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JUDGEMENT SUMMARY

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TRIAL CHAMBER

The Hague, 29 May 2013

Judgement Summary for Jadranko Prlić and others

Please find below the summary of the Judgement read out today by Judge Antonetti.

The Trial Chamber is sitting today to deliver its judgement in the case of The Prosecutor v. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Čorić and Berislav Pušić. I shall now read a summary of the Chamber's findings. The only authoritative account of these findings is contained in the written Judgement, copies of which will be made available to the Parties and the public following this hearing.

The Chamber would firstly like to thank all those who contributed to the smooth conduct of this trial since it opened on 26 April 2006, in particular the assistants to the Chamber. During the trial, which closed on 2 March 2011, the Chamber admitted close to 10,000 exhibits into evidence and heard 145 Prosecution witnesses, six of whom were expert witnesses, as well as 61 Defence witnesses, seven of whom were expert witnesses. The Judgement is a 2,629-page-long document divided into six volumes, including four annexes and partially dissenting or separate opinions by Judge Trechsel and myself, all of which illustrates the complexity of this case.

The case is based, in particular, on the accusations contained in the Indictment. The Prosecution charges the six Accused with having participated in a joint criminal enterprise between 18 November 1991 and April 1994 that was designed to subject the Muslims and other non-Croats living in the regions of the territory of the Republic of Bosnia and Herzegovina, claimed as territories of the Croatian Community (and later Republic) of Herceg-Bosna, in order to remove them permanently and to create a Croatian territory with the borders of the Croatian Banovina. The six Accused are charged with having committed crimes corresponding to 26 counts in the Indictment in eight municipalities and a whole network of detention centres over a period that lasted for almost two and a half years.

It is alleged more specifically, as part of the joint criminal enterprise, that the Accused committed the crimes of: persecutions (Count 1); murder (Count 2); rape (Count 4); deportation (Count 6); forcible transfer (Count 8); imprisonment (Count 10); and inhumane acts (Counts 12 and 15) as crimes against humanity. They are also charged with having committed grave breaches of the Geneva Conventions of 1949 in the form of wilful killing (Count 3); sexual assault (Count 5); the unlawful deportation, transfer and detention of civilians (Counts 7, 9 and 11); inhuman treatment (Counts 13 and 16); and extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly (Counts 19 and 22). Finally, they are also accused of cruel treatment (Counts 14 and 17); unlawful labour (Count 18); wanton destruction of cities, towns or villages (Count 20); destruction or wilful damage to institutions dedicated to religion or education (Count 21); and plunder of public or private property (Count 23), as violations of the laws or customs of war. With regard to the Municipality of Mostar, the Prosecution charges the six Accused with carrying out unlawful attacks on civilians (Count

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24); with unlawfully inflicting terror on civilians (Count 25); and with inflicting cruel treatment by besieging East Mostar (Count 26), all of which are violations of the laws or customs of war.

I will deal initially with the findings of the Chamber concerning crimes committed by members of the HVO.

Beginning in 1992, in the Municipality of Mostar, the municipal HVO assisted by the HVO of the Croatian Community of Herceg-Bosna, embarked upon a policy aimed at placing Muslims living in the municipality at a disadvantage. Tension between Croats and Muslims increased throughout 1992, particularly in the Municipality of Prozor. On 23 October 1992, the HVO attacked the town of Prozor and its surroundings. After assuming control of the town of Prozor and the village of Paljike on 24 October 1992, the HVO destroyed many Muslim homes and vehicles in the town, and burnt down one house and killed two people in Paljike.

The first clashes between the HVO and the ABiH took place on 11 and 12 January 1993 in the Municipality of Gornji Vakuf. On 16 January 1993, pursuant to an order issued the previous day, the Main Staff of the HVO demanded that the ABiH in Gornji Vakuf subordinate its troops to the HVO. The ABiH rejected this demand.

On 18 January 1993, the HVO attacked the town of Gornji Vakuf and several neighbouring villages. Fighting between the HVO and the ABiH continued for several days. During these attacks, the HVO destroyed Muslim homes in Gornji Vakuf. The HVO fired several shells at the village of Duša, causing destruction to Muslim homes and the deaths of seven people. During the same attack on 18 January 1993, several houses were destroyed in the villages of Hrasnica, Uzričje and Ždrimci. After assuming control of these villages and Duša, HVO soldiers set fire to Muslim houses. In Hrasnica, Uzričje and Ždrimci, members of the HVO stole property belonging to Muslims. In the four villages, HVO forces arrested women, children and elderly persons, detained them and expelled them from their villages to territory under the control of the ABiH. Some of the inhabitants of Uzričje were beaten or threatened by HVO soldiers while being detained, and the inhabitants of Ždrimci were harassed and forced to recite Christian prayers in front of the Mekteb. From 18 January 1993 onwards, the HVO detained 40 to 60 Muslim men at the furniture factory in Trnovača, located in the Municipality of Gornji Vakuf. Some of them were beaten and/or suffered abuse from HVO soldiers. For example, two HVO soldiers cut off Hasan Behlo's ear and trampled on the wound. These Muslim men were exchanged or deported after two weeks of detention.

In the spring of 1993, tension between the ABiH and the HVO grew in the municipalities of Mostar, Prozor, Stolac and Jablanica. In April 1993, the HVO issued a new subordination order to the ABiH in the Municipality of Jablanica, expiring on 15 April 1993.

When the ABiH refused to submit, on 17 April 1993 the HVO launched attacks on the municipalities of Prozor and Jablanica. Between 17 and 19 April 1993, the HVO attacked the villages of Parcani, Lizoperci and Tošćanica in the Municipality of Prozor, where they burned down Muslim homes and killed two people. On 17 April, the HVO shelled the villages of Sovići and Doljani in the Municipality of Jablanica. After the fighting, and continuing up to 23 April 1993, the HVO arrested ABiH soldiers, Muslim men of military age, women, children and elderly persons in these villages and took them to the Sovići School where many of them were held until 5 May 1993 under very harsh conditions. The HVO soldiers beat and mistreated the detainees, including women, and killed four ABiH soldiers. Some of the detainees were forced to perform physical labour at HVO positions. While being taken to the Ljubuški Prison on 18 April 1993, some of the male detainees were severely beaten and humiliated by HVO soldiers, including members of the Punishment Battalion.

