred intermittently throughout the period. As well as being used to dig defensive structures, prisoners were also used as 'human shields' to protect the lines from ABiH sniper fire which would otherwise increase during wet weather.

32. Miroslav Bralo was aware that civilian prisoners under his control who were forced to work at frontline positions were at risk of physical harm or death.

Dated this 18th day of July 2005

At The Hague

The Netherlands

MEĐUNARODNI KRIVIČNI SUD
ZA BIVŠU JUGOSLAVIJU

Predmet. br. IT-95-17-PT

TUŽILAC
MEĐUNARODNOG SUDA
protiv
MIROSLAVA BRALE
poznatog i kao ČICKO

ČINJENIČNA OSNOVA

Tužilaštvo i Miroslav Bralo saglasni su da su sljedeće činjenice tačne i da čine osnovu za ovo potvrdno izjašnjenje o krivici.

1. Miroslav Bralo, poznat i kao Cicko, rođen je 13. oktobra 1967. u Kratinama, općina Vitez.
2. Sve vrijeme na koje se odnosi Izmijenjena optužnica (u daljnjem tekstu: Optužnica) Miroslav Bralo bio je pripadnik "Džokera", antiterorističkog voda 4. bataljona vojne policije HVO-a.
3. Sve vrijeme na koje se odnosi Optužnica, u Republici Bosni i Hercegovini, na teritoriji bivše Jugoslavije, postojalo je stanje međunarodnog oružanog sukoba i Miroslavu Brali je bila poznata ta činjenica.

Prijevod

4. Sva djela i propusti koji su u Optužnici izneseni kao teške povrede Ženevskih konvencija iz 1949. (u daljnjem tekstu: teške povrede) i koji su kažnjivi po članu 2 Statuta Međunarodnog suda, dogodili su se za vrijeme tog oružanog sukoba. Sve vrijeme na koje se odnosi Optužnica, žrtve navedene u optužbama koje ona sadržava bile su osobe zaštićene Ženevskim konvencijama iz 1949.

5. Sve vrijeme na koje se odnosi ova Optužnica, Miroslav Bralo je bio dužan pridržavati se svih zakona ili običaja koji uređuju vođenje rata.

6. Progoni za koje se optuženi tereti u ovoj Optužnici bili su dio rasprostranjenog i sistematskog napada na civilno stanovništvo, prije svega na bosanske Muslimane iz općine Vitez u Republici Bosni i Hercegovini, a Miroslav Bralo je bio upoznat sa širim kontekstom u kojem je postupao. Miroslav Bralo prihvaća da su njegovi postupci navedeni u paragrafima 7-17 dolje počinjeni s diskriminatornom namjerom i uz svijest o diskriminatornoj namjeri drugih.

TAČKA 1

7. Nakon što je pao mrak 15. aprila 1993., Miroslav Bralo je pušten iz zatvora u Kaoniku, u kojem je držan kao zatvorenik, pod uslovom da pristane da učestvuje u napadu HVO-a na selo Ahmiće koji je bio planiran za sljedeći dan. Odveden je u "bungalov", štab "Džokera". Tu se on stavio pod komandu "Džokera". Zadužio je oružje i uniformu.

8. Pripreme za iznenadni napad na Ahmiće koji je trebalo da bude poduzet sljedećeg jutra u 05:30 sati već su bile u poodmakloj fazi. Miroslav Bralo se uključio u te pripreme i 16. aprila 1993. u ranim jutarnjim satima, pod okriljem mraka, sa svojim kolegama Stipom KRIŠTOM, Josipom JUKIĆEM (zvanim Dugi) (komandantom jedinice u koju je Bralo raspoređen), Velimirom BENIĆEM (zvanim Nindža Jedan), Fabijanom VUJICOM (zvanim mali Fabo) i Zlatkom, prezime nepoznato, napustio je "bungalov". Oni su pješice otišli u susjedno naselje Nadioci i upali u dom jedne muslimanske porodice, porodice Osmana Salkića, gdje su Stipo KRIŠTO i Josip JUKIĆ vatrenim oružjem lišili života Osmana Salkića i njegovu suprugu Redibu Salkić, koristeći puške MG V (automatsko oružje malog kalibra) kako ne bi nekog alarmirali da napad treba da uslijedi. Miroslav Bralo je nožem ubio njihovu kćer Mirnesu Salkić, jer nije imao pušku MG V.

Prijevod

9. Dana 16. aprila 1993, počev od 05:30 sati, Miroslav Bralo je, zajedno s drugima, učestvovao u iznenadnom napadu na selo Ahmiće. Miroslavu Brali i drugim učesnicima dane su izričite upute da etnički očiste Ahmiće, pobiju sve vojno sposobne muškarce Muslimane i druge koji nose oružje, spale sve muslimanske kuće i, primjenom sile, protjeraju sav muslimanski živalj iz sela.

10. U toku tog napada, Miroslav Bralo i drugi pripadnici HVO-a sistematski su napadali kuće mještana Muslimana.

11. Miroslav Bralo je lično podmetnuo požare u više kuća bosanskih Muslimana u selu Ahmići, te pomogao i podržao druge u podmetanju požara u druge muslimanske kuće. On je lično podmetnuo požare u te kuće koristeći zapaljive materijale koji su mu stajali na raspolaganju, uključujući zapaljive projekte, i pomagao je drugima da to čine.

12. U toku napada na Ahmiće, Miroslav Bralo je zarobio, saslušao, a potom vatrenim oružjem ubio jednog odraslog muškarca.

13. Kao posljedica postupaka Miroslava Brala i drugih pripadnika HVO-a, pobijeni su civili Muslimani, srušene su sa zemljom ili spaljene muslimanske kuće, uništeni su muslimanski vjerski objekti, a preživjeli mještani Muslimani istjerani su sistematski silom ili prijetnjom silom iz svojih kuća i protjerani iz sela.

14. Dana 16. aprila 1993., dok su učestvovali u napadu na Ahmiće, Miroslav Bralo i Josip Jukić (zvani Dugi) postavili su oko 4 kilograma eksploziva u donjoj džamiji u Ahmićima i oko nje, detonirajući ga nakon toga, uslijed čega je džamija potpuno razrušena.

15. Jednog dana između 16. aprila i 1. maja 1993., Miroslav Bralo i vojnik HVO-a Nikica Šafradin (zvani Cico) pritvorili su 14 muškaraca, žena i djece Muslimana, čiji je identitet naveden u Prilogu A Optužnice. Te osobe su bile članovi porodice Salkić i porodice Mehmeta Ceremića i svi su bili zarobljeni na području Kratina nakon što su poslije napada na Ahmiće i Nadioke pobjegli iz svojih kuća. Nikica Šafradin (zvani Cico) i Miroslav Bralo sproveli su navedene osobe u pravcu Kaonika s namjerom da ih predaju u zatvoru u Kaoniku.

Prijevod

- hapšenja nađene vojne uniforme. Pripadnici HVo-a koji su uhapsili te muškarce, odveli su ih na mjesto gdje su radili Miroslav Bralo i drugi;
- c. Miroslav Bralo je mislio da su ti muškarci vojnici koji žele ili da prikupe obavještajne podatke o linijama HVO-a ili nastoje da se priključe drugim vojnim jedinicama. On i drugi odveli su tu trojicu muškaraca Muslimana u obližnju štalu, gdje su ih pretukli. Trojica muškaraca odbili su da prihvate odgovornost za uniforme, negirajući da su vojnici i negirajući da su nastojali da se povežu sa snagama ABiH.
 - d. Nakon što je obavljeno ispitivanje, Miroslav Bralo je tu trojicu muškaraca odveo na jednom šumovito područje i ubio ih.

TACKE 3-6

22. Dana 15. maja 1993. ili otprilike tog datuma, pripadnici "Džokera" odveli su svjedokinja A, bosansku Muslimanku, u "bungalov", gdje su je ispitivali Anto Furundžija i drugi.
23. U periodu tokom kojeg je svjedokinja A 15. maja 1993. boravila u "bungalovu", Miroslav Bralo ju je u više navrata silovao i seksualno zlostavljao.
24. U jednom momentu tokom njezinog dužeg ispitivanja od strane Ante Furundžije, Anto Furundžija je rekao da su svjedokinja A i jedan pripadnik vojske bosanskih Hrvata (u daljnjem tekstu: žrtva B) sarađivali. Žrtva B, kojeg je Miroslav Bralo premlatio, doveden je u sobu gdje su svjedokinja A ispitivali.
25. Tokom njezinog ispitivanja, a u cilju iznudiivanja informacija od svjedokinja A, Miroslav Bralo je, između ostalog, pretukao žrtvu B u prisustvu svjedokinja A, zaprijetio da će ubiti svjedokinja A i, u prisustvu drugih vojnika, više puta silovao svjedokinja A (penetracijom penisom u vaginu).). Dok je seksualno zlostavljao svjedokinja Miroslav Bralo je više puta ejakulirao po njenom tijelu. To je trajalo nekoliko sati tokom kojih je Miroslav Bralo u više navrata silovao i seksualno zlostavljao svjedokinja A, pri čemu svjedokinja A je bila ophrvana strahom i potpuno istraumatizirana.

Prijevod

26. Dok je silovao svjedokinju A, Miroslav Bralo ju je ujedao po tijelu, uključujući bradavice, stalno prijeteci da će je ubiti.

27. Sve radnje navedene u paragrafima 23-26 gore odigrale su se u kontekstu ispitivanja od strane Ante Furundžije. On je prisustvovao ovom cijelom incidentu, te pokazao da je potpuno svjestan toga da se te radnje vrše i da ih očito potpuno odobrava. Anto Furundžija nije učinio ništa da spriječi ili zaustavi postupke Miroslava Brale.

28. Dana 16. maja 1993. ili otprilike oko tog datuma, a poslije gorenavedenih radnji, svjedokinja A odvedena je iz "bungalova" u jednu vikendicu na području Nadioka, gdje su je, do nepoznatog datuma u julu 1993., protiv njene volje držali Miroslav Bralo i drugi pripadnici "Džokera". Za vrijeme boravka na toj lokaciji, pripadnici "Džokera" su, uz znanje Miroslava Brale, više puta silovali svjedokinju A. Miroslav Bralo je bio svjestan patnji kroz koje je prolazila svjedokinja A i bio je u poziciji da izdejsvuje njeno, makar neslužbeno, puštanje na slobodu, ali to nije učinio.

TAČKE 7 i 8

29. U periodu od 21. aprila 1993. do 10. maja 1993., Miroslav Bralo je raspoređen da radi na kopanju rovova u selu Kratine i oko njega. Ti rovovi su bili odbrambeni položaji oko njegovog rodnog sela i obezbjeđivali su odbranu od napada snaga ABiH sa uzvišenja na sjeveru. Civili bosanski Muslimani koji su uhapšeni na drugim mjestima prebacivani su u Kratine i slani da rade po naređenjima Miroslava Brale i drugih.

30. Svim zarobljenim civilima sve vrijeme se prijetilo tjelesnim povredama ili smrću. Miroslav Bralo i drugi pripadnici "Džokera" bili su naoružani. Područja s obje strane rovova bila su minirana. Zarobljenicima su rekli da će ih ubiti ako pokušaju da pobjegnu. Miroslav Bralo je prisiljavao zarobljenike Muslimane da praktikuju obred katoličke vjere prije nego što bi počeli da se kopaju rovovi. Zarobljenici su radili u teškim vremenskim uslovima i uz ograničenu prehranu i odmor.

31. Zarobljeni civili takođe su bili izloženi opasnosti od povreda ili smrti uslijed vatreneog dejstva snajpera ABiH koji su sporadično dejstvovali u toku cijelog tog perioda. Pored toga što su korišteni za kopanje odbrambenih rovova, zarobljenici su korišteni i kao "živi štit" kako bi se linije zaštitile od vatreneog dejstva snajpera ABiH, koje se inače pojačavalo po kiši.

Prijevod

32. Miroslav Bralo je bio svjestan da je zarobljenim civilima pod njegovom komandom koji su bili prisiljeni da rade na položajima na frontu prijetila opasnost od tjelesnih povreda ili smrti.

Dana 18. jula 2005.

U Haagu,

Nizozemska

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 32

1 Tuesday, 19 July 2005

2 [Plea Hearing]

3 [Open session]

4 [The accused entered court]

5 --- Upon commencing at 3.07 p.m.

6 JUDGE LIU: Call the case, please, Mr. Court Deputy.

7 THE REGISTRAR: Yes, thank you, Your Honour. Case number

8 IT-95-17-PT, the Prosecutor versus Miroslav Bralo.

9 JUDGE LIU: Thank you very much. May we have the appearances,
10 please, for the Prosecution?

11 MR. HARMON: Good afternoon, Your Honours. Good afternoon,
12 counsel. My name is Mark Harmon. Appearing with me is Mr. Fergal Gaynor.

13 JUDGE LIU: Thank you very much for the Defence?

14 MR. COOPER: May it please Your Honours, my name is Jonathan
15 Cooper, counsel for Mr. Bralo, and I appear with Virginia Lindsay who is
16 legal consultant.

17 JUDGE LIU: Thank you.

18 Mr. Bralo, can you follow the proceedings in a language that you
19 understand?

20 THE ACCUSED: [Interpretation] I'm not receiving the
21 interpretation.

22 JUDGE LIU: That's why I asked you this question. Can you hear
23 me?

24 THE ACCUSED: [Interpretation] Yes.

25 JUDGE LIU: Can you follow the proceedings in a language that you

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 33

1 understand?

2 THE ACCUSED: [Interpretation] I can now, yes.

3 JUDGE LIU: Thank you very much. You may sit down, please.

4 Well, good afternoon, ladies and gentlemen. This is a hearing in
5 accordance with Rule 47, 50 and 62 ter of the Rules of Procedure and
6 Evidence. This Trial Chamber is seized with the filing of documents
7 relating to Rule 62 ter filed by the Prosecution dated 19th July, 2005.
8 There are three documents attached to this motion, which are the plea
9 agreement, proposed amended indictment and the factual basis.

10 Since we just received this document this morning, I would like to
11 have the parties to brief us very briefly on the contents of those
12 documents.

13 Yes, Mr. Harmon.

14 MR. HARMON: Yes, Your Honour. I would be glad to do so.

15 The three documents that the Trial Chamber has received consist of
16 a proposed amended indictment, a proposed plea agreement and a factual
17 basis to support a plea agreement. That's the nature of the three
18 documents. If you want additional details, I can give Your Honours
19 additional details in respect of those documents.

20 JUDGE LIU: Yes, please.

21 MR. HARMON: Let me start with the proposed amended indictment.
22 The proposed amended indictment is a streamlined indictment from the
23 previous indictment. The previous indictment had 21 counts. This
24 indictment is a streamlined version of the previous indictment. It has
25 eight counts. The new indictment consists of a new count, a count of

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 34

1 persecutions, which is count 1, of the proposed amended indictment, and
2 there is a second new count, that count is unlawful confinement which is
3 found in count 6.

4 The streamlining of the indictment consists, for example, of the
5 previous indictment in counts 1 and 2 has been streamlined in the new
6 indictment. You'll find that in count 7 the amendment and the proposed
7 amendment from the old indictment to the new indictment consists of
8 essentially withdrawing the old count 2, a violation of the laws or
9 customs of war, for the same conduct. In the previous indictment, Your
10 Honours will see under counts 3 and 4, cruel and -- inhumane and cruel
11 treatment, and the new indictment has only one of the charges, the
12 original charges, from the previous indictment, and that's found now in
13 count 8. Counts 5 through 8 of the old indictment, which was -- which
14 were multiple charges relating to a set of murders that took place between
15 the 21st of April and the 10th of May, 1993, those counts have been
16 streamlined. We essentially withdrew three of those counts, and now that
17 conduct, which was found in counts 5 through 8 of the old indictment, is
18 now found in count 2 of the new indictment.

19 Yes, that's correct.

20 And the counts relating to counts 9 through 21, rape and torture,
21 now are reflected in the new indictment in counts 3 through 6. And we, as
22 I say, have added one additional count in respect of that conduct,
23 unlawful confinement. So what we are presenting in terms of the
24 indictment reflects in the new indictment the conduct, much of the
25 conduct, I should say, from the old indictment, plus the addition of a

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 35

1 persecutions count. The persecutions count, count 1, relates to conduct
2 that relates to the attack on the village of Ahmici that occurred on the
3 16th of April, 1993. So that is what the amended indictment is, in terms
4 of what we are proposing, and we ask leave of the court to accept the
5 amendments.

6 The plea agreement document is a document that sets forth, for the
7 Court's benefit, the terms of the agreement in terms of reflecting this is
8 a knowing and intelligent waiver of rights. It outlines the nature of the
9 offences and there is a section that deal with penalty and sentencing. I
10 should say, in terms of this agreement, this is an unconditional plea.
11 There are no promises or inducements made by the Prosecutor's office in
12 respect of securing the pleas that Mr. Bralo intends to tender to this
13 Court.

14 Finally, Your Honours, in support of the proposed -- of the pleas,
15 we have submitted for Your Honours a factual basis. These are facts that
16 are agreed upon by both the Prosecution and the Defence and form the basis
17 on which the Court can rely in respect of each of the charges. So those
18 are the three documents that we have submitted in the package that we
19 filed this morning, Your Honour.

20 JUDGE LIU: Thank you very much. Any observations from the
21 Defence counsel?

22 MR. COOPER: Thank you, Your Honours, no.

23 JUDGE LIU: Yes. The Judges may ask some questions to the
24 parties. Yes.

25 JUDGE ORIE: We have also been provided with some supporting

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 36

1 material, that is, two witness statements. Do they play any role at this
2 moment in --

3 MR. HARMON: The only role they play, Your Honour, is to support
4 the proposed amendments, to establish that there is a prima facie case to
5 support the amendments.

6 JUDGE ORIE: Yes. I see that attached to both the supporting
7 documents, I do not know whether there are any protective measures but I
8 think we can deal with it without even referring to the names of the
9 witnesses who gave those statements, I see quite a number of documents
10 attached, one of them some six or seven, the other one apart from a sketch
11 which is clearly explained in the statement, also a similar document as
12 attached to the other one, of which I'm not aware, as a matter of fact,
13 what it actually is. Are these certificates of birth or are these
14 certificates of --

15 MR. HARMON: Your Honour, there were attached some death
16 certificates.

17 JUDGE ORIE: Death certificates, yes. Then I take it since they
18 are all similar and they indicate names, that these are death certificates
19 of the victims of -- because the names correspond with the names on the
20 annexes to the amended indictment.

21 MR. HARMON: Your Honour, they are death certificates for some of
22 the victims, not all of the victims. And, yes, they are the certificates
23 for some of the names in Schedule A.

24 JUDGE ORIE: Let me just check that. Yes. Thank you.

25 JUDGE LIU: Well, Mr. Harmon, in your statement, you said that

Not Official; Not Corrected

Plea Hearing (Open Session)

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Not Official; Not Corrected

Plea Hearing (Open Session)

Page 38

1 it's unconditional plea agreement. Would you please elaborate on that
2 point? What do you mean by unconditional?

3 MR. HARMON: Yes, I will be glad to, Your Honour.

4 Unconditional means that this agreement is not conditioned upon
5 Mr. Bralo doing anything or providing anything to the Prosecutor's office.
6 He is accepting the pleas. There have been -- the charges on their face.
7 He is -- has not been promised anything by the Prosecutor's office nor has
8 he been induced to plea by any recommendation, for example, of a sentence
9 range or sentence itself. There are absolutely no promises made to
10 Mr. Bralo, and the issue of how this case ultimately is resolved will be
11 through evidence that will be adduced at a later hearing, should the Court
12 accept the guilty pleas.

13 JUDGE LIU: Thank you.

14 Mr. Cooper, do you have any observations on that point?

15 MR. COOPER: Your Honour, these are indeed unconditional pleas.
16 They are entered freely and entirely voluntarily. The information which
17 underlies each of the counts was either information that was known already
18 to the Prosecutor and was included in the original indictment, or was
19 information which came new to the Prosecutor from this defendant himself,
20 and in relation to all the counts, those in the original indictment and if
21 Your Honours are so minded, in the amended indictment, the defendant
22 enters pleas entirely unconditionally, and they reflect his concern and
23 desire to express his remorse without condition.

24 JUDGE LIU: Thank you very much.

25 [Trial Chamber confers]

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 39

1 JUDGE LIU: Yes, Judge Orie.

2 JUDGE ORIE: Mr. Harmon, having looked at what I now know are
3 death certificates, may I draw your attention to the death certificate
4 which concerns Adis Salkic? On Schedule A you give as the date of birth
5 the 20th of December, 1978, whereas the death certificate seems to
6 indicate a date of birth different. Might be a typo but ...

7 MR. HARMON: Your Honour, it might be a typo. But without a copy
8 of the death certificate here, I'm not in a position to comment.

9 JUDGE ORIE: The one is the 20th, the other is the 28th. It might
10 be a typo, but I just note it's not really consistent.

11 MR. HARMON: That is noted, Your Honour.

12 JUDGE LIU: Well, after consultations among the Judges, this Trial
13 Chamber carefully examined each of the counts in the amended indictment
14 and any supporting materials the Prosecution provided. This Trial Chamber
15 is in the position now to find out that a case existing against the
16 accused.

17 So the newly amended indictment is confirmed by this Trial
18 Chamber. It is so decided.

19 Well, since the indictment is confirmed, we believe that we should
20 ask the accused, Mr. Bralo, to re-enter his plea to all those counts.

21 Mr. Bralo, did you have an opportunity to discuss the contents of
22 the amended indictment with your counsel?

23 THE ACCUSED: [Interpretation] Yes, Your Honour.

24 JUDGE LIU: Do you understand --

25 THE ACCUSED: [Interpretation] Yes.

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 40

1 JUDGE LIU: Thank you. Do you understand the meaning of each
2 count?

3 THE ACCUSED: [Interpretation] Yes.

4 JUDGE LIU: I have to remind you that you have the right to have
5 the newly amended indictment read out, or you could waive this right.
6 Which way do you prefer?

7 THE ACCUSED: [Interpretation] I waive the right.

8 JUDGE LIU: Thank you very much. Therefore, my suggestion is that
9 I read out each count in the newly amended indictment. You may plead
10 guilty or not guilty, as the case may be. Are you ready to plead at this
11 stage?

12 THE ACCUSED: [Interpretation] Yes.

13 JUDGE LIU: Thank you. Let's begin.

14 How do you plead to count 1: Persecution as a crime against
15 humanity, punishable under Article 5(h) and 7(1) of the Statute of the
16 Tribunal, guilty or not guilty?

17 THE ACCUSED: [Interpretation] I'm guilty and I honestly regret it.

18 JUDGE LIU: Count 2: Murder as a violation of the laws or customs
19 of war, punishable under Article 3 and 7(1) of the Statute of the
20 Tribunal. How do you plead, guilty or not guilty?

21 THE ACCUSED: [Interpretation] I'm guilty, and I very much regret
22 it.

23 JUDGE LIU: Very well. Count 3: Torture or inhumane treatment as
24 a grave breach of the Geneva Conventions as punishable under Article 2(b)
25 and 7(1) of the Statute of the Tribunal. How do you plead, guilty or not

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 41

1 guilty?

2 THE ACCUSED: [Interpretation] Guilty, and I truly regret it.

3 JUDGE LIU: Very well. Count 4: Torture as a violation of the
4 laws or customs of war, punishable under Article 3 and 7(1) of the Statute
5 of the Tribunal. How do you plead, guilty or not guilty?

6 THE ACCUSED: [Interpretation] Guilty, and I truly regret it.

7 JUDGE LIU: Count 5: Outrages upon personal dignity, including
8 rape, as a violation of the laws or customs of war, punishable under
9 Article 3 and 7(1) of the Statute of the Tribunal. How do you plead,
10 guilty or not guilty?

11 THE ACCUSED: [Interpretation] Guilty and I truly regret it.

12 JUDGE LIU: Count 6: Unlawful confinement as a grave breach of
13 the Geneva Conventions, punishable under Article 2(g) and 7(1) of the
14 Statute of the Tribunal. How do you plead, guilty or not guilty?

15 THE ACCUSED: [Interpretation] Guilty, and I truly regret it.

16 JUDGE LIU: Count 7: Unlawful confinement of civilians as a grave
17 breach of the Geneva Conventions, punishable under Article 2(g) and 7(1)
18 of the Statute of the Tribunal. How do you plead, guilty or not guilty?

19 THE ACCUSED: [Interpretation] Guilty, and I truly regret it.

20 JUDGE LIU: Count 8: Inhumane treatment as a grave breach of the
21 Geneva Conventions, punishable under Article 2(b) and 7(1) of the Statute
22 of the Tribunal. How do you plead, guilty or not guilty?

23 THE ACCUSED: [Interpretation] Guilty, and I truly regret it.

24 JUDGE LIU: Very well. The Trial Chamber records pleas of guilty
25 of eight counts by the accused.

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 42

1 Mr. Bralo, since you pleaded guilty to eight counts in the newly
2 amended indictment, the Trial Chamber would like to find out from you
3 whether you understand the details of the plea agreement you entered into
4 with the Prosecution. Do you understand my question, Mr. Bralo?

5 THE ACCUSED: [Interpretation] No.

6 JUDGE LIU: Well, we have received a plea agreement between you
7 and the Prosecution. I just want to know whether you have had an
8 opportunity to read the contents of this plea agreement. Did you sign
9 that plea agreement? And did you discuss it with your counsel about the
10 contents of this plea agreement?

11 THE ACCUSED: [Interpretation] Yes. I'm informed of everything.

12 JUDGE LIU: Thank you. I also would like to know whether you have
13 entered guilty plea voluntarily and out of your free will, whether you
14 were threatened or coerced in any way to make this plea.

15 THE ACCUSED: [Interpretation] Of my own free will.

16 JUDGE LIU: Thank you. Did your counsel have an opportunity to
17 advise you of the consequences of pleading guilty to eight counts in the
18 newly amended indictment?

19 THE ACCUSED: [Interpretation] Yes.

20 JUDGE LIU: This Trial Chamber would also like to find out from
21 you, when entering into this plea agreement, you understand that the Trial
22 Chamber is not bound to accept the range of sentence agreed by yourself
23 and the Prosecution, if there is any in the future. Do you understand
24 that?

25 THE ACCUSED: [Interpretation] I do.

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 43

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Not Official; Not Corrected

Plea Hearing (Open Session)

Page 44

1 JUDGE LIU: Thank you very much.

2 [Trial Chamber confers]

3 JUDGE LIU: Well, at this stage -- you may sit down, please,
4 Mr. Bralo.

5 THE ACCUSED: [Interpretation] Thank you very much.

6 JUDGE LIU: At this stage, I believe that the Bench will withdraw
7 to deliberate whether we are going to accept the guilty plea as well as
8 the plea agreement.

9 We will break for 15 minutes, and we will resume at quarter
10 to 4.00.

11 --- Break taken at 3.30 p.m.

12 --- On resuming at 3.46 p.m.

13 JUDGE LIU: Well, I believe this Bench is in the position to make
14 the ruling.

15 The Trial Chamber has considered the particulars of the facts in
16 the plea agreement and is satisfied that they do form sufficient factual
17 basis for finding that the accused is guilty on those counts and therefore
18 makes a finding of guilty and enters the conviction of eight counts
19 against the accused, Mr. Bralo.

20 The Trial Chamber will issue orders relating further proceedings
21 in due course.

22 At the same time, as for the Schedule A, there is a mistake, in
23 our view, concerning the date of the birth. I hope that the party could
24 be -- address it at this moment.

25 Yes.

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 45

1 MR. HARMON: Yes, Your Honour. It appears to be a typo -- a
2 typographical error and the death certificate controls so we will -- if
3 Your Honours wish, we can make that change orally or we can submit a new
4 Schedule A with the correct date for that particular individual.

5 JUDGE LIU: Well, maybe we could just leave out the date. I think
6 the month will be quite enough, and the oral submission is sufficient.
7 There is no need to fly papers everywhere.

8 MR. HARMON: All right. Thank you.

9 JUDGE LIU: Well, the Trial Chamber will now move to the next
10 stage, about the possible date for hearing on the sentencing, and we would
11 like to find out from both parties how they intend to make their
12 submissions on the sentencing issue.

13 Mr. Harmon?

14 MR. HARMON: Your Honour, we will be making, at this point in
15 time, written submissions, and if there is an evidentiary hearing, we hope
16 but I can't say for certain to be having viva voce testimony as well.

17 JUDGE LIU: Thank you. How about the specific date?

18 MR. HARMON: Any date that's convenient for the Trial Chamber is
19 convenient for me. I can tell Your Honours with one exception, on the
20 25th of September, I will be occupied. We are to start the Krajisnik
21 case, as I recall, either on the 5th or the 12th of September, and in that
22 first two-week period of the recommencement of the Krajisnik trial, I
23 suspect I will be fully engaged.

24 JUDGE LIU: Yes. And how about the Defence?

25 MR. COOPER: Your Honour, as to the form of the submissions, we

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 46

1 intend to file written submissions. There are inquiries that are
2 necessary in the course of the next four to six weeks but we anticipate
3 being in a position to file a written submission by -- certainly by the
4 second week in September, if that's convenient to the Court, and then to
5 be in a position to proceed with a sentence hearing, I would suggest, if
6 convenient with the Court, in the second or third week of October. That
7 would give us sufficient time to conduct the inquiries we need and to
8 present the submissions that we need to in a form which is appropriate.

9 JUDGE LIU: Thank you. At this stage, are you in a position to
10 inform us about whether you would like to call any witnesses concerning of
11 the mitigating aspect?

12 MR. COOPER: Forgive me, Your Honour, that's a matter that we need
13 to consider. I don't anticipate any great number or any great length of
14 evidence, and if that's of assistance, then I'm glad. But the question of
15 calling evidence is a matter that we need to review carefully.

16 JUDGE LIU: Thank you. I hope you could inform us in your final
17 briefs on this aspect. Maybe you have to file some 65 ter documents.

18 Well, so tentatively, could we set on the 16th of September as the
19 date for the parties to submit their written briefs? And if there is any
20 sentence hearings, we will set it on the 10th of October. Of course, this
21 is subject to the further notice in the future.

22 I see both parties are nodding. And are there any other matters
23 that the parties would like to raise at this stage?

24 Yes, Mr. Harmon?

25 MR. HARMON: Not on behalf of the Prosecution, Your Honour.

Not Official; Not Corrected

Plea Hearing (Open Session)

Page 47

1 JUDGE LIU: Thank you.

2 And Mr. Cooper?

3 MR. COOPER: Thank you. And nor for the Defence.

4 JUDGE LIU: Thank you.

5 Mr. Bralo, do you have anything to say at this stage?

6 THE ACCUSED: [Interpretation] No.

7 JUDGE LIU: How about your health?

8 THE ACCUSED: [Interpretation] Excellent.

9 JUDGE LIU: Thank you. You may sit down.

10 Well, I believe that's all for this hearing. So the hearing is
11 adjourned.

12 --- Whereupon the hearing adjourned at 3.53 p.m.

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The Prosecutor v. Tihomir Blaškić

PUBLIC REDACTED VERSION

REQUEST FOR REVIEW OR RECONSIDERATION

ANNEX 8

English Translation

ET-0281-6120-0281-6160

Exhibit # BR8 (a)

/Stamp upon receipt, reading: "Republic of Croatia; Ministry of Internal Affairs;
Service for the Protection of the Constitutional Order; Class: 511-20-01110-00/; Ref.
number: 19775; Zagreb, 22.08.2000./

Official Secret

Strictly Confidential

RH /Republic of Croatia/ Ministry of Internal Affairs

Mister Šime LUČIN

Z A G R E B

**Subject: Overview of the information obtained by the RH MUP, about events
concerning crimes committed in Ahmići**

Enclosed to the official letter, we submit "Overview of the information obtained by
the RH MUP, about the events concerning crimes committed in Ahmići with a
proposal for further procedure".

