

1 Wednesday, 16 February 2011  
2 [Stojic Defence Closing Statement]  
3 [Open session]  
4 [The accused entered court]  
5 [The Accused Pusic not present]  
6 --- Upon commencing at 9.00 a.m.  
7 JUDGE ANTONETTI: [Interpretation] Madam Registrar, please call  
8 the case.  
9 THE REGISTRAR: Good morning, everyone in and around the  
10 courtroom. This is case number IT-04-74-T, the Prosecutor versus  
11 Prlic et al.  
12 JUDGE ANTONETTI: [Interpretation] Thank you, Madam Registrar.  
13 Today is Wednesday, the 16th of February, 2011. Good morning to  
14 the accused, to the Defence counsel, and the OTP representatives, and all  
15 the people assisting us.  
16 Ms. Nozica is going to proceed without further ado in her closing  
17 arguments for Mr. Stojic.  
18 MS. NOZICA: [Interpretation] Thank you, Your Honours. Good  
19 morning to everybody in the courtroom.  
20 Your Honours, yesterday, in the first part of our closing  
21 argument, we spoke about the impressions that the representatives of  
22 international organisations shared before this Trial Chamber or in their  
23 report, and those impressions regarded Bruno Stojic. We saw exactly what  
24 kind of impressions those were, and I suppose that the Trial Chamber will  
25 wonder how come the several representatives of international

1 organisations acquired similar impressions and opinions about  
2 Bruno Stojic.  
3 Your Honours, Bruno Stojic's Defence claims that that opinion and  
4 that perception was actually created by Bo Pellnas, who organised a  
5 meeting on the 17th of April, 1993, in Mostar. You will remember the  
6 meeting, certainly. That was the meeting to which Bo Pellnas brought a  
7 member of the Presidency of Bosnia and Herzegovina, Mr. Ganic.  
8 Bruno Stojic did enter the room where the meeting was being held,  
9 and he said that the BiH Army in Central Bosnia had launched attacks  
10 against the HVO. Obviously, Bo Pellnas was not happy about that. He was  
11 actually very angry because he was the only that who provided details in  
12 his own report, and those details are not conveyed by any other reports  
13 from that same meeting.  
14 In front of the door of the room where the meeting was held, and  
15 not in the room where the meeting was held, Witness Beese was standing,  
16 and it was obvious that Bo Pellnas and Beese jointly created a position  
17 about Bruno Stojic and conveyed it onto other people.  
18 The Trial Chamber heard the testimonies of international  
19 monitors, and they heard that they moved around the vast area and that  
20 they had contacts with a large number of people. For that reason, and  
21 also because they didn't have time to be briefed prior to their arrival  
22 in Bosnia-Herzegovina, they had to rely on information provided to them  
23 by others, by other fellow monitors, and they never bothered to  
24 double-check that information. Many of them had preconceived notions  
25 when they arrived in Bosnia-Herzegovina, as we heard in the testimony of

1 Witness Slobodan Bozic, who was a member of the HVO HZ-HB commission for  
2 relations with international monitors, and he had most contacts with  
3 international monitors. This is referred to in paragraph P30 of the  
4 Prosecutor's final brief. Again in this paragraph, the Prosecutor refers  
5 to Witness Beese. The paragraph number is 530.

6 Judge Prandler is warning me to be even slower than I have been  
7 so far.

8 There were a lot of reports about this meeting. Only in the  
9 collective report drafted by Bo Pellnas which was drafted on the 23rd of  
10 April as a summary of all the other reports, and that was six days after  
11 the meeting, there is a statement to the effect that Stojic had  
12 threatened, that he had insulted Ganic, and that he had a pistol on his  
13 body. That is document P2024 -- 54, 2054.

14 These allegations are not corroborated by any other reports from  
15 that same meeting. Not even the testimonies by participants in the  
16 meeting, Mr. Petkovic, Witness 1DAA, and (redacted). The reports  
17 that describe the meeting and that do not corroborate allegations  
18 proffered by Bo Pellnas are the following, and I would like to draw your  
19 attention to the fact that those are ECMM reports, and I would also like  
20 to remind you that Witness Beese was one of the monitors of that same  
21 organisation. The documents in question are P1950, P1965, P1980, and  
22 finally, P2016.

23 All of the aforementioned reports describe the situation in an  
24 identical way. They all say that Bruno Stojic entered the room where the  
25 meeting was being held and that he said that the BiH Army had launched a

Page 52337

1 large-scale offensive in Central Bosnia, and then the meeting was  
2 adjourned. I would like to remind the Honourable Chamber that in these  
3 reports it is stated that up to then all the key decisions had already  
4 been made about the establishment of commissions which would be in charge  
5 of relieving tensions in Mostar. These reports do not say anything  
6 either about an alleged attack on Ganic or threats, nor does anybody  
7 mention the fact that Bruno Stojic might have had a pistol.