From 19 April 1993, HVO soldiers assembled about 400 women, children and elderly persons from the villages of Sovići and Doljani in houses in Junuzovići, in the Municipality of Jablanica, where they held them until 4 or 5 May 1993, and abused some of them. On 5 May

1993, following a visit from a joint HVO and ABiH delegation including Milivoj Petković and Berislav Pušić as well as several representatives of international organisations, the HVO moved the detainees held at the Sovići School and in the Junuzovići houses to Gornji Vakuf.

On 20 April 1993, members of the HVO, including Mladen Naletilić, held several ABiH soldiers at a fish farm near Doljani in the Municipality of Jablanica, where they were severely beaten, insulted, humiliated and threatened with death. That same day, in the Municipality of Čapljina, the HVO arrested Muslim civilians, including some prominent figures, and held them at the barracks in Grabovina and at the Dretelj Prison.

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

Also in Mostar, HVO soldiers expelled the Muslims from West Mostar between May 1993 and February 1994, in particular by means of major operations to evict them in mid-May, mid-June, early July and September 1993. The men were detained at the Heliodrom and their families were expelled to East Mostar. No distinction was made between civilians and soldiers in the detention of the Muslim men. In July 1993, the HVO briefly detained some of these men at the Faculty of Mechanical Engineering, where they were savagely beaten. Two of them died after being beaten all night long.

The HVO besieged East Mostar between June 1993 and April 1994. During this period, the eastern part of the town and the neighbourhood of Donja Mahala in the west were subjected to a prolonged military assault by the HVO, including intense and uninterrupted gunfire and shelling. This firing and shelling caused many casualties, including the deaths of many civilians and representatives of international organisations. Ten mosques were also badly damaged or destroyed. The HVO impeded and at times even completely cut off the passage of humanitarian aid. The Muslim population was thus forced to live in extremely harsh conditions, deprived of food, water, electricity and adequate care.

On 8 November 1993, as part of the offensive, an HVO tank fired throughout the day at the Old Bridge until it was unusable and on the verge of collapse. The Bridge then collapsed on the morning of 9 November 1993. The Chamber finds, by a majority, with the Presiding Judge dissenting, that although the Bridge was used by the ABiH and thus constituted a legitimate military target for the HVO, its destruction caused disproportionate damage to the Muslim civilian population of Mostar.

HVO soldiers used extreme violence in their operations to evict the population in Mostar. The Muslims were awakened in the middle of the night or early in the morning, beaten and forced out of their homes, often in their pyjamas. Many women, including one 16-year-old girl, were raped by HVO soldiers before being forced across the front line to East Mostar. The HVO soldiers also confiscated the keys to Muslim apartments and stole the valuables in them. Some soldiers even made use of Heliodrom detainees to loot the apartments of Muslims who had been driven out of them.

The HVO conducted similar operations in other municipalities of Herceg-Bosna in the summer of 1993. As a first step, the HVO arrested the Muslim men, whether they were Muslim HVO soldiers, ABiH soldiers, or men of military age, and detained them in the Dretelj, Gabela and Ljubuški prisons, in the Heliodrom or in other detention centres, where they were often victims of severe abuse. As a second step, the HVO carried out mass

campaigns to arrest the women, children and elderly persons in these municipalities, and then sent them to territory under the control of the ABiH, often having detained them under appalling conditions for various periods of time.

This was the case in the Municipality of Čapljina where the HVO carried out a mass campaign to arrest Muslim men from 30 June to mid-July 1993. On or around mid-July 1993, members of the HVO set fire to houses belonging to Muslims in Bivolje Brdo, stole their property and destroyed the Lokve and Višići mosques. Between July and September 1993, members of the HVO moved the women, children and elderly out of the villages of Domanovići, Bivolje Brdo, and Počitelj and the town of Čapljina to the Čapljina Silos or to territory under the control of the ABiH. The Chamber finds, by a majority, with the Presiding Judge dissenting, that on 13 July 1993, two young Muslim women were killed by HVO gunfire in Domanovići. In Bivolje Brdo, the HVO killed an 83-year-old disabled man. A few days later, on 16 July 1993, members of the HVO took part in the arrest of 12 Muslim men from the village of Bivolje Brdo, killed them, and burned and buried their bodies near a former bauxite mine at the village. The men, women, children and elderly persons held by the HVO at the Čapljina Silos between July and October 1993, were kept under extremely harsh conditions, sleeping on the floor without blankets although it was very cold, with very little food and without sanitary facilities. The HVO then transferred these persons to territory under the control of the ABiH.

In early July 1993 in the Municipality of Stolac, the HVO also conducted a mass and systematic campaign to disarm and arrest Muslim members of the HVO, ABiH soldiers and Muslim men of military age, and detained them in the Dretelj, Gabela and Ljubuški prisons and at the Heliodrom. Subsequently, in July and August 1993, the HVO conducted a campaign to arrest and detain the women, children and the elderly and transfer them from the Municipality of Stolac. During these arrests, a 17-year-old girl was killed by an HVO soldier in a burst of gunfire. Several hundred persons thus arrested were detained at various sites, in particular at the Aladinići School, where the conditions of detention were extremely harsh. Having been held for several days to several months (some detainees were held until November 1993), the Muslims were transferred to Blagaj. In July 1993, the HVO burned down the Sultan Selim Mosque in Stolac, looted and set fire to numerous Muslim homes in the village of Borojevići, and stole property belonging to Muslims in the village of Pješivac Greda.

Moreover, from May 1993, the HVO requisitioned the Koštana Hospital in order to use it to detain Muslim men arrested in the municipality of Stolac until October 1993. Five of them died following severe beatings and abuse inflicted on them by members of the HVO. Other detainees were subjected to extremely violent mistreatment and still suffer lasting consequences.

On 14 July 1993 in Buna, the HVO military policemen took away a young Muslim, aged 16, and his grandfather to the Military Police building. They beat the young man violently, kicking and punching him and striking him with an electrical cable. They then took the two men to the edge of a cliff along the Neretva and shot them in the back, severely wounding the young man and killing his grandfather.

Between June and mid-August 1993, the HVO attacked a dozen villages in the municipality of Prozor. Members of the HVO destroyed property belonging to Muslims and a mosque in Skrobućani; they set fire to several houses in Lug and damaged property belonging to Muslims in the village of Podaniš/Podonis. On 19 July 1993, HVO soldiers killed three men after beating them in the village of Prajine, as well as two men and a woman on Mount Tolovac.