Enclosure: 1

Assistant Minister

Assistant Minister

Dragutin CESTAR

Mr.Sc. Franjo TUREK

/signed/

/signed/

English Translation

ET 0281-6420-0281-6460

/Stamped. Stamp, reading: "Republic of Croatia; Ministry of Internal Affairs; Service for the Protection of the Constitutional Order"/

Written in 7 copies:

- For the RH Deputy Prime Minister, Dr. G. GRANIĆ
- Minister of the RH UP /Internal Affairs/, Mr. Š. LUČIN
- Head of the RH UNS /National Security Office/, Prof. T. KARAMARKO
- Head of HIS /Croatian Information Service/, Mr. D. LONČARIĆ
- RH Assistant Minister of Defence, Mr. M. RUŽMAN
- Head of the Office for Cooperation with the International Court of Justice and International Tribunal in the Hague, Mr. Sc. O. MILJENIĆ

English Translation

~~ET 0281-6428-0281-6460~~

STATE SECRET

OVERVIEW

OF INFORMATION OBTAINED BY THE RH MUP ABOUT EVENTS
CONCERNING CRIMES COMMITTED IN AHMIĆI, WITH A PROPOSAL
FOR FURTHER ACTION

Zagreb, 21 August 2000

CONTENTS

(Page numbers as in this translation, not as in the original)

1. INTRODUCTION.....	9
General remarks	9
The MUP's treatment of the Ahmići "case" until 2000.....	10
 2. CHRONOLOGY OF EVENTS IN BIH /Bosnia and Herzegovina/ WITH REFERENCE TO AHMIĆI	14
a) Causes of the Croatian-Muslim conflict in BiH and the Lašva Valley.....	14
b) Structure of the military and civilian authorities in Central Bosnia and the disposition of military formations at the time of Ahmići	17
Military police.....	19
"Jokeri" /Jokers/	20
BiH SIS /Information and Security Service/.....	21
c) The crime in Ahmići.....	22
d) Actions taken by the command of the HVO, SIS and certain Croatian services after the crime in Ahmići.....	27
e) The involvement of the intelligence services of Croatia and state and political organs in the investigation of the crime in Ahmići.....	29
f) The manipulation of HVO documents.....	31
g) Preparation of witnesses for testifying in The Hague about Ahmići.....	34
h) Conflict between Ante NOBILO Operative Group "The Hague"	34
 3. INFORMATION CONCERNING THE MOVEMENT OF SUSPECTS BETWEEN 1996 AND 2000.	37

4. ISSUE OF FALSIFIED DOCUMENTS AND PROBLEMS WITH THE
IDENTIFICATION OF THE SUSPECTS.....43

5. COLLECTIVE REVIEW OF ALL ACTIONS THAT HAVE BEEN
UNDERTAKEN BY THE (SZUP /Service for the Protection of the Constitutional
Order/ AND SKP /Criminal Police / DATED
27.03.2000.).....45

6. PROPOSAL FOR THE PRIMARY DIRECTION OF FURTHER ACTION TO BE
TAKEN BY CROATIAN STATE BODIES.....51

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1. INTRODUCTION

General remarks

This document represents an attempt to bring together all the data and facts, which are gathered by these two MUP police services, as well as measures and actions taken by the SZUP and crime police since March 2000 in connection with the crime in Ahmići village (April 1993). It illustrates the causes of the Croatian-Muslim conflict in BiH and the Lašva Valley, the structure of civilian and military authorities in Central Bosnia, the circumstances of the crime in Ahmići, its perpetrators and persons responsible, the role and conduct of persons and services responsible in what was then the HR /Croatian Republic/ HB /Herceg Bosnia/ after the crime, the activities and influence of state structures in the service of the OZ /Operations Zone/ RH and other individuals from RH in shedding light on or concealing facts and evidence in connection with Ahmići and the trial of General Tihomir BLAŠKIĆ before the International War Crimes Tribunal in The Hague, and the giving of false identities to the perpetrators of the crime, as well as measures that were taken by MUP in order to find those perpetrators.

This document tries to suggest general priorities for further work of the MUP's police services, and other Republic of Croatia intelligence services, as well as specific measures and actions taken against certain persons that were mentioned in the document, in order to define facts and to gather evidence relevant for General BLAŠKIĆ's trial and arrest and trial of the perpetrators who directly committed crimes in Ahmići, as well as defining the possible responsibility of certain individuals for hiding the persons who committed crimes or evidence relevant for the Ahmići case.

In order to review and evaluate the content of documents more objectively, we consider it necessary to outline some facts that determined, that is, put limits on the MUP's procedures in this case. Those facts could also influence completeness, that is, the accuracy of data presented in this overview:

1. The SZUP and the Department of Criminal Police got a mandate for the opening of an operative and criminal proceeding for this case only at the end of March this year.
2. The facts that are presented in this official letter are only the result of the MUP's investigation, that is, they were acquired solely through contacts with a certain number of operative sources, as well as through interviews with certain individuals that have been conducted since the end of March this year, and also from access to the MUP's existing documentation which was very insufficient because of reasons that will be discussed in the text below. While creating this document, the MUP did not have available relevant documentation which was collected in years past by other RH intelligence services (above all the HIS and SIS).
3. The persons who are the sources of this information, have various points of view that influence the reliability of their statements and make them inconclusive and contradictory:
 - a) Time that passed since the events in question.
 - b) Fear of prosecution (by the ICTY or Croatian justice system), whether because of participation in the crime committed in Ahmići, or because of hiding perpetrators or evidence in BiH; fear of retaliation from the persons who committed crimes or of pressure groups that are hiding them, etc.
 - c) Professional solidarity (with the members of the BiH and RH intelligence services that are involved in the events in relation to Ahmići), connections with the "intelligence underground" in BiH and RH, connections with political mentors in BiH and RH, etc.

The MUP's treatment of the Ahmići "case" until 2000.

As it was stated in the previous text, the Criminal Police Department of the MUP and the SZUP did not have a mandate to undertake investigations in cases that were directly or indirectly connected with Ahmići until March 2000i.

This sort of situation had its foundation in the law (and also in the division of jurisdiction within the RH intelligence community), because both police services (especially the Criminal Police), each within their own sphere, have jurisdiction only over RH territory.

On the other hand, it is clear that it suited vested interest groups in the RH's state leadership and within the leadership of the RH intelligence community that created and conducted certain policies toward BiH, and contacted appropriate vested interest groups in the so called HZ H-B, that the two actually strongest (in terms of personnel, technical potential, legal authorization and due process of law) police and security services in RH, actually stay "beyond events". Thus, they had a much easier time of manipulating the truth in regards to Ahmići, as well as in regards to the broader situation in BiH.

In regards to the SZUP, it should be pointed out that the service has been establishing operative facts on regular basis since 1990. Those facts were connected with crimes that were committed in the RH by the individuals on the Croatian side, so that the instructions that are in connection to that, were directed from the headquarters in Zagreb to the SZUP centres.

Because of such activities, the service was exposed to pressures on a regular basis, as well as to immediate threats not only on the ground, but also at higher political levels. In this regard, the SZUP did not have any mandate to directly prosecute the perpetrators, but the important documentation and data were ceded to other government organs.

When the HIS was founded in 1993, the SZUP lost its mandate to act beyond the borders of the RH, and that is why operations in BiH and SRJ /Federal Republic of Yugoslavia/ were not carried out anymore and most of the existing cooperative network should have been handed over to the HIS. In that context, the SZUP did not have, nor has, information (trial documentation, etc.) that would be of any importance

to the trial of General BLAŠKIĆ and other persons from BiH, whose cases are at the moment before the International Criminal Tribunal in The Hague.

Since the establishment of the International Criminal Tribunal in The Hague, all actions taken by the RH intelligence community were planned and coordinated by the HIS, and mainly carried out by the MORH /Republic of Croatia Ministry of Defence/ SIS. All documentation and information that the SZUP would obtain from time to time would be submitted to the HIS. SZUP activity mainly consisted of operative and technical support within RH borders.

In that way, the SZUP participated in OA "Haag", /part of the line redacted/, which was evidenced and coordinated by the HIS.

OA "Haag" was formally initiated by the HIS, and the tasks of the action, which were primarily linked to the defence of the accused Croats, were directly carried out by the operative group "Haag", i.e. the MORH SIS.

Tasks and activities within the mentioned operative action mainly consisted of:

- monitoring (operative and operative-technical) of the activities of the Office of the ICTY in Zagreb;
- establishing the identity of The Hague's investigators and monitoring of contacts they make with citizens of the RH;
- operative checks of persons, RH citizens that work for the Tribunal;
- performing of operative checks for persons engaged in the defence of the indicted persons;
- monitoring of activities performed by certain RH citizens who were collecting evidence and documentation in order to deliver them to the Hague Tribunal;
- collecting and analyzing comments made by the officials of the Tribunal, foreign DK /sic, probably diplomatic and consular/ representatives and other relevant external factors, concerning the level of relationships and cooperation of the RH with the Tribunal, and concerning the influence of those relations on the international position of the RH;
- conducting interviews with the RH citizens and foreigners in RH who could have relevant information that would be useful for the defence of the Croats

indicted in The Hague (the SZUP did not come upon more relevant documents here), etc;

- at the SIS' request and with the HIS's knowledge, the SZUP made a Croatian passport for /part of the line redacted/, whom Anto NOBILO intended to use as a defence witness for BLAŠKIĆ. At the same time, upon the request (written suggestion) of the SIS, the SZUP in Zadar applied TKTR /electronic surveillance / over /part of the line redacted/ and submitted the results to the SIS;
- The SZUP (Split Centre) on the orders of former Minister Ivan JARNJAK, arrested Zlatko ALEKSOVSKI, who was residing in Baško Polje near Makarska, with /his/ security provided by the SIS. He was arrested "by deceit" and handed over to the Croatian judiciary without the knowledge of the SIS, which speaks for itself about lack of unity in Croatian politics in relation to cooperation with The Hague Tribunal.

Consistent with the above mentioned activities, there is documentation that is at the SZUP's disposal about this action, and all relevant documents were submitted to the HIS.

/Part of the line redacted/ was the HIS's operation that specifically referred to the arrest of Mladen NALETILIĆ aka Tuta and for his trial in Zagreb.

The goal of the HIS's operation /part of the line redacted/ is to document crimes committed by the Muslims and the Serbs over the Croats in BiH. Within this action, the SZUP conducted interviews with Croats who were expelled from BiH and who are currently residing on the territory of the RH. According to our evaluation, we did not succeed in obtaining relevant information about this OA /Operative Action/, and all available information was forwarded to the HIS. According to the information that is currently at the SZUP's disposal, there were only direct requests for the SZUP and these were made by the International Criminal Tribunal, that is, direct contacts of SZUP's employees with the representatives of The Hague's Tribunal in 1996 and 1997. In that case, the SZUP acted within its domain and legal authorization, and activities did not refer to events connected to Ahmići.

We wish to point out that the information presented is initial and of an operative character, and in order to facilitate a more objective perusal and assessment of the content of the document it should be stressed that the information stated herein is neither complete nor verified in detail since it is of an operative nature, and that in the forthcoming period efforts will be made to have it rendered more exact and to have it verified.

2. CHRONOLOGY OF EVENTS IN BiH WITH REFERENCE TO AHMIĆI

a) causes of the Croatian-Muslim conflict in BiH and the Lasva Valley

After its withdrawal from Slovenia and RH and its transferral to BiH, the JNA /Yugoslav People's Army/ placed itself fully at the disposal of the Serbian population there, which was a clear sign that armed conflict would break out in BiH and that the Croatian population in BiH would find itself in a particularly difficult position. The leadership of Herceg-Bosna adopted a decision to form so-called crisis staffs in areas of BiH where Croatian populations were living. The staffs were formed on a regional basis, but were not linked with each other and lacked coordination and general structure. There exists a written decision of the leadership of the HDZ /Croatian Democratic Union/ for BiH on the establishment of crisis staffs, which was signed by **Stjepan KLJUJIĆ**.

At the start of 1992 a crisis staff was established, which covered the towns of Novi Travnik, Travnik, Kiseljak, Vitez, Busovača, Žepče, Nova Bila and Vareš. In that area the executors of political and civilian authority were **Ignac KOŠTROMAN** and **Dario KORDIĆ**. At that time cooperation with the Muslims in Central Bosnia still existed. Stjepan KLJUJIĆ collaborated with **Alija IZETBEGOVIĆ** with the aim of organising a combined defence against the Greater Serbian aggression. There were

also options to attempt to integrate JNA forces from those areas into the crisis staffs so that qualified personnel and weapons could be obtained.

Parallel to the establishment of the crisis staffs, the Muslims, probably according to a political decision of the SDA /Party of Democratic Action/, established the so-called Territorial Defence /TO/, which was formed exclusively from the Muslim population. Those formations were the descendants of the JNA territorial system in BiH. The SDA reportedly issued a political decision that the forces of the JNA and the TO should be united. Alija IZETBEGOVIĆ and the SDA leadership were collaborating very closely with the JNA at that time and they adopted a political decision to keep the whole of BiH within the framework of Yugoslavia. These decisions by the SDA and TO were completely unacceptable for the Croatian people because it was clear to all that in this case there would be no trace of any Yugoslavia, rather it would be a "Greater Serbia".

From the outbreak of hostilities until the end of 1992, Serbian forces in BiH succeeded in reaching most of their military objectives, having occupied two thirds of territory of Bosnia and Herzegovina and having driven back the HVO and BiH Army into western and central Herzegovina, Central Bosnia, Mostar, and the Zenica and Tuzla area. A large number of Muslim and Croatian units and several hundred thousand refugees (mostly Muslim, as the majority of Croatian refugees had found refuge in RH) found themselves in a comparatively small area of free territory, and relations between the Croatian and Muslim political and military leadership were increasingly eroded as a result of conflicts over the organisation of civilian and military authorities, combined military tactics and strategy, the attitude towards RH, the sharing of weapons captured or procured abroad, the ever-increasing number of Islamic volunteers (mujahedin) serving in the BiH Army and so forth. The conflict intensified after a secret meeting between **Mate BOBAN** and **Radovan KARADŽIĆ** in Graz, when the "Croatian" policy in BiH up to that time was entirely changed, with the position being adopted in the top echelons of the HDZ of BiH that the Serbs were not the main enemy, but rather preparations should be made for war against the Muslims.

This position was also adopted by most of the Croatian military and political leadership in Central Bosnia, where tensions were rising with the Muslims by the

summer of 1992. Conflicts escalated with the reinforcement of BiH Army units stationed there (and some of the Muslim leadership there took a radical stance concerning attitude towards the HVO and the Croatian population in general). The "new" military and political stance, which was in line with the agreement with the Serbs, was also supported by General **BLAŠKIĆ**, at that time the commander of the HVO Vitez – Busovača Military District, who took military forces from the front against the Serbs and redeployed them to face the Muslim forces.

Before the end of 1992, as a result of these clashes of political stances, the HR of Herceg-Bosnia was established. (sic.) The HVO was also established at the same time. Following the political decision of the leadership of the HR HB /Croatian Republic of Herceg-Bosnia/, both political and military components were integrated into the HVO. Then the political leaders of local areas were automatically appointed military officials, and thus Dario KORDIĆ came to be appointed a major.

In the fighting that broke out across Central Bosnia in the spring of 1993 between the Croats and Muslims, the BiH Army defeated the HVO forces in the area of Zeniča, Kakanj, Travnik, Visoko, Vareš and so forth, and the Croatian units and population were left concentrated in the relatively narrow area of Novi Travnik, Vitez and Busovača, which had no direct link with the rest of the territory in BiH under HVO control. Immediately before the events in Ahmići, the territory under the control of Croatian forces in Central Bosnia was close to falling.

Hostilities particularly intensified after Muslim forces cut off the Vitez-Busovača road. The objective of this military operation by the Muslims was to take Vitez. In Vitez, there was an explosives and ammunition factory, which was of particular strategic importance. After hostilities intensified the HVO suffered great losses, and it was also short of weapons, ammunition and medical supplies as it was completely surrounded. The situation became very serious and it was only a matter of days before the Muslim forces would break through the defence lines and take military control of the area. At that time **KOSTROMAN**, **Dario KORDIĆ** and **Tihomir BLAŠKIĆ**, as the HVO leaders, desperately sought help from Mostar and Croatia.

In January 1993, "special purpose units" arrived in the area: the Convicts' Battalion and the *Bruno Bušić* Special Unit. They committed violence against the population and provoked fighting with the Muslims. Source/?s/ believe that this was a planned prelude to a future full-scale open conflict with the Muslims in BiH.

**b) THE STRUCTURE OF MILITARY AND CIVILIAN AUTHORITIES
IN CENTRAL BOSNIA AND THE DISPOSITION OF MILITARY
FORMATIONS AT THE TIME OF AHMIĆI**

The Central Bosnia Operative Zone (later Vitez – Busovača Military District), was established on the territory under Croatian control. It was made up of a few brigades and various local units, which were badly organised and lacked a firmly defined system of command. The military formations were mostly manned by volunteers, and not infrequently there were also persons from the criminal world among them, which had a particular bearing on the subsequently established military police.

The commander of the Central Bosnia Operative Zone was General **BLAŠKIĆ**, who was personally appointed to this post by **Mate BOBAN** at the start of 1993. **BLAŠKIĆ**'s basic task was to coordinate the HVO military formations. Immediately after taking up his duties, **BLAŠKIĆ** made attempts to organize HVO formations according to the principles of military doctrine.

BLAŠKIĆ demanded strict discipline and soldierly conduct from the local commanders. Such decisions did not please local commanders and they fiercely resisted all of **BLAŠKIĆ**'s orders and as a rule did not implement them on the ground. In addition to this, at that time great influence was already held by **Dario KORDIĆ**, the then HVO Assistant Chief of Staff, and **Ignac KOŠTROMAN**, the Chief of the HVO Political Administration, both of whom were also senior officials of the HDZ of BiH. Furthermore, before the events in Ahmići, at a meeting with the then Chief of the HVO Main Staff, **Milivoj PETKOVIĆ**, an order was issued whereby assistant chiefs of the HVO GS /Main Staff/, when in the field, were given a command function in relation to the commander of a military district (this also related to the military district under T. **BLAŠKIĆ**'s authority).

At that time **Paško LJUBIČIĆ** was the commander of the HVO 4th Military Police Battalion, which was involved in all the major clashes with the Muslims in the area of Vitez, Novi Travnik and Busovača. His deputy was **Vlado ĆOSIĆ**.

All the above persons enjoyed relative independence vis-à-vis **BLAŠKIĆ** in leading their units and planning and conducting operations. In addition, **KORDIĆ** and **KOŠTROMAN** were much more influential politically than **BLAŠKIĆ**, and some commanders in the field who were directly connected to the two of them could carry out military operations at their own discretion without consulting **BLAŠKIĆ** and without any subsequent consequences.

The real commanders of the numerous HVO "special" units (the "Jokers", the "Tvrtkovci", the "Vitezovi", various military police units, the "Žuti" and others that are associated with war crimes and other criminal activity) were men such as, **Valentin ĆORIĆ**, **Bruno STOJIC** and **Ivica RAJIĆ**, who directly pursued the idea of dividing BiH, and at the same time accrued great personal material gain through various criminal activities. This group was virtually "untouchable" because of their connections with the political circles in RH at that time.

A position in the military hierarchy was at that time obtained either through the legal military chain – whereby a person would be recommended to General **BLAŠKIĆ** for the position by military commanders, which **BLAŠKIĆ** would then approve – or through a decision of the so-called "shadow cabinet", led by **Dario KORDIĆ** and **Ignac KOŠTROMAN**. The "shadow cabinet" appointed people to positions and posts on the basis of family connections or a belief that they would carry out their orders unquestioningly, even though these people did not have the requisite professional knowledge for what they were to engage in. This frequently resulted in losses on the battlefield or other poorly executed operations.

The first commander of the military component of the HVO in Central Bosnia was **Paško LJUBIČIĆ**. The headquarters of the HVO military command for Central Bosnia was initially in Gornji Vakuf (Uskoplje), and was later moved to Vitez and then Busovača. In Central Bosnia there were four HVO military formations territorially deployed in Kiseljak, Vitez, Žepče and Vareš. These military formations

were manned mostly by volunteers and the local population. As a rule they were poorly armed, completely lacked any military organisation and were not coordinated among themselves. The commander of the military formation based in Kiseljak was **Ivica RAJIĆ**, in Žepče it was **Ivo LOZANČIĆ**, in Vitez it was **Paško LJUBIČIĆ**, while in Usora it was **JELAČA**. According to some of our intelligence, the headquarters were not in Usora but in Sarajevo, and were headed by a man named **Slavko**. Of the aforementioned commanders of operative groups, only the commanders of Usora and Žepče really obeyed **BLAŠKIĆ**'s orders.

The following special units, which were formally under the command of the Assistant Minister for Special Units in the Ministry of Defence of the HR HB **Ivica PRIMORAC**, but were actually commanded by **Dario KORDIĆ**, were active either permanently or temporarily in Central Bosnia:

- a) The Convicts Battalion, under the command of **Mladen NALETILIĆ** aka **Tuta**, whose sub-unit in Mostar was led by **Vinko MARTINOVIĆ** aka **Štela**.
- b) The "Maturice", under the command of **Dominik ILIJAŠEVIĆ** aka **Como**, who were active in Kiseljak.
- c) The "Vitezovi" /Knights/, who operated in the Vitez area under the command of **Darko KRALJEVIĆ**.
- d) The "Jokeri" /Jokers/, under the command of **Anto FURUNDŽIJA**¹.
- e) The "Žuti" /Yellow/ unit, under the command of **Žarko ANDRIĆ** aka **Žuti**.
- f) The "Apostoli" /Apostles/, a unit from the Travnik area which withdrew to Kiseljak, under the command of **Marinko ŠUNJIĆ**.

A military police force was also organized within the framework of the military units, and was the responsibility of **Valentin ĆORIĆ**.

The SIS was also organized in the area. It was under the command of **Ante SLIŠKOVIĆ** and numbered around ten people (**Mišo MLJIĆ**, **VOLODER**, **Bruno**

¹ There is some dispute over who commanded the "Jokeri". Most sources assert that it was **A. FURUNDŽIJA**, but there are some that claim that **KRALJEVIĆ** was the commander. See the section entitled "Jokeri" for a more detailed discussion of this.

ŠARIĆ). **SLIŠKOVIĆ** was appointed to this post by **Darko KRALJEVIĆ**, who was responsible for the SIS at the HVO Main Staff.

Military Police

At the end of 1992 the HVO Military Police was established. The Central Bosnia area was covered by the 4th Military Police Battalion, which consisted of five companies and eight independent brigade platoons. The entire battalion and the companies were not commanded by the commander of the OZ or a brigade commander, but the Military Police Administration at the Ministry of Defence. The independent brigade platoons were commanded by the brigade commanders, i.e. the commanders of the units into which the platoons had been integrated.

The Military Police was restructured in January 1993 so that the brigade platoons were disbanded and three Military Police companies were formed. The entire battalion and the companies were not commanded by the commander of the OZ or a brigade commander, but the Military Police Administration. The Chief of the Military Police Administration was **Valentin ĆORIĆ**.

By the start of 1993 the HVO Military Police and the SIS had been established in Central Bosnia. The first commander of the Military Police was **Milivoj PETKOVIĆ** and the chief of the SIS was **Ante SLIŠKOVIĆ**. **Tihomir BLAŠKIĆ** was not happy about the establishment of these formations because they were outside his control and he did not command them; they were under the command of the HV /Croatian Army/ Ministry of Defence, and the HVO Main Staff. The commander of the HVO Main Staff at that time was **Slobodan PRALJAK**, and **Milivoj PETKOVIĆ** was appointed to the post later. The Defence Minister at that time was **Bruno STOJIĆ**.

The Jokeri /Jokers/

The *Jokeri* unit was a civilian unit, something akin to special police or an antiterrorist unit. They were quartered in the so-called "Bungalow", a small motel near Vitez. The unit mostly consisted of young men from Vitez and Travnik. According to some sources (for example **Blaženko RAMLJAK**), before the events in Ahmići this unit did

not participate in any military operations but engaged in looting abandoned Muslim houses and flats in the towns, seizing vehicles and committing other crimes. Some sources state that **KORDIĆ** mostly recruited prison convicts into this unit, and in exchange for being released from prison they had to swear that they would carry out absolutely all orders.

There are some contradictions in statements about who commanded the *Jokeri* unit, because according to **KOŠTROMAN** they were under **Darko KRALJEVIĆ**'s command, while all other intelligence indicated that the commander was **Anto FURUNDŽIJA**. **KOŠTROMAN** is probably trying to pin the blame for the crime on **KRALJEVIĆ** (according to the available information, **KRALJEVIĆ** and his unit the *Vitezovi* did not participate in the attack, just a small number of volunteers whom **KORDIĆ** and the others recruited on the eve of the attack). However, there is a possibility that both of them were commanders of the unit, i.e. it is not clear who succeeded whom in this post.

BiH SIS

On 23 July 1992, **Mate BOBAN** gave **Ivo LUČIĆ** the task of establishing the SIS in BiH, which was also joined by **Ivan BANDIĆ** at **LUČIĆ**'s behest. **BANDIĆ** then figured as the operations chief of the SIS, even though he had no order or letter of appointment for this. Numerous SISs were already in existence at that time, whereby the president of the municipality had his SIS, military commanders had their own, and so forth. **Ivo LUČIĆ**'s intention was to select the best people from these SIS formations, those who wished to act legally and within certain system of authority. The SIS in BiH was modelled on the SIS in RH, on the territorial principle and in units. SIS officers in units were subordinated to and under the direct influence of their commanders, and **LUČIĆ** and his colleagues from the SIS Administration attempted to win over some of the SIS officers from the units in order to acquire relevant information from the field. All reports arising from the work of the SIS in BiH were sent to **Ivo LUČIĆ**, who then forwarded them at his discretion either to **Mate BOBAN** or the chief of the Main Staff **STOJIC**, or sometimes to both of them, depending on the content of these reports.

As far as the Central Bosnia is concerned, at the beginning of the war there were two SIS in operation. One, under the authority of the HVO GS in Mostar, was formed in Vitez at the end of 1992 as the so-called Central Bosnia SIS Centre. It was headed by **Mišo MLJIĆ**. **MIJIĆ** is currently unreachable as he is in Australia. The other functioned within the *Nikola Šubić Zrinski* Busovača Brigade and was led by **Tomislav VLAJIĆ**. He was also at the disposal of **A. SLIŠKOVIĆ**, then **BLAŠKIĆ**'s assistant for SIS, but he did not recognise his authority and instead informed **KORDIĆ** of everything.

Mišo MLJIĆ, Chief of the SIS Centre in Travnik, at the end of May 1993, states that the Ministry of Defence of Herceg-Bosnia is dissatisfied with the work of **Anto SLIŠKOVIĆ**² who at that time filled the post of **BLAŠKIĆ**'s assistant for SIS in the Central Bosnia Operative Zone and who should, formally, have been in the security system of the Ministry of Defence of Herceg-Bosna, and who does not cooperate with the Ministry of Defence nor sends it any kind of reports. Because of this, the Ministry of Defence gave **Mišo MLJIĆ** the task of establishing the Vitez SIS Centre, which was directly responsible to the SIS Administration in Mostar, while **Ante SLIŠKOVIĆ** remained **BLAŠKIĆ**'s assistant for security.

During 1994 a HIS office numbering only a few people was formed in the SIS Administration in Mostar. The formation of the HIS enabled **Miroslav TUDJMAN**, through **Ivo LUČIĆ**, to extend his influence in the region under the control of the Croatian component in BiH. In so doing he came into conflict with the advocates of a different political option for BiH, particularly with **Ivić PAŠALIĆ** and **Markica REBIĆ** who wanted a conflict with the Muslims and whose man was **Dario KORDIĆ**. (**Ivan BANDIĆ** – Chief of BiH SIS Operational Organs).

According to the information at our disposal, **Ivica RASPUDIĆ** was in charge of operative activities in the SIS in BiH connected to The Hague. He is now allegedly in charge of the National Security Service Centre in Mostar.

c) The Crime in Ahmići

² **SLIŠKOVIĆ** is two-faced person who was, although formally subordinated to **BLAŠKIĆ**, a "player" of **Dario KORDIĆ**, who in that time was in Busovača. (part of the line redacted)

On 16 April 1993, 116 Muslim civilians and soldiers, including 15 children under 10 years old, were killed in Ahmići near Vitez.

The day before the attack, preparations were carried out and plans agreed at meetings with the commanders of military units. Much vagueness surrounds this. It is unclear how many meetings were held on the day before the attack on Ahmići, because there is a possibility that there was not just one meeting, but three. The sources conflict over the time and location of their holding and, of course, over the people who were present. According to the information available, it is most likely that two meetings were held with the commanders of the military units from this area – the first at 1400 hours in the cellar of the post office in Busovača (present were **Vlado ĆOSIĆ**, Assistant Commander for the Military Police, **Dario KORDIĆ**, **Ignac KOŠTROMAN**, **Paško LJUBIČIĆ**, **Darko KRALJEVIĆ** and **Vlado ĆOSIĆ**) at which **BLAŠKIĆ** issued orders about the attack and the manner of the attack, and the second without **BLAŠKIĆ**, according to the information at our disposal, in the evening in **KORDIĆ**'s family home. The decision to carry out the massacre was taken at this meeting, which is supported by the statement /part of the line redacted/ and information that A. NOBILO has (this should be cleared up by a follow up interview with /part of the line redacted/ - time of the meeting, who was present, what decisions were exactly brought at the second meeting and so forth). However, there is information that one meeting was held during the afternoon in a hotel in Vitez at which **BLAŠKIĆ** was also present. It is possible that this amounts only to confusion over the location of the meeting, but it should nevertheless be checked just at the conflicting information regarding the participants of these meetings should. There are statements saying that **BLAŠKIĆ** held this third meeting with the commanders of special-purpose units (**Paško LJUBIČIĆ**, **Žarko ANDRIĆ** aka **Žuti** and **Marinko ŽILIĆ** aka **Brzi**, a one-time member of the special police in Rijeka, current status being checked). **Mario ČERKEZ**, although invited, did not come. **BLAŠKIĆ** gave instructions for the attack at the meeting, and gave a stark warning forbidding any kind of crimes.

According to the information given by A. NOBILO, there was a command for the attack on the village of Ahmići according to which all the men should be killed by

being called out of their houses and killed with automatic weapons. Some bodies were burned with petrol which had been prepared in advance in bottles. According to NOBILO, these preparatory actions are one possible piece of evidence that the attack and the crime which took place there was planned in advance.

NOBILO states that there are written commands issued by BLAŠKIĆ for all this. This is corroborated by the fact that in his staff he also had a person whose task was to note everything he heard, the hour and minute when orders were issued or of other important activity, which was BLAŠKIĆ's war diary of sorts.

According to NOBILO, and /part of the line redacted/ on the night of 15/16 April 1993 a meeting of an informal group, composed of **Ignac KOŠTROMAN, Dario KORDIĆ, Ante SLIŠKOVIC, Tomo VLAJIC, SLIŠKOVIC's** deputy **Paško LJUBIČIĆ, Vlado ČOSIĆ** and **Anto FURUNDŽIJA**, was held at **Dario KORDIĆ's** house. This group wanted conflict with the Muslims at any price. At this meeting it was agreed that an order would be issued to kill the entire male population in Ahmići and to torch the village. As an illustration, NOBILO states that one of the participants of the meeting asked what should be done with the children and most probably **Ignac KOŠTROMAN** answered that they too would "one day be men", thereby making it clear that they should execute them, too.

The aim of this operation was to scare the Muslim population into moving out of the area, the same method which had been applied in other parts of BiH, particularly by the Serbs.

This informal group was also united by family ties. **Dario KORDIĆ's** sister was the girlfriend of **Paško LJUBIČIĆ**, **Vlado ČOSIĆ** was a relative of **Paško LJUBIČIĆ** and *kum* /close family friend/ to **Tomo VLAJIC**, while **Anto SLIŠKOVIC's** brother married **Dario KORDIĆ's** wife's sister.