8 It arises from the testimony of Milivoj Petkovic, as recorded on  
9 Pages 50068 through 50071, that the meeting was almost over when  
10 Bruno Stojic arrived with a report on an ABiH attack in Travnik.  
11 Bruno Stojic did not attack a person. He did not insult anybody. He did  
12 not have a pistol, because Witness Petkovic never saw Mr. Bruno Stojic  
13 carrying a pistol.

14 Mr. Petkovic, furthermore, said that Ganic remained in Mostar on  
15 the following day, on the 19th of April, 1993, and that on the  
16 20th of April, 1993, they travelled together to Zenica, escorted by  
17 UNPROFOR, because there was a meeting to be held in Zenica.  
18 Your Honours, I am providing all these details, because  
19 Mr. Bo Pellnas, when he testified before this Trial Chamber, told us a  
20 very dramatic story and describe a dramatic situation. Allegedly after  
21 Mr. Ganic had been threatened, they had to escort them. However, we can  
22 see from Mr. Petkovic's testimony that the situation was quite normal,  
23 that the two of them went to that meeting in a very normal way, and that  
24 Mr. Ganic had stayed on in Mostar for two days after the meeting.

25 Witness 1DAA described Mr. Bruno Stojic's behaviour in an identical  
Page 52338

1 manner, and that was recorded on Pages 28905 through 29002.  
2 Your Honours, the minutes of the session of the HVO HZ-HB, dated  
3 19 April 1993, confirms that -- the information about the ABiH attack

4 against the HVO. That means that that session took place one day after  
5 the meeting with Ganic, and this is reported in document 1D1664. At that  
6 session, the follow thing was discussed, and I quote:  
7 "The dramatic reports which have been arriving from Zenica,  
8 Vitez, and Busovaca over the past few days."  
9 Those dramatic reports were not conveyed at that session by  
10 Mr. Bruno Stojic, because he never attended that session. And while  
11 Mr. Ganic, a member of the BiH Presidency and a member of the  
12 Supreme Command of the BH Army was in Mostar on the 19th of April, 1993,  
13 a very well-known order was drafted by the 4th Corps, an order which was  
14 admitted into evidence under P1970. That order represented a plan of  
15 attack by the BiH Army on the HVO in Mostar, and that attack was  
16 ultimately carried out on the 9th of May, 1993. This is fully  
17 corroborated by an excerpt from the book "Bosniak Croatian Political  
18 Showdown," authored by Dr. Ismet Hadziosmanovic on Page 197 which has  
19 been admitted into evidence under 3D3101.  
20 So when we follow the planned course of attack as described in  
21 the aforementioned order, and when we look at the description of events  
22 in the aforementioned books -- book provided by Dr. Ismet Hadziosmanovic  
23 who, at the time, was the president of the SDA for the city of Mostar, we  
24 can conclude that the attack was carried out pursuant to the ordered --  
25 order issued on the 19th of April, 1993.

Page 52339

1 I understand that one number has not been recorded. I'm not able  
2 to follow. It is possible that P1970 was not recorded, but we have an  
3 agreement that after the session we are going to check the transcript and  
4 compare it with the verbal arguments. We don't have to waste any time on  
5 that at the moment.  
6 Your Honours, it is very difficult to believe that Mr. Ganic, as  
7 vice-president of the Presidency of Bosnia and Herzegovina, and more  
8 importantly as a member of the Supreme Command of the BiH Army, did not  
9 take an active part in taking a decision to issue that order, and all  
10 that at the time when he attended the meeting with HVO representatives  
11 and advocated peace. This was sure duplicity and a double game played on  
12 his part.  
13 The Prosecutor furthermore describes Bruno Stojic as a  
14 hard-liner. In footnote 1214, the Prosecutor refers to paragraph 62 in  
15 the statement of Witness BA, which has been admitted into evidence under  
16 P9712. Your Honour, we claim that no such position was ever presented in  
17 that footnote. However, this part of the statement is very important for  
18 a different reason. Since the document is under seal, I'm going to read  
19 just one little part:  
20 (redacted)  
21 (redacted)  
22 (redacted)  
23 (redacted)  
24 JUDGE ANTONETTI: [Interpretation] Mr. Scott.  
25 MR. SCOTT: Excuse me, Your Honour, and I apologise to my

Page 52340

1 colleague and I'm sorry to be violating, I guess, the code of silence,  
2 but there has been a statement that shouldn't have been made on the  
3 record, and I want to draw -- if we could go to private session for a  
4 moment, please.  
5 JUDGE ANTONETTI: [Interpretation] Yes, please. Let's move into  
6 private session.