Between June and August 1993, the HVO arrested Muslim men, including minors, the elderly and sick persons in the municipality of Prozor and detained them for several weeks in various locations. The HVO thus detained between 400 and 500 Muslim men in the Prozor secondary school in the summer of 1993 where they were violently abused and forced to

carry out labour on the front line, in the course of which some of them were wounded or killed. The HVO also detained Muslim men at the Technical School and the fire station, and in the Unis building where some of them were beaten. In July 1993, Muslim men detained by the HVO in the MUP building were forced to carry out labour on the front line in the course of which they suffered cruel treatment.

Some detainees also suffered cruelty, including sexual assault. Moreover, 11 detainees were shot dead by HVO soldiers in Črni Vrh on 31 July 1993 while they were tied to each other with telephone cables around the neck and forced to march in the direction of the ABiH, serving as human shields.

The HVO also arrested Muslim women, children and elderly people in the municipality of Prozor and detained them in houses in Podgrađe, Lapsunj and Duge. There they lived in a climate of terror and in very harsh conditions, suffering ill-treatment, threats, looting and some of the women were victims of sexual abuse by members of the HVO, sometimes on a daily basis. On 28 August 1993, the HVO transferred these persons to territory under the control of the ABiH and, on that occasion, they opened fire, wounding some of them.

Some of these women, children and elderly people returned to the municipality of Prozor some time later. The HVO once again arrested and detained them at Duge, where they were subjected to psychological and physical violence, and also sexual assault until December 1993.

When Raštani was captured on 24 August 1993, HVO soldiers killed four men even though they surrendered. They then threatened the women and children who were present there and stole all their valuables. After this, the women and children had no other choice but to return to the territory under the control of the ABiH.

Finally, in the municipality of Ljubuški, in July and August 1993, the HVO listed, disarmed and regulated the movement of men of military age and then carried out mass arrests of hundreds of them and imprisoned them in the Ljubuški Prison and at the Heliodrom. Numerous Muslim homes became vacant in the municipality of Ljubuški and were then occupied by Croats from Central Bosnia.

At the same time as the mass arrests, the HVO created and managed an entire network of detention centres for Muslims. Thus, in June 1992, the HVO Military Police created a detention centre on the grounds of a former police station in the town of Ljubuški. Three months later, the HVO opened the Heliodrom, a former military facility of the JNA, to the south of the town of Mostar, and transformed it into a detention centre. The prisons of Dretelj and Gabela, housed in the former JNA barracks, started operating in April 1993. The Vojno detention centre operated at least between August 1993 and January 1994. The setting up of these detention centres allowed the HVO to detain thousands of Muslim civilians and soldiers without making any distinction between them.

The Chamber was able to find, especially from the testimonies of former detainees, that the detention conditions in these centres were especially harsh. The premises were not fit to detain so many persons and overcrowding was particularly noticeable in the summer of 1993, following large waves of arrests in May and July 1993. Detainees at the Ljubuški Prison had barely any room to sit down on the ground. Those in the Dretelj Prison were crammed into hangars and underground tunnels. Detainees in all the detention centres were undernourished and the sanitary conditions were appalling. Some did not even have access to toilets and had to relieve themselves in makeshift containers. Most of the time they had no access to medical care adequate enough to treat the illnesses resulting from the unsanitary conditions and the injuries resulting from ill-treatment that they suffered at the hands of the HVO. Some of them suffered consequences for the rest of their lives. The Chamber noted that the conditions of detention in some isolation cells at the Heliodrom and at the Dretelj Prison were extremely harsh, lacking water, food, sanitary facilities and even lighting.

The Muslims in these detention centres also suffered ill-treatment. HVO members regularly beat them and subjected them to severe abuse. Members of the HVO used cigarettes to burn detainees at the Vojno detention centre. Ivica Kraljević, a member of the Military Police and Commander of the Ljubuški Prison, and two other men subjected a detainee to electric shocks until he blacked out. People who came from the outside, such as military policemen, were authorised, in particular by the Commander of the 1st Brigade of the HVO, to enter the prisons of Dretelj and Gabela in order to beat the detainees. Boško Previšić, Warden of the Gabela Prison, personally shot dead an ABiH soldier. At least two detainees at the Dretelj Prison died after having been mistreated. Military policemen also shot dead three detainees by firing at the hangars in which the detainees were locked up. Mario Mihalj, in charge of the Vojno detention centre, beat severely and then shot dead a Muslim detained at the centre. Members of the HVO also regularly insulted and humiliated detainees. At the Dretelj Prison, detainees had to eat using utensils that were never washed and only had a few seconds to finish their meagre rations under threat of punishment. Detainees who did not eat fast enough had to lie down on the blazing-hot tarmac and roll on the ground without their shirts on. A detainee at the Heliodrom was forced to lick his own blood so that “the blood of a Balija does not remain on Croatian soil”, according to his gaolers, who were members of the Military Police.

Detainees at the Heliodrom, the Vojno detention centre and the Ljubuški Prison were forced to carry out dangerous work at the front line, during which some of them were wounded or killed in the exchange of fire between the ABiH and the HVO. Detainees at the Heliodrom were wounded or killed when they were used as human shields on the front line.

When the Dretelj Prison closed in early October 1993, the detainees were transferred to other detention centres including the Gabela Prison and the Heliodrom. The Vojno detention centre continued to operate until January 1994. The Heliodrom and the Ljubuški and Gabela prisons closed in April 1994.

From December 1993, following a decision by Mate Boban, the then President of the Croatian Republic of Herceg-Bosna, to close all the detention centres, the HVO emptied its detention centres. It ensured that the detainees promised to leave Herceg-Bosna with their families by providing letters of guarantee from third countries willing to accept them. Detainees were then transferred to Croatia while awaiting departure to third countries. Other detainees and their families had to move to territories under the control of the ABiH. Finally, the HVO used some detainees as part of the exchange policy with the ABiH.

In the municipality of Vareš, in Central Bosnia, the HVO endeavoured to encourage, and even put pressure on, the Croatian population to leave the municipality and go to Herceg-Bosna. The HVO also committed numerous crimes against Muslims in the municipality.

On 23 October 1993, members of the HVO proceeded to arrest and detain Muslim men in the town of Vareš. Most of them were detained at the Vareš high school and the Vareš elementary school where the detention conditions were very harsh and where members of the HVO beat them. Between 23 October and 4 November 1993, Muslim men were also detained at the prison in Vareš-Majdan. HVO soldiers subjected them to violence and humiliation. For example, one of the detainees was forced to cut his own beard and eat it.