According to the information available, several units participated in the attack of Ahmići:

- The *Jokeri* /Jokers/ unit as part of the 4th battalion of the HVO VP /Military Police/ (about 60 people under the command of A. **FURUNDŽIJA**, operated from the direction of the village of Nadioci),
- The 4th battalion of the VP from Posušje, commanded by **Paško LJUBIČIĆ**,
- **Miroslav BRALO** aka **Cicko** also participated in the attack and committed crimes without anyone's orders and did not belong to any unit,
- The unit of **Žarko ANDRIĆ** aka **Žuti**,
- Parts of other units of the HVO Central Bosnia Operative Zone participated in the conflict since, because of the confused situation, there was no firm system of command (about 20 volunteers from the *Vitezovi* /Knights/ antiaircraft defence unit)³

Following increased kidnappings, robberies and skirmishes begun by the Muslim forces and because of the danger that these forces might sever communications between Vitez and Busovača, a decision was taken by the military leadership of the Central Bosnia Operative Zone, which was then headed by General **BLAŠKIĆ**, that the HVO would attack the Muslims first on the Vitez-Busovača axis in order to create a security belt against the Muslims. This decision was based on previous experiences of Muslim attacks in Travnik where they attacked first and gained a great advantage in later combat activity, or acquired a relatively large swath of territory for combat operations.

General **BLAŠKIĆ** issued a written command which ordered that the aforementioned communications must be relieved at all costs but in a manner by which they would occupy the hills above the village. According to the order, the village should only have been entered if armed resistance was offered from a house or another building. In such an instance, the command read, they could open fire on the building from which the shooting was coming, but only to the extent necessary to neutralise armed resistance. It was specifically ordered that houses and buildings which offered no

³ The *Vitezovi* were the remnants of the HOS /Croatian Defence Forces/. Only about 20 volunteers from the unit participated in the attack because at that time their commander, **Darko KRALJEVIĆ** was in Ljubuški where he had gone to collect pay for members of his unit. (**Žarko ŠOKČIĆ**).

resistance should be avoided and that during the first phase of the operation, until the positions in the hills overlooking the village had been occupied, they should not be entered. This order was also received by **Mario ČERKEZ**, Commander of the HVO Vitez Brigade.

The direct commanders in the field who carried out the order issued were **Vlado ČOSIĆ**, **Paško LJUBIČIĆ** and **Vlado ŠANTIĆ**, while **Anto SLIŠKOVIĆ** was commander of the military police in General **BLAŠKIĆ**'s staff. According to the information available, in the middle of April 1993 an envelope sent from Mostar containing an order to relieve the Vitez-Busovača road (communication), was received by the 4th battalion of the HVO VP. The battalion commander at this time was **Paško LJUBIČIĆ**, his superior was **Valentin ČORIĆ**, Chief of the VP Administration of Herceg-Bosna. **Ante SLIŠKOVIĆ** received the envelope containing the order for conducting the attack on the village of Ahmići.

Paško LJUBIČIĆ coordinated the attack on Ahmići using hand-held radio equipment. **Tihomir BLAŠKIĆ** was also present in the area during the attack itself. There were MOS /Muslim Armed Forces/ units in the village of Ahmići, and their fiercest resistance came from the mosque and the school (the source of the above mentioned is: part of the line redacted; this part is not stated in the document under the ERN 0151-1033-0151-1053/.

On the evening prior to the attack on Ahmići, **Paško LJUBIČIĆ** went, either alone or with **Ante SLIŠKOVIĆ**, to the prison where they told the prisoners that they would release anyone who was willing to kill anything that moved. In this way **Miroslav BRALO aka Cicko** was released from prison where he had been because of the murder of a Muslim family, as were other criminals.

Of the evidence available regarding the crime in the village of Ahmići, there is, as **Anto NOBILO** states, /in the document under the ERN: 0151-1033-0151-1053 instead of **NOBILO**'s name it is stated: "a video recording made by the members of UNPROFOR who went into Ahmići with two armoured vehicles at the time of the attack and whose vehicle removed wounded Muslims from the battle area to a nearby

hill. There is also a video recording of the arrival of Commander **STUART** of the

British UNPROFOR forces with the ambassadors of several Western countries and a video clip from Busovača TV, which found its way into the hands of the AID /Agency for Investigation and Documentation/ Muslim intelligence service, with footage of an HVO Military Police camp known as *Bungalov* /Bungalow/ immediately after the attack on Ahmići. This footage shows military policemen, identified as **Vlado ŠANTIĆ** and **Paško LJUBIČIĆ**, returning from the fighting.

As evidence, he states the statements given by the witnesses to the crime in Ahmići, who were interviewed by the investigating judge from the Zenica District Court and which have been delivered to The Hague by the Zenica Security Services Centre.

Furthermore, he mentions video recordings and witness statements of the UNPROFOR members who exhumed a mass grave in which the victims from Ahmići had been buried.

According to NOBILO, **Ante SLIŠKOVIĆ**⁴ masterminded the operation in Ahmići. He and **Dario KORDIĆ** are political kindred spirits and both of them were founders of the HDZ /Croatian Democratic Union/ in Busovača in 1991.

d) ACTIONS TAKEN BY THE COMMAND OF THE HVO, SIS AND CERTAIN CROATIAN SERVICES AFTER THE CRIME

In their initial reactions the Croatian military and political leadership were united in their stance that the crime in Ahmići was not committed by Croatian forces, but had been "staged" by the Muslims, the Serbs or even the international forces, by members of the British peacekeeping forces based there. Many reports were compiled about the crime in Ahmići, some of which are unavailable. It is assumed that it is precisely these reports which would be most important in elucidating the whole incident.

Ignac KOŠTROMAN claims that he learnt of the crime in Ahmići through the media. **Dario KORDIĆ** and **Tihomir BLAŠKIĆ** were at the time allegedly at the military headquarters in Busovača. None of the three issued an order for the operation

⁴ According to the SIS' documentation, **Ante SLIŠKOVIĆ** remained the employee of that Service during 1996 and 1997. MORH also appointed him as coordinator in the search for witnesses for the Court in The Hague, during the execution of the OA "Istina" /Truth/. According to NOBILO, he is a very intelligent person, former chess player, who uses his intellectual abilities for evil purposes.

but instead advocate the thesis that the British UN forces, in agreement with the Muslim forces and Croatian criminals organised and carried out the operation in Ahmići. He bases this on the fact that he /as printed/ knew that the AID (Muslim intelligence service) had already been formed at this time and that it had disseminated misinformation in BiH through the world media. As evidence of this he alleges that the UN forces led by the British officer **STUART** were the first into Ahmići, **STUART** was shown next to dead bodies in Ahmići. He personally ordered that an investigation into this incident should be carried out and that he should be informed of the results of this investigation as a matter of urgency.

Tihomir BLAŠKIĆ told **Ante SLIŠKOVIĆ**, Chief of the SIS for the Central Bosnia Military District, to carry out an investigation into the incident so that he could send a report to Mostar. **SLIŠKOVIĆ**, however, allegedly obstructed the investigation, repeating the theory about the involvement of the Serbs, the Muslims and the British in "staging" the crime.

After the Military Police unit had committed the crime in Ahmići, of which **BLAŠKIĆ** informed **Dario KORDIĆ** by telephone, **BLAŠKIĆ** asked for a report into the incident, which was compiled and signed by **Vlado ĆOSIĆ** on behalf of **Paško LJUBIČIĆ** who was the commander of the Military Police. According to the information available, the report does not mention the crime, only the fighting. (NOBILO).

There is allegedly a report into the incident at Ahmići from Ivo **LUČIĆ** which was sent to the Assistant Minister for Security in BiH, and an analytical report by the HIS. These reports are, apparently, incomplete and are only reconstructions of the incident of summaries of more extensive reports, which should be in the SIS HZ HB /Croatian Community of Herceg-Bosnia/ archive.

e) THE INVOLVEMENT OF THE INTELLIGENCE SERVICES OF CROATIA AND THE STATE AND POLITICAL ORGANS IN THE INVESTIGATION OF THE CRIME IN AHMIĆI

The Croatian political leadership had mainly accurate information at its disposal about the extent of the crime, its circumstances, victims, perpetrators, etc. In a document

entitled *The Massacre in Ahmići* the HIS presented on 21 March 1994 a comparatively accurate version of events in Ahmići which was taken from the newspaper *Le Figaro*.

On the other hand, based on the premise that the RH is in no way guilty for the war in BiH, that blame lies entirely with the Muslims and the Serbs, and that the international community offered no support to the RH, the SIS RH began an investigation into crimes committed by Muslims and Serbs against Croats in BiH. In order to corroborate these crimes, documentation from BiH was delivered to the RH and people were prepared for possible testimony in trials in The Hague. Identification papers and other such items were procured for individuals who came to the RH (by *Lora*, the SIS in Split). However, it is obvious that the analysis of the crime in Ahmići was conducted in parallel and that the documents which are now stored in the offices of the SIS in Split were also transferred from BiH to the RH. **UDILJAK**, **IVANOVIĆ⁵**, **KRPAN**, **B. MILAS**, **Mato ZEKO** and others were involved in realization of these actions.

The first signs of involvement of individual parts of the Croatian intelligence services in the events and investigation into Ahmići were obvious soon after it became apparent that the BiH SIS, that is **Ante SLIŠKOVIĆ** was conducting the investigation inefficiently. During 1993, /part of the line redacted/⁶, who presented himself as an SIS officer from Zagreb detailed to gather information about the events in Ahmići, was in Travnik and Busovača. In the two months **DAMJANOVIĆ** spent in the area he made contact with many people.

According to the information available **Ante GUGIĆ** was also in the area and later compiled and "expert" report in which there are no details of either the perpetrators or the circumstances of the crime.

⁵ NOBILO thinks that **UDILJAK** and **IVANOVIĆ** are persons of in the confidence of Ante **SLIŠKOVIĆ**, and Markica **REBIĆ** assigned them to him in order to help him in his work.

⁶ During 1996, at the baptism of **BLAŠKIĆ**'s younger son, there was /part of the line redacted, but most likely it is the name of Ante DAMJANOVIĆ written/ who did not want to talk about the results of his investigation. () /comment in the brackets redacted/

/Two footnotes do not exist in the document under the ERN 0151-1033-0151-1053/.

Involvement of the Croatian ob. /intelligence/ organizations is obvious from the fact that **Ivica PRIMORAC**, HR H-B Assistant Minister of Defence in charge for security, was directly responsible to **Markica REBIĆ**, the then RH Assistant Minister of Defence, for execution of the tasks related to The Hague.

/this part is missing in the document under the ERN 0151-1033-0151-1053/

At the beginning of 1997, operative action "Process", was undertaken, and this was organized without planning documents and it was based on the verbal agreement of the Head of HIS at that time, **M. /Miroslav/ TUDJMAN** and Chief of the HIS Operations Department, Mr. **Ivo LUČIĆ**. The goal of this action was the monitoring of the trial of General **BLAŠKIĆ** which had already begun. Within OA "Process", operative actions "The Hague", "Road" and "Truth" were organized. Operative actions "Put" and "Istina" were under the jurisdiction of the RH Ministry of Defence, that is, SIS, while the operative action "Haag" should have been under the jurisdiction of other state ministries, above all the MUP and Ministry of Justice. However, it was not implemented, so the SIS continued covering the operative aspects of the action. The coordinator of the affairs regarding operative actions "Put" and "Istina" was Major **Stipan UDILJAK**. He also led all activities for the MORH SIS. HIS also participated in that action, and after analyzing collected information, it was submitting analysis to the SIS (all the information was kept in the HIS on electronic media. The main coordinator for gathering information about people who could be used as witnesses in the trial of **BLAŠKIĆ** on the territory of BiH, was **Ante SLIŠKOVIĆ**.

f) MANIPULATION OF HVO DOCUMENTATION

Because of the war in BiH and internal conflicts in the Croatian political and military leadership, HVO documentation, including parts relating to events in Ahmići, was often subject to various forms of manipulation. Thus, for example, in the middle of December 1993 **Bruno ŠARIĆ** received a message from his commander **MLJIĆ**, via a helicopter co-pilot who was also an SIS operative, that he had agreed with the SIS Administration in Mostar to transfer all his documentation by helicopter from Vitez to Mostar. Although it had been agreed with **Marinko POLAR**, the Commander of the Military Police that a certain amount of SIS documentation be transferred from Vitez

to Mostar, BLAŠKIĆ's bodyguards prevented this at gunpoint while they were attempting to load the package with the documentation onto the helicopter.

A similar situation is described in the statement of **Ivan BANDIĆ**, who states that all reports concerning Ahmići were kept in the SIS archives. At the end of 1994, or at the beginning of 1995, **Ivo LUČIĆ** relocated the archives to several towns in BiH, and then he transferred it to the HIS headquarters in Zagreb all because of the danger that **Mladen NALETILIĆ aka Tuta** could get hold of it. Concerning the above references, he states that a female employee /part of the line redacted/ was assigned to the SIS team that was established as a help to the defence attorneys of The Hague's detainees and she had the possibility to see the documentation.

Activities concerning usage of HVO documentation intensified in the context of gathering physical evidence for the trial in The Hague and BLAŠKIĆ's defence, but also material regarding defence of the Croats in BiH, that is, concerning the crimes committed by the Muslims and the Serbs against the Croats in BiH. Because of this, and also because of the fear that the HVO documentation could fall into the hands of SFOR⁷, a decision was made that the documentation that has intelligence significance should be withdrawn from BiH. That part of the job was carried out by the SIS in Split, and that is how a total of 4 vans full of materials were transferred and archived in the facilities of the SIS (part of the line redacted) and that was according to the order issued by **Markica REBIĆ** and **Ante GUGIĆ**. Operational hiding and the storage of documents was carried out by the members of the SIS Split. /whole line redacted/

However, the documentation was not systematized after it had been archived, nor analyzed, but it was sitting there untouched for two years. There is a possibility that a smaller part of the documentation was processed in order to analyze war crimes committed by the Army of BiH and MOS against Croats. Specifically, in January 1998, a working meeting was called by **Ante GUGIĆ**, the then Chief of the SIS Administration, and employees of the SIS Administration attended /part of the line redacted/ from the Military Police Administration /part of the line redacted/. An operative team was formed at that meeting, and it consisted of employees that were

⁷ It was disclosed in the media that SFOR was searching for that documentation in BiH.

present at the meeting. The team was tasked to gather information concerning crimes committed by the Muslims against Croats in BiH. /Part of the line redacted/ went to Mostar, from where they brought around 70 (seventy) registers that included assorted documentation about crimes committed by the Muslims against Croats in BiH.

Several folders had documents that referred to the crimes committed by Serbs against Croats in BiH. They received the above mentioned folders from the HVO Military Police Administration and from the Commission for Imprisoned and Missing Persons in HR H-B. After the above mentioned persons brought the documents to the SIS's Split Department, and /part of the line redacted/ from the Military Police Administration from 24 January 1998 to 10 February 1998 they made a report under the title "War crimes committed against Croats from the second half of 1992 to April 1994 by the BiH Army and MOS."

In March 2000 a request arrived from the SIS Administration (signed by /part of the line redacted/) to the SIS Split Department to submit the information concerning the current state of the processed documentation about OA "Haag". Following a reply that the SIS department does not know anything about the action with that code name, in March 2000 came /part of the line redacted/ RH /part of the line redacted/ to the SIS Split Department, with the previous oral order of Mr. **Mladen RUŽMAN**, Assistant Minister of Defence for Intelligence and Security Affairs. On this occasion, they informed the Chief of SIS Split Department of the decision made by **Jozo RADOŠ**, RH Minister of Defence that they take over the responsibility for the HVO archival material which was placed in the SIS Split Department.

From the entire collection HVO material, they separated certain archival material that was loaded into one truck and sent to Zagreb to the barracks /part of the line redacted/, where the HVO archival material was taken by /part of the line redacted/, Chief of Department /part of the line redacted/ of the SIS Administration with /part of the line redacted/ 10 employees. There was no record made regarding transfer between the employees of the Split SIS Department and employees of Zagreb SIS Administration of archival material in the above mentioned truck, but /part of the line redacted/ warned members of the Split SIS Department to continue to protect information regarding transfer of the HVO archival material to Zagreb.

Following the announcement of **Mladen RUŽMAN**, in April 2000 /part of the line redacted/ and one employee of the MORH Intelligence and Analytical Department, came to the Split SIS Department and took away 10 – 15 boxes of the archival material to Zagreb.

g) PREPARATION OF WITNESSES FOR TESTIFYING IN THE HAGUE ABOUT AHMIĆ

Available information shows that **Ante SLIŠKOVIĆ**, **Stipan UDILJAK** /part of the line redacted/ and occasionally **Ignac KOŠTROMAN** as well, were entrusted with preparing witnesses and gathering of documentation for The Hague. In September 1997, the SIS Administration ordered the SIS's Split Department to provide the technical assistance and to offer the logistical support necessary for the preparation of witnesses for NOBILO's defence team. According to the order, the employees of the Split SIS were in charge of their logistical support.

In September 1997, the SIS Administration ordered the Split SIS to provide the technical conditions for **Ante NOBILO's** team for preparation of witnesses, who were planned to be used in the **Tihomir BLAŠKIĆ's** defence in The Hague. Preparation of the first group of witnesses by A. NOBILO's defence team started in October 1997. Later, beside the defence team of NOBILO, witnesses for The Hague were prepared in the Split SIS Department by counsels **NAUMOVSKI** (for **Dario KORDIĆ**), **Goran MIKULIČIĆ**, **Jadranka SLAKOVIĆ-GLUMAC**, (sic.) **MIŠETIĆ**, and American counsels **Rasel (sic.) HAYMAN** and **Turner SMITH**. According to available information, the last preparation of witnesses in the Split SIS was carried out in January 2000. According to available information, there were 13 sessions of preparation in total from October 1997 to January 2000. The preparations included approximately 300 witnesses, and entire run of preparations lasted around 80 days. The technical support that the Split SIS offered consisted of reception for witnesses from Central Bosnia (the Department accepted about 300 witnesses in that period). The witnesses were brought by /part of the line redacted/ and the technical support also consisted of reservations of hotel rooms; providing adequate facilities for preparations of witnesses and in some cases the placing of speakers, that is,

microphones in the facilities in order to simulate for the witnesses conditions similar to those in the courtroom in The Hague; and audio recording of statements.⁸ From the Split SIS Department /part of the line redacted/ cooperated most closely with /part of the line redacted/ in organisation of work.

The Chief of the Administration, Staff Brigadier **Ante GUGIĆ**, as well as employees of the Zagreb SIS Administration / line redacted/ came on several occasions to the SIS's Split Department for preparations of witnesses who were to appear in court in The Hague. Before the "Vitez group" went to The Hague, the then Head of the HIS **Miroslav TUDJMAN**, Assistant Minister of Internal Affairs **Željko SAČIĆ**, Advisor to the President of the Republic of Croatia for Domestic Politics **Ivić PAŠALIĆ**, Chief /part of the line redacted/, as well as employees of the Split and Dalmatian PU /Police Administration/ had visited the SIS's Split Department. On that occasion, TUDJMAN and PAŠALIĆ talked to several foreign citizens in the facilities of the Split SIS, most probably regarding departure of the "Vitez group" to The Hague. According to available information, **Markica REBIĆ** never once stayed in the Split SIS Department (he was accommodated in the hotel "Dujlovo" in Split).

An important person in the process of preparing of the procedure for defence of The Hague's detainees, was **Ivan LALIĆ**⁹, who is according to NOBILO a positive person, but who is afraid. **Ivica PRIMORAC** was the one who gave the orders to LALIĆ.

After General **Milivoj PETKOVIĆ** testified in front of The Hague's Tribunal during the trial against General **BLAŠKIĆ**, defence counsel **Anto NOBILO** stated for the media that general PETKOVIĆ testified falsely to the detriment of general **BLAŠKIĆ**. After that, the HIS made detailed analysis of this case¹⁰, and determined that PETKOVIĆ really had given a false statement. It was also determined that generals **Davor DOMAZET** and **Ante GOTOVINA**, as well as **Stipan UDILJAK** and

⁸ All audio recordings were, allegedly, handed over to NOBILO, and they were not kept in the Split SIS Department.

⁹ In cooperation with the Office for Cooperation with The Hague's Tribunal, **LALIĆ** organized transportation of witnesses to The Hague; he organized care for the families of detainees; he financed persons that were trying to escape The Hague's Tribunal; he was giving a monthly salary to **Paško LJUBIČIĆ** and **Vlado ČOSIĆ**.

¹⁰ In which process he was also using a transcript of **PETKOVIĆ**'s secret testimony.

Markica REBIĆ were preparing¹¹ General Milivoj PETKOVIĆ for giving his statement before the ICTY. Those preparations were made on the premises of the Office of the President of the Republic of Croatia.

**h) CONFLICT BETWEEN ANTO NOBILO AND OPERATIVE GROUP
"THE HAGUE"**

At the end of September 1998 the lawyer **Anto NOBILO** began his case for the defence in the trial of General **BLAŠKIĆ**, and soon sought documentation from the SIS which might be of use to the defence, particularly regarding events in Ahmići. However, the SIS did not send the documentation he requested, explaining that the requested investigation report did not exist because no investigation had been carried out. NOBILO then gave several interviews to the press in which he took the SIS to task for hampering his defence. Officials from the SIS denied this and even threatened NOBILO.

While working with witnesses, according to NOBILO's statements, **Ante SLIŠKOVIĆ** caused many problems, because NOBILO had attempted to prove the existence of a parallel chain of command, which did not suit **Dario KORDIĆ** or the people devoted to him since he was deputy to **Mate BOBAN**, who in turn took his instructions from the HDZ leadership in Zagreb, whose connection to events in BiH it was wished to conceal. Because of the aforementioned problems with the SIS coordinator, NOBILO said in public that there were secret indictments from the Hague Tribunal against **Paško LJUBIČIĆ** and **Ante SLIŠKOVIĆ**, after which SLIŠKOVIĆ disappeared from that area.

In order to reduce misunderstanding and conflict between NOBILO and the SIS, the MORH's Assistant Minister for Security **Markica REBIĆ** called a meeting, where SIS employees led by **Stipan UDILJAK**, counsel **Anto NOBILO** and /part of the line redacted/ were present as SIS representatives. At that meeting Stipan UDILJAK tried to convince NOBILO that the SIS did not conduct an investigation concerning the event in Ahmići and there is no report for it. /Part of the line redacted/ affirmed that there is a report on the SIS premises /part of the line

¹¹ There is saved information concerning the preparation of General PETKOVIĆ and who participated in it, as well as information about HIS.

redacted/, which **Markica REBIĆ** and **Stipan UDILJAK** commented upon, saying that he had lost his mind and "gone completely mad" and that he couldn't see the above mentioned report because it does not exist. After a raucous fight, Markica REBIĆ admitted that the report exists and that they would forward it to the HIS, so that the HIS could decide whether they would give it to NOBILO or not.

3. INFORMATION CONCERNING THE MOVEMENT OF SUSPECTS BETWEEN 1996 AND 2000

In accordance with conclusions brought by the Co-ordination Committee of the Intelligence Community working on the "Ahmići case", the MUP paid special attention to and used all available means and methods to find out the current whereabouts of **Ante SLIŠKOVIĆ**, **Paško SLIŠKOVIĆ** /sic, as stated; probably **LJUBIČIĆ**/, **Tomo VLAJIC** and **Vlado ČOSIĆ**, for whom there reason to suspect that they organised the action in Ahmići and also committed crimes against prisoners of war and civilians.

Available information indicates that from 1996, to today, certain members of the RH Ministry of Defence, and especially the MORH's Security and Information Service /SIS/ were in charge of taking care of the suspects. After it had become clear that The Hague Tribunal was interested in the above mentioned four, those services organized their transfer from BiH to RH, and subsequently their hiding at different locations. Services of other MORH departments were also used, as certain members of the MORH's Political Administration (Ignjac KOŠTROMAN) and Ljubo ČESIĆ aka. Rojs from the HV 66th Engineering Corps Regiment and other persons connected with him, through which the hiding of the suspects was financed. Some local government services were also used for hiding suspects (Starigrad, Primošten, etc.) and in case of any problems, suspects were instructed to invoke the names of local SIS employees as a reference.

Collected data shows that members of the group were often changing places of residence, for example, after the press published some articles about them and especially after this year's elections in RH. It is registered that the source saw them or

contacted them and that the police asked them to show their identity documents (real documents, that is, identification data), and there are some indications that they were resident at several locations in RH. However, using adequate measures and actions, it has been established that they probably stayed on the territory of Zadar hinterland, that is, Karin and Maslenica, where they were located in Serbs' houses and/or weekend cottages that were the property of SRJ /Federal Republic of Yugoslavia/ citizens (Karin), and in the facilities that were the property of some HV /Croatian Army/ members (Maslenica). Hiding those persons was facilitated by the fact that those are the places where -- particularly in the case of Karin -- after 1995 several thousands of people from all parts of RH and especially BiH were settled. The local authorities there are mainly former or current members of the MORH, mostly from Central Bosnia, and the work of regular RH MUP police was more difficult there. Information that we have at our disposal reveals that accommodation in Maslenica was organised in facilities that are the property of Ante OREČA (the former commander of 66th Regiment), and/or, Jerolim NEKIĆ, employee of the Zadar customs-house. According to the source, persons that were staying there urgently left the above mentioned facilities after the information about them hiding in that area had been made public.

Although we don't have information concerning their further residence, available information indicates that Anto SLIŠKOVIĆ, the informal leader of the group who had the most contacts with officials of the former RH government and information and security apparatus (SIS and HIS), and Tomislav VLAJIĆ were at the end of May on the territory of Umag, in the Maređa settlement near Novigrad, at the house of their friend from BiH, Vendo BOŠNJAK. They were hiding under false identities and they were avoiding contacts with familiar persons, and after they had spent the night, they left Novigrad.

It is also necessary to mention that **Ignac KOŠTROMAN** -- for whom there are some indications that he also participated in hiding of the group -- said in his interview that **Miroslav BRALO aka Cicko** had visited him in the middle of April. He was accompanied by **Marko ĐAPIĆ**, owner of the car wash in Knin, who was born in BiH, and who is an established connection of the group. On that occasion, BRALO told him that he was allegedly passing through Knin and that he dropped by only to

"show him that he was alive" and to let him know that he knows where KOŠTROMAN and his family are staying. KOŠTROMAN said that he took BRALO's statement as a threat, but it is possible that he said that as an excuse for his own lack of cooperativeness in giving the information about current whereabouts of members of the group and BRALO himself.

According to his own statement, given during an interview, /part of the line redacted/ is also in touch with SLIŠKOVIĆ. He was a member of the Busovača HVO at the time and currently he is a driver employed in the MORH, residing in Zagreb and in /part of the line redacted/. SLIŠKOVIĆ, allegedly, "snapped" and a normal conversation is not possible with him. According to /part of the line redacted/ SLIŠKOVIĆ and his friends don't have any financial means for living, but they are determined not to surrender, because they don't trust anyone anymore. /Part of the line redacted/ refused to reveal where those persons are, but, as he stated, the location is "known to the SIS".

According to information that we consider reliable, Marko ĐAPIĆ, whom we had already mentioned, occasionally had contacts with SLIŠKOVIĆ over the telephone. According to ĐAPIĆ, SLIŠKOVIĆ stated that he was at a safe place. He says that he has documentation at his disposal, which refers to wartime events and that he is keeping it if necessary. Although he admitted that he had contacts with SLIŠKOVIĆ, ĐAPIĆ stated that he was not aware of his current whereabouts.

Movements and contacts of certain group members from 1997 (that is, since they have been hiding) up to now, were reconstructed with operative work.

Available information shows that **Anto SLIŠKOVIĆ** was seen in the Zadar area, in Posedarje on several occasions, where he was asked for his papers on 25 November 1998 while being accompanied by **Tomislav VLAJIĆ** (which was the last time that was undoubtedly established that he was using documents in his own name). He was also seen in the area of Istria (Umag, Novigrad, border with Slovenia), as well as in Zagreb, where it was noticed that he stayed on a couple of occasions on the premises of the RH Ministry of Defence in Zagreb, as well as in different clubs and catering establishments which people from Central Bosnia usually visit.

It was noted that during March 1998, SLIŠKOVIĆ was staying in the area of Primošten. Josip PERKOV, the then-President of Primošten Municipality, requested from members of police that the place in which he and two more persons (Ivica KRIŠTO and Miroslav PETKOVIĆ, both from the area of Busovača where they currently reside) were residing remain a secret, because they are "really important persons who will go to The Hague as witnesses." After the intervention of a police patrol, SLIŠKOVIĆ called the Assistant Head of the MORH SIS Department in Šibenik, Mladen CRLJEN, who said that the persons caught in the act were "under the exclusive jurisdiction of the MORH SIS" (checking the afore-mentioned information was requested on 7 June 2000 from the MORH Sector for Intelligence and Security Affairs).

According to statements given by several people, at the end of 1999 SLIŠKOVIĆ bought a family house somewhere in the area of Zagreb. After that, he celebrated with friends in the catering facility "Gabrek" in Samobor, where /part of the line redacted/ of SIS and MORH in charge for hiding him were also present.

The money for purchase was allegedly provided for SLIŠKOVIĆ by his and LJUBIČIĆ's patron, Valentin ĆORIĆ, to whom SLIŠKOVIĆ complained, saying that a house had been bought for Paško LJUBIČIĆ and not for him. There is a possibility that the transaction was carried out through the *Agencija za prodaju netrketnina* /Real Estate Agency,/ meaning that the sale and purchase was completed in one of the once-occupied parts of RH (Knin, Petrinja, Vukovar etc.).

According to their own statements, SIS officials /part of the line redacted/ were occasionally in contact with SLIŠKOVIĆ from 1996 to 2000, first "officially" (while SLIŠKOVIĆ was in charge of "co-ordination" for the preparation of potential witnesses for The Hague) and after that when he went "underground." Until 1999, the meetings were held in the MORH, and after that in catering facilities ("Gabrek" in Samobor, tavern "Dida" in Petrova Street in Zagreb, etc). SLIŠKOVIĆ also had contacts with SIS officials in Split /part of the line redacted/, in order to provide "technical assistance" to defence teams while preparing witnesses for the trials in The Hague. He was driving a dark blue VW Passat with BiH license plates. /Part of the

line redacted/ said that he spoke over the phone with SLIŠKOVIĆ for the last time in May 1999.

Available information indicates that **Vlado ĆOSIĆ** lived in the tourist settlement Mareda near Novigrad from the beginning of 1994 to the end of 1998. (he is registered on the territory of Umag), where he had a small grocery store and café bar on rented premises. After that, he was engaged in the import of used cars from Western countries, and in their transport to BiH through RH. Since there was suspicion that he had violated the law, the 3rd Police Station in Buje initiated a criminal investigation and filed criminal charges with the municipal court in Buje. At the beginning of 2000, he was declared a wanted man. We do not know ĆOSIĆ's current whereabouts. His family (wife) currently resides in Bušovača.

Regarding other members of the group, we should mention that, except for some information that Valentin ĆORIĆ allegedly purchased a house for Paško LJUBIČIĆ, there is no direct information which would indicate that the latter had been seen from the beginning of 1999 to today on RH territory. After checking, we found out that the claims that he attended the Higher Maritime School or Faculty in Rijeka in the 1990s, are not true. The last confirmed information regarding his stay on the territory of RH with his personal identification documents originates from 13 January 1997, when he was asked to show his papers at the border crossing in Jurovski Brod, in a vehicle that used to have Herceg-Bosna licence plates.

According to what /part of the line redacted/ had stated, during 1999 Tomislav VLAJIĆ was often coming to the SIS Administration in Zagreb, where his wife was receiving medical treatment on several occasions. We do not have any information about his movements during 2000.

The above-mentioned Miroslav BRALO aka Cicko, was allegedly accommodated in the hotel "Čitluk" in Čitluk during 1997 or 1998 and he was under the protection of Ivica PRIMORAC. It was noted that during those years, he resided with his parents who are currently in Knin. After that, he returned to Vitez, and as was mentioned, information indicates that he stayed in the area around Zadar until April 2000. According to what the source stated, while in BiH BRALO was visiting SFOR

members on several occasions and while under the influence of alcohol he "turned himself in" for participation in the crime committed in Ahmići. Also, he had contacts with Frank DUTTON, representative of The Hague Tribunal, threatening that he "would tell everything about everyone's actions when the crime in Ahmići was committed". This year, however, it was not recorded in actual documents that he had stayed on RH territory and we do not have any information that he was secretly in Knin.