7 [Private session]  
8 (redacted)  
9 (redacted)  
10 (redacted)  
11 (redacted)  
12 (redacted)  
13 (redacted)  
14 (redacted)  
15 (redacted)  
16 (redacted)  
17 (redacted)  
18 (redacted)  
19 (redacted)  
20 (redacted)  
21 (redacted)  
22 (redacted)  
23 (redacted)  
24 (redacted)  
25 [Open session]

Page 52341

1 THE REGISTRAR: We're in open session. Thank you.  
2 MS. NOZICA: [Interpretation] Thank you, Your Honours. I  
3 apologise. I will then kindly ask the Court to move into private session  
4 and then I'll repeat the important parts of that document.  
5 JUDGE ANTONETTI: [Interpretation] So back into private session.  
6 [Private session]  
7 (redacted)  
8 (redacted)  
9 (redacted)  
10 (redacted)  
11 (redacted)  
12 (redacted)  
13 (redacted)  
14 (redacted)  
15 (redacted)  
16 (redacted)  
17 (redacted)  
18 (redacted)  
19 (redacted)  
20 (redacted)  
21 (redacted)  
22 (redacted)  
23 [Open session]  
24 THE REGISTRAR: Your Honours, we're back in open session.  
25 MS. NOZICA: [Interpretation] Your Honours, I would like to remind

Page 52342

1 you once again that that happened on the 10th of June, 1993, and I will  
2 also remind you of a document, P2690, which was a communique signed by  
3 Bruno Stojic after the attack in Travnik. As we read this statement  
4 provided by a Prosecution witness, we can see that indeed there had been  
5 an attack in Travnik prior to the 9th of June, 1993. We have already  
6 spoken about that in paragraph 528. However, Your Honours, what matters  
7 and what needs to be emphasised here is the fact that the HVO did not  
8 respond to those attacks because already on the 12th of June, 1993, an  
9 agreement was signed about the end of hostilities between the BiH Army.

10 The document number is P2726. Yet the BiH Army continued its offensive  
11 in Central Bosnia, which is also confirmed by an UNPROFOR report under  
12 P2750.

13 Your Honours, we have presented a large number of documents which  
14 confirm this fact. However, on this occasion, I wanted to present an  
15 objective report, as it were, the report by UNPROFOR, which is very  
16 important because it is a day-to-day account of what was going on in  
17 Central Bosnia.

18 JUDGE TRECHSEL: I'm sorry to interrupt. I think we should avoid  
19 reference to reports by a society, an institution which is so touchy  
20 about secrecy. They are not -- the public is not supposed to know that  
21 we have as evidence reports of this organisation. I think we should  
22 redact that too.

23 MS. NOZICA: [Interpretation] Your Honour, UNPROFOR reports do not  
24 fall under that category. I may have been misunderstood, Your Honours.

25 JUDGE TRECHSEL: I may also be wrong.

Page 52343

1 MS. NOZICA: [Interpretation] Your Honours, in this part of our  
2 final argument, we were dealing with some of the reports provided by  
3 international organisations which contained opinions and conclusions  
4 which were not founded on the events on the ground. Thank you,  
5 Your Honour Judge Trechsel. You know, we said nobody's perfect.  
6 Everybody makes mistakes.

7 Your Honours, we have demonstrated that some assessments and  
8 perceptions of people and the entire HZ-HB were subjective and biased.  
9 My learned friend Mr. Karnavas also spoke about that. The  
10 Honourable Honours could also hear that when those witnesses were --  
11 provided their testimonies. I am convinced that that was also sometimes  
12 your own perception. We all remember Witness BH who provided his  
13 assessments about the situation in Mostar. When my learned friend  
14 Mrs. Alaburic asked him where the Vranica building was he didn't know.  
15 He could not answer. He also didn't know what had happened on the  
16 9th of May, 1993.

17 His Honour Judge Antonetti expressed his surprise when he  
18 realised that this witness was not that familiar with the situation in  
19 Mostar, and you will find that on transcript Pages 17714 and 17715. That  
20 person was a high-ranking international official.

21 Nevertheless, they still drafted reports and sent it to their  
22 superiors irrespective of the fact that they did not have reliable and  
23 complete information.