On or around 3 November, HVO troops withdrew from the town of Vareš in the direction of Kiseljak. The HVO thus left its detention centres around this date, abandoning the detainees who were able to identify themselves to UNPROFOR. Before leaving the town of Vareš, members of the HVO raped two Muslim women from Vareš. HVO soldiers also engaged in looting shops and houses belonging to Muslims.

Moreover, HVO armed forces launched an offensive on the village of Stupni Do, inhabited by Muslims, on the morning of 23 October 1993. Soldiers from the Maturice and Apostoli special units raped and sexually abused three women from the village. During the attack, they also

killed 36 people, including three children aged 13, 8 and 3. The entire village was destroyed and the villagers were stripped of their belongings.

The Chamber found that the highest-ranking HVO authorities tried to convince the international community that investigations of these crimes were under way, when in fact they were never carried out. Moreover, Ivica Rajić, Commander of the HVO troops at Vareš, continued in his position under the pseudonym of Viktor Andrić and was never investigated.

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

Applying the legal elements of the crimes alleged in the Indictment to the facts found proven in relation to each of the municipalities and each of the detention centres, the Trial Chamber finds that the following crimes were committed:

crimes against humanity: persecution on political, racial or religious grounds, murder, rape, deportation, forcible transfers as inhumane acts, imprisonment, inhumane acts;
grave breaches of the Geneva Conventions of 1949: wilful killings, sexual assaults as inhumane treatment, unlawful deportation of a civilian, unlawful transfer of a civilian, unlawful confinement of a civilian, inhumane treatment, extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly, appropriation of property not justified by military necessity and carried out unlawfully and wantonly; and violations of the laws or customs of war: cruel treatment, unlawful labour, wanton destruction of cities, towns or villages or devastation not justified by military necessity, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property and specifically with respect to Mostar: unlawful attack on civilians and unlawful infliction of terror on civilians.

The Chamber decided not to address Count 26: cruel treatment (Mostar siege) for reasons set out in Volume 3 of the Judgement and considered the events that occurred between June 1993 and April 1994 in East Mostar as cruel treatment under Count 17.

Having described the findings of the Chamber with regard to the crimes committed in the municipalities and detention centres contained in the Indictment, I will now summarise the findings of the Chamber with respect to the responsibility of the Accused as set out in the Indictment.

The Accused are charged under all the forms of liability set out in Article 7 (1) of the Statute (including commission through participation in a joint criminal enterprise) and command responsibility under Article 7 (3) of the Statute. Considering the extent of the crimes charged against the six Accused and found proven by the Chamber, the Chamber finds, by a majority with the Presiding Judge dissenting, that analysing their responsibility by virtue of their participation in a joint criminal enterprise is the obvious legal approach. Consequently, the other modes of participation alleged in the Indictment have only been considered for those crimes that do not come under the joint criminal enterprise.

Therefore, the Chamber finds by a majority that a joint criminal enterprise existed and had as its ultimate goal the establishment of a Croatian territorial entity with part of the borders of the Croatian Banovina of 1939 to enable a reunification of the Croatian people. This Croatian territorial entity in BiH was either to be united with Croatia following the prospective dissolution of BiH, or become an independent state within BiH with direct ties to Croatia.

The Chamber finds, again by a majority, that as early as December 1991, the leadership of the Croatian Community of Herceg-Bosna (which included Mate Boban, President of the Croatian Community (and later Republic) of Herceg-Bosna) and Croatian leaders (including Franjo Tuđman, the President of Croatia) deemed that in order to achieve the ultimate goal, namely the establishment of a Croatian territorial entity as previously described, it was necessary to modify the ethnic composition of the territories claimed to be part of the Croatian Community of Herceg-Bosna. From at least the end of October 1992, Jadranko Prlić, Bruno Stojić, Milivoj Petković and Slobodan Praljak were aware that achieving this goal went against the peace talks conducted in Geneva and would entail moving Muslim populations out of the territory of Herceg-Bosna.

Evidence establishes that as of mid-January 1993, the HVO leadership and certain Croatian leaders had the intention of consolidating HVO control over the provinces claimed to be Croatian and of proceeding with the ethnic cleansing of these provinces to ensure they had either a majority, or an exclusively Croatian population. Therefore, the joint criminal enterprise was established as of mid-January 1993. The HVO conducted the military campaigns, as previously described, in the provinces it considered to be Croatian for the purpose of consolidating its presence. These military campaigns were accompanied by the displacement of the Muslim population. The HVO also organised the displacement of Croatian populations from Central Bosnia towards Herzegovina. The aim of this displacement was to protect a part of the Croatian population in Central Bosnia from combat taking place in the area, but also to strengthen the presence of Croats in Herceg-Bosna; the goal of this was to shift the balance of power in favour of the Croats. Consequently, one part of the Croatian population in Central Bosnia voluntarily left, while others were forcibly displaced by the HVO.

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

The Chamber is satisfied that the members of the joint criminal enterprise were directing and coordinating events on the ground to commit the crimes described above. They implemented a system to expel the Muslim population living in the territory of Herceg-Bosna, which consisted of the following: displacement and/or confinement of civilians, murder and destruction of property during attacks, ill-treatment and destruction during eviction operations, ill-treatment and harsh conditions in detention, the wide-spread and almost systematic use of detainees to carry out work on the frontline and even to serve as human shields at times, as well as murder and ill-treatment associated with this work and the use of human shields and, finally, the displacement of detainees and their families from the territory of Herceg-Bosna following their release.

Consequently, the crimes charged in Counts 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24 and 25 were part of a joint criminal enterprise.

The Chamber finds furthermore that during the eviction campaigns against the Muslims by the HVO or their detention, HVO members committed other crimes which were not within the objective of the joint criminal enterprise but were the natural and foreseeable consequence of its implementation. These were crimes of looting, rape and sexual violence, as well as a number of murders during the eviction campaigns and murders resulting from harsh detention conditions or ill-treatment in detention centres, and the destruction of mosques in Sovići and Doljani in April 1993.

It should be noted that the Chamber has not included the crimes committed in the Prozor municipality in October 1992 in the joint criminal enterprise. As I will describe

subsequently, the Trial Chamber considered the possible responsibility of the Accused for these crimes under the other forms of responsibility set out in the Statute.