Also, according to the statement of /part of the line redacted/ until middle of April 2000, Ivica ANTOLOVIĆ aka Sjano was together with BRALO in Karin. According to available information, he is also one of the perpetrators that committed the crime in Ahmići.

Available information shows that members of the group were financed from different sources. According to what Anto NOBILO, defence counsel for T. BLAŠKIĆ, said, the financing of the above-mentioned was organized by Ivan LALIĆ, whose direct superior was Ivica PRIMORAC, who was then Chief of the HZ /Croatian Community/ of Herceg-Bosna National Security Service. Money for the persons who were on the run would be paid through the firm "Monitor", controlled by Ljubo ČESIĆ aka Rojs. Through LALIĆ, NOBILO allegedly also organised meetings with the suspects who were on the run at the time.

However, it is quite possible that financing of the group was carried out by former officials of "Herceg-Bosna" (now the Croatian component of the BiH Federation,) especially the afore-mentioned Valentin ČORIĆ. We should note the fact that during the action in Ahmići, ČORIĆ was directly superior to P. LJUBIČIĆ, and that ČORIĆ's role in the organisation of the action (and possibly in planning of the crime) is still not clear.

4. THE ISSUE OF FALSIFIED DOCUMENTS AND PROBLEMS WITH IDENTIFICATION OF THE SUSPECTS

During May and June 2000, several articles appeared in Croatian newspapers. In those articles it was stated that the SZUP /Service for the Protection of the Constitutional

Order/ issued personal identity documents with false identity information to the persons who were involved in committing the crime in Ahmići. On 28 March of this year, the head of the SZUP ordered an investigation into; whether the SZUP had issued forged documents to the above-mentioned persons or not; how many forged documents were made and which documents they were; and to what institutions besides the MUP /Ministry of Interior/ those documents were submitted and in what number.

Records on the compilation of forged documents in the SZUP exist from 7 September 1992. Except for the SZUP's needs, that is the needs of the MUP, RH Documents were also made for the needs of other services and institutions. That is how 4 identity cards, 18 passports and 7 driver's licences were made for the HIS /Croatian Information Service/.

For the MORH SIS, 3 identity cards were made, as well as 5 passports (there were 4 more passports made for the MORH) and 7 driver's licences. Beside the above mentioned, a total of 8 passports and 9 passports of the former SFRJ /Socialist Federative Republic of Yugoslavia/ (red ones) were made. From the available documentation, it could be seen that 50 blank forms (cards) for RH passports were delivered, but their actual purpose could not be determined from the documentation. We also know that in the HIS during 1997 and 1998, preparations were being made for the independent production of forged RH documents.

In the period between 1995 and 1999, a smaller number of documents were made in the SZUP for the needs of the HR H-B SNS /National Security Service/. But here, there were no personal documents but only driver's licences, green cards and registration plates for vehicles. According to available information, members of the SNS in Mostar (I. PRIMORAC and I. LUČIĆ) were making or preparing forged documents, which opens the possibility that members of the group were provided with those documents.

According to the statements given by /part of the line redacted/, a SIS official from Split, during 1995 and 1996, Ante SLIŠKOVIĆ was in charge of the operation for providing the false identities and documents.

Based on the information that persons who were suspects of committing the crime had at their disposal documents with false identity information, as well as indications that documents were issued to them in the names of Ivan TOMAS and Ivan BRĐANOVIĆ, a check of several sources was carried out. Based on the analysis of documents that was carried out, and comparing the available photographs and contacts with the sources etc, we think that LJUBIČIĆ has actually been using (or he used) forged documents in the name of Ivan TOMAS. Concerning sources that stated differently, we assume that it was either a mistake or /deliberate/ hiding of the above-mentioned either out of solidarity or out of fear for personal safety.

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Part 3
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are using those documents when necessary. However, it is
they are also hiding their false identities from their friends and other contacts, but it is
most likely that some of them (above all the SIS, HIS and SNS officials with whom
they cooperated before and/or who were involved in their hiding) are familiar with it.

more
e persons
that

5. COLLECTIVE OVERVIEW OF ALL ACTIONS THAT HAVE BEEN UNDERTAKEN (SZUP AND SKP /Crime Police Department/, DATED 27 March 2000).

The SZUP and the MUP's Criminal Police Sector, independently and in mutual co-operation, and in order to establish relevant information about the crime committed in Ahmići, its circumstances, its participants and those who tried to cover it up, and in

accordance with law, within operative and criminal investigation, took the following actions:

- through contacts with operative sources, a group of people was identified, for whom there is a reasonable doubt that they were immediate perpetrators and co-ordinators of the crime (Miroslav BRALO, Ivica ANTOLOVIĆ, Paško LJUBIČIĆ, Ante SLIŠKOVIĆ, Tomislav VLAJIĆ, Vlado ĆOSIĆ), organisers and masterminds of the crime committed in Ahmići (Ignac KOŠTROMAN, Dario KORDIĆ, probably Valentin ĆORIĆ and other members of the political leadership of "Herceg-Bosna"); here we are talking about persons for whom there are certain indications that they were familiar with the circumstances of the crime, with the persons who committed it, and organised and ordered it (Ivo LUČIĆ, Ivan BANDIĆ, Ivica PRIMORAC, Miroslav TUĐMAN, etc); as well as a group of people for whom there are indications that they participated in covering up the crime and the persons who committed it (Markica REBIĆ, Stipan UDILJAK, Marin IVANOVIĆ, Ivan LALIĆ etc.) or who would know where the perpetrators are /part of the line redacted/.
- The SZUP initiated the idea of holding a meeting of the Coordination Committee of the Intelligence Community. At that meeting, held on 23 May 2000, it was agreed that all the participants of the crime and those who participated in their hiding would be investigated. A task force will be formed, and it will be engaged with the above-mentioned problem. Co-ordination of the task force will be carried out by the MUP's Criminal Police Department. Other services will submit all available information concerning the Ahmići case to the Department. At the second meeting, held on 31 May 2000, it was concluded that all services should intensify their activities; it was also concluded that a more aggressive approach should be applied towards persons who are involved in this case, and in accordance with this the HIS and SIS should conduct formal interviews with their officials who were involved in the case, and the SZUP with other civilians;

English Translation

- In accordance with the above-mentioned conclusions made by the KOOZ /Coordination Committee of the Intelligence Community/, the SZUP's and SKP's officials, together with representatives of the Croatian Intelligence Service and RH Ministry of Defence, participate in the work of the Task force, whose basic task is to co-ordinate all activities in this case and to collect documentation that could be used for the possible initiation of criminal proceedings against the persons responsible. However, the results of the MUP's Criminal Police Department points out that information, documents and materials, as well as some other data that could contribute to the criminal investigation were not collected until now. /Such material is needed/ in order to turn some material or information into a reasonable suspicion that the crime was committed and that a specific person committed the crime in Ahmići or participated in it, or that the person committed some other crime related to the crime, for example, providing a false identity, hiding perpetrators, etc;
- Based on the conclusions brought by the KOOZ, the SZUP's and SKP's officials conducted formal interviews with Ignac KOŠTROMAN, Žarko ŠOKČIĆ, defence counsel Anto NOBILO, Marinko ŽILIĆ and /part of the line redacted/ in co-operation with the SIS Administration, and with the /part of the line redacted/, and based on the permission given by the Head of the HIS, with HIS officials /part of the line redacted/ (11 formal interviews in total, up to now). Analysis of the conversations that the MORH officials conducted with /part of the line redacted/ was also carried out, as well as with the SIS officials (for a certain period of time also with the HIS officials) who participated in the hiding of persons – suspects for the war crime in Ahmići. The above-mentioned conversations resulted in obtaining very useful information about the crime, its circumstances and the persons that participated in it, but not in information that could be used in possible criminal proceedings. We should point out the attempt at conducting formal interviews with MORH officers /part of the line redacted/ that was organised by the SIS Administration with our

English Translation

participation, did not happen because the afore-mentioned officers had refused to be interviewed;

- We went through the MUP's AOP /Data Processing/ in order to establish the residence of the suspects, and based on the collected information we established that a residence on RH territory for only V. ĆOSIĆ, while P. LJUBIČIĆ, A. SLIŠKOVIĆ and T. VLAJIĆ are registered in Busovača, BiH;
- Through operative work we collected information on possible residences – that is, hiding-places of the suspects. Places and locations where those persons could be are under constant surveillance. Also, based on the available information, a partial reconstruction of their movement from 1997 to date was carried out. Among other things, information about their stays in the areas of Zagreb, Knin, Primošten, Umag, Karin, Maslenica, etc, was checked or is being checked at the moment;
- Information has been collected about persons who were or are familiar with their hiding-places, that is those who contacted them directly or over the phone since 1997 to date. A formal interview was conducted on 4 August with one of those persons, Žarko ŠOKČIĆ, after the adequate measures and preparations had been made.
- Preparations are underway for conversations with other persons who could have such information at their disposal. (Vendo BOŠNJAK, Marko PRANJIC, Željko IDŽAN, etc);
- An analysis was conducted to establish whether V. ĆOSIĆ, P. LJUBIČIĆ and A. SLIŠKOVIĆ were hiding with forged documents made under the names of **Ivan TOMAS and Ivan BRĐANOVIĆ**. Although we did not get irrefutable results, we can conclude that Paško LJUBIČIĆ is hiding (or was hiding) under the documents that were issued in name of I. TOMAS. The papers that were issued in name of Ivan BRĐANOVIĆ are being used by Ivan ANDABAK, who is the one-time assistant of Mladen NALETILIĆ aka Tuta, The Hague's indictee;
- On 7 June, we asked the Ministry of Interior for photographs of A. SLIŠKOVIĆ and Tomislav VLAJIĆ, whose passports were issued in

the RH's General Consulate in Mostar. We still have not received a response;

- We sent several requests to the Ministry of Defence for submission of information concerning certain individuals, active or retired MORH and HV officials, for whom there are some indications that they have at their disposal information about the crime committed in Ahmići (since they had been HVO or HR H-B MUP members at the time). There are also indications that those individuals were involved in hiding the suspects for the crime;
- It is established that /part of the line redacted/ resides on the territory of Zadar, a former member of /part of the line redacted/, who in 1997. left /part of the line redacted/ and who has been in the RH since then. /Part of the line redacted/ was transferred at the orders of the SIS, and this was supported by the SZUP. /Part of the line redacted/ knows about the circumstances of -- and persons who committed -- the crime in Ahmići, and BLAŠKIĆ's defence counsel Anto NOBILO was informed about this during the trial of the General BLAŠKIĆ, who after he had contact with him, gave up the idea to go to The Hague as a protected defence witness. A summary of the activities related to the SZUP's role in bringing /part of the line redacted/ to the RH was submitted to the MORH on 01.06.2000;
- Through Interpol for BiH in Sarajevo, the submission of information and documentation concerning the crime committed in Ahmići was requested. The response was that trial record was handed over to the ICTY's Office of the Prosecutor;
- A request for the access to documentation concerning the crime committed in Ahmići and which is probably at The Hague Tribunal, was submitted to the Office for the Cooperation with the ICTY. The response was received concerning the readiness of the ICTY to allow such access in principle;
- It has been established that some officials of the Croatian component /of BiH/ have contacts with persons that are indicted; for example, Ante JELAVIĆ who offered legal help to those persons at a recent meeting in Mostar, asking them to put themselves at the disposal of the BiH

Federation's judicial organs. There are some indications that this refers to the fact that those officials (like Valentin ČOSIĆ /sic./) participated in financing the hiding of the suspects;

- In order to conduct a potential formal interview, we are currently performing a check on Željko STIPIĆ, who was the SIS Assistant of the 66th HVO Regiment at the time and who currently resides in Starigrad. We have some indications that he said the suspects are "somewhere here" and that they "live peacefully".
- An analysis of the HIS document "Massacre in Ahmići" was carried out. This is the document that the HIS together with eight other documents (which represents only a small part of the material which should be at the HIS' disposal), submitted at our request;
- Two detailed analyses were made about all obtained information. The first one was made by the SKP and it gives a summary of the results obtained by the forensic analysis of the case, as well as a chronology of measures that were taken, an evaluation of the current situation and recommendations for further activities. The analysis was sent to the Office for the National Security, Croatian Intelligence Service and Ministry of Defence. The other, which was made by the SZUP and presented a summary of the measures that had been taken, as well as of collected information and an evaluation within the operative analysis, was sent to the RH President and RH Vice-Premier, then to the Minister of Justice and Head of the Office for the Co-operation with the International Tribunal in The Hague;
- In the activities connected to the Ahmići case (and especially in search of the suspects) all police administrations of the RH MUP and SZUP Centers, participated;
- Besides the above-mentioned, MUP members were taking many other measures and actions in order to achieve information necessary for further conduct of operative and forensic analysis, and they co-operated with other state institutions;
- All obtained information has been continuously analyzed and evaluated in order to determine the further direction of engagement on this case.

However, as it was mentioned before, with the applied activities legally relevant facts were not obtained or the corresponding judicial documentation that could be used for filing criminal charges against persons responsible for the crime committed in Ahmići and its cover-up. That is why the necessity of acquiring the relevant documentation that is at The Hague International Tribunal's disposal should be emphasized.

We would like to mention that, aside from the conclusions made regarding the mutual meetings and working agreements, the HIS and MORH SIS never sent any analysis of their already gathered information (while they were responsible for the case); a summary of information concerning the crime was not obtained (as a basis for making the plan for further tactical and other procedures); a systematization of documents related to the crime and that are in their possession was also not obtained. Contrary to the conclusions reached earlier, the documentation of the HIS and SIS related to the crime was not submitted to the MUP (except for the afore-mentioned nine documents), which is -- along with what was mentioned previously -- of great importance for conducting a quality forensic analysis and criminal processing of the perpetrators.

6. PROPOSAL FOR THE PRIMARY DIRECTIONS OF FURTHER ACTION TO BE TAKEN BY CROATIAN STATE BODIES

We think that all the bodies that are responsible for the "Ahmići case" should concentrate on the following in their further work:

1. Clarification of all disputable or unexplained circumstances of the crime, specifically:
 - a) Obtaining the results of witnesses, verified and other documents and forensic evaluation at the disposal of the International Tribunal in The Hague and Interpol;
 - b) Detailed definition of the military formations that were active in that area; also, their actual commanders; then, the persons who coordinated the action and who directed units in the field, who were issuing the orders or who tolerated the commission of war crimes;
 - c) Detailed definition of all circumstances related to the meeting, or possibly meetings (if there were in fact two meetings-- one which was

strictly military and one that was organized by so-called political line), that were held on the eve of the action. It is necessary to investigate the circumstances, participants and viewpoints from the second meeting. According to available information, the decision to commit the crime was made at that meeting.

- d) Collecting information concerning the possible existence of "two authorities" in that area, or in other words, two lines of command, one of which ("political") allegedly held supremacy and could decisively influence the conduct of military operations, also including the action in Ahmići and what happened afterwards.

2. Identification of all persons who tried first to hide the crime and then later the perpetrators of the crime as well; this also refers to persons who ordered, organised and/or financed the hiding of perpetrators from among the RH and "Herceg-Bosna" government and also from their security and intelligence apparatus;

- a) In this context, with prior preparation and with the participation of MUP employees, the urgent undertaking of formal interviews with individuals (in the first place with S. UDILJAK and M. IVANOVIĆ, the SIS officials that were directly responsible for hiding the suspects in the period between 1996 and 2000) who have been confirmed as having participated in such actions;
- b) For the same reason, conducting of formal interviews with the then-leaders of the RH intelligence community (Ivan BRZOVIĆ, Miroslav TUĐMAN, Markica REBIĆ, Ante GUGIĆ, Žarko PEŠA, Vlado GALIĆ, etc);

3. Intensification of the activities related to finding the hiding places of the suspected direct perpetrators, and in that context:

- a) Urgent conducting of formal interviews with all persons for whom there are indications that they know about places where the suspects had been hiding, as well as sending the request to the MORH to do the same thing with individuals who were on its active duty list;

- b) Analysis of all available information, documents and statements that could help finding the suspects in any way (analysis of contacts, communications and movements of their friends and persons who could have offered them shelter, observation of catering facilities, hometown clubs and other locations where they had already been seen or where they could be seen, as well as houses and places where they had been hiding before).
4. Defining the influence of the "tactics" of defence counsels, "co-ordinators" for the witnesses and other representatives of The Hague's indictees, in possibly misdirecting the investigation, as well as the possible hiding of the true perpetrators because of their personal interests, the interests of their clients, or in order to protect their patrons in the political or military /leadership/ circles in the RH and former "Herceg-Bosna".
5. Defining, in so far as it is objectively possible, the circumstances under which in April of this year texts were published in media regarding the hiding of the suspects and the criminal analysis of them. Because, /after this/ they immediately left their previous hiding places, and this *de facto* made impossible to locate them and to arrest them;
6. Intensification of contacts with the HIS and MORH, as well as the expedition of the response to the requests that have already been sent. Those requests are for the submission of information and documentation that is essential for further criminal analysis and possible proceedings;
7. Selection of individuals who could be witnesses in criminal proceedings which would be conducted against the organizers and those who were covering up the fact that the crime had been committed. We think that some of the persons that have already been indicted could in that case -- and with appropriate conditions -- be made to co-operate with the judicial authorities.

Exhibit # BR8 (b)

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REPUBLIKA HRVATSKA
MINISTARSTVO UNUTARNJIH POSLOVA
SLUŽBA ZA ZAŠTITU USTAVNOG PORETKA

Klasa: 511-20-01110-00/
Urbroj: 19775
Zagreb, 11. 08. 2000

SLUŽBENA TAJNA
VRLO TAJNO

MINISTAR UNUTARNJIH POSLOVA RH
Gospodin ŠIME LUČIN


ZAGREB

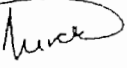
Predmet: Pregled saznanja MUP-a RH o događajima vezanim za
zločine u Ahmićima

U privitku dopisa dostavljamo Vam "Pregled saznanja MUP-a RH o događajima vezanim za zločine u Ahmićima s prijedlogom daljnjeg postupanja".

Privitak: 1

POMOĆNIK MINISTRA POMOĆNIK MINISTRA


Dragutin Čestak


mr.sc. Franjo Turek

Napisano u 7 primjerka:

- Zamjeniku Predsjednika Vlade RH, dr. G. Graniću
- Ministru UP-a RH, g. Š. Lučinu ✓
- Predstojniku UNS-a RH, prof. T. Kačaraku
- Ravnatelju HIS-a, g. D. Lončariću
- Pomoćniku ministra obrane RH, g. M. Ružmanu ✓
- Predstojniku Ureda za suradnju s Međunarodnim sudom pravde i Međunarodnim sudom u Haagu, mr.sc. O. Miljeniću ✓



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DRŽAVNA TAJNA

P R E G L E D

SAZNANJA MUP-a RH O DOGAĐAJIMA VEZANIM ZA ZLOČINE
U AHMIĆIMA S PRIJEDLOGOM DALJNJEG POSTUPANJA

Zagreb, 21.08.2000.

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S A D R Ž A J

1. UVOD	3
Opće napomene.....	3
Odnos MUP-a prema "slučaju" Ahmići do 2000 g.	4
2. KRONOLOGIJA ZBIVANJA U BiH S OSVRTOM NA AHMIĆE.....	7
a) Uzroci hrvatsko-muslimanskih sukoba u BiH i Lašvanskoj dolini	7
b) Struktura vojne i civilne vlasti na području srednje Bosne i raspored vojnih formacija u vrijeme Ahmića	9
Vojna policija.....	12
"Jokeri".....	13
SIS BiH	13
c) Zločin u Ahmićima.....	15
d) Postupanje zapovjedne strukture HVO-a i SIS-a i određenih hrvatskih službi nakon zločina	19
e) Involviranost ob. sustava RH i državno-političkih organa u istrazi oko zločina u Ahmićima	20
f) Manipulacija s dokumentacijom HVO-a	22
g) Priprema svjedoka za svjedočenje u Haagu o Ahmićima	24
h) Sukob Ante Nobila – Operativna skupina "HAAG"	26
3. SPOZNAJE O KRETANJU OSUMNJIČENIH OSOBA 1996. – 2000. g.	27
4. PITANJE KRIVOTVORENIH DOKUMENATA I PROBLEMA S IDENTIFIKACIJOM OSUMNJIČENIH OSOBA	32
5. ZBIRNI PRIKAZ SVIH PRIMJENJENIH RADNJI (SZUP I SKP OD 27.03.2000. g.)	34
6. PRIJEDLOG BITNIH PRAVACA DALJNJEG POSTUPANJA HRVATSKIH DRŽAVNIH TIJELA	38

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01

1. UVOD

Opće napomene

Ovaj dokument predstavlja pokušaj da se na jednom mjestu sistematiziraju svi podatci i činjenice, te poduzete mjere i radnje SZUP-a i kriminalističke policije koje su ove dvije redarstvene službe MUP-a prikupile i poduzele od ožujka 2000 g. o i u svezi s zločinom u Ahmićima BiH (travanj 1993 g.), a naročito o uzrocima hrvatsko-muslimanskih sukoba u BiH i Lašvanskoj dolini, strukturi civilnih i vojnih vlasti u Srednjoj Bosni, okolnostima zločina u Ahmićima, njegovim izvršiteljima i odgovornim osobama, o ulozi i postupcima odgovornih osoba i službi u tadašnjoj HR HB nakon izvršenog zločina, aktivnostima i utjecaju državnih struktura u službi OZ RH i drugih pojedinaca iz RH na rasvjetljavanju ili prikrivanju činjenica i dokaza u svezi s Ahmićima i s procesom generalu Blaškiću pred MKS u Haagu, izdavanju lažnih identiteta počiniteljima zločina, poduzetim mjerama MUP-a na njihovom pronalaženju i dr.

U ovom se dokumentu također nastoje sugerirati opći prioriteti u daljnjem radu redarstvenih službi MUP-a ali i drugih službi OZRH, te konkretne mjere i radnje prema pojedinim osobama navedenim u dokumentu, s ciljem utvrđivanja činjenica i prikupljanja dokaza relevantnih za proces generalu Blaškiću, privođenje i procesuiranje neposrednih izvršitelja zločina u Ahmićima te utvrđivanje eventualne odgovornosti pojedinaca za prikrivanje izvršitelja zločina ili dokaznog materijala relevantnog za Ahmiće.

Radi objektivnijeg sagledavanja i ocjene sadržaja dokumenta, držimo nužnim istaknuti neke činjenice koje su odredile, odnosno limitirale postupanje MUP-a po ovom predmetu, te koje mogu utjecati na potpunost, odnosno točnost podataka prezentiranih u pregledu:

1. SZUP i kriminalistička policija dobile su mandat za otvaranje operativne, a kasnije i kriminalističke obrade ovog slučaja tek koncem ožujka o.g.

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2. činjenice prezentirane u ovom dopisu rezultat su, dakle, samo postupanja MUP-a, odnosno pribavljene su isključivo kroz kontakte s određenim brojem operativnih izvora, i kroz informativne razgovore s pojedinim osobama obavljenim od konca ožujka o.g. te uvidom u postojeću dokumentaciju MUP-a koja je, iz razloga o kojima će biti riječ u daljnjem tekstu, bila vrlo oskudna. Pri sastavljanju ovog dokumenta MUP-u dakle nije bila dostupna relevantna dokumentacija koju su proteklih godina prikupljale druge službe OZ RH (prije svega HIS i SIS)
3. kod osoba koje su izvor ovih podataka općenito je prisutno više odrednica koje utiču na vjerodostojnost njihovih iskaza i čine ih manjkavim i kontradiktornim:
 - a) protek vremena od događaja koji se nastoje rekonstruirati
 - b) bojazan od kaznenog progona (MKS-a ili hrvatskog pravosuđa) bilo zbog sudjelovanja u zločinu u Ahmićima, bilo zbog prikrivanja počinitelja ili dokaza u BiH; strah od odmazde počinitelja kaznenih djela ili interesnih skupina koje ih prikrivaju i sl.
 - c) profesionalna solidarnost (kod pripadnika obavještajnih službi BiH i RH umiješanih u zbivanja oko Ahmića), veze s "obavještajnim podzemljem" u BiH i RH, veze s političkim mentorima u BiH i RH itd.

Odnos MUP-a prema "slučaju" Ahmići do 2000 g.

Kao što je navedeno u ranijem tekstu, kriminalistička policija MUP-a i SZUP nisu do ožujka 2000 g. imali mandat da budu nositelji postupanja u predmetima posredno ili neposredno vezanim za Ahmiće.

Takva je situacija imala uporišta u zakonu (ali i u podjeli nadležnosti unutar OZ RH) jer su obje redarstvene službe (posebice kriminalistička policija), svaka u okviru svog djelokruga, nadležne samo za teritorij RH.

S druge strane, razvidno je da je interesnim lobijima u državnom vrhu RH i vrhu OZ RH, koji su kreirali i provodili politiku prema BiH, te kontaktirali odgovarajuće interesne skupine u tzv. HR HB, odgovaralo da dvije praktički najače (kadrovski, po tehničkim potencijalima, po zakonskim ovlastima ali i po zakonitosti postupanja) policijsko-sigurnosne službe u RH ostanu praktički "izvan događanja", čime su im

02816425

znatno olakšane manipulacije s istinom u svezi s Ahmićima, ali i šire o situaciji u BiH.

Kada je u pitanju SZUP, valja istaknuti da je služba od 1990 g. redovito utvrđivala operativne činjenice vezane i uz zločine koje su u RH vršili pojedinci s hrvatske strane, te su instrukcije s tim u svezi redovito iz Centrale u Zagrebu upućivane centrima SZUP-a.

Zbog takvih aktivnosti služba je redovito bila izložena pritiscima i neposrednim prijetnjama na terenu, ali i na višim političkim razinama, SZUP pri tome nije imao mandat neposrednog procesuiranja počinitelja, ali je značajna dokumentacija i podaci o tome redovito ustupana drugim, za to nadležnim tijelima državne vlasti.

Kad je 1993 g. osnovan HIS, SZUP je izgubio mandat djelovanja izvan granica RH, te stoga više nisu rađeni operativni prodori prema BiH i SRJ, a većina postojeće suradničke mreže morala se predati HIS-u. U tom kontekstu SZUP nije imao, niti ima, saznanja (sudsku dokumentaciju ili sl.) relevantna za proces suđenja generalu Blaškiću i drugim osobama iz BiH, čiji su predmeti trenutno pred Međunarodnim kaznenim sudom u Haagu.

Od osnivanja Međunarodnog kaznenog suda u Haagu sve akcije OZ RH osmišljavao je i koordinirao HIS, a uglavnom neposredno provodio SIS MORH-a. Svu dokumentaciju i saznanja, do kojih bi se tim u vezi povremeno došao, SZUP je dostavljao HIS-u. Aktivnost SZUP-a svodila se uglavnom na operativnu i tehničku pomoć unutar granica RH.

SZUP je tako po ovoj problematiki sudjelovao u operativnim akcijama "HAAG", "C..." koje je zaveo i kojima je koordinirao HIS.

Operativna akcija "HAAG" zavedena je u HIS-u, a zadaće akcije, koje su se uglavnom odnosile na obranu optuženih Hrvata, neposredno je provodila operativna grupa "Haag", odnosno SIS MORH-a.

Zadaće i aktivnosti SZUP-a u okviru te OA najčešće su bile:

02816426

- praćenje (operativno i operativno-tehničko) aktivnosti Ureda haškog suda u Zagrebu;
- utvrđivanje identiteta haških istražitelja i praćenje njihovih kontakata s građanima RH;
- operativno provjeravanje osoba, građana RH, koji su zaposleni pri Sudu;
- vršenje operativnih provjera za osobe angažirane pri obrani okrivljenika;
- praćenje aktivnosti pojedinih građana RH koji su prikupljali dokaze i dokumentaciju s ciljem njihova ustupanja Haškom sudu;
- prikupljanje i analiziranje komentara dužnosnika Suda, stranih DK predstavnika i drugih relevantnih inozemnih čimbenika o razini odnosa i suradnje RH sa Sudom, te o utjecaju tih odnosa na međunarodni položaj RH;
- obavljanje informativnih razgovora s građanima RH i strancima u RH koji bi mogli imati relevantna saznanja korisna za obranu Hrvata optuženih u Haagu (SZUP ovdje nije došao do značajnijih podataka) i drugo;
- na zamolbu SIS-a i uz znanje HIS-a SZUP je izradio hrvatsku putovnicu za [REDACTED] kojeg je Ante Nobile namjeravao koristiti kao svjedoka u obrani Blaškića. Istodobno je, na zamolbu (pismeni prijedlog) SIS-a, SZUP u Zadru primjenjivao TKTR nad [REDACTED] i rezultate dostavljao SIS-u;
- SZUP je (Centar Split) po nalogu tadašnjeg ministra Ivana Jarnjaka uhitio Zlatka Aleksovskog koji je uz SIS-ovo osiguranje boravio u Baškom Polju kod Makarske. Uhićen je "na prijevaru" i predan hrvatskom pravosuđu bez znanja SIS-a, što samo po sebi govori o nejedinstvu hrvatske politike u odnosu na suradnju s Haškim sudom;

Sukladna navedenim aktivnostima je i dokumentacija s kojom SZUP raspolaže po ovoj akciji, s time da je sve relevantno dostavljeno i HIS-u.

je i HIS-ova akcija koja se praktički odnosila na uhićenje Mladena Naletilića Tute i na okolnosti njegova suđenja u Zagrebu.

Cilj HIS-ove akcije je utvrđivanje muslimanskih i srpskih zločina nad Hrvatima u BiH. U okviru ove akcije SZUP je obavljao informativne razgovore s Hrvatima prognanicima iz BiH koji se trenutno nalaze na području RH. Prema našoj ocjeni, do sada nismo uspjeli pribaviti relevantna saznanja po predmetu ove OA, a sva

02816427

raspoloživa saznanja proslijeđena su HIS-u. Prema saznanjima kojima SZUP trenutno raspolaže, direktnih zahtjeva prema SZUP-u od strane Međunarodnog kaznenog suda, odnosno direktnih kontakata dužnosnika SZUP-a s predstavnicima Haškog suda, bilo je samo tijekom 1996./1997.g. SZUP je u tom slučaju postupio unutar svog djelokruga i zakonskih ovlasti, a aktivnosti se nisu odnosile na zbivanja vezana uz Ahmiće.

2. KRONOLOGIJA ZBIVANJA U BiH S OSVRTOM NA AHMIĆE

a) UZROCI HRVATSKO-MUSLIMANSKIH SUKOBA U BiH I LAŠVANSKOJ DOLINI

JNA se nakon povlačenja iz Slovenije i RH i prebacivanja u BiH, potpuno stavila na raspolaganje jamašnjem srpskom pučanstvu, što je bio jasan znak da će na prostoru BiH doći do oružanih sukoba i da će se hrvatsko pučanstvo u BiH naći u osobito teškom položaju. Čelništvo HB donosi odluku da se na područjima BiH gdje živi hrvatsko pučanstvo ustroje tzv. krizni stožeri. Stožeri su bili regionalno formirani, ali međusobno nepovezani, bez koordinacije i generalnog ustroja. O formiranju kriznih stožera postoji pismena odluka čelništva HDZ-a za BiH, koju je potpisao **Stjepan Kljuić**.

Početkom 1992. formiran je Krizni stožer, koji je obuhvaćao mjesta Novi Travnik, Travnik, Kiseljak, Vitez, Busovača, Žepče, Novu Bilu i Vareš. Na tom prostoru vršitelji političke dužnosti, odnosno civilne vlasti bili su **Ignac Koštroman** i **Darijo Kordić**. U to je vrijeme još postojala je suradnja s muslimanima na prostoru srednje Bosne. Stjepan Kljuić je surađivao s Alijom Izetbegovićem sa ciljem ustrojavanja zajedničke obrane od velikosrpske agresije. Postojale su i opcije da se snage JNA. S tih područja pokušaju integrirati u krizne stožere da bi se pridobili kadrovi kvalificirani za vojne poslove, te oružje.