24 Your Honours, all Resolutions by the Security Council relied on  
25 the reports of the international monitors who were on the ground, who

Page 52344

1 were in the area. We have seen in this courtroom, at least partly, at  
2 least to a certain extent, how those reports were drafted, and based on  
3 those reports, the indictment was issued against these six accused,  
4 including my client, for a joint criminal enterprise. These reports  
5 represented just tiny pieces from which a big mosaic was created that  
6 finally led to the signing of peace agreements in Bosnia and Herzegovina.  
7 The Dayton Constitution -- or, rather, the Dayton Accords were signed  
8 under the auspices of the international community, and the international  
9 community relied on reports from the area and rewarded the campaign of  
10 ethnical cleansing in Republika Srpska and recognised that area as a  
11 separate entity. Before this Trial Chamber and before this Court, which  
12 was established by one and the same Security Council, many convictions

13 were brought for genocide and other gravest and most heinous crimes  
14 against the political and military representatives of Republika Srpska.  
15 At the same time, this Prosecutor's office, as a part of the  
16 international court, proclaimed the HZ-HB a para-state, and the  
17 Prosecutor repeated that in his final argument.  
18 So it was based on the Dayton Accord that a state was created,  
19 which even today, 15 years after that Accord, cannot seem to function,  
20 but that is hardly surprising. There are two entities, of which one has  
21 the attributes of a state, even a flag, a hymn, or a national anthem,  
22 actually, and the other is divided into ten cantons. There are 13  
23 governments, and the state is headed by three presidents.  
24 The majority of Croats in Bosnia-Herzegovina, even today, think  
25 that the organisational structure imposed by the Dayton Accord has

Page 52345

1 prevented them from realising their rights as one of the constituent  
2 people. Even in countries with developed democracies, it is always the  
3 least numerous people that is faced with the greatest problems, and that  
4 is especially true in a state structured such as this.  
5 These unresolved relations between the peoples in  
6 Bosnia-Herzegovina have brought Bosnia-Herzegovina to a deadlock,  
7 especially these days when the representatives of the Croats and BiH  
8 again advocate the restructuring of Bosnia-Herzegovina to realise their  
9 rights as a constituent people. The official authorities in Zagreb also  
10 voice their concern for the position of the Croats in BiH, although  
11 President Tudjman died long ago. This is also advocated by the president  
12 of Croatia, who is a social democrat, and also by the prime minister who  
13 belongs to the HDZ, and other leading politicians who, at  
14 Franjo Tudjman's times, were in the opposition.  
15 A third entity in the Herceg-Bosna are no longer a taboo as was  
16 the case after the war and all the way until the October elections in  
17 2010.  
18 We have heard witnesses here who were replaced from their  
19 positions by the High Representative in BiH, who was actually the highest  
20 authority there, and they were replaced when -- because they spoke about  
21 a third entity, or call it Herceg-Bosna. Nowadays, these are no longer  
22 taboos, and nowadays the High Representative no longer takes the measures  
23 that he used to.  
24 MR. SCOTT: Your Honour, I know we've been giving broad latitude,  
25 this is far afield and I don't believe it's in evidence in record. The

Page 52346

1 evidence has to be -- what is submitted to the Court has to be in  
2 evidence in record. Now talking about what happened in the last couple  
3 of weeks is not in evidence, should not be referred to, and it is also  
4 inaccurate. It was just several days ago that the United States  
5 ambassador to Bosnia condemned a continuing effort to create a third  
6 entity in Bosnia. The United States ambassador came out and said, We  
7 reject the creation of a third entity, a Croat entity, et cetera,  
8 et cetera. So number one, it's not in evidence. It should not be  
9 included; number two, it's wrong. So ...  
10 MR. KHAN: Mr. President, I do, with regret, deprecate this  
11 intervention. I do deprecate it. It is a matter of very well-known  
12 professional courtesy that closing speeches are not interrupted. We gave  
13 the Prosecution that courtesy. And we didn't agree with a lot of what  
14 they said, whether it was grandchildren or thugs or invective. We kept  
15 quiet. Your Honours, if inaccuracies are said, Mr. Scott, on behalf of

16 the Prosecutor, can make an application at the end to rise and address  
17 them, but I would ask that he be restrained and remain seated -- and  
18 remain seated and allow this final speech and the voice of Mr. Stojic to  
19 be heard and not drowned out by interruptions.

20 JUDGE ANTONETTI: [Interpretation] Very well. Let me consult with  
21 my fellow Judges.

22 MR. SCOTT: Excuse me, Your Honours. Excuse me, Your Honours.

23 Let me respond --

24 JUDGE ANTONETTI: [Interpretation] All I can say is that I come  
25 from a system where the voice of the Prosecution and the voice of the

Page 52347

1 Defence is never interrupted by the other party. I was a Prosecutor and  
2 it never occurred that anyone interrupted my closing arguments, and I  
3 never saw the opposite either.

4 I will now consult with my colleagues to see what should be done.

5 I believe that what has happened is quite extraordinary, Mr. Scott --

6 MR. SCOTT: [Overlapping speakers]

7 JUDGE ANTONETTI: [Interpretation] What do you want to add,

8 Mr. Scott?

9 THE INTERPRETER: Microphone, please