In order to design and implement this joint criminal purpose, a group of key Croatian figures, including Franjo Tuđman, Gojko Šušak, Janko Bobetko, Mate Boban, Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić coordinated with each other. It also emerges from the Chamber's factual and legal findings that the HVO's workings, structures and forces were used to implement the various aspects of the common criminal purpose.

After having identified the ultimate goal and criminal purpose of the JCE, the Chamber considered whether each of the Accused had willingly participated in the joint criminal enterprise, significantly contributed to it and shared the intention of committing these crimes to implement the common criminal purpose of the JCE.

Jadranko Prlić

From 14 August 1992 until late April 1994, Jadranko Prlić, as the President of the HVO and later the President of the Government of the Croatian Republic of Herceg-Bosna, exercised significant de jure and de facto authority to coordinate and direct the activities of the HVO and the government. He also had authority over the HVO detention centres and had the power to open and close them. Lastly, he played a key role in relations between the HVO and the Croatian Community (and later Republic) of Herceg-Bosna and the government of Croatia.

It was through his position that Jadranko Prlić drafted the ultimatums of January 1993 and April 1993 directing the ABiH to subordinate itself to the HVO on the territory of Herceg-Bosna. These ultimatums materialised through military campaigns, as previously described, in the municipalities of Gornji Vakuf, Prozor and Jablanica, which entailed the commission of numerous crimes against the Muslim population. The Chamber is satisfied that Jadranko Prlić significantly contributed to the implementation of this plan in these municipalities by planning, aiding and abetting the crimes committed by members of the HVO.

Jadranko Prlić also endorsed the arrests and detentions carried out by the HVO in Mostar from 9 May 1993 onwards and knowingly turned a blind eye to the increasingly violent ethnic cleansing operations in Mostar during the summer of 1993. On 30 June 1993, Jadranko Prlić issued a further call-to-arms to the Croats against the Muslims and accepted the simultaneous and systematic mass detentions of Muslims by the HVO in several municipalities considered to be Croatian by the leadership of the Croatian Community (and later Republic) of Herceg-Bosna.

Jadranko Prlić endorsed the siege of East Mostar by the HVO. Although the besieged Muslim population lived under horrible deprivation and constant firing and shelling by the HVO, Jadranko Prlić personally contributed to blocking the arrival of humanitarian aid to this part of the town for months.

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

He was also informed that detainees from the Heliodrom and Vojno were being used on the frontline and knew of the abuse suffered by these detainees while they worked on the frontline, or while being used as human shields. By his failing to intervene when he had the ability to do so, and by remaining in power while being aware of the crimes committed, the

Chamber finds that the only reasonable inference it can draw is that Jadranko Prlić aided and accepted the commission of crimes against Muslims resulting from their systematic detention by the HVO.

Jadranko Prlić also endorsed the policy of deportation of the detained Muslims and their families to third countries via Croatia, and participated in the virtually simultaneous displacement of Croats in Central Bosnia to populate those territories claimed by Herceg-Bosna. The Chamber finds that the only reasonable inference it can draw is that Jadranko Prlić had the intention of displacing the Muslim population from the territory claimed by Herceg-Bosna and of replacing it with Croats from Central Bosnia.

The Chamber, by a majority, with the Presiding Judge dissenting on this form of responsibility, is satisfied beyond all reasonable doubt that Jadranko Prlić made a substantial contribution to the joint criminal enterprise and was even one of its principal members. His contribution also establishes that he intended to achieve the common criminal purpose to expel the Muslim population and to have the crimes previously mentioned committed in order to achieve this purpose. The Chamber finds, furthermore, that by virtue of his involvement in achieving the common criminal purpose and his knowledge of the facts, Jadranko Prlić could reasonably have anticipated the crimes of murder and sexual abuse committed during the operations to evict Muslims from West Mostar; of looting committed during the evacuation operations in Gornji Vakuf, Jablanica and West Mostar, and the murders related to the detentions in Sovići and the destruction of the two mosques in Sovići and Doljani. He accepted and took the risk that these crimes might be committed.

Bruno Stojić

From 3 July 1993 to 15 November 1993, Bruno Stojić, as the head of the Department of Defence, exercised significant de jure and de facto authority over the majority of the armed forces and Military Police of the Croatian Community (and later Republic) of Herceg-Bosna. For example, he directed and exercised effective control over the HVO armed forces and the Military Police, notably by taking decisions on military operations which he implemented through the chain of command and by issuing orders to the Chief of the Military Police Administration, including orders directly linked to operations on the field. Bruno Stojić also participated in the drafting of the defence policy of the Croatian Community (and later Republic) of Herceg-Bosna by taking part in decisive meetings of the HVO. Furthermore, he represented the HVO at top-level peace talks.

As part of his duties, Bruno Stojić facilitated the military operations of the HVO in Gornji Vakuf in January 1993. He participated in the planning of HVO military operations in Mostar on 9 May 1993 and in the days that followed. He participated in the organisation and implementation of campaigns to evict Muslims in West Mostar in the summer of 1993. Finally, he participated in planning military operations in Vareš in October 1993 and, consequently, participated in the commission of numerous crimes that these operations entailed.

Bruno Stojić was informed of the crimes committed by the HVO during the military operations in Gornji Vakuf in January 1993 and in Jablanica in April 1993 ; the evictions of the Muslim population in Čapljina in July 1993; the shelling and attacks against members of international organisations, and the harsh living conditions to which the Muslim population in East Mostar was subjected.

He was also informed of the fact that the detention of Muslims by the HVO did not meet standards of international law in the Ljubuški, Dretelj and Gabela prisons and the Heliodrom.

Nevertheless, Bruno Stojić continued to exercise effective control over the armed forces and the Military Police for the duration of his mandate as the head of the Department of

Defence. Furthermore, Bruno Stojić did not make serious efforts to end the commission of crimes although he had the authority and the duty to do so. He also attempted to deny his responsibility before representatives of international organisations. The Chamber finds that the only inference it can draw is that Bruno Stojić accepted the commission of these crimes.

The Chamber, by a majority, with the Presiding Judge dissenting on the form of responsibility, is satisfied beyond all reasonable doubt that Bruno Stojić made a substantial contribution to the joint criminal enterprise by controlling the armed forces and serving as a link between them and the government. His contribution also establishes that he intended to achieve the common criminal purpose to expel the Muslim population and to have these crimes committed to achieve this purpose. The Chamber finds, furthermore, that by virtue of his involvement in achieving the common criminal purpose and his knowledge of the facts, Bruno Stojić could reasonably have anticipated the sexual abuse committed during the operations to evict Muslims from West Mostar; the looting carried out during the evacuation operations in Gornji Vakuf in January 1993 and in the municipality of Mostar from May 1993 onwards. He accepted and took the risk that these crimes might be committed.