Paralelno s formiranjem kriznih stožera muslimani, vjerojatno prema političkoj odluci SDA, formirali su tzv. *Teritorijalnu obranu*, koja je bila formirana isključivo od

02816428

muslimanskog pučanstva. Te formacije su bile sljednice teritorijalnog ustroja JNA na prostoru BiH. Navodno je postojala politička odluka SDA da se snage JNA i TO objedine. Alija Izetbegović i čelnštvo SDA, tada su vrlo prisno surađivali sa JNA i imali su političku odluku da cijelu BiH zadrže u okvirima Jugoslavije. Takve odluke SDA i TO bile su u potpunosti neprihvatljive za hrvatski puk, jer je svima bilo jasno da se u tom slučaju ne bi radilo ni o kakvoj Jugoslaviji već o "Velikoj Srbiji".

Od izbijanja ratnih sukoba do kraja 1992.g., srpske su snage u BiH uspjele ostvariti većinu svojih vojnih ciljeva, zauzevši dvije trećine bosansko-hercegovačkog teritorija i potisnuvši HVO i Armiju BiH na zapadnu i središnju Hercegovinu, srednju Bosnu, Mostar i zeničko i tuzlansko područje. Na razmjerno malenom slobodnom teritoriju našao se veliki broj muslimanskih i hrvatskih postrojbi i nekoliko stotina tisuća izbjeglica (uglavnom muslimanskih; dok su izbjegli Hrvati utočište većinom našli u RH), a odnosi hrvatskog i muslimanskog političkog i vojnog vodstva sve su više slabili radi sukoba glede organizacije civilnih i vojnih vlasti, zajedničke vojne taktike i strategije, odnosa spram RH, podjele zarobljenog i u inozemstvu nabavljenog oružja, sve većeg broja islamskih dobrovoljaca ("muđzahedina") uključenih u Armiju BiH itd. Sukob se intenzivira nakon tajnog sastanka Mate Bobana i Radovana Karadžića u Grazu, kada je u cijelosti promijenjena dotadašnja "hrvatska" politika u BiH, zauzimanjem stava u vrhovima bosansko-hercegovačkog HDZ-a kako Srbi nisu glavni neprijatelj, već se treba pripremati za rat s muslimanima.

Takav stav zauzima i veći dio hrvatskog vojnog i političkog rukovodstva u središnjoj Bosni, u kojoj je do napetosti s muslimanima dolazilo već u ljeto 1992.g., a sukobi eskaliraju s jačanjem tamošnjih postrojbi Armije BiH (i dio tamošnjeg muslimanskog vodstva zastupao je radikalnu liniju glede odnosa spram HVO-a, ali i hrvatskog stanovništva općenito). "Novu" vojno-političku liniju, koja smjera dogovoru sa Srbima, podržava i general Blaškić, u to vrijeme zapovjednik Zbornog područja Vitez – Busovača HVO-a, premještajući vojne snage s bojišnice usmjerene prema srpskim snagama i usmjeravajući ih prema muslimanskim snagama.

Pred kraj 1992. godine, uslijed tih razilaženja u političkim stavovima, formirana je i HR HB, a istovremeno je formiran i HVO. Političkom odlukom čelnštva HR HB, u HVO je integrirana i politička i vojna komponenta. Tada su politički čelnici lokalnih

02816429

područja automatski imenovani vojnim dužnosnicima, pa je tako Dario Kordić imenovan u zvanje bojnika.

U hrvatsko-muslimanskim sukobima koji su u proljeće 1993.g. izbili širom srednje Bosne, Armija BiH je razbila snage HVO-a na području Zenice, Kaknja, Travnika, Visokog, Vareša itd., a hrvatske su se postrojbe i stanovništvo koncentrirali na razmjerno usko područje Novog Travnika, Viteza i Busovače, koje nije imalo izravnu vezu s ostalim područjem BiH pod nadzorom HVO-a. Neposredno pred zbivanja u Ahmićima, teritorij pod nadzorom hrvatskih snaga u srednjoj Bosni nalazio se pred padom.

Oružani sukobi osobito su se intenzivirali nakon što su muslimanske snage presjekle komunikaciju Vitez-Busovača. Cilj ove muslimanske vojne operacije bio je zauzimanje Viteza. U Vitezu se nalazila tvornica eksploziva i streljiva što je strateški bilo od osobite važnosti. Nakon intenziviranja bružanih sukoba HVO je trpio velike gubitke, a zbog potpunog okruženja nedostajalo je oružja, streljiva, sanitetske opreme. Situacija je postala vrlo složena i bilo je pitanje dana kada će muslimanske snage probiti crte obrane i vojno osvojiti to područje. U to vrijeme Koštroman, Dario Kordić i Tihomir Blaškić, kao čelnici HVO-a, očajnički su tražili pomoć iz Mostara i iz Hrvatske.

U siječnju 1993. na to područje dolaze "postrojbe za posebne namjene" i to "Kažnjenička bojna" i "Specijalna postrojba Brune Bušića", koje provode nasilje nad pučanstvom, te potiču sukobe s muslimanima. Prema mišljenju izvora, radilo se o planiranoj uvertiri za budući otvoreni ratni sukob s muslimanima u BiH.

b) STRUKTURA VOJNE I CIVILNE VLASTI NA PODRUČJU SREDNJE BOSNE I RASPORED VOJNIH FORMACIJA U VRIJEME AHMIĆA

Na teritoriju pod hrvatskim nadzorom bila je oformljena Operativna zona "Srednja Bosna" (kasnije Zborno područje Vitez – Busovača), sastavljeno od nekoliko brigada i različitih lokalnih postrojbi, loše organiziranih i bez čvrsto uobličenog sustava zapovijedanja. U sastavu vojnih formacija uglavnom su bili dobrovoljci, a nerijetko su

02816430

među njima bile i osobe iz kriminalnog miljea, što se poglavito odnosilo na kasnije formiranu vojnu policiju.

Zapovjednik srednjobosanske operativne zone bio je general Blaškić, kojeg je na tu dužnost imenovao osobno **Mate Boban** početkom 1993.g. Osnovna zadaća Blaškića bila je da koordinira vojnim formacijama HVO-a. Odmah nakon preuzimanja dužnosti Blaškić je pokušavao ustrojiti vojne formacije HVO-a po načelima vojne doktrine. Blaškić je od lokalnih zapovjednika zahtijevao krutu disciplinu i vojničko ponašanje. Takve odluke nisu se svidjele lokalnim zapovjednicima i oni su se žestoko opirali svim Blaškićevim zapovijedima i u pravilu ih na terenu nisu provodili. Ondje su, osim toga, već vrlo utjecajni bili **Dario Kordić**, tada pomoćnik načelnika glavnog stožera HVO-a i **Ignac Koštroman**, načelnik Političke uprave HVO-a i visoki dužnosnik HDZ-a BiH. Štoviše, prije zbivanja u Ahmićima, na jednom od sastanaka s tadašnjim načelnikom Glavnog stožera HVO-a **Milivojem Petkovićem**, izdana je zapovijed da pomoćnici načelnika GS HVO-a, kada se nalaze na terenu imaju zapovjednu funkciju u odnosu na zapovjednika zbornog područja (to se odnosilo i na zbornu područje pod nadležnošću T. Blaškića):

Paško Ljubičić je u to vrijeme zapovijedaio 4. bojnom Vojne policije HVO-a, koja je bila uključena u sve najveće sukobe s muslimanima na području Viteza, Novog Travnika i Busovače. Njegov zamjenik bio je **Vlado Čosić**:

Sve spomenute osobe uživale su razmjernu neovisnost spram Blaškića u vođenju svojih postrojbi, planiranju i izvođenju akcija. Uz to, Kordić i Koštroman su bili politički mnogo utjecajni od Blaškića, te su pojedini zapovjednici na terenu, izravno povezani s njima dvojicom, mogli bez konzultacija s Blaškićem, po vlastitom nahođenju, izvoditi vojne akcije, bez kasnijih posljedica.

Stvarni zapovjednici brojnih "specijalnih" postrojbi HVO-a ("Jokeri", "Tvrkovci", "Vitezovi", različite postrojbe vojne policije, "Žuti" i drugi uz koje se povezuje ratni zločin i kriminal) bile su osobe poput **Valentina Čorića**, **Brune Stojilca** i **Ivice Rajića**, koji su izravno provodili ideju podjele BiH i uz to, različitim kriminalnim radnjama, ostvarivali svoj veliki osobni materijalni interes. Ta je grupacija, zbog svoje političke povezanosti s tadašnjim političkim krugovima u RH, bila gotovo "nedodirljiva".

02816431

Na položaj u vojnoj hijerarhiji tada se dolazilo ili legalnom vojnom linijom, na način da je netko bio predložen od strane vojnih zapovjednika generalu Blaškiću, koji bi to odobravao ili odlukom tzv. "Vlade u sjeni", koju su predvodili **Dario Kordić** i **Ignac Koštroman**. "Vlada u sjeni" imenovala je osobe na položaje i dužnosti na temelju obiteljskih veza ili na temelju uvjerenja da će bez pogovora izvršavati njihove zapovijedi, iako te osobe nisu posjedovale potrebna znanja iz struke kojom su se trebale baviti. To je, često, imalo za posljedicu gubitke na vojnom polju ili druge loše izvedene akcije.

Prvi zapovjednik vojne komponente HVO-a na prostoru srednja Bosna bio je **Paško Ljubičić**. Sjedište vojnog zapovjedništva HVO-a za srednju Bosnu na početku je bilo u Gornjem Vakufu (Uskoplje), a kasnije je prebačen u Vitez i potom u Busovaču. Na prostoru srednje Bosne postojale su četiri (4) vojne formacije HVO-a teritorijalno raspoređene u *Kiseljaku*, *Vitezu*, *Žepču* i *Varešu*. Te vojne formacije sačinjavali su uglavnom dragovoljci i lokalno stanovništvo. U pravilu su bili slabo naoružani, bez ikakvog vojnog ustroja i međusobno nepovezani. Zapovjednik vojne formacije sa sjedištem u *Kiseljaku* bio je **Ivica Rajić**, u *Žepču* **Ivo Lozančić**, a u *Vitezu* **Paško Ljubičić**, dok je u *Usori* bio **Jelača**. Prema nekim našim spoznajama, sjedište nije bilo u *Usori*, već u *Sarajevu*, a na čelu tog je bila osoba po imenu **Slavko**. Od navedenih zapovjednika operativnih grupa samo su zapovjednici *Usore* i *Žepča* stvarno slušali Blaškićeve zapovijedi.

Na području srednje Bosne stalno ili samo povremeno djelovale su i sljedeće specijalne postrojbe koje su formalno bile pod zapovjedništvom Pomoćnika ministra za specijalne postrojbe u Ministarstvu obrane RH HB **Ivice Primorca**, ali je njima zapravo zapovijedao **Dario Kordić**:

- a) Kažnjenička bojna, pod zapovjedništvom **Mladena Naletilića "Tute"**, čiju je ispostavu u Mostaru vodio **Vinko Martinović "Štela"**,
- b) "Maturice", pod zapovjedništvom **Dominika Ilijaševića "Come"**, koji su djelovali u *Kiseljaku*,
- c) "Vitezovi", djelovali su na području *Viteza* pod zapovjedništvom **Darka Kraljevića**,

02816432

- d) "Jokeri", pod zapovjedništvom najvjerojatnije Ante Furundžije¹,
- e) postrojba "Žuti", pod zapovjedništvom Žarka Andrića "Žutog",
- f) "Apostoli", s područja Travnika, koji su se povukli u Kiseljak, pod zapovjedništvom Marinka Šunjića.

U okviru vojnih postrojbi bila je ustrojena i Vojna policija, za koju je bio odgovoran načelnik Uprave Vojne policije **Valentin Čorić**.

Na tom području bio je ustrojen i SIS, kojim je zapovijedao **Ante Slišković** i koji je brojio 10-tak ljudi (**Mišo Mijić**, **Voloder**, **Bruno Šarić**). Sliškovića je na to mjesto postavio **Darko Kraljević**, koji je bio zadužen za SIS pri Glavnom stožeru HVO-a.

Vojna policija

Krajem 1992. g. formirana je Vojna policija HVO-a. Za područje srednje Bosne bila je nadležna 4. bojna Vojne policije, sastavljena od 5 satnija i 8 samostalnih brigadnih vodova. Cijelom bojnomo i satnijama nije zapovijedao zapovjednik OZ ili zapovjednik brigade već Uprava Vojne policije pri Ministarstvu obrane. Samostalnim brigadnim vodovima zapovijedao je zapovjednik brigade, odnosno zapovjednici postrojbi u kojima su vodovi bili integrirani.

U siječnju 1993. nastupio je preustroj Vojne policije tako da su u 4. bojni samostalni brigadni vodovi ukinuti, a formirane su tri (3) satnije Vojne policije. Cijelom bojnomo i satnijama nije zapovijedao zapovjednik OZ ili zapovjednik brigade, već Uprava Vojne policije. Načelnik Uprave Vojne policije **Valentin Čorić**.

Početkom 1993. g., na prostoru srednje Bosne formirana je vojna policija HVO-a i SIS. Prvi zapovjednik vojne policije bio je **Milivoj Petković**, a načelnik SIS-a, **Ante Slišković**. **Tihomir Blaškić** nije bio zadovoljan zbog formiranja ovih formacija, jer su one bile izvan njegove kontrole i on s njima nije zapovijedao, već su bile pod zapovjedništvom Ministarstva obrane HV-a, odnosno glavnog stožera HVO-a.

¹ Oko podatka tko je zapovijedao "Jokerima" postoji određena kontradiktornost, naime, većina izvora navodi A. Furundžiju, ali postoje i drugi, koji iznose da je zapovjednik bio Kraljević. Opširnije o tome u poglavlju pod naslovom "Jokeri".

02816433

Zapovjednik glavnog stožera HVO-a u to vrijeme bio je **Slobodan Praljak**, a kasnije na tu dužnost imenovan **Milivoj Petković**. Ministar obrane u to vrijeme bio je **Bruno Stojić**.

"Jokeri"

Postrojba "Jokeri" bila je postrojba civilne policije, nešto nalik na specijalnu policiju, odnosno na antiterorističku postrojbu. Bili su smješteni u tzv. "Bungalovu", malom motelu kod Viteza. Sačinjavali su ju uglavnom mladići iz Viteza i Travnika. Do događaja u Ahmićima, prema nekim izvorima (pr. Ramljak Blaženko) ova postrojba ranije nije učestvovala u nekim vojnim operacijama, već je pljačkala napuštene muslimanske kuće i stanove u gradovima, oduzimala vozila i činila druga kaznena djela. Prema pojedinim izvorima, u tu je postrojbu **Kordić** najvećim dijelom novačio kažnjenike iz zatvora, koji su za puštanje na slobodu morali prisegnuti da će izvršavati apsolutno sve zapovjedi.

Postoje kontradiktornosti u iskazima oko toga pod čijim je zapovjedništvom bila postrojba "Jokeri", jer prema **Koštromanu** je bila pod zapovjedništvom **Darka Kraljevića**, dok sva druga saznanja ukazuju kako je zapovjednik bio **Anto Furundžija**. Najvjerovatnije **Koštroman** pokušava **Kraljevića** okriviti za taj zločin (prema dostupnim podacima **Kraljević** i njegova postrojba "Vitezovi" nije sudjelovala u napadu, već samo jedan manji broj dobrovoljaca, koje su **Kordić** i ostali novačili uoči napada). Međutim, postoji mogućnost kako su obojica bili zapovjednici te postrojbe, odnosno da nije jasno tko je koga naslijedio na tom mjestu.

SIS BiH

Dana 23. srpnja 1992. godine, **Ivo Lučić** dobiva zadatak od **Mate Bobana** da u BiH formira SIS, kojem se na **Lučićev** poziv pridružuje i **Ivan Bandić**, koji tada figurira kao šef operative SIS-a, iako za to nije imao nikakav ukaz ili rješenje. U to su vrijeme već postojali brojni SIS-ovi pa je tako predsjednik općine imao svoj SIS, vojni zapovjednici svoj itd. Nakana **Ive Lučića** bila je da iz tih formacija SIS-a odaberu najbolje ljude, odnosno one koji su željeli djelovati legalno i u određenom sustavu vlasti. SIS je na području BiH bio ustrojen po uzoru na SIS u RH i to na teritorijalnom principu te po postrojbama. Djelatnici SIS-a u postrojbama bili su potčinjeni i pod

02816434

direktnim utjecajem svojih zapovjednika te su Lučić i njegove kolege iz Uprave SIS-a nastojali pridobiti i neke od djelatnika SIS-a iz postrojbi ne bi li došli do relevantnih informacija sa terena. Sva izvješća koja su nastala kao rezultat rada SIS-a na području BiH, slana su na ruke Ive Lučića, koji ih je onda proslijeđivao po svom nahođenju, **Mati Bobanu** ili načelniku Glavnog stožera **Stojiću**, a ponekad i obojici, što je ovisilo o sadržaju tih izvješća.

Što se tiče srednje Bosne, u početku ratnih zbivanja funkcionirala su dva SIS-a. Jedan, u nadležnosti GS HVO-a u Mostaru, formiran je krajem 1992.g. u Vitezu, kao tzv. Centar SIS-a Srednja Bosna. Na njegovom je čelu bio **Mišo Mijić**. Mijić je trenutno nedostupan budući da se nalazi u Australiji. Drugi je funkcionirao u okviru bušovačke brigade "Nikola Šubić Zrinski", a na njegovom je čelu bio **Tomislav Vlajić**. Isti je bio na dispoziciji **A. Sliškovića**, tada **Blaškićevog** pomoćnika za SIS, ali njegov autoritet nije priznavao već je o svemu izvješćivao **Kordića**.

Mišo Mijić, načelnik Centra SIS-a Travnik, krajem svibnja 1993. iznosi da je Ministarstvo obrane Herceg Bosne nezadovoljno radom **Ante Sliškovića**², koji je u to vrijeme obnašao dužnost pomoćnika **Blaškića** za SIS Operativne zone srednja Bosna, koji iako je formalno trebao biti u sigurnosnom sustavu Ministarstva obrane Herceg Bosne ne surađuje s Ministarstvom obrane niti Ministarstvu dostavlja bilo kakva izvješća. Zbog toga Ministarstvo obrane daje u zadaću **Miši Mijiću** da osnuje Centar SIS-a Vitez, koji bi bio direktno odgovoran Upravi SIS-a u Mostaru, dok bi **Ante Slišković** i dalje ostao pomoćnik za sigurnost **Blaškića**.

Tijekom 1994. godine unutar Uprave SIS-a u Mostaru, formira se ispostava HIS-a, koja je brojala tek nekoliko ljudi. Formiranje HIS-a omogućilo je **Miroslavu Tuđmanu** da preko **Ive Lučića** proširi svoj utjecaj na području pod kontrolom hrvatske komponente u BiH, čime se sukobio sa pobornicima drugačije političke opcije za BiH, poglavito s **Ivićem Pašalićem** i **Markicom Rebićem**, koji su željeli sukob sa muslimanima i čiji je čovjek bio **Darijo Kordić**. (**Ivan Bandić** – šef operative SIS BiH)

² **Slišković** je dvolična osoba, koja je, iako formalno odgovorna **Blaškiću**, bila "igrač" **Darija Kordića**, koji se u to vrijeme nalazio u Bušovači. (P. 2178)

02816435

Prema raspoloživim spoznajama, voditelj operativnih akcija vezanih, uz Haag u SIS-u u BiH bio je Ivica Raspudić, a sada navodno na dužnosti voditelja Centra službe nacionalne sigurnosti u Mostaru.

c) ZLOČIN U AHMIĆIMA

Dana 16.04.1993. g., u Ahmićima kod Viteza je ubijeno 116 muslimanskih civila i vojnika, među kojima je bilo i 15-tero djece mlađe od 10 godina.

Dan uoči napada obavljane su pripreme i donošeni planovi na sastancima sa zapovjednicima vojnih postrojbi. Oko toga postoji niz nejasnoća. Naime, nije jasno koliko je sastanaka održano dan uoči napada na Ahmiće, jer postoji mogućnost kako nije održan samo jedan, već tri sastanka. Naime, izvori su kontradiktorni oko mjesta održavanja sastanka i vremena održavanja, a naravno i oko osoba koje su bile nazočne. Prema raspoloživim saznanjima, najvjerojatnije su održana dva sastanka sa zapovjednicima vojnih postrojbi s tog područja - prvi 14,00 sati u podrumu pošte u Busovači (nazočni su bili Vlado Čosić, pomoćnik zapovjednika za Vojnu policiju, **Dario Kordić**, **Ignac Koštroman**, **Paško Ljubičić**, **Darko Kraljević** i **Vlado Čosić**), na kojem je **Blaškić** izdao zapovjedi o napadu i načinima napada, a drugi bez **Blaškića** i, prema raspoloživim saznanjima, u večernjim satima u Kordićevoj obiteljskoj kući. Na tom je sastanku donesena odluka o izvršenju masakra, što potkrepljuje iskaz **Željke Mehić** i saznanja **A. Nobila** (ovo bi trebalo razjasniti u ponovnom razgovoru sa **Željkom Mehić** - vrijeme sastanaka, tko su sve bili nazočni, kakve su točno odluke donesene na drugom sastanku itd.). Međutim, postoje spoznaje kako je jedan sastanak održan u popodnevrim satima u hotelu u Vitezu, na kojem je također bio nazočan **Blaškić**. Moguće je kako se samo radi o zabuni mjesta održavanja sastanka, ali to ipak treba svakako provjeriti, kao i razjasniti različite podatke o sudionicima tih sastanaka. Za ovaj treći sastanak postoje navodi kako ga je **Blaškić** održao sa zapovjednicima postrojbi za posebne namjene (**Paško Ljubičić**, **Žarko Andrić** zv. "Žuti" i **Marinko Žilić** zv. "Brzi", nekadašnji pripadnik specijalne policije u Rijeci, trenutni status u tijeku provjeravanja), **Mario Čerkez**, iako je bio pozvan, nije došao. Na sastanku je **Blaškić** davao upute za napad, pri čemu je oštro upozorio kako zabranjuje bilo kakve zločine.

02816436

Prema navodima **A. Nobila**, za napad na selo Ahmiće postojala je zapovijed prema kojoj je trebalo pobiti sve muške osobe na način da ih se pozove da izađu iz kuće, nakon čega bi bivali ubijani iz automatskog oružja. Neki su leševi zapaljeni benzinom koji je prethodno bio pripremljen u bocama. Te pripremne radnje, po Nobilu, su dokaz da je napad i zločin koji se tamo dogodio, prethodno planiran.

Nobilo napominje da za sve to postoje pisane zapovijedi izdane od strane Blaškića, a to potvrđuje činjenica da je on u svom stožeru također imao čovjeka sa zaštitom da bilježi sve što čuje, sat i minutu izdavanja zapovijedi ili druge važnije aktivnosti, što je bio svojevrsni Blaškićev ratni dnevnik.

Prema Nobilu i u noći 15/16.04.1993. g. u kući **Darija Kordića** održan je sastanak neformalne grupe koja je željela sukob s Muslimanima pod svaku cijenu; a nju su sačinjavali: **Ignac Koštroman**, **Darijo Kordić**, **Ante Slišković**, **Tomo Vlajić**, zamjenik **Sliškovića** **Paško Ljubičić**, **Vlado Čosić** i **Anto Furundžija**. Na tom je sastanku dogovoreno da se izda zapovijed da se pobije svo muško stanovništvo u Ahmićima te da se selo zapali, a za ilustraciju Nobilo navodi da je jedan od učesnika sastanka zapitao što će s djecom, a najvjerojatnije **Ignac Koštroman** mu je odgovorio da će i "oni jednom biti muškarci", čime mu je dao do znanja da i njih treba likvidirati.

Cilj ovakve akcije bio bi da se zaplaši muslimansko stanovništvo kako bi se iselilo s tog prostora, kakav recept je već primjenjivan na drugim dijelovima BiH; pogotovo od srpske strane.

Tu su neformalnu grupu sjedinjavale i rodbinske veze. Tako je sestra **Darija Kordića** bila djevojka **Paška Ljubičića**, **Vlado Čosić** rođak je **Paška Ljubičića**, a kum **Tomi Vlajiću**, dok je brat **Ante Sliškovića** oženio sestru žene od **Darija Kordića**.

U akciji napada na Ahmiće sudjelovalo je, po raspoloživim spoznajama, više postrojbi:

- postrojba "Jokeri" u sastavu 4. bojne VP HVO-a (60-ak ljudi pod zapovjedništvom **A. Furundžije**, djelovali su iz pravca sela Nadioci),
- 4. bojna VP iz Posušja kojom je zapovijedao **Paško Ljubičić**,

02816437

- U napadu je sudjelovao i **Miroslav Bralo zv. Cicko**, koji je vršio zločin sam bez ičije zapovijedi i nije pripadao niti jednoj postrojbi,
- postrojba **Žarka Andrića zv. "Žuti"**
- u sukobu su sudjelovali i dijelovi drugih postrojbi HVO-a Operativne zone srednja Bosna, budući da zbog konfuznog stanja tada nije postojao čvrst sustav zapovijedanja (20-ak dobrovoljaca iz postrojbe "Vitezovi"³, protuzračna obrana)

Nakon učestalih otmica, pljački i čarki započetih od strane muslimanskih snaga kao i zbog opasnosti da te snage presijeku komunikaciju Vitez - Busovača, od strane vojnog vodstva operativne zone srednja Bosna na čijem je čelu tada bio general **Blaškić**, donesena je odluka da HVO prvi napadne muslimane na pravcu Vitez - Busovača, kako bi se stvorio sigurnosni pojas prema Muslimanima. Takva odluka temeljila se ranijim iskustvima u muslimanskim napadima na Travnik gdje su oni prvi napali i dobili veliku prednost u daljnjim borbenim djelovanjima, odnosno pridobili relativno velik dio terena za borbene operacije.

General **Blaškić** je izdao pismenu zapovijed kojom zapovijeda da se deblokada rečene komunikacije mora izvesti pod svaku cijenu ali na način da se zauzmu položaji na kotama iznad sela. U selo je, prema zapovijedi, trebalo ući samo u slučaju pružanja oružanog otpora iz neke kuće ili drugog objekta. U tom slučaju, zapovjedbno je, može se otvoriti vatra na objekt iz koga se puca, ali samo u granicama potrebnim da se neutralizira oružani otpor. Posebno je zapovjedbno da se kuće i objekti iz kojih se ne pruža nikakav otpor zaobilaze i da se u njih, u prvom dijelu akcije, dok se ne zauzmu položaji na kotama iznad sela, ne ulazi. Tu zapovijed je primio i zapovjednik viteške brigade HVO-a **Mario Čerkez**.

Neposredni zapovjednici na terenu koji su provodili izdanu zapovijed bili su **Vlado Ćosić, Paško Ljubičić i Vlado Šantić**, dok je **Ante Slišković** bio zapovjednik vojne

³ "Vitezovi" su bili ostaci HOS-a. Cjelokupna postrojba nije sudjelovala u napadu, već samo 20-ak dragovoljaca, jer je u to vrijeme njihov zapovjednik **Darko Kraljević**, boravio u Ljubuškom, gdje je pripadnicima svoje postrojbe otišao po plaću.

02816438

policije pri Stožeru generala Blaškića. Prema raspoloživim spoznajama, sredinom travnja 1993. g., u 4. bojni VP HVO-a zaprimljena je koverta, upućena iz Mostara, sa zapovijedi da se deblokira prometnica (komunikacija) Vitez – Busovača. Tada je zapovjednik bojne bio Paško Ljubičić, njegov nadređeni **Valentin Čorić** – načelnik Uprave VP za Herceg-Bosnu. Kovertu sa zapovijedi zaprimio je **Ante Slišković** te je proslijedio Pašku Ljubičiću i nakon čega se poduzimaju aktivnosti za izvršenje napada na selo Ahmići.

Napad na Ahmiće je posredstvom ručne radio-veze koordinirao **Paško Ljubičić**, a tijekom samog napada na tom području bio je prisutan i **Tihomir Blaškić**. U selu Ahmići bilo je postrojbi MOS-a, a njihov najžešći otpor zabilježen je iz džamije i škole (izvor navedenog je: ...).

Večer prije napada na Ahmiće **Paško Ljubičić**, sam ili u društvu s **Antom Sliškovićem**, došli su u zatvor gdje su zatvorenicima-kriminalcima rekli da će osloboditi sve one koji su spremni pobiti sve živo, na koji način je iz zatvora gdje je bio zbog ubojstva muslimanske obitelji, oslobođen **Miroslav Bralo** zv. "Cicko", te drugi kriminalci.

Od postojećih dokaza za zločin u selu Ahmići **Nobilo** navodi video zapis sačinjen od strane pripadnika UNPROFOR-a koji su sa dva svoja oklopna vozila ušli u Ahmiće u vrijeme napada i čije vozilo je također na obližnje brdo izvlačilo s bojišnice ranjene osobe s muslimanske strane, zatim video zapis dolaska zapovjednika britanskih snaga UNPROFOR-a **Stuarta** s veleposlanicima više zapadnih zemalja te video snimku TV Busovača do koje je došla muslimanska obavještajne služba AID, na kojoj je neposredno nakon napada na Ahmiće snimljen kamp Vojne policije HVO-a zvani "Bungalov". Na toj snimci se vide pripadnici vojne policije kako dolaze iz borbe, a identificirani su – **Vlado Šantić** i **Paško Ljubičić**.

Kao dokaze navodi izjave svjedoka zločina u Ahmićima koji su saslušani od strane istražnog suca Okružnog suda u Zenici, a koji je u Haag dostavio Centar službi bezbjednosti Zenica. Nadalje navodi video snimku i izjave svjedoka pripadnika UNPROFOR-a koji su iskopali zajedničku grobnicu u kojoj su zakopane žrtve iz Ahmića.

02816439

Kao idejnog začetnika zločina u Ahmićima Nobilo navodi Antu Sliškovića⁴, koji je izrazito politički blizak s Darijom Kordić, a obojica su od 1991. osnivači HDZ-a Busovača.

d) POSTUPANJE ZAPOVJEDNE STRUKTURE HVO-a i SIS-a i ODREĐENIH HRVATSKIH SLUŽBI NAKON ZLOČINA

U svojim prvim reakcijama, jedinstveni stav hrvatskog vojnog i političkog vrha bio je kako zločin u Ahmićima nisu počinile hrvatske snage, već je "insceniran" od strahe muslimana, srpskih, pa čak i međunarodnih snaga, odnosno ondje smještenih pripadnika britanskih mirovnih snaga i sl. O zločinu u Ahmićima sastavljeno je više izvješća, od kojih neka nisu dostupna, a pretpostavlja se kako su upravo ta izvješća najbitnija u rasvjetljavanju cijelog slučaja.

Za zločin u Ahmićima, Ignac Koštroman tvrdi da je doznao iz sredstava javnog priopćavanja. Navodno su Darijo Kordić i Tihomir Blaškić u to vrijeme boravili u Busovači u vojnom stožeru. Nitko od njih trojice nije izdao zapovijed za akciju, već zastupa tezu da su da su britanske snage u sastavu UN-a, u dogovoru s muslimanskom snagom i kriminalcima iz hrvatskih redova, organizirale i izvele akciju u Ahmićima. To temelji na tome što mu je poznato da je u to vrijeme već bio formiran AID (muslimanska obavještajna služba), koji je plasirao velik broj dezinformacija na prostoru BiH putem svjetskih medija. Kao dokaz tome navodi da su snage UN-a na čelu sa britanskim časnikom Stuartom prve su ušle u Ahmiće i upravu je u TV emisiji, iz koje je i sam saznao o događajima iz Ahmića, prikazan Stuart pokraj mrtvih tijela u Ahmićima. Osobno zapovjedio da se provede istraga o tom događaju i da ga se što hitnije izvijesti o rezultatu istrage.

Tihomir Blaškić zadužio je načelnika SIS-a za zbornu područje srednje Bosne Antu Sliškovića da provede istragu o tom događaju kako bi mogao dostaviti izvještaj u

⁴ Prema dokumentaciji SIS-a, Ante Slišković ostao je djelatnik te službe i tijekom 1996. i 1997. godine. MORH ga je također imenovao za koordinatora kod pronalaska svjedoka za sud u Haagu, odnosno prilikom provođenja OA "Istina". Po Nobilu, radi se o iznimno inteligentnoj osobi, bivšem šahistu, koji svoje visoke intelektualne sposobnosti koristi u zle svrhe.