Slobodan Praljak

Between autumn 1992 and 9 November 1993, Slobodan Praljak had significant de facto, then later de jure and de facto authority over the armed forces and the Military Police of the HVO. Between autumn 1992 and 24 July 1993, Slobodan Praljak, who at the time held office within the Ministry of Defence of Croatia, directed the armed forces of the HVO, specifically by taking command of certain operations, by giving orders to the units and receiving reports from the commanders in the field, by representing the HVO in efforts to implement a joint command with the ABiH and by commanding certain units of the HVO Military Police. He likewise played the role of mediator for the purpose of reducing tension between the various components of the HVO armed forces. Then, between 24 July 1993 and 9 November 1993, Slobodan Praljak, in his capacity as commander of the HVO Main Staff, had effective command and control over all the components of the HVO armed forces. For example, he took decisions with regard to military operations, which he had carried out through the chain of command.

Slobodan Praljak thus, planned, facilitated and was kept informed of HVO military operations in Gornji Vakuf on or around 18 January 1993. He planned and directed HVO military operations in Prozor Municipality starting on 24 July 1993. He participated in directing and planning HVO operations in Mostar Municipality between July and early November 1993, including those on 8 November 1993, which resulted in the destruction of the Mostar Bridge. Lastly, he participated in planning and directing HVO operations in Vareš in October 1993. He thus took part in committing the crimes involved in these operations.

Slobodan Praljak was, moreover, informed of the fact that members of the armed forces were removing and placing the Muslim population of Prozor in detention from July through August 1993. He knew that crimes would be committed in Mostar Municipality, in particular the destruction of buildings in East Mostar (including the mosques and the Old Bridge, and the murders), and the wounding and the attacking of members of international organizations. He facilitated the murder of Muslims who did not belong to any armed force, and the destruction of property in Stupni Do in October 1993.

Slobodan Praljak, however, continued to hold office until 9 November 1993. He also failed to make any serious efforts to put an end the commission of crimes by the armed forces of the HVO. On the contrary, he denied the crimes committed against the Muslims and facilitated the failure to prosecute the perpetrators of these crimes. Slobodan Praljak contributed, in particular, to the efforts made by the HVO to conceal the HVO's responsibility for the crimes at Stupni Do.

Slobodan Praljak served, moreover, as an intermediary between Croatia and the HVO in order to carry out the criminal purpose of this enterprise. By virtue of his responsibilities within the Croatian government as well as within the HVO, he became acquainted with the policies of the most senior Croatian leaders with regard to Herceg-Bosna, and, moreover, made evident his desire to implement them. It was within this context that Slobodan Praljak transmitted orders, communiqués and instructions from the leaders of Croatia to those of Herceg-Bosna and took part in obtaining the military support of Croatia on behalf of the armed forces of the HVO.

The Chamber, by a majority, the Presiding Judge dissenting concerning the mode of responsibility, is satisfied beyond all reasonable doubt that Slobodan Praljak made a substantial contribution to the joint criminal enterprise. Furthermore, it is clear from his contribution that he intended to achieve the common criminal purpose to expel the Muslim population and to have the crimes previously mentioned committed in order to achieve this purpose. Moreover, the Chamber finds that, because of his contribution to the implementation of the common criminal purpose and his knowledge of the facts, Slobodan Praljak could reasonably foresee that looting would be committed during the eviction operations in Gornji Vakuf in January 1993 and during the HVO operation at Raštani in August 1993, and accepted and assumed the risk that these crimes might be committed.

Milivoj Petković

Between 14 April 1992 and 26 April 1994, Milivoj Petković had significant command and control over every component of the HVO armed forces, first as Chief of the Main Staff of the HVO, through 24 July 1993, then as Deputy Commander of the said Main Staff through 26 April 1994. Milivoj Petković represented and made binding commitments on behalf of the HVO during peace negotiations and issued cease-fire orders. Lastly, he transmitted the orders and decisions taken by the political and governmental authorities of the Croatian Community (later Republic) of Herceg-Bosna, which were sent to him via the Head of the Department of Defence, Bruno Stojić, and kept the political organs informed as to the military situation on the ground.

Milivoj Petković planned and facilitated the military operations in Gornji Vakuf Municipality in January 1993. He planned and directed the military operations in Jablanica Municipality in April 1993; blocked access to international observers in the villages of Sovići and Doljani and then orchestrated the removal of civilians to Gornji Vakuf. He directed military operations in Prozor Municipality in April and June 1993 and planned operations in July and August 1993. He participated in planning the shelling of East Mostar; blocked access for humanitarian convoys to the Muslim population of East Mostar; planned the military offensive against the old town of Mostar, including the assault on 8 November 1993 which led to the destruction of the Mostar Bridge. On 30 June 1993, he ordered the arrest of men who did not belong to any armed force, in the municipalities of Mostar, Stolac and Čapljina. He planned military operations against Vareš town in October 1993, and participated in the implementation of a fake investigation into the incidents at Stupni Do and fictitious sanctions against Ivica Rajić. He thereby took part in the commission of the crimes which these military operations entailed.

Milivoj Petković knew that numerous Muslims were detained in the HVO detention facilities and ordered and authorized labour by detainees from the Heliodrom and the Vitina-Otok Camp at the front lines.

Milivoj Petković, however, continued to wield effective control over the armed forces through April 1994, while fully aware that their members had already committed and were continuing to commit crimes. Milivoj Petković continued to command and control HVO units, including the KB, its ATGs and the Bruno Bušić Regiment, even though he knew that they had committed numerous crimes. By continuing to deploy them in the theatre of operations, or at least, by failing to take any measures to prevent the commission of new crimes, he encouraged subsequent crimes to be committed.

The Chamber, by a majority, with the Presiding Judge dissenting as to the mode of responsibility, is satisfied beyond all reasonable doubt that Milivoj Petković made a substantial contribution to the joint criminal enterprise. Furthermore, it is clear from his contribution that he intended to achieve the common criminal purpose to expel the Muslim population and to cause the crimes previously mentioned to be committed. Moreover, the Chamber holds that, due to his contribution to the implementation of the common criminal purpose and his knowledge of the facts, Milivoj Petković could reasonably have foreseen that acts of sexual abuse would be committed during the operations evicting the Muslim population from West Mostar between June 1993 and February 1994 and during military operations in Vareš town in late October 1993; that looting would be committed during the eviction operations in Gornji Vakuf in January 1993, in Jablanica Municipality in April 1993, in Mostar Municipality between June 1993 and February 1994 during the military operations in Vareš town in late October 1993 and, lastly, that the mosques of Sovići and Doljani would be destroyed during operations would be destroyed in Jablanica Municipality in April 1993. He accepted and assumed the risk that these crimes might be committed.

Valentin Čorić

Between June 1992 and 10 November 1993, Valentin Čorić, in his capacity as Head of the Military Police Administration, had significant de jure and de facto authority over all of the units of the HVO Military Police. More specifically, Valentin Čorić had effective command and control over the units of the Military Police, in particular the authority to re-subordinate the said units for combat actions. He had the ability to take part in efforts to fight criminal conduct within the HVO. He was able to control the movement of persons and of goods on the territory of Herceg-Bosna, and the movement of humanitarian convoys in particular. Lastly, he wielded significant authority over how the network of HVO detention facilities was operated. When Valentin Čorić became Minister of the Interior on 10 November 1993, he still retained the ability to take part in fighting criminal conduct within the HVO and he retained the authority to control the free movement of persons and of goods on the territory of Herceg-Bosna, particularly the movement of humanitarian convoys.

In connection with his office, Valentin Čorić knowingly committed certain units of the Military Police to the eviction operations in the municipalities of Gornji Vakuf in January 1993, Stolac and Čapljina during the summer of 1993, and at Mostar between May and October 1993. He thereby facilitated the arrest, and later, the detention of Muslims from these municipalities, contributing, while operations were underway, to the commission of these crimes, as previously described.

Valentin Čorić played a key role in operating the network of HVO detention facilities until 10 November 1993. He helped keep thousands of Muslims in detention in harsh conditions, and during that detention, they were beaten, abused, and treated in a humiliating and degrading manner. He regularly instructed or allowed them to be used to work at the front lines. Moreover, despite the alarming information he was receiving, Valentin Čorić did nothing to prevent detainees from the Heliodrom from being sent to work at the front line, where many of them were killed or injured. In August 1993, he ordered the forced departure of Muslims from Ljubuški Municipality on the territory of BiH by ordering their release conditioned upon their departure abroad with their families via Croatia.

The Chamber, by a majority, the Presiding Judge dissenting with regard to the mode of responsibility, is satisfied beyond all reasonable doubt that Valentin Čorić made a substantial contribution to the joint criminal enterprise. Moreover, his contribution also establishes that he intended to achieve the common criminal purpose to expel the Muslim population and to have the crimes previously mentioned committed in order to achieve this purpose. Lastly, the Chamber finds that, because he contributed to the implementation of the common criminal purpose and was aware of the facts, Valentin Čorić could reasonably foresee that such looting would be committed during the eviction operations in the municipality of Gornji Vakuf in January 1993; that acts of sexual brutality and looting would

be committed during the eviction operations in West Mostar commencing in May 1993; and that, finally, certain detainees would die, in August 1993, at the Dretelj Prison, as a result of mistreatment. He accepted and assumed the risk that these crimes might be committed.

Berislav Pušić

Between April 1993 and April 1994, Berislav Pušić held several posts and received an ever growing share of responsibility from the senior leaders of the HVO. In April 1993, Berislav Pušić was thus the overseeing official at the Department of Criminal Investigations of the Military Police Administration. Starting in May 1993, he was seated on a commission for the exchange of prisoners and other persons, then became the president of its executive body, the exchange service, on 5 July 1993. Bruno Stojić likewise appointed Berislav Pušić to head the commission for prisons and HVO detention facilities on 6 August 1993. Finally, Berislav Pušić wielded significant authority, representing the HVO to the International Community and before the senior officials of Croatia and BiH, which made him a major player in negotiations regarding exchanges and the movement of persons.

Berislav Pušić had knowledge of the mass arrests of Muslims from Herceg-Bosna, as early as April 1993 as some had happened in Jablanica Municipality.

Berislav Pušić had knowledge of the very harsh conditions in which Muslims were confined: at Sovići School, and in the prisons at Dretelj, Gabela and Ljubuški as well as at the Heliodrom and about the mistreatment inflicted upon the detainees at the Heliodrom and at the Vojno Detention Facility. The Chamber finds that he never took the necessary measures to improve these conditions or to cause the mistreatment to stop. As he continued to remain in office with the HVO, the Chamber has concluded that the only permissible inference is that Berislav Pušić accepted these crimes.

Berislav Pušić played an important role in the use of Heliodrom detainees for work assignments at the front lines, as he was one of the persons authorised to allow this. He continued to send detainees to work at the front lines when he knew that certain detainees had been there and died or had been injured. Berislav Pušić therefore contributed to the commission of these crimes.

When Mate Boban decided to close the HVO detention facilities, Berislav Pušić played a major role in organizing the closing of the said facilities and did everything to ensure that Muslims left the territory of Herceg-Bosna.

Berislav Pušić was aware of the destruction in the villages of Sovići and Doljani in April 1993 and of the removal of the population from these villages to ABiH-controlled territories in late May 1993. He also knew that the Muslim populations from Čapljina and West Mostar had been moved to territories controlled by the ABiH. He had knowledge of the disastrous living conditions in East Mostar - brought on by the HVO siege - and took part in blocking humanitarian evacuations.

Despite the role he had among various officials from the HVO detention facilities but also with senior HVO representatives, Berislav Pušić made no serious effort either to put an end to the crimes that were committed in the detention facilities or those committed during the arrests of the Muslims, or to report them. On the contrary, Berislav Pušić always sought to avoid troubling questions from the representatives of international organizations or from his Muslim counterparts, and gave vague or even false information to these representatives, and to the press, thereby attempting to deny or to minimise the crimes committed by the members of the HVO against Muslims.

The Chamber, by a majority, I for my part dissenting with regard to the form of responsibility, is satisfied beyond all reasonable doubt that Berislav Pušić made a substantial contribution to the joint criminal enterprise. Moreover, his contribution also established that he intended to achieve the common criminal purpose to expel the Muslim

population and to cause the crimes previously mentioned to be committed in order to achieve this purpose.