02816440

Mostar. Međutim, Slišković je opstruirao provođenje istrage ponavljajući teze o umiješanosti Srba, muslimana i Britanaca u "insceniranje" zločina.

Nakon što je postrojba Vojne policije počinila zločin u Ahmićima o kojem je Blaškića telefonom izvijestio Darijo Kordić, Blaškić je o tom događaju zatražio izvješće koje je tada i sačinjeno te potpisano od strane Vlade Čosića u ime Paška Ljubičića, koji je bio zapovjednik Vojne policije. U tom izvješću niti jednom riječju ne spominje se zločin već se samo govori o borbama. (Nobilo)

O događaju u Ahmićima postoji izvješće Ive Lučića, koje je dostavljeno Pomoćniku ministra za sigurnost BiH, te izvješće-analiza HIS-a. Sva su ta izvješća manjkava i samo su sažeci opsežnijih izvješća i rekonstrukcije događaja koja bi trebala postojati u arhivi SIS-a HZ HB.

e) INVOLVIRANOST OB: SUSTAVA RH I DRŽAVNO-POLITIČKIH ORGANA U ISTRAZI OKO ZLOČINA U AHMIĆIMA

Hrvatski politički vrh je raspolagao s uglavnom točnim podacima o razmjerima zločina, njegovim okolnostima, žrtvama, počiniteljima itd. U dokumentu naslovljenom "Masakra u Ahmićima", HIS je 21.03.1994. iznio razmjerno točnu verziju zbivanja u Ahmićima, koja je prenijeta iz lista "La-figaro".

S druge strane, temeljem teze da za rat u BiH nikakvu krivnju nema RH, već da je isključiva krivnja na strani muslimana i Srba, koju međunarodna zajednica nije podržavala, SIS RH je pokrenuo istragu o zločinima muslimana i Srba nad Hrvatima u BiH. U svrhu materijalnog potkrepljivanja tih zločina u RH je iz BiH dopremana dokumentacija i osobe koje su pripremane za možebitno svjedočenje u procesima u Haagu. Za pojedine osobe koje su dolazile u RH ("Lora", odnosno SIS u Splitu) pribavljane su osobne isprave i sl. Međutim, očito je kako se paralelno radila i analiza zločina u Ahmićima, pa su tako iz BiH u RH prebacivani i ti dokumenti, koji su

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pohranjivani u prostorije SIS-a u Splitu. U realizaciji tih radnji uključeni su bili **Udiljak**, **Ivanović⁵**, **Krpan**, **B. Milas**, **Mato Zeko** i drugi.

Već prve naznake o uključenosti pojedinih dijelova hrvatskog obavještajnog sustava u zbivanja i istragu o Ahmićima vidljive su ubrzo nakon što je bilo razvidno da SIS BiH, odnosno **Ante Slišković** neučinkovito provodi istragu. Tijekom 1993.g., u Travnik i Bisovaču boravi **Đamjanović⁶** koji se predstavljao kao časnik SIS-a iz Zagreba, sa zadaćom da prikuplja obavijesti o događajima u Ahmićima. U dva mjeseca koliko je **Đamjanović** boravio na tom području kontaktirao je više osoba.

Prema raspoloživim saznanjima, ondje je boravio i **Ante Gugić**, sastavivši potom "stručno" izvješće u kojem se ne iznose podaci o počiniteljima ili okolnostima zločina.

Uključenost hrvatskih obavještajnih sustava razvidna je i iz činjenice da je **Ivica Primorac**, pomoćnik Ministra obrane HR HB zadužen za sigurnost, izravno odgovarao za izvršenje zadataka vezanih uz Haag **Markici Rebiću**, tadašnjem pomoćniku ministra Obrane RH. Na svom stolu u Mostaru **Primorac** je imao crni (SETSTEL) telefon kao izravnu zaštićenu vezu s **Rebićem**.

Početkom 1997. g. pokrenuta je i operativna akcija "Proces", koja je ustrojena bez planskih dokumenata, a temeljem usmenog dogovora tadašnjeg ravnatelja HIS-a **M. Tuđmana** i načelnika Odjela operativnih poslova u HIS-u, gospodina **Ive Lučića**. Cilj akcije bio je praćenje započetog suđenja generalu **Blaškiću**. U okviru OA "Proces", ustrojene su operativne akcije pod nazivima "Haag", "Put" i "Istina". Operativne akcije "Put" i "Istina" bile su u nadležnosti Ministarstva obrane RH, odnosno SIS-a, dok je operativna akcija "Haag" trebala biti u nadležnosti drugih državnih ministarstava, prvenstveno MUP-a i Ministarstva pravosuđa, međutim, to nije provedeno, te je akciju operativno i dalje također pokrivao SIS. Koordinator poslova po operativnim akcijama "Put" i "Istina", te nositelj zadaća ispred SIS-a MORH-a bio je bojnik **Stipan Udiljak**. U toj akciji je sudjelovao i HIS, koji je nakon obrade prikupljenih podataka,

⁵ Nobile drži da su **Udiljak** i **Ivanović** povjerljivi ljudi **Ante Sliškovića**, a da mu ih je dodijelio kao pomoć u radu **Markici Rebić**.

⁶ Tijekom 1996. g., na krštenju mlađeg sina **Blaškića** bio je i **Đamjanović**, koji o rezultatima svoje istrage nije htio ništa govoriti. ()

02816442

analize istih dostavljao SIS-u (svi ti podaci sačuvani su u HIS-u na elektronskim medijima).

Glavni koordinatorski poslovi za prikupljanje podataka o osobama koje se mogu koristiti kao svjedoci u procesu protiv generala Blaškića, na području BiH bio je Ante Slišković. () o

f) MANIPULACIJA S DOKUMENTACIJOM HVO-a

Zbog ratnih zbivanja u BiH, ali i međusobnih sukoba unutar hrvatskog političkog i vojnog rukovodstva, dokumentacija HVO-a, pa među njom i dijelovi o zbivanjima u Ahmićima, često su bili predmetom raznoraznih manipulacija. Tako je, primjerice, sredinom prosinca 1993. preko kopilota helikoptera, inače djelatnika Uprave SIS-a u Mostaru, Bruno Šarić dobio poruku od svog zapovjednika Mijića kako je s Upravom SIS-a u Mostaru dogovorio da svu svoju dokumentaciju helikopterom prebace iz Viteza u Mostar. Iako je bilo dogovoreno sa zapovjednikom Vojne policije Maćinkom Polar da će određeni dio dokumentacije SIS-a iz Viteza prebaciti za Mostar, prilikom pokušaja ukrcaja paketa sa dokumentacijom u helikopter, pod prijetnjom oružja to onemogućuju Blaškićevi tjelohranitelji.

Sličnu situaciju ocrta i izjava Ivana Bandića da su sva izvješća o Ahmićima pohranjivana u arhivi SIS-a, koju je krajem 1994. ili početkom 1995. Ivo Lučić prvo razmjestio na više mjesta u BiH, a zatim preselio u sjedište HIS-a u Zagrebu, a sve zbog opasnosti da se te arhive ne domogne Mladen Naletilić "Tuta". Glede navedenog napominje kako je djelatnica koja je bila dodijeljena formiranom timu SIS-a za pomoć odvjetnicima haških pritvorenika i ona je imala mogućnost uvida u dokumentaciju.

HVO i SIS su o zbivanjima u Ahmićima sastavili veliki broj dokumenata, od kojih je dio sastavljen s propagandnih polazišta, dok su se u drugima na razmjerno korektan način nastojalo iznijeti činjenično stanje.

Aktivnosti u vezi s uporabom dokumentacije HVO-a intenzivirale se u sklopu prikupljanja materijalnih dokaza za suđenje u Haagu i obranu Blaškića, ali i materijala

02816443

o obrani Hrvata u BiH, odnosno počinjenim zločinima od strane muslimana i Srba u BiH spram Hrvata. Zbog toga, ali i zbog bojazni kako dokumentacija HVO-a ne bi došla u ruke SFOR-a⁷, donesena je odluka o povlačenju sigurnosno-značajne dokumentacije iz BiH. Taj dio posla izvršavao je SIS u Splitu, pa je tako u više navrata ukupno 4 furgona materijala dopremljeno i pohranjeno u prostorije SIS-a u Splitu (u [redacted] i to po zapovjedi Markice Rebića i Ante Gugića. Operativno pokrivanje i pohranjivanje dokumenata obavljali su pripadnici SIS-a Split. [redacted]

Međutim, ta dokumentacija nakon pohrane nije bila sistematizirana, niti obrađivana, već je "oko dvije godine" stajala netaknuta. Postoji mogućnost da je u cilju izrade analize ratnih zločina Armije BiH i MOS-a nad Hrvatima manji dio te dokumentacije obrađivan. Naime, u siječnju 1998. g. u Sinju je održan radni sastanak kojeg je sazvao tadašnji načelnik Uprave SIS-a Ante Gugić, a na kojem su bili prisutni djelatnici Uprave SIS-a [redacted] a iz Uprave Vojne policije bili su [redacted]. Na tom sastanku formiran je operativni tim sastavljen od djelatnika koji su bili prisutni na sastanku, a koji je dobio zadatak prikupiti saznanja o zločinima Muslimana nad Hrvatima u BiH. [redacted] otišli u Mostar, odakle su donijeli oko 70 (sedamdeset) registara koji su obuhvaćali raznu dokumentaciju o počinjenim zločinima Muslimana nad Hrvatima u BiH. U nekoliko registara nalazili su se i dokumenti, koji su se odnosili na zločine Srba počinjeni nad Hrvatima u BiH. Navedene registre dobili su od Uprave Vojne policije HVO-a i Komisije za zatočene i nestale HR i HB. Nakon što su narečeni donijeli dokumente u Odjel SIS-a Split, a [redacted] iz Uprave Vojne policije su od 24.01. do 10.02.1998. sastavili su izvješće pod nazivom "Ratni zločini počinjeni nad Hrvatima od druge polovice 1992. do travnja 1994. godine, od strane armije BiH i MOS-a" [redacted]

⁷ Sredstva javnog priopćavanja objavljivala su da za tom dokumentacijom traga SFOR u BiH.

02816444

U ožujku 2000. g. iz Uprave SIS-a stiže zahtjev (potpisao **Donat**) sa zahtjevom da po OA "Haag" Odjel SIS-a Split dostavi stanje obrađenosti dokumentacije. Nakon odgovora kako Odjelu SIS-a nije poznata akcija tog kodnog naziva, u ožujku 2000. godine u Odjel SIS-a Split, došli su **RH**, uz prethodnu usmenu najavu pomoćnika ministra obrane za Obavještajno sigurnosne poslove, gospodina **Ružman Mladena**. Ovom prilikom isti su načelniku Odjela SIS-a Split **1** predložili odluku Ministra obrane **RH Radoš Joz** da preuzimaju odgovornost nad arhivskom građom HVO-a, koja je smještena u Odjelu SIS-a Split.

Iz cjelokupne građe HVO-a izdvojili su arhivsku građu koja je utovarena u jedan kamion i otpremljena do Zagreba u vojarnu **1**, gdje je arhivsku građu HVO-a preuzeo **1** načelnik Odjela **1** Uprave SIS-a, sa **10** djelatnika. O primopredaji arhivske građe u navedenom kamionu između djelatnika Odjela SIS-a Split i djelatnika Uprave SIS-a Zagreb, nije sačinjen nikakav zapisnik, nego je **1** upozorio pripadnike Odjela SIS-a Split da i dalje štite informaciju oko prebacivanja arhivske građe HVO-a u Zagreb.

Prema najavi **Ružman Mladen**, u travnju 2000. su u Odjelu SIS-a Split boravili **1** i jedan djelatnik Obavještajno analitičke uprave MORH-a, koji su odnijeli još oko 10-15 kutija arhivske građe za Zagreb.

g) PRIPREMA SVJEDOKA ZA SVJEDOČENJE U HAAGU O AHMIĆIMA

Raspoložive spoznaje upućuju na to da su za pripremanje svjedoka i prikupljanje dokumentacije za Haag bili zaduženi **Ante Slišković**, **Stipan Udiljak**, a povremeno i **Ignac Koštroman**. Uprava SIS-a je u rujnu 1997. g. izdala zapovijed da će Odjel SIS-a Split osiguravati tehničke uvjete i pružati logističku potporu za pripremu svjedoka odvjetničkom timu **Nobila**. Prema zapovijedi za njihovu logističku potporu zaduženi su bili djelatnici SIS-a Split.

U rujnu 1997. Uprava SIS-a je zapovjedila da će SIS Split osiguravati tehničke uvjete za pripremu svjedoka odvjetničkom timu **Ante Nobila**, a koje će isti koristiti tijekom

02816445

odbrane Tihomira Blaškića u Haagu. Priprema prve grupe svjedoka započela je od strane odvjetničkog tima A. Nobila u listopadu 1997. godine, a kasnije osim odvjetničkog tima Nobila pripremu svjedoka za Haag u Odjelu SIS-a Split provode odvjetnici Naomovski (za Darija Kordića), Goran Mikuličić, Jadranka Slaković-Glumac, Mišetić, te američki odvjetnici Rasel Hayman i Turner Smith. Zadnja priprema svjedoka u SIS-u Split, prema raspoloživim spoznajama, obavljena je u siječnju 2000. g. Prema raspoloživim saznanjima, od listopada 1997. g. do siječnja 2000. g. izvršeno je ukupno 13 priprema u kojima je obuhvaćeno oko 330 svjedoka, a ukupne pripreme trajale su oko 80 dana. Tehnička potpora, koju je pružao Odjel SIS-a Split, sastojala se od dočeka svjedoka iz srednje Bosne (oko 300 svjedoka je Odjel prihvatio u tom razdoblju), koje je dovodio "rezervacija hotelskih soba, osiguranje adekvatnih prostorija za provedbu pripreme svjedoka, a u pojedinim slučajevima postavljanje zvučnika, odnosno mikrofona u prostorije kako bi se svjedocima simulirali uvjeti slični u sudnici u Haagu, poslove, te audio snimanje iskaza⁶. Iz Odjela SIS-a Split su najtješnje surađivali sa "oko organizacije poslova."

Iz Uprave SIS-a Zagreb, po pitanju pripreme svjedoka za odlazak na sud u Haag, u Odjel SIS-a Split više puta je osobno dolazio načelnik Uprave stožerni brigadir Ante Gugić, te djelatnici Uprave SIS-a Zagreb, U... Prije odlaska "viteške skupine" u Haag u Odjelu SIS-a Split boravili su tadašnji ravnatelj HIS-a Miroslav Tuđman, pomoćnik ministra Unutarnjih poslova Željko Sačić, savjetnik predsjednika RH za Unutarnju politiku Ivić Pašalić, načelnik..., kao i djelatnici PU splitsko-dalmatinske... Tom prilikom u prostorijama Odjela SIS-a Split Tuđman i Pašalić su razgovarali s nekoliko stranih državljana, najvjerojatnije na temu odlaska "viteške skupine" u Haag. Prema raspoloživim spoznajama, Markica Rebić niti jednom nije boravio u Odjelu SIS-a Split (bio je smješten u hotelu "Dujlovo" u Splitu).

⁶ Sve audio snimke su, navodno, predane Nobilu, a u Odjelu SIS-a u Splitu nisu zadržane kopije istih.

02816446

Značajna osoba u procesu pripreme postupaka obrane haških pritvorenika bio je Ivan Lalić⁹, koji je, prema Nobilu, pozitivna osoba, ali u strahu. Laliću je zapovijedi izdavao Ivica Primorac.

Nakon svjedočenja generala Milivoja Petkovića pri MKS-u u procesu protiv generala Blaškića, odvjetnik Anto Nobilo je u sredstvima javnog priopćavanja izjavio da je general Petković lažno svjedočio na štetu generala Blaškića. Nakon toga, HIS je izradio detaljnu analizu tog slučaja¹⁰, kojom je utvrđeno da je Petković zaista dao lažni iskaz. Isto tako je utvrđeno da su generala Milivoja Petkovića, za davanje iskaza pri MKS-u, pripremali¹¹ generali Davor Domazet i Ante Gotovina, te Stipan Udiljak i Markica Rebić u prostorijama Ureda Predsjednika RH: (

h) SUKOB ANTE NOBILA – OPERATIVNA SKUPINA "HAAG"

Krajem rujna 1998. godine odvjetnik Anto Nobilo započeo je s procesom obrane generala Blaškića, te je ubrzo od SIS-a zatražio dokumentaciju koja bi mogla poslužiti za obranu, a posebice o događajima u Ahmićima. Međutim, SIS mu traženu dokumentaciju nije dostavljao uz obrazloženje da traženo izvješće o provedenoj istrazi ne postoji, odnosno da istraga nije ni poduzimana. Nobilo je tada davao više intervjua tisku u kojima je prozivao SIS, da onemogućavaju njegovu obranu, a službenici SIS-a su to negirali, pa čak i prijetili Nobilu.

Tijekom rada sa svjedocima, prema navodima Nobila, Ante Slišković je zadavao mnogo problema, jer je Nobilo pokušao dokazati postojanje paralelne zapovjedne linije, što nije odgovaralo Dariju Kordić i njemu odanim ljudima budući da je on bio zamjenik Mate Bobana, koji je opet instrukcije primao iz vrha HDZ-a u Zagrebu, čija se povezanost s događajima u BiH htjela prikriti. Zbog spomenutih problema sa Sliškovićem, Nobilo je u javnost distribuirao informaciju da je protiv Paška Ljubičić i

⁹ Lalić je, u suradnji s Uredom za suradnju sa Haškim sudom, organizirao transport svjedoka u Haag, organizirao je skrb za obitelji pritvorenika, financirao osobe koje su se nalazile u bijegu od Haškog suda, davao mjesečnu plaću Pašku Ljubičiću i Vladi Čosiću.

¹⁰ pri čemu se koristio i transkriptom tajnog svjedočenja Petkovića.

¹¹ o pripremi generala Petkovića i tko je u njoj sve sudjelovao postoje pohranjeni podaci i informacije u HIS-u.

02816447

Ante Slišković podignuta tajna optužnica pred sudom u Haagu, nakon čega je Slišković nestao s onog prostora.

U cilju ublažavanja nesporazuma i sukoba između Nobila i SIS-a, pomoćnik ministra MORH-a za sigurnost Markica Rebić sazvao je sastanak na kome su učestvovali službenici SIS-a predvođeni Stipanom Udiljakom, odvjetnik Anto Nobilo i I..., kao predstavnik HIS-a. Na tom sastanku Stipan Udiljak uvjeravao je Nobila da istraga povodom događaja u Ahmićima od strane SIS-a nije provođena te da o tome ne postoji izvješć... je tada ustvrdio kako postoji izvješće u prostorijama SIS-a u..., na što su ga Markica Rebić i Stipan Udiljak rekli su mu da je on lud, da je "prolupao" i da rečeno izvješće nije mogao vidjeti jer ne postoji. Nakon žestoke svađe Markica Rebić je priznao da izvješće ipak postoji, da će ga oni proslijediti prema HIS-u, a da HIS odluči, da li će ga dati Nobilu ili neće.

3. SPOZNAJE O KRETANJU OSUMNJIČENIH OSOBA 1996. – 2000.

U skladu sa zaključcima Koordinacijskog odbora Obavještajne zajednice, posvećenog "slučaju Ahmići", MUP je izrazitu pažnju, rabeći sva raspoloživa sredstva i metode iz svoje nadležnosti, posvetio utvrđivanju trenutog boravišta Ante Sliškovića, Paška Sliškovića, Tome Vlajića i Vlade Čosića, za koje postoje temelji sumnje kako su organizirali akciju u Ahmićima, ali i ondje počinjene zločine nad ratnim zarobljenicima i civilima.

Raspoložive spoznaje ukazuju na to kako su od 1996.g. do danas za brigu nad osumnjičenicima bili zaduženi pojedini pripadnici Ministarstva obrane RH, a posebice Sigurnosno-Informativne službe MORH-a, koji su, nakon što je postalo jasno kako za spomenutu četvoricu pokazuje interes sud u Haagu, organizirali njihovo prebacivanje iz BiH u RH, a potom i prikriivanje na različitim lokacijama. Pri tome su korištene i usluge drugih dijelova MORH-a, odnosno pojedinih djelatnika Političke uprave MORH-a (Ignjac Koštroman) i 66. inženjerijske pukovnije HV-a Ljube Česića Rojsa i

02816448

s njim povezanih osoba, preko kojih je prikrivanje osumnjičenih i financirano. U prikrivanju su korištene i usluge pojedinih dužnosnika lokalnih vlasti (Starigrad, Primošten itd.), a u slučaju ikakvih teškoća, osumnjičeni su bili instruirani da se pozovu na lokalne djelatnike SIS-a.

Prikupljeni podaci ukazuju na to da su članovi skupine često mijenjali boravišta, primjerice, nakon objavljivanja tekstova o njima u tisku, i posebno nakon ovogodišnjih izbora u RH. Zabilježeno je kako su od strane izvora viđeni ili kontaktirani a od strane policije legitimirani (s pravim dokumentima odnosno identifikacijskim podacima), odnosno, da postoje indicije kako su boravili, na više različitih mjesta u RH. Ipak, primjenom odgovarajućih mjera i radnji, utvrđeno je kako su vjerojatno uglavnom boravili na području zadarskog zaleđa, odnosno Karina i Maslenice, gdje su bili smješteni u kućama Srba ili vikendicama u vlasništvu građana SRJ (Karin), odnosno u objektima u vlasništvu pojedinih pripadnika HV-a (Maslenica). Njihovo je prikrivanje olakšano činjenicom kako se radi, posebice u slučaju Karina, o mjestima u kojima je nakon 1995.g. naseljeno nekoliko tisuća osoba iz svih krajeva RH i posebno BiH; da su ondje lokalni dužnosnici uglavnom bivši ili sadašnji pripadnici MORH-a, dobrim dijelom porijeklom iz srednje Bosne, te da je ondje otežan rad temeljne policije MUP-a RH. Raspoložive spoznaje, koje su trenutno u postupku provjeravanja i utočnjavanja, ukazuju na to kako je smještaj u Maslenici organiziran u objektima u vlasništvu Ante Oreča (bivšeg zapovjednika 66. pukovnije) odnosno Jérolima Nekića, djelatnika zadarske cararnice. Prema navodima izvora, osobe koje su ondje boravile žurno su spomenute objekte napustile nakon što su u javnosti objavljeni podaci o njihovom skrivanju u tome kraju.

Iako ne raspolažemo s podacima o njihovom kasnijem boravištu, raspoložive spoznaje upućuju na to kako su Anto Slišковиć, neformalni vođa skupine, koji je najviše kontaktirao s dužnosnicima bivših vlasti RH i sigurnosno-obavještajnog aparata (SIS-a i HIS-a), te Tomislav Vlajić, krajem svibnja 2000.g. boravili na području Umaga, u naselju Mareda kod Novigrada, kod prijatelja iz BiH Vende Bošnjaka. Koristili su lažni identitet, krili se i izbjegavali kontakte s poznatim osobama, a nakon prespavane noći napustili su Novigrad.

02816449

Također treba napomenuti kako je u obavijesnom razgovoru **Ignac Koštroman**, za kojeg postoje indicije kako je također sudjelovalo u skrivanju skupine, izjavio da ga je sredinom travnja u Kninu posjetio **Miroslav Bralo "Čicko"** i to u društvu **Marka Đapića**, vlasnika auto-praonice iz Knina porijeklom iz BiH, utvrđene veze članova skupine. Bralo mu je tom prilikom, navodno, rekao da je u prolazu kroz Knin i da je navratio tek toliko "da mu se pokaže da je živ" i da mu da do znanja da zna gdje on (Koštroman) prebiva sa obitelji. Koštroman je naveo kako je Bralinu izjavu doživio kao prijetnju, no moguće je da ju je iznio kao opravdanje za vlastitu nekooperativnost glede ustupanja podataka o sadašnjem boravištu članova skupine i samoga Brala.

Prema vlastitoj izjavi, danoj tijekom obavijesnog razgovora, u kontaktu sa Sliškovićem nalazi se i **Marko Đapić**, svojedobno pripadnik HVO-a u Busovači, sada vozač na srkbi MORH-a, s prebivalištem u Zagrebu i boravkom u **Busovači**. Slišković je, navodno, "pukao" te s njime nije moguća normalna komunikacija. Prema **Đapiću** i njegovim navodima, Slišković i njegovi prijatelji nemaju sredstava za život, no odlučni su ne predati se jer više nikome ne vjeruju. **Đapić** je odbio otkriti gdje se osobe nalaze, no, kako je naveo, lokacija je "poznata SIS-u".

Prema spoznajama koje prosuđujemo pouzdanim, sa Sliškovićem povremeno telefonski kontaktira i već spomenuti **Marko Đapić**. Prema **Đapiću**, Slišković je iznio kako je na sigurnom, ima dokumentaciju koja se odnosi na ratna zbivanja i čuva ju ako mu zatreba. Iako je priznao svoje kontakte sa Sliškovićem, **Đapić** je iznio kako mu nije poznato njegovo sadašnje boravište.

Operativnim radom rekonstruirana su kretanja i kontakti pojedinih članova skupine od 1997. g. (tj. otkako se skrivaju) do danas.

Raspoložive spoznaje upućuju na to kako je **Anto Slišković** viđen na zadarskom području, više puta u Posedarju, gdje je i legitimiran 25.11.1998.g. u društvu s **Tomislavom Vlajićem** (što je posljednji put da je nedvojbeno utvrđeno kako se koristio dokumentima na svoje pravo ime), na istarskom području (Umag, Novigrad, granični pojas sa Slovenijom), kao i u Zagrebu, gdje je zabilježeno kako je više puta boravio u zgradi Ministarstva obrane RH u Zagrebu, kao i u različitim zavičajnim klubovima i ugostiteljskim objektima u kojima se kreću osobe iz srednje Bosne.

02816450

Zabilježeno je kako je tijekom ožujka 1998.g., Slišković boravio na području Primoštena, kada je tadašnji načelnik primoštenske općine Josip Perković od djelatnika tamošnje policije zahtijevao da boravak njega i još dvije osobe (Ivica Krišto i Miroslav Petković, obojica s područja Busovače, gdje i sada prebivaju) ostane tajna, jer se radi o "važnim osobama koje će kao svjedoci ići u Haag". Nakon intervencije policijske ophodnje, Slišković je pozvao tadašnjeg donaćelnika Odsjeka SIS-a MORH-a u Šibeniku Mladena Crljena, koji je naveo kako su zatečene osobe pod "isključivom nadležnošću SIS-a MORH-a" (provjera spomenutog podatka zatražena je 07.06.2000.g. od Sektora za obavještajno-sigurnosne poslove MORH-a).

Prema iskazima više osoba, krajem 1999.g., Slišković je kupio obiteljsku kuću negdje na zagrebačkom području. Nakon toga, s prijateljima je to proslavio u ugostiteljskom objektu "Gabrek" u Samoboru, pri čemu su nazočni bili i ... SIS-a MORH-a zaduženi za njegovo prikrivanje. Navodno je novac za kupnju Sliškoviću osigurao njegov i Ljubičićev pokrovitelj iz ratnih dana Valentin Ćorić, kojemu se Slišković potužio kako je saznao da je kuća prethodno kupljena Pašku Ljubičiću, a njemu ne. Postoji mogućnost da je transakcija izvedena preko Agencije za prodaju nekretnina, tj. da je kupoprodaja obavljena u nekome od svojedobno okupiranih dijelova RH (Knin, Petrinja, Vukovar i sl.).

Prema vlastitim iskazima, djelatnici SIS-a ... kontaktirali su sa Sliškovićem povremeno od 1996. do početka 2000.g., isprva "službeno" (dok je Slišković bio zadužen za "koordinaciju" pripreme potencijalnih haških svjedoka), a potom i kad je prešao "u ilegalu". Do 1999.g. kontakti su se održavali u MORH-u, nakon toga u ugostiteljskim objektima ("Gabrek" u Samoboru, konoba "Dida" u Petrovoj ulici u Zagrebu itd.). Slišković je kontaktirao i s djelatnicima SIS-a u Splitu ... radi pružanja "tehničke pomoći" odvjetničkim timovima pri pripremi svjedoka za suđenje u Haagu. Kretao se u tamnoplavom VW Passatu BiH registrarskih oznaka ... je iznio kako se sa Sliškovićem posljednji puta telefonski čuo u svibnju 1999.g.

Raspoložive spoznaje upućuju na to da je Vlado Ćosić od početka 1994. do kraja 1998. živio u turističkom naselju Maređa kod Novigrada (prijavljen je bio na području

02816451

Umaga), gdje je u iznajmljenom lokalu posjedovao manju trgovinu prehrambenih proizvoda i caffè bar. Nakon toga, bavio se uvozom polovnih automobila iz zapadnih zemalja, prebacujući ih preko RH u BiH. Glede sumnje da je pri tome prekršio zakon, od strane III. Policijske postaje u Bujama pokrenuta je kriminalistička obrada i podnijeta kaznena prijava općinskom sudu u Bujama, a početkom 2000. g. za njim je raspisana potraga. Nije nam poznato trenutno boravište Čosića. Njegova obitelj (supruga) trenutno boravi u Busovači.

Glede ostalih članova skupine, valja navesti kako, osim podatka o navodnoj kupnji kuće od strane Valentina Čorića za Paška Ljubičića, ne postoji izravni podatak koji bi ukazivao na to kako je potonji viđen od početka 1999.g. do danas na području RH. Provjerom se pokazalo kako nije točna indicija da je tijekom 90-tih godina pohađao Višu pomorsku školu ili fakultet u Rijeci. Posljednji potvrđeni podatak o njegovom boravku na području RH s vlastitim dokumentima potječe od dne 13.01.1997.g., kada je legitimiran na graničnom prijelazu u Jurovskom Brodu, u vozilu nekadašnjih herceg-bosanskih reg. oznaka.

Prema navodima Tomislav Vlajić je do 1999.g. često dolazio u Upravu SIS-a u Zagrebu, gdje mu je supruga u više navrata bolnički liječena. Nemamo podataka o njegovom kretanju tijekom 2000. g.

Ranije spomenuti Miroslav Bralo – Cicko, tijekom 1997. ili 1998.g. navodno je bio smješten u hotelu "Čitluk" u Čitluku pod zaštitom Ivica Primorčca. Zabilježeno je kako je tih godina povremeno boravio kod roditelja, koji prebivaju u Kninu. Nakon toga, vraćao se u Vitez, ali kao što je spomenuto, podaci ukazuju na to da je boravio na zadarskom području do travnja 2000.g. Prema navodima izvora, Bralo je pri boravcima u BiH u više navrata sam odlazio kod pripadnika SFOR-a i u alkoholiziranom stanju se "prijavljivao" radi sudjelovanja u zločinu u Ahmićima. Također, kontaktirao je i s predstavnikom haškog suda u Sarajevu Frankom Duttonom, prijeteci uz to kako će "sve reći tko je što radio za vrijeme zločina u Ahmićima". Ove godine, međutim, nije zabilježen njegov boravak na području RH pod pravim dokumentima, niti ima spoznaja da je u Kninu boravio tajno.

02816452

Također prema izjavi I [redacted] sve do sredine travnja 2000.g., u Karinu je zajedno s Bralom boravio i Ivica Antolović "Sjano", prema raspoloživim spoznajama također jedan od počinitelja zločina u Ahmićima.

Raspoložive spoznaje upućuju na to kako su pripadnici skupine bili financirani iz više izvora. Prema navodima odvjetnika T. Blaškića Ante Nobila, njihovo financiranje je organizirao Ivan Lalić, kojemu je izravno nadređen bio Ivica Primorac, svojedobno šef Službe nacionalne sigurnosti HZ Herceg-Bosne. Novac za osobe u bijegu bio bi doznačen preko poduzeća "Monitor", koje je kontrolirao Ljubo Česić Rojs. Preko Lalića je Nobile, navodno, organizirao i sastanke s osumnjičenim osobama u vrijeme dok su one bile u bijegu.

Vrlo je vjerojatno, međutim, da je financiranje skupine vršeno i od strane bivših dužnosnika "Herceg-Bosne", a sada hrvatske komponente Federacije BiH, prvenstveno spomenutog Valentina Čorića. Pri tome valja obratiti pažnju na to da je Čorić tijekom akcije u Ahmićima bio neposredno nadređen P. Ljubiću, a da Čorićeva uloga u organizaciji akcije (a eventualno i planiranju zločina) još nije rasvijetljena.

4. PITANJE KRIVOTVORENIH DOKUMENATA I PROBLEMA S IDENTIFIKACIJOM OSUMNJIČENIH OSOBA

U hrvatskom se tisku tijekom svibnja i lipnja 2000.g. pojavilo više članaka u kojima se navodilo kako su osobama uključenima u zločin u Ahmićima od strane SZUP-a izdani osobni dokumenti s lažnim identifikacijskim podacima. Ravnatelj SZUP-a naložio je 28. ožujka o.g. da se ispita da li je SZUP izradio krivotvorene dokumente navedenim osobama; koliko i kojih krivotvorenih dokumenata je izrađeno, kojim su ustanovama izvan MUP-a dostavljane i u kojem broju.

Evidencija o izradi krivotvorenih dokumenata u SZUP-u vodi se od 07. rujna 1992. g. Osim za potrebe SZUP-a odnosno MUP-a RH dokumenti su izrađivani i za potrebe drugih službi i ustanova, tako da je za HIS izrađeno 4 osobne iskaznice, 18 putovnica

02816453

i 7 vozačkih dozvola. Za SIS MORH-a izrađene su 3 osobne iskaznice, 5 putovnica (još 4 putovnice izrađene su za MORH) i 7 vozačkih dozvola. Pored navedenog izrađeno je ukupno 8 domovnica i 9 putovnica bivše SFRJ (crvene). Iz raspoložive dokumentacije vidljivo je da je SIS-u MORH-a u listopadu 1992. godine isporučeno 50 komada bjanko obrazaca (knjižica) putovnica RH, ali iz dokumentacije nije vidljiva njihova konkretna namjena. Također nam je poznato da su u HIS-u, tijekom 1997. i 1998. g. vršene pripreme za samostalnu izradu krivotvorenih dokumenata RH.

U razdoblju 1995. g. do 1999. g. u SZUP-u izrađen je i manji broj dokumenata za potrebe SNS HR HB, ali nije bilo osobnih dokumenata, nego isključivo prometnih dozvola, zelenih kartona i registarskih pločica za vozila. Prema raspoloživim saznanjima, krivotvorene dokumente su izrađivali ili su vršili pripreme za izradu i pripadnici SNS-a u Mostaru (I. Primorac i I. Lučić), što otvara mogućnost da su pripadnici grupe ondje s njima i opskrbljeni.

Prema izjavi [redacted], djelatnika SIS-a iz Splita, akcijom pružanja lažnih identiteta i dokumenta tijekom 1995. i 1996. rukovodio je Ante Slišković.

Temeljem spoznaje da osobe osumnjičene za izvršenje zločina raspolazu dokumentima s lažnim identifikacijskim podacima, kao i indicija da su im izdati dokumenti na ime Ivan Tomas i Ivan Brđanović, izvršeno je provjeravanje kod više izvora. Temeljem izvršene analize dokumenata, usporedbe raspoloživih fotografija, kontaktiranja izvora i sl., prosuđujemo da se krivotvorenim dokumentima na ime Ivan Tomas doista koristi (ili se koristio) Ljubičić. Glede izvora koji su se izjasnili drugačije, prosuđujemo da se radi o grešci, ili o prikrivanju istih iz solidarnosti s njima, ili strahu za osobnu sigurnost.

Što se tiče dokumenata, izdanih na ime Ivan Brđanović, prosuđujemo da se radi o dokumentima izdanim za Ivana Andabaka, generala HVO-a i pomoćnika i osobe od najvećeg povjerenja Mladena Naletilića. Tute, svojedobno zapovjednika tzv. Kažnjeničke bojne, sada optuženika u Haagu.

02816454

Također, valja napomenuti kako je u tijeku provjera navoda Ante Nobila kako A. Slišković raspolaže s dokumentima izdanima na ime Ivica Tomas.

Prosudujemo realnom mogućnost kako je članovima skupine izdano više dokumenata (trenutno nije poznato na koja imena) kojima se koriste ovisno o potrebi. Realno je za pretpostaviti, također, da svoje lažne identitete kriju i od svojih prijateljskih veza i kontakata, no vjerojatno je da su neki od njih (prvenstveno djelatnici SIS-a, HIS-a i SNS-a s kojima su ranije surađivali i/ili koji su bili uključeni u njihovo prikrivanje) upoznati s njima.

5. ZBIRNI PRIKAZ SVIH PRIMJENJENIH RADNJI (SZUP I SKP OD 27.03.2000.G.)

SZUP i Sektor kriminalističke policije MUP-a su, samostalno i u međusobnoj suradnji, u cilju utvrđivanja relevantnih spoznaja o zločinu u Ahmićima, njegovim okolnostima, sudionicima i prikrivačima, u skladu sa zakonom, u okviru operativne i kriminalističke obrade poduzeli sljedeće:

- kontaktima s operativnim izvorima, utvrđen je krug osoba za koje postoji utemeljena sumnja kako su bile neposredni izvršitelji i koordinatori zločina (Miroslav Bralo, Ivica Antolović, Paško Ljubičić, Ante Slišković, Tomislav Vlajić, Vlado Čosić), organizatori i nalogodavci zločina u Ahmićima (Ignac Koštroman, Dario Kordić, vjerojatno i Valentin Čorić i drugi članovi političkog vrha "Herceg-Bosne"); odnosno, osoba za koje postoje indicije kako su upoznate s njegovim okolnostima, izvršiteljima, organizatorima i nalogodavcima (Ivo Lučić, Ivan Bandić, Ivica Primorac, Miroslav Tuđman itd.); kao i krug osoba za koje postoje indicije kako su sudjelovale u prikrivanju zločina i njegovih izvršitelja (Markica Rebić, Stipan Udiljak, Marin Ivanović, Ivan Lalić itd.) ili bi mogli znati gdje se počinitelji nalaze (
- SZUP je inicirao održavanje sastanka Koordinacijskog odbora obavještajne zajednice, na kojem je, dne 23.05.2000.g., dogovoreno kako će se provesti krim. obrada nad svim sudionicima zločina i onima koji su sudjelovali u njegovom

02816455

prikrivanju; formirati stručna radna skupina koja će se baviti navedenim problemom, a čiju će koordinaciju vršiti Sektor krim. policije MUP-a, kojem će ostale službe, u skladu s djelokrugom svojeg rada, dostavljati sve raspoložive podatke u vezi slučaja Ahmići. Na drugom sastanku, održanom dne 31.05.2000.g., zaključeno je kako sve službe trebaju intenzivirati svoje aktivnosti; te kako prema osobama uključenima u slučaj treba primijeniti ofenzivniji pristup, prvenstveno putem obavljanja obavijesnih razgovora, u skladu s čime su HIS i SIS trebali obaviti obavijesne razgovore sa svojim djelatnicima uključenima u slučaj, a SZUP s ostalim, civilnim osobama;

- u skladu s navedenim zaključcima KOOZ-a, djelatnici SZUP-a i SKP-a, zajedno s predstavnicima Hrvatske izvještajne službe i Ministarstva obrane RH, sudjeluju u radu Radne grupe čija je osnovna zadaća koordinirati sve aktivnosti na ovome slučaju i prikupiti dokumentaciju koja se može iskoristiti za eventualno pokretanje kaznenog postupka protiv odgovornih. Rezultati analize Sektora krim. policije MUP-a, međutim, ukazuju na to kako dosad nisu prikupljene spoznaje, dokumente ili materijalni ili drugi podaci koji bi mogli pridonijeti krim. obradi, odnosno, da bi se neki materijal ili spoznaja mogli pretočiti u osnove sumnje da je kazneno djelo počinjeno i daje određena osoba počinila ili sudjelovala u počinjenju zločina u Ahmićima, ili da je počinila neko drugo kazneno djelo u vezi zločina, npr. davanje lažnog identiteta, prikrivanja počinitelja itd.;
- Temeljem zaključaka KOOZ-a, djelatnici SZUP-a i SKP-a obavili su obavijesne razgovore s Ignacom Koštromanom, Žarkom Šokčićem, odvjetnikom Antom Nobilom, Marinkom Žilićem i dr. koji su suradnji sa Upravom SIS-a, i s... a temeljem dozvole Ravnatelja HIS-a, s djelatnicima HIS-a... (ukupno 11 obavijesnih razgovora, do sada). Također, obavljena je i analiza razgovora koje su djelatnici MORH-a obavili sa... djelatnicima SIS-a (izvjesno vrijeme i HIS-a) koji su sudjelovali u prikrivanju osoba osumnjičenih za vršenje ratnog zločina u Ahmićima. Spomenuti su razgovori rezultirali dobivanjem korisnih spoznaja o zločinu, njegovim okolnostima i osobama koje su u njemu sudjelovale, no ne i do podataka koji bi se mogli koristiti u eventualnom kaznenom postupku. Za istaknuti je pokušaj obavljanja obavijesnih razgovora sa časnicima MORH-a...

02816456

u organizaciji Uprave SIS-a i uz naše sudjelovanje, do kojeg nije došlo jer su spomenuti časnici odbili razgovor;

- izvršen je uvid kroz AOP MUP-a u svezi utvrđivanja mjesta boravka osumnjičenih osoba, temeljem prikupljenih saznanja, i kroz koji je utvrđeno da je mjesto boravka na području RH imao samo V. Čosić, dok P. Ljubičić, A. Slišković i T. Vlajić prijavljeno prebivalište imaju u Busovači, BiH;
- operativnim radom prikupljene su spoznaje o mogućim mjestima boravka – tj. skrovištima osumnjičenih osoba. Mjesta i lokacija na kojima bi se takve osobe mogle nalaziti, konstantno se opserviraju. Također, temeljem dostupnih podataka, izvršena je djelomična rekonstrukcija njihovog kretanja od 1997.g. do danas. Između ostalog, provjereni su ili su u tijeku provjeravanja podaci o njihovim boravcima na području Zagreba, Knina, Primoštena, Umaga, Karina, Maslenice, itd.;
- prikupljene su i spoznaje o osobama koje su o njihovim skrovištima bile ili jesu upoznate, odnosno, koje su s njima izravno ili telefonski kontaktirale od 1997.g. do danas. S jednom od takvih osoba, Žarkom Šokčićem, dne 04. kolovoza je, nakon primjene odgovarajućih metoda i sredstava, obavljen obavijesni razgovor;
- u tijeku su pripreme za razgovore s više drugih osoba koje bi s takvim spoznajama mogle raspolagati (Vendo Bošnjak, Marko Pranjić, Željko Idžan itd.);
- izvršena je analiza koja je trebala utvrditi kriju li se pod krivotvorenim dokumentima izrađenim na imena Ivan Tomas i Ivan Brđanović V. Čosić, P. Ljubičić i A. Slišković. Iako nepobitni rezultati nisu dobijeni, s velikom se vjerojatnošću može zaključiti da se pod dokumentima izrađenima na ime I. Tomas krije (ili se krije) Paško Ljubičić, a da one izdane na ime Ivan Brđanović, koristi Ivan Andabak, svojedobno pomoćnik Mladena Naletilića Tute, haaškog optuženika;
- posredstvom Ministarstva vanjskih poslova 07. lipnja je zatraženo dostavljanje fotografija A. Sliškovića i Tomislava Vlajića, kojima su putne isprave izdane u Generalnom konzulatu RH u Mostaru. Odgovor još nije zaprimljen;
- Ministarstvu obrane je upućeno više zahtjeva za dostavljanje spoznaja o pojedinim osobama, djelatnim ili umirovljenim pripadnicima MORH-a odnosno HV-a, za koje postoje indicije kako raspolažu sa spoznajama o zločinu u Ahmićima (budući da su u to vrijeme bili pripadnici HVO-a ili MUP-a HR HB), odnosno, da su bile uključene u prikrivanje osoba osumnjičenih za zločin;

02816457

- ustanovljeno je kako na zadarskom području boravi , bivši djelatnik koji je 1997.g. napustio i od tada boravi u RH. e u RH prebačen po nalogu SIS-a, čemu je SZUP pružio logističku potporu. su poznate okolnosti i počinitelji zločina u Ahmićima, s čime je tijekom procesa generalu Blaškiću izvješćen i Blaškićev odvjetnik Anto Nobile, koji je nakon kontakta s njime odustao od zamisli da se kao zaštićeni svjedok obrane uputi u Haag. Sažetak aktivnosti vezanih za ulogu SZUP-a u dovođenju u RH dostavljen je 01.06.2000.g. MORH-u;
- putem Interpola za BiH u Sarajevu zatražena je dostava saznanja i dokumentacije o zločinu u Ahmićima, na što je zaprimljen odgovor da je sudski spis predan Tužiteljstvu MKS-a;
- Uredu za suradnju s Međunarodnim kaznenim sudom je dostavljen zahtjev za uvid u dokumentaciju koja se eventualno nalazi pri Haaškom tribunalu o zločinu u Ahmićima, te zaprimljen odgovor o načelnoj spremnosti Tužiteljstva MKS-a da se omogući takav uvid;
- ustanovljeno kako pojedini dužnosnici hrvatske komponente kontaktiraju s osobama za koje postoje optužnice, poput Ante Jelavića koji je na nedavnom sastanku u Mostaru takvim osobama ponudio pravnu pomoć, pozivajući ih da se stave na raspolaganje pravosudnim tijelima FBiH. Također, prikupljene su i indicije koje upućuju na to kako su takvi dužnosnici (poput Valentina Čosića), sudjelovali u financiranju prikrivanja osumnjičenih osoba;
- radi eventualnog obavljanja obavijesnog razgovora, u tijeku je provjera statusa (radi li se o vojnoj ili civilnoj osobi) za Željka Stipića, svojedobno pomoćnika zapovjednika za SIS-66. pukovnije HV-a koji prebiva u Starigradu, a za kojeg postoje indicije kako je za osumnjičene kazao da su "tu negdje" i "mirno žive";
- izvršena je analiza dokumenta HIS-a Masakr u Ahmićima, koji je HIS, s još osam dokumenata (što je tek manji dio materijala s kojma bi HIS trebao raspolagati), dostavio temeljem našeg zahtjeva;
- o svim dobivenim spoznajama, sastavljene su dvije detaljne analize. Prva, sastavljena od strane SKP-a, koja iznosi sažetak rezultata dobivenih krim.obradom slučaja, kronologiju poduzetih mjera, ocjenu trenutnog stanja, i prijedlog daljnjih aktivnosti, upućena je Uredu za nacionalnu sigurnost, Hrvatskoj izvještajnoj službi i Ministarstvu obrane. Druga, sastavljena od strane SZUP-a, koja je donijela sažetak poduzetih mjera, prikupljenih spoznaja i prosudbu u

02816458

okviru operativne obrade, upućena je Predsjedniku RH, Predsjedniku i Zamjeniku Predsjednika Vlade RH, Ministru pravosuđa i Predstojniku Ureda za suradnju s Međunarodnim sudom u Haagu;

- u aktivnostima vezanim za slučaj Ahmići (a posebno u traganju za osumnjičenim osobama) sudjelovale su sve policijske uprave MUP-a RH i centri SZUP-a;
- osim navedenog, pripadnici MUP-a poduzimali su niz drugih mjera i radnji, radi dobivanja spoznaja potrebitih za daljnje vođenje operativne i kriminalističke obrade, pri čemu su surađivali i s drugim državnim institucijama;
- sva dobivena saznanja kontinuirano se analiziraju i prosuđuju kako bi se utvrdio daljnji pravac rada na ovome slučaju.

Ipak, kao što je već navedeno, primijenjenim aktivnostima nisu pribavljene pravno relevantne činjenice i odgovarajuća sudska dokumentacija koji bi se mogli iskoristiti za podnošenje kaznene prijave protiv osoba odgovornih za zločin u Ahmićima i njegovo prikrivanje. Stoga treba naglasiti i nužnost pribavljanja odgovarajuće dokumentacije kojom raspolaže Međunarodni kazneni sud u Haagu.

Napominjemo da, neovisno o zaključcima zajedničkih sastanaka i radnih dogovora, od HIS-a i SIS-a MORH-a nije dobivena analiza njihovih dosadašnjih spoznaja (dok su bili nadležni za slučaj); nije dobiven sažetak spoznaja o izvršenom zločinu (kao temelj za donošenje plana daljnjeg taktičkog i drugog postupanja); te nije dobivena sistematizacija dokumenata u svezi zločina, a kojih su u posjedu. Također, MUP-u suprotno prethodnim zaključcima nije dostavljena dokumentacija (osim spomenutih devet dokumenata) HIS-a i SIS-a vezana za zločin, što je, s već ranije navedenim, od bitnog značaja za provođenje kvalitetne kriminalističke obrade i kaznenog procesuiranja počinitelja.

6. PRIJEDLOG BITNIH PRAVACA DALJNJEG POSTUPANJA HRVATSKIH DRŽAVNIH TIJELA

Prosuđujemo kako bi se u daljnjem radu sva tijela zadužena za "slučaj Ahmići" trebala koncentrirati na sljedećem:

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1. utvrđivanje svih spornih odnosno nerazjašnjenih okolnosti zločina, tj.:
 - a) pribavljanje rezultata očevida, krim. vještačenja i druge dokumentacije, kojima raspolažu Međunarodni kazneni sud u Haagu i Interpol;
 - b) detaljno utvrđivanje vojnih formacija koje su djelovale na tome području; njihovih stvarnih zapovjednika; osoba koje su koordinirale akciju i na terenu usmjeravale postrojbe, naređivale ili tolerirale vršenje ratnih zločina;
 - c) detaljno utvrđivanje svih okolnosti vezanih za sastanak odnosno sastanke (ako su doista postojala dva sastanka, tj. striktno vojni i onaj organiziran po tzv. političkoj liniji), održanih uoči akcije. Posebno istražiti okolnosti, sudionike i stavove s drugog sastanka, na kojem je, prema raspoloživim spoznajama, donijeta odluka da se izvrši zločin;
 - d) prikupljanje podataka o mogućem postojanju "dviju vlasti" na tom području, odnosno dvije linije zapovijedanja od kojih je, navodno, jedna (tj. "politička") imala prevlast i mogla presudno djelovati na vođenje ratnih operacija, pa tako i akcije u Ahmićima i onoga što je za vrijeme i nakon nje uslijedilo.
2. utvrđivanje svih osoba koje su isprva nastojale prikriti sam zločin, potom i njegove počinitelje; kao i osoba, koje su zapovijedile, organizirale i/ili financirale prikrivanje počinitelja, kako iz redova vlasti RH i "Herceg-Bosne", tako i njihovih sigurnosno-obavještajnih aparata;
 - a) u sklopu toga, uz prethodnu pripremu i uz sudjelovanje djelatnika MUP-a, žurno obavljanje detaljnih obavijesnih razgovora s osobama (prvenstveno sa S. Udiljakom i M. Ivanovićem, djelatnicima SIS-a neposredno zaduženima od 1996. do 2000. god. za prikrivanje osumnjičenih) za koje je utvrđeno kako su u takvim radnjama sudjelovale;
 - b) iz istoga razloga, obavljanje obavijesnih razgovora s u to vrijeme vodećim osobama obavještajne zajednice RH (Ivan Brzović, Miroslav Tuđman, Markica Rebić, Ante Gugić, Žarko Peša, Vlado Galić itd.);
3. intenziviranje aktivnosti na utvrđivanju skrovišta osoba osumnjičenih za vršenje zločina, te, u sklopu toga:
 - a) žurno obavljanje obavijesnih razgovora sa svim osobama za koje postoje indicije, kako su im poznata skrovišta osumnjičenih osoba, odnosno,

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upućivanje zahtjeva MORH-u da to učini s osobama u njegovom djelatnom sastavu;

- b) analiza svih raspoloživih spoznaja, dokumenata i izjava koje bi pronalasku osumnjičenih na bilo koji način mogle pripomoći (analiza kontakata, komunikacija i kretanja njihovih prijateljskih veza i mogućih prikrivatelja, opservacija ugostiteljskih objekata, zavičajnih klubova i drugih lokacija na kojima su već viđeni ili gdje bi mogli biti viđeni, kao i kuća i mjesta u kojima su se ranije krili itd.

4. utvrđivanje utjecaja "taktike" odvjetnika, "koordinatora" svjedoka i drugih predstavnika haških optuženika na moguće usmjeravanje istrage u krivom pravcu odnosno moguće prikrivanje pravih počinitelja zločina radi osobnih interesa, interesa svojih klijenata ili radi zaštite njihovih pokrovitelja iz političkih i vojnih krugova RH i nekadašnje "Herceg-Bosne";
5. utvrđivanje – u okviru objektivnih mogućnosti – okolnosti pod kojima su u travnju ove godine u medijima objavljeni tekstovi o skrivanju osumnjičenih i krim. obradi što se nad njima vodi, što je, budući da su oni odmah napustili svoja dotadašnja skrovišta, de facto onemogućilo njihovo lociranje i eventualno privođenje odnosno kazneno procesuiranje;
6. intenziviranje kontakata s HIS-om i MORH-a, te požurivanje odgovora na već upućene zahtjeve kojima se traži dostava spoznaja i dokumenata bitnih za daljnju krim. obradu i eventualno procesuiranje;
7. selektiranje osoba koje bi mogle poslužiti kao svjedoci u kaznenom postupku koji bi se, eventualno, mogao voditi protiv organizatora i prikrivatelja zločina. Prosudujemo kako bi se dio krim. obradom dosad obuhvaćenih osoba mogao uz odgovarajuće uvjete u takvome slučaju privoliti na suradnju sa sudskim tijelima.

The Prosecutor v. Tihomir Blaškić

PUBLIC REDACTED VERSION

REQUEST FOR REVIEW OR RECONSIDERATION

ANNEX 9

ANNEX 9

ANNEX 9

ANNEX 9

ANNEX 9

ANNEX 9

ANNEX 9

ANNEX 9

ANNEX 9

Exhibit # BR9 (a)

CROATIAN REPUBLIC OF HERCEG-BOSNA
CROATIAN DEFENCE COUNCILDEFENCE
MILITARY SECRET
STRICTLY CONFIDENTIALCENTRAL BOSNIA OZ /Operations zone/ COMMAND
VITEZ IZM /Forward Command Post/

NUMBER: 01-9-112/93

Date: 6 September 1993

Time: 1630 hours

"RADAR"

Combat Order
Operational no. 59

- Vitez Brigade Commander

- Commanders of independent units:
PPN /Special Purpose Unit/ *Vitezovi*
/Knights/, Assault Battalion, *Tvrkovci*,
MTD /Motorised Tank Division/ 4th
LARD /Light Artillery and Rocket
Battalion/ PZO /Anti-Aircraft Defence/

Section: 1:25,000

sheet Zenica 4-1

1978 edition

Deliver by courier by 1800 hours
on 76 September/ 1993

1. THE ENEMY

In the 1st OG /Operations Group/ area the enemy are regrouping their forces along with intensive DTG /Sabotage and Terrorist Group/ activity against our forces' positions, and conducting intensive preparations to undertake powerful offensive operations with the basic aim of cutting off the territory of the Lašva valley, capturing the SPS /*Slobodan Princip Seljo*/ works and establishing control over them, and completely overrun these areas.

MOS /Muslim Armed Forces/ in the Grbavica sector have organised a circular defence with forces of the strength of a reinforced company (about 150 soldiers). These units include soldiers who fled from Donja Večeriska and Vitez.

According to information collected the enemy has organised and firmly established an observation post with six to eight soldiers on the top of Grbavica hill, at trig point/ 523, and a dugout has been constructed above Marijanovića Kuće on the edge of the woods.

A PM /submachine gun/-84 was observed firing from the trench by Ekrem VARUPA's house, providing fire-cover for Petrovića Kuća and Badrovove Kuće. There is sniper fire from the observation post above the *Vlašić* PD /collective farm/. There is a 60 mm mortar emplacement about 30 m behind the holiday homes. Shifts are relieved at about 0530 hours, and move along the axis from Ponjave towards Bukovina over /?Tarabina Gaj/ towards tt 523 on Grbavica.

So far the enemy has had no problems with foodstuffs and MTS /materiel and technical equipment/. Provisioning is carried out by night using the Ponjave – Putkovići – Bukve road.

They have the possibility of bringing up reinforcements and fresh forces from Bukve village, and fire support will also be offered from there.

2. OUR FORCES

The 2nd Battalion of the Vitez Brigade, reinforced by two platoons from the strength of the Assault Battalion (60 soldiers), a platoon from the *Vitezovi* PPN (30 soldiers), the *Tvrkovci* unit (30 soldiers), the MTD, the 2nd PVO Battery from the 4th LARD with three (3) pieces, /and/ a fire group for support to the 2nd Battalion, is tasked with conducting attacking combat operations from the circular base-line Zabilje – Grablje – Bazen – *Bosna* GP /Construction Enterprise/ - Divjak – Kremenik – Topalovića Kuće, capturing the settlement on the southern slopes of Grbavica and Divjak and preventing an enemy breakthrough on the line Bukve – Ponjave – Grbavica – Divjak – SPS – Stari Vitez and the line Sadovača – Ponjave – Grbavica – Petrovića Kuće – SPS.

On completion of the task establish and consolidate a new line at the achieved positions.

AXES OF OPERATION:

Axis 1: Kremenik – Djekića Kuća – Grbavica

Axis 2: Mali Mošunj – *Bosna* GP – Grbavica

Support: MTD, three PZT /anti-aircraft cannon/ pieces and brigade fire group.

3. NEIGHBOURS

To our left are forces of the 2nd Company, 2nd Battalion, and to our right the 1st Company, 2nd Battalion is conducting defence.

4. I HAVE DECIDED:

Mount attack operations with the main forces on the axis Kremenik – Djekića Kuće – Grbavica, and with auxiliary forces on the axis Mali Mošunj – *Bosna* GP – Grbavica, with the goal of breaking up and pushing the enemy forces in the Grbavica sector, capturing the track of the old railway and the settlements on the southern slopes of Grbavica, and then establish and consolidate a new defence line at the achieved positions, and be at readiness there to repel an enemy counterattack from the Bukve – Grbavica and Sadovača – Grbavica axes.

Combat deployment: Assault groups at the line with the reserve, forces for support and for the command post.

Readiness at 1000 hours.

5. Assault Battalion forces (2) platoons and the *Vitezovi* PPN, part of the 3rd Company, 2nd Battalion, Vitez Brigade, one platoon (45 soldiers), attack from the initial position right k /elevation/ 458, left of the track of the old railway, along the axis Kremenik – Djekića Kuće – Grbavica, with the task of breaking up and pushing back the enemy in the Djekića Kuće sector, with the immediate task of capturing the Varupa and Djekića Kuće settlements, and then continuing the attack towards Vis, tt 523, and being prepared to repel a counterattack from the Sadovača direction.

Support: MTD, and the 2nd PZO battery and BRAG /Brigade Artillery Group/ on request.

6. The *Tvrkovci* unit and a platoon of 4th Company 2nd Battalion, attack from the initial position right *Bosna* GP left tyre-repair workshop, on the axis: track of the old railway – *Bosna* GP – *Narcis* restaurant, with the task of breaking up and harassing the enemy forces on the axis of operations and with the primary task of capturing the *Bosna* GP Administration Building, the road junction, and then continuing the attack towards the farm and being ready to repel a counterattack from the Bukve direction. Support: BRAG, MTYD, 2nd PZO Battery.

7. The 1st Company 2nd Battalion of the Vitez Brigade at the current defence lines has the task of opening fire on observed targets in Sadovače and Brdo villages and preventing the introduction of new enemy forces from Sadovače village to the Grbavica feature.

Support: MTD, 2nd PZO battery on request.

8. The 2nd Company 2nd Battalion of the Vitez Brigade at the current defence lines has the task of opening flanking fire on observed targets on the north-western slopes of Grbavica hill and preventing a breach by enemy forces from Sadovače towards Grbavica.

Support: MTD and 2nd PZO battery on request.

9. MTD and BRAG offer support from the weapons redeployment sector with all available weapons on request. In fire preparation for the attack, neutralise enemy targets according to the artillery fire plan the MTD commander has.

10. In fire preparation the PZO 2nd Battalion LARD will fire on observed enemy targets from the north-western slopes of Grbavica hill to the *Vlašić* PD, and will be at constant readiness to supply support on request.

11. Focus POB /anti-armour combat/ on the Han Bila – Bila axis.

12. PZO, conduct operations against targets in air-space with PZO weapons from the PZO 4th LARD 2nd Battery, and 12.7mm sniping rifles. In the units at the defence lines; organise air-space observation and reporting of enemy aircraft flights.

COMBAT OPERATION SUPPORT:

13.1. Morale Support:

13.1.1. The 1st Company 2nd Battalion of the Vitez Brigade at the current defence lines has the task of opening fire on observed targets in Sadovače and Brdo villages and preventing the introduction of new enemy forces from Sadovače village to the Grbavica feature.

13.1.2. The 2nd Company 2nd Battalion of the Vitez Brigade at the current defence lines has the task of opening flanking fire on observed targets on the north-western slopes of Grbavica hill and preventing a breach by enemy forces from Sadovače towards Grbavica.

13.1.3. MTD and BRAG offer support from the weapons redeployment sector with all available weapons on request. In fire preparation for the attack, neutralise enemy targets according to the artillery fire plan the MTD commander has.

Focus on preparing the units to execute their tasks, because the defence of the SPS and Vitez and the Lašva valley area itself depends on them.

13.2. Intelligence Support

Focus on gathering information on enemy movements, in particular using the units in contact for this.

13.3 Security Service:

Focus on security regarding fire from individual emplaced enemy weapons, snipers, DTG and IG /Reconnaissance Groups/, and pay special attention to secrecy of preparations for executing this task.

13.4. Engineering Support:

Focus on securing movement through minefields if it should prove impossible to by-pass them.

13.5 Logistical Support:

Will be provided by the Vitez Brigade during the fighting, and before combat operations commence provide the soldiers with two b/k /combat sets/ of infantry weapons ammunition each. Provide the supporting artillery with two b/k each.

Each soldier is strictly required to carry a field dressing with him.

During contact use dry rations/

Give priority in provisioning to ammunition, secure an ambulance and have it in readiness for the transport of the wounded.

14. Command and Communications

Have the command post according to the decision of the Brigade Commander and commence working at the task at 0900 hours.

Communications readiness at 0800 hours, maintain communications by courier, and signals, until the commencement of operations, and use radio communications during operations.

Signals according to the signals table attached to this order.