Lastly, as the Chamber decided not to accept the crimes committed in Prozor Municipality in October 1992 as constituting part of the joint criminal enterprise, it considered the responsibility of each of the Accused under the other modes of participation alleged in the Indictment. The evidence admitted to the record enabled the Chamber to make findings pursuant to Article 7 (3) of the Statute in respect of Valentin Čorić only. On 25 October 1992, Valentin Čorić was informed of the fact that members of the Military Police had stolen certain vehicles belonging to Muslims. Even though he knew this, Valentin Čorić did nothing to punish the perpetrators of these crimes, despite having the capacity and the duty to do so. Moreover, Valentin Čorić was advised at that same time that numerous houses had been damaged during the fighting that was taking place in Prozor town. The information available to Valentin Čorić was sufficiently alarming to justify further investigation into this destruction, which was not done. As he did not discharge his duties as a superior, the Chamber held, by a majority, I for my part dissenting, that Valentin Čorić is responsible, pursuant to Article 7(3) of the Statute, for the looting and destruction committed in Prozor Municipality in October 1992.

I shall now read out the disposition.

Will Mr Prlić please rise.

For the reasons I have summarized, the Trial Chamber unanimously finds you, Jadranko Prlić, to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 19 and 21 to 25 of the Indictment. The Majority, the Presiding Judge dissenting, finds you to be GUILTY of Counts 2 to 5 of the Indictment pursuant to Article 7 (1) of the Statute. On the basis of the principles relating to cumulative convictions, the Trial Chamber will not enter a conviction under Counts 14, 17 and 20 of the Indictment. The Trial Chamber, ruling unanimously, hereby sentences you to a single sentence of 25 years of imprisonment to run as of this day, with credit for the time you have already served in detention. Pursuant to Rule 103 (C) of the Rules, you shall remain in the custody of the Tribunal pending the finalization of arrangements for your transfer to the state where you shall serve your sentence.

Will Mr Stojić please rise.

For the reasons I have summarized, the Trial Chamber unanimously finds you, Bruno Stojić, to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 24 and 25 of the Indictment. The Majority, the Presiding Judge dissenting, finds you to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 2 to 5, 19 and 21 to 23. On the basis of the principles relating to cumulative convictions, the Trial Chamber will not enter a conviction under Counts 14, 17 and 20 of the Indictment. The Trial Chamber, ruling unanimously, hereby sentences you to a single sentence of 20 years of imprisonment to run as of this day, with credit for the time you have already served in detention. Pursuant to Rule 103 (C) of the Rules, you shall remain in the custody of the Tribunal pending the finalization of arrangements for your transfer to the state where you shall serve your sentence.

Will Mr Praljak please rise.

For the reasons I have summarized, the Trial Chamber unanimously finds you, Slobodan Praljak, to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 19, 21, 24 and 25 of the Indictment. The Majority, the Presiding Judge dissenting, finds

you to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 2, 3, 22 and 23 of the Indictment and, as a majority, will not enter a conviction on Counts 4 and 5 of the Indictment, the Presiding Judge dissenting. On the basis of the principles relating to cumulative convictions, the Trial Chamber will not enter a conviction under Counts 14, 17 and 20 of the Indictment. The Trial Chamber, ruling unanimously, hereby sentences you to a single sentence of 20 years of imprisonment to run as of this day, with credit for the time you have already served in detention. Pursuant to Rule 103 (C) of the Rules, you shall remain in the custody of the Tribunal pending the finalization of arrangements for your transfer to the state where you shall serve your sentence.

Will Mr Petković please rise.

For the reasons I have summarised, the Trial Chamber unanimously finds you, Milivoj Petković, to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 19 and 21, 24 and 25 of the Indictment. The Majority, the Presiding Judge dissenting, finds you to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 2 to 5, 22 and 23 of the Indictment. On the basis of the principles relating to cumulative convictions, the Trial Chamber will not enter a conviction under Counts 14, 17 and 20 of the Indictment. The Trial Chamber, ruling unanimously, hereby sentences you to a single sentence of 20 years of imprisonment to run as of this day, with credit for the time you have already served in detention. Pursuant to Rule 103 (C) of the Rules, you shall remain in the custody of the Tribunal pending the finalisation of arrangements for your transfer to the state where you shall serve your sentence.

Will Mr Čorić please rise.

For the reasons I have summarised, the Trial Chamber unanimously finds you, Valentin Čorić, to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 24 and 25 of the Indictment. The Majority, the Presiding Judge dissenting, finds you to be GUILTY, pursuant to Article 7 (1) of the Statute, of Counts 2 to 5, 19 and 21 to 23 of the Indictment. The Majority, the Presiding Judge dissenting, finds you to be GUILTY, pursuant to Article 7(3) of the Statute, of Counts 15, 16, 19 and 23 of the Indictment for the criminal events that took place in Prozor Municipality in October 1992. On the basis of the principles relating to cumulative convictions, the Trial Chamber will not enter a conviction under Counts 14, 17 and 20 of the Indictment. The Trial Chamber, ruling unanimously, hereby sentences you to a single sentence of 16 years of imprisonment to run as of this day, with credit for the time you have already served in detention. Pursuant to Rule 103 (C) of the Rules, you shall remain in the custody of the Tribunal pending the finalisation of arrangements for your transfer to the state where you shall serve your sentence.

Will Mr Pušić please rise.

For the reasons I have summarised, the Trial Chamber unanimously finds you, Berislav Pušić, to be GUILTY, pursuant to Article 7(1) of the Statute, of Counts 6 to 13, 15, 16, 18 of the Indictment. The Majority, the Presiding Judge dissenting, finds you to be GUILTY, pursuant to Article 7(1) of the Statute, of Counts 1 to 3, 19, 21, 24 and 25 of the Indictment. The Trial Chamber, ruling unanimously, enters a judgement of ACQUITTAL, on Counts 4, 5, 22 and 23 of the Indictment. On the basis of the principles relating to cumulative convictions, the Trial Chamber will not enter a conviction for Counts 14, 17 and 20 of the Indictment. The Trial Chamber, ruling unanimously, hereby sentences you to a single sentence of 10 years of imprisonment to run as of this day, with credit for the time you have already served in detention. Pursuant to Rule 103 (C) of the Rules, you shall remain in the custody of the Tribunal pending the finalisation of arrangements for your transfer to the state where you shall serve your sentence.

Judge Trechsel appends a separate opinion and a partially dissenting opinion to this Judgement.

The Presiding Judge appends a separate opinion and a partially dissenting opinion to this Judgement.

The hearing is now adjourned.