Submission of reports on readiness by 1000 hours, and regularly until hours on

Typed in seven copies:

To:

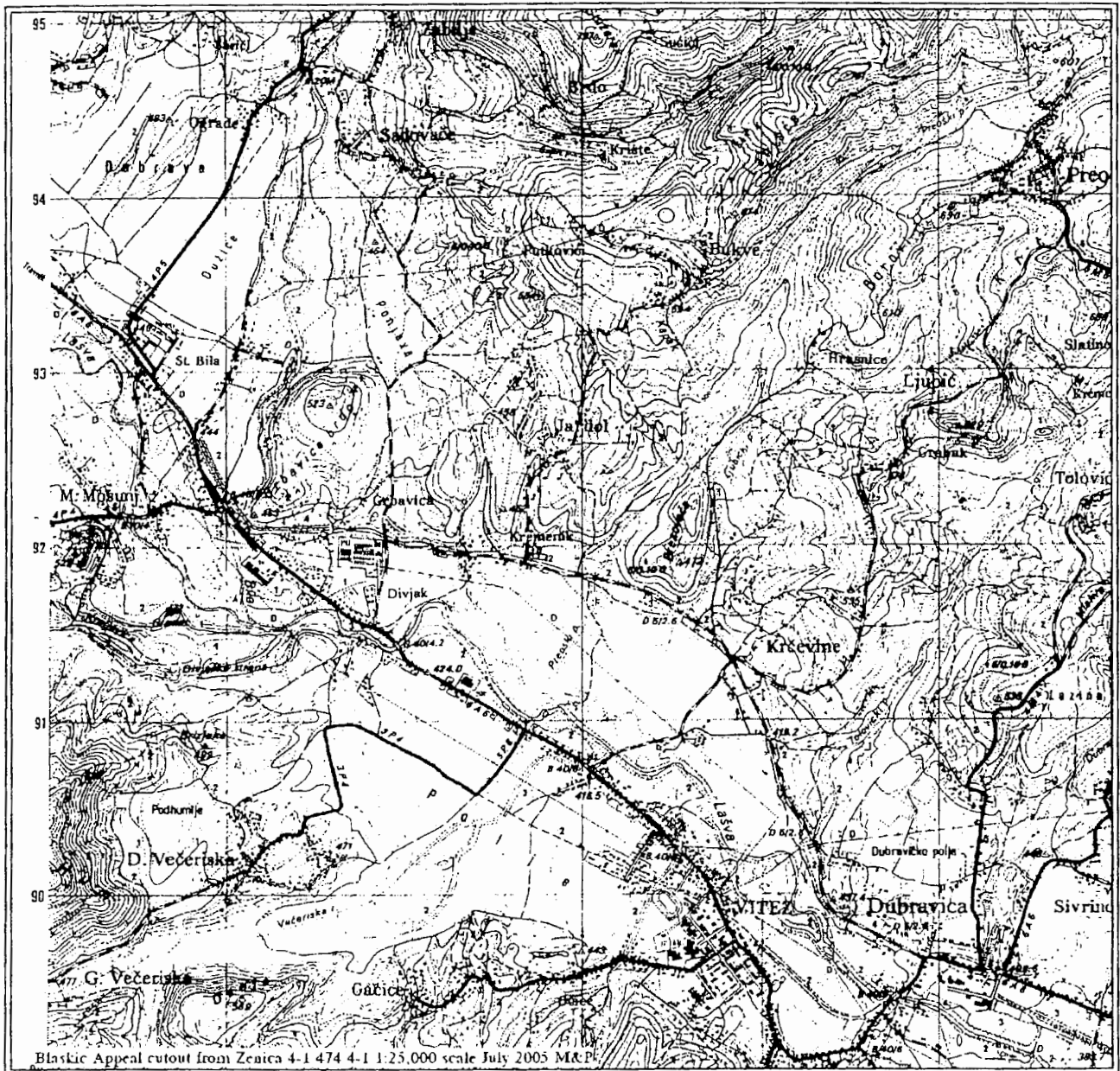
- Units in the heading

- ON /Operations and Training/

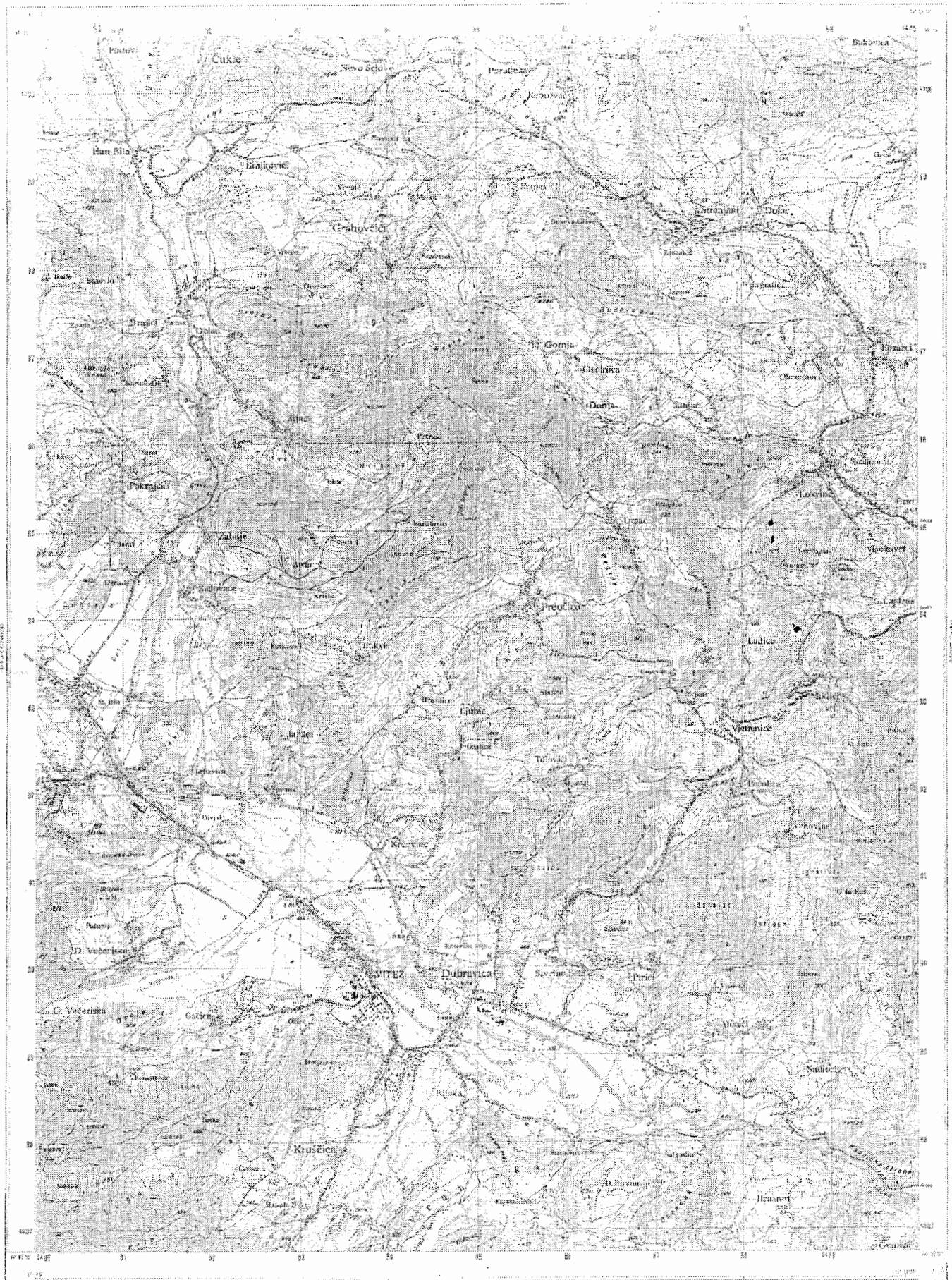
Attachments:

- Attachment 1: Signals table
- Attachment 2: List of code names for participants and features
- Plan of attack operation *RADAR*.

Commander
Colonel
Tihomir BLAŠKIĆ
/signed and stamped/



Topografska karta 1:25 000

Zenica 4-1
VitezVojna Karta
JUGOSLAVIJA

Iskopi i izdaci: Vojnogigijenski zavod
Kopiranje i izdaci: Vojnogigijenski zavod

1:25 000

Škale na karti 250 m a petokrati

1:25 000

1:25 000

1:25 000

Vojnogigijenski zavod

Kopiranje i izdaci: Vojnogigijenski zavod

Kopiranje i izdaci: Vojnogigijenski zavod

Kopiranje i izdaci: Vojnogigijenski zavod

Kopiranje i izdaci: Vojnogigijenski zavod

Exhibit # BR9 (b)

HRVATSKA REPUBLIKA HERCEGOVINA BOSNA
HRVATSKO VIJEĆE OBRANE

OBRANA

VOJNA TAJNA

STROGO POV.

ZAPOVJEDNIŠTVO OZ SREDNJA BOSNA
I Z M V I T E Z

BR03: 01-9- 112 /93
Dana : 06.09.1993. godine
Vrijeme : 16:30 sati

" RADAR "

Borbena zapovijed
operativni br. 59

- Zapovjedniku " Viteške " brigade
- Zapovjednicima samostalnih postrojbi:
PPN "Vitezovi", Jurišna bojna,
"Tvrtkovci", MTD IV LARO PZO

Sekcija : 1:25.000
list Zenica 4-1
izdanje 1978. g.

dostaviti kurirskom do 18 sati
dana 06.09.1993. g.

1. NEPRIJATELJ

Na prostorima I OG neprijatelj vrši pregrupiranje svojih snaga uz intenzivno djelovanje DTG na položaje naših snaga, i intenzivno vrši pripreme za poduzimanje jačih ofanzivnih djelovanja s osnovnim ciljem da ispraejeca teritoriju Lašvanske doline, zauzme i stavi pod kontrolu pogone " SPS ", i u cjelosti ovlada ovim prostorima.

Snage MOS-a u rejonu Grbavica organizirale su kružnu obranu snagama jačine pojačane satnije (oko 150) vojnika. U ove postrojbe uključeni su vojnici koji su izbjegli iz D. Večeriške i Viteza.

Prema prikupljenim podacima neprijatelj je na vrhu brda Grbavica tt 523 uredio i dobro utvrdio osmatračnicu sa (6-8) vojnika, iznad Marijanovića kuća na rubu šume uradjena je zemunica.

Uočeno je da iz rova pored kuće Ekrema Varupe djeluje PM-84 koji vatrom pokriva Petrovića i Badrovove kuće. Snajperom djeluje sa osmatračnice iznad PD "Vlašić". Iza vikendice za oko 30 m. postavljeni su MB 60 mm. Smjene ljudstva vrši ujutru oko 05:30 sati, a kreće se pravcem od Ponjava prema Bukovini preko Terabina gaja prema tt 523 na Grbavicu.

Do sada neprijatelj nije imao nikakvih problema sa ishranom i MTS. Opskrbljavanje vrši noću koristeći put Ponjava - Putkovići-Bukve.

Ovim putem ima mogućnosti da dovodi pojačanje i svježe snage iz s. Bukve, odakle će mu biti pružena i vatrena podrška.

2. NAŠE SNAGE

Druga bojna "Viteška" brigade pojačana sa dva voda iz sastava Jurišne bojne (60) vojnika, vodom iz PPN "Vitezovi" (30) vojnika, postrojbom " Tvrtkovci " (30) vojnika, MTD, II baterija PZO iz sastava 4. LARO-a, sa tri (3) orudja, vatrenom grupom, za podršku II bojne, ima zadaću: da izvodeći napadna borbena djelovanja sa kružne osnove Zabljaje - Grablje - Bažen - GP "Bosna - Divjak - Kremenik - Topalovića kuće, ovladaju naseljem na južnim padinama Grbavice i Divjaka i spriječe prodor neprijatelja pravcem Bukve - Ponjava - Grbavica - Divjak - "SPS" - Stari Vitez i pravcem Sadovače - Ponjava - Grbavica - Petrovića kuće - "SPS".

- 2 -

Po izvršenju zadaće uspostaviti i utvrditi novu crtu na dostignutim položajima .

PRAVCI DJELOVANJA :

Prvi pravac : Kremenik- Djekića kuća - Grbavica

Drugi pravac : Mali Mošunj - GP "Bosna " - Grbavica

Podrška : MTD , tri orudja PZT i brigadna vatrena grupa .

3. SUSJEDI

Lijevo od nas nalaze se snage II satnije II bojne , desno od nas obranu izvodi prva satnija druge bojne .

4. ODLUČIO SAM :

Izvršiti napadno djelovanje glavnim snagama na pravcu Kremenik- Djekića kuće - Grbavica , a pomoćnim snagama na pravcu Mali Mošunj- GP "Bosna " - Grbavica sa ciljem razbiti , potisnuti snage neprijatelja u rejonu Grbavice ovladati trasom Stare pruge i naseljima na južnim padinama Grbavice a zatim uspostaviti i utvrditi novu crtu obrane na dostignutim položajima gdje biti u gotovoosti za odbijanje neprijateljskog protiv napada sa pravca Bukve- Grbavica i Sadovača - Grbavica.

Borbeni raspored : Jurišne grupe u liniji sa rezervom , snage za potporu i zapovjedničkim mjestom.

Gotovost u ----- sati .

5. Snage jurišne bojne (2) voda i PPN "Vitezovi " , dio snaga III satnije druge bojne "Viteške " brigade jedan vod (45) vojnika sa polaznog položaja desno k.458 lijevo trasa Stare pruge napada pravcem Kremenik- Djekića kuće - Grbavica , sa zadatkom razbiti i potisnuti neprijatelja u rejonu Djekića kuće u bližem zadatku ovladati naseljem Varupa i Djekića kuće , a zatim produžiti napad prema Visu tt. 523 i biti spreman za odbijanje protunapada iz pravca Sadovača .

Podrška : MTD, i druga bitnica PZO i BRAG po zahtjevu .

6. Postrojba " Tvrtkovi " i jedan vod IV satnije druge bojne sa polaznog položaja desno GP "Bosna " lijevo Vučkanizerska radnja napada pravcem trasa Stare pruge - GP "Bosna " - Restoran "Narcis" sa zadatkom razbiti i potisnuti snage neprijatelja na pravcu djelovanja i u bližem zadatku ovladati Upravnom zgradom GP "Bosna" raskršnicom puteva , a zatim produžiti napad prema farmi i biti spreman za odbijanje protivnapada iz pravca Bukve .

Podrška : BRAG , MTD , II bitnica PZO.

7. Prva satnija II bojne "Viteške " brigade na sadašnjim crtama obrane ima zadaću da otvara vatru po uočenim ciljevima u selu Sadovače i Brdo i onemogućiti dovodjenje novih snaga neprijatelja iz sela Sadovače do objekta Grbavica.

Podrška : MTD , II bitnica PZO po zahtjevu.

- 3 -

8. Druga satnija II bojne "Viteške" brigade na sadašnjim crtama obrane ima zadaću da ostvari bočno djelovanje po uočenim ciljevima na sjeverozapadnim padinama brda Grbavica i onemogući snagama neprijatelja prodor iz Sadovača prema Grbavici.

Podržava : MTD i II bitnica PZO po zahtjevu.

9. MTD i BRAG iz rejona razmještaja orudja pruža podršku svim raspoloživim orudjima po zahtjevu. U vatrenoj pripremi napada neutralisati neprijateljske ciljeve po planu topničkih vatri koji se nalaze kod zapovjednika MTD.

10. II bitnica LARD-a PZO u vatrenoj pripremi djelovat će po uočenim neprijateljskim ciljevima od sjeverozapadnih padina brda Grbavica do PD "Vlašić" a biti u stalnoj gotovosti za ukazivanje potpore po zahtjevu.

11. Težište POB imati na pravcu Han Bila - Bila.

12. PZO, borbu protiv ciljeva u zračnom prostoru voditi sa orudjima PZO iz II bitnice IV LARD-a i snajperima 12,7 mm. U postrojbama koje se nalaze na crtama obrane organizirati osmatranje zračnog prostora i obavještavanja o naletima neprijateljskih letjelica.

OSIGURANJE BORBENIH DJELOVANJA :

13. 1. Moralno osiguranje

Težište imati na pripremi postrojbi za izvršenje zadatka jer od istih ovisi obrana "SPS" i Viteza a samim tim i prostora Lašvanske doline.

13. 2. Obavještajna služba

Težište dati na prikupljanje podataka o pokretima neprijatelja zašto posebno koristiti postrojbe u dodiru.

13. 3. Sigurnosno osiguranje :

Težište dati na osiguranje o djelovanju pojedinačnih, zasjednih orudja neprijatelja, snajperista, OTG i IG, a posebno posvetiti pažnju tajnosti priprema u izvršenja ove zadaće.

13. 4. Inženjerijsko osiguranje :

Težište imati na osiguranju pokreta kroz minska polja, u slučaju i nemogućnosti zaobilaska.

13. 5. Logističko osiguranje :

U tijeku borbe vršiti će "Viteška" brigada a vojnike prije izvođenja borbenih djelovanja osigurati sa po dva b/k streljiva za pješačko naoružanje. Topništvo za podršku osigurati o2 b/m.

Svaki vojnik obavezno sa sobom mora imati prvi zavoj.

U tijeku borbenih djelovanja koristiti suvi obrok hrane.

Prioritet u opskrbi imati u streljivu, osigurati i imati u pripravnosti sanitetsko vozilo za prijevoz ranjenika.

.....

- 4 -

18. Zapovijedanje i veza

Zapovjedno mjesto imati po odluci zapovjednika brigade a počinje sa radom po zadatku u 09⁰⁰ sati.

Gotovost za vezu u 08⁰⁰ sati, do početka djelovanja vezu održavati kurirom, i signalima a u toku djelovanja koristiti radio veze.

Signali po tablici signala koja je u prilogu ovoj zapovijedi.

Izveštaje dostavljati o gotovosti do 10⁰⁰ sati, a redovito do _____ sati, dana _____.

Tipkano u sedam primjeraka.

Dostavljeno :

- Postrojbama u naslovu
- ONO

Prilozi :

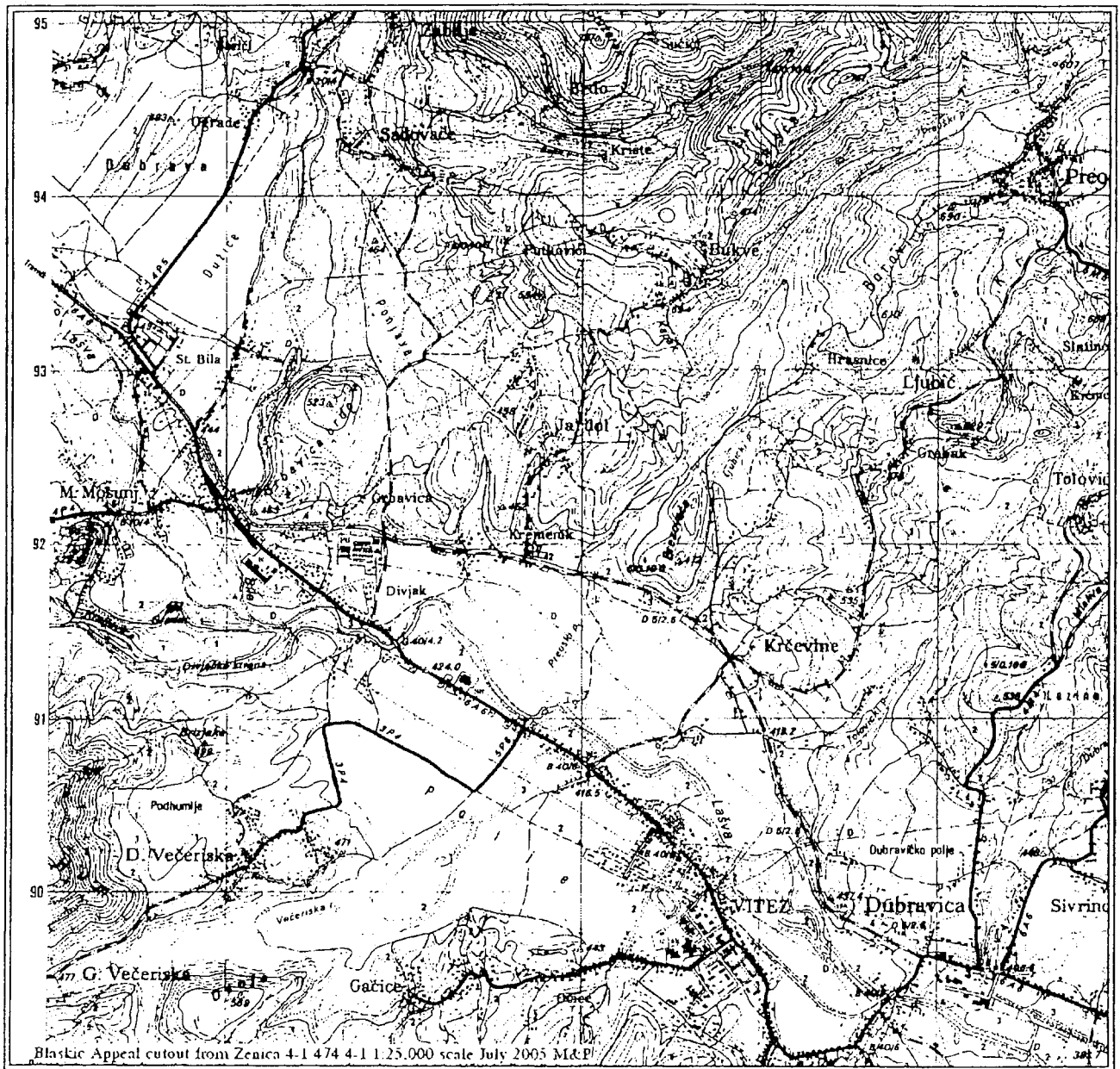
- Tablica signala prilog br. 1.
- Pregled tajnih naziva učesnika i objekata prilog br. 2.
- Plan napadnog djelovanja "RADAR"

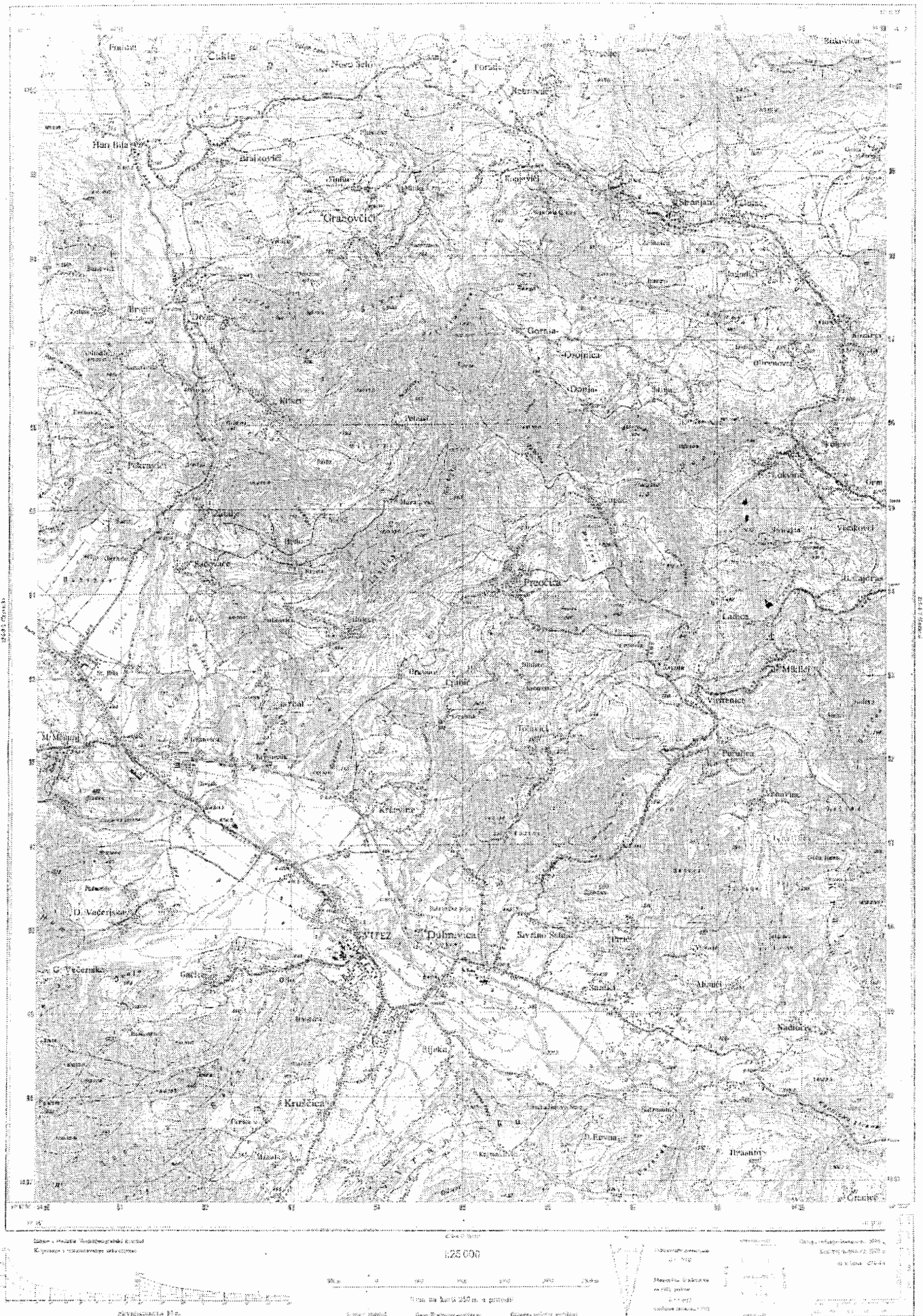


ZAPOVJEDNIK

p. u. k. o v n i k

Tibor Blaškić





The Prosecutor v. Tihomir Blaškić

PUBLIC REDACTED VERSION

REQUEST FOR REVIEW OR RECONSIDERATION

ANNEX 10

Exhibit # BR10 (a)

Rough English Transaltion

REPUBLIC OF BOSNIA AND HERZEGOVINA
 CROATIAN COMMUNITY OF HERCEG-BOSNA
 Coat of arms
 CROATIAN DEFENCE COUNCIL

CROATIAN REPUBLIC OF HERCEG-BOSNA
 RELOCATED OFFICE OF THE PRESIDENT

Number: 01-259/93

Busovača, 9 September 1993

TO: - OPERATIONS ZONE CENTRAL BOSNIA
 Colonel Tihomir BLAŠKIĆ – VITEZ
 - "VITEŠKA" BRIGADE – VITEZ
 - MTD /Mixed Artillery Battalion/ of 4th LTRT
 /expansion unknown/ - PZO /anti-aircraft defence/
 - LIGHT ASSAULT BATTALION – BUSOVAČA
 - "TVRTKOVIĆ"
 - PPN /Special Purpose Unit/ "VITEZOVI"
 - 4th Company of "FRANKOPAN" BRIGADE
 - PZO Platoon of "TRAVNIČKA" BRIGADE

/incoming stamp:/

ECV, Title of organ: HVO CV /Communications Centre/ BUS /Busovača//
Submitted - Received Teleg. /Telegram/ number P.1773
Date: 09 September 1993 at 1305 hours
Illegible/ TGR /telegram/ TLF /telephone/ RRV /radio relay/ ŽV /wire communications/ Rv /radio/
Processed by: /signature: illegible/
(signature)

RE: Public commendation of participants in the
 operation to liberate GRBAVICA

Two days of heavy battle with the Muslim forces in the wider region of Vitez municipality resulted in the liberation of the infamous enemy stronghold of GRBAVICA, yesterday, on 8 September, in the afternoon. In the place where for several months the hated flag with lilies was flown now flies the banner of Croatian people, the CROATIAN STANDARD. Dozens of our youths, civilians, elderly people and children were being perfidiously killed in the last few months by Muslim snipers who were hiding behind the UNPROFOR's barbed wire. Today this is past because GRBAVICA is strongly a part of Croatian Republic of Herceg-Bosna. Muslim leaders have been giving false hope to Muslim extremists in Mahala that they would be coming soon. Who will be coming soon is us, so Mahala can start counting its last days. It is the right of the Croatian people to defend its centuries-old areas and return under the fold of Croatian Republic of Herceg-Bosna not only the areas of Vitez but also that of other municipalities.

- Brilliant victory of Croatian soldiers of Lašva valley truly means a huge turnaround in the unstoppable strengthening of the Croatian spirit. The Croatian people are proud to have so courageous and determined Croatian sons.

In the name of Croatian people whose hearts are beating for HVO units of the Operations Zone Central Bosnia, lead by Colonel BLAŠKIĆ all participants in the remarkable success of Croatian soldiers starting from the special purpose units

0420-0327-0420-0327.doc/pd

Rough English Transaltion

"TVRTKOVC", Light Assault Battalion, Vitezovi, MTD, 4th LTRT of PZO, 4th Company of "Frankopan" Brigade, together with members of "Viteška" Brigade, through the artillery forces, anti-aircraft defence and all the others who gave their contribution to this historical victory are hereby PUBLICALLY COMMENDED.

GENERAL SECRETARY

Ignac KOŠTROMAN

/signature: illegible/

HEAD

Dario KORDIĆ

/signature: Dario Kordić/

TO:

- OZ SB - IPD /Information and Propaganda/ - Marija TOPIĆ, Drago RAMLJAK
- IPD of "Frankopan" /Brigade/
- IPD of "Travnička" Brigade
- HRTV /Croatian Television/ - Vitez
- HRTV - Busovača
- HR/TV - N. Travnik
- HRTV - Kiseljak
- Glasnik - Ante MARIJANOVIĆ - Vitez

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HRVATSKA REPUBLIKA HERCEG-BOSNA
IZMJESTENA KANCELARIJA PREDSEDNIKA

Broj: 01-259/93
Busovača, 09.rujna 1993.god.

Služb. Naziv organa	CV HVO BUS
Predalo-primljeno teleg. br.	P-1740
Dana	09.09.1993 u 13.05 časova
ILP, TGR, TLF	HRV, Zv, Rv
Obradio:	<i>[Signature]</i> (potpis)

- OPERATIVNA ZONA SREDIŠNJA BOSNA
pukovnik Tihomir Blaškić - VITEZ
- "VITEŠKA BRIGADA" - VITEZ
- MTD, 4.LTRT - PZO
- LAKOJURIŠNA BOJNA - BUSOVAČA
- "TVRIKOVCI"
- PPN "VITEZOVI"
- 4. SATNIJA BRIGADE "FRANKOPANA"
- 400 PZO "TRAVNIČKE" BRIGADE

PREDMET: Javna pohvala sudioniciima akcije
oslobađanja GREAVICE,

Dvodnevna teška bitka sa Muslimanskim snagama na širem prostoru viteške općine je jučer, 08.rujna u popodnevrim satima rezultirala oslobodjenjem zloglasnog neprijateljskog uporišta GREAVICE. Na mjestu gdje je više mjeseci stajala omražena zastava sa ljiljanima, vijori se stijeg hrvatskog naroda HRVATSKI BARJAK. Desetine mladića, civila, staraca i djece je proteklih mjeseci stradavalo mučki od muslimanskih snajperista, koji su se zaklanjali iza žice UNPROFOR-a. Danas je to samo prošlost jer je GREAVICA čvrsto u sastavu Hrvatske republike Herceg-Bosne. Uzaludna nadu su muslimanske vodje davale muslimanskim ekstremistima u Mahali da uskoro stižu. Uskoro stizemo mi, tako da Mahali ostaje da odbrojava svoje posljednje sate. Pravo je Hrvatskog naroda da brani svoje višestoljetne prostore i vraća pod okrilje Hrvatske Republike Herceg-Bosne na samo prostore viteške nego i drugih općina.

Brilijantna pobjeda hrvatskih vojnika Lašvanske doline istinski znači jednu veliku preokretnicu u nezaustavljenom jačanju hrvatskog duha. Hrvatski narod je ponosan što ima ovako hrabre i odlučne hrvatske sinove.

U ime Hrvatskog puka čije srce kuca za postrojbe HVO Operativnoj zoni Središnja Bosna Hrvatskog vijeća obrane, na čelu sa pukovnikom Blaškićem svim sudioniciima izuzetnog uspjeha hrvatskih vojnika počev od postrojbi posebne namjene "TVRIKOVACA", Lakojurišne bojne, Vitezova, MTD, 4. LTRT - PZO, 4. satnije brigade "FRANKOPAN", zajedno sa pripadnicima Viteške brigade, preko topništva, protuzrakoplovne obrane i svih drugih koji su dali obol ovoj povjesnoj pobjedi izričemo JAVNU POHVALU.

GLAVNI TAČNIK
Igor Kostićević

DOSTAVITI:

- OZ SB - IPD - Marija Topić, Dragomir Jak
- IPD "Frankopan"
- IPD "Travničke brigade"
- HRTV - Vitez
- HRTV - Busovača
- HR N.Travnik
- HRTV Kiseljak
- Glasnik, - Ante Marjanović - Vitez,

PREDSTOJNIK

pukovnik Dario Kordić



The Prosecutor v. Tihomir Blaškić

PUBLIC REDACTED VERSION

REQUEST FOR REVIEW OR RECONSIDERATION

ANNEX 11

Exhibit 11-1

Request for Review or Reconsideration

ANNEX 11

Exhibit 11-1

Request for Review or Reconsideration

ANNEX 11

Exhibit 11-1

Request for Review or Reconsideration

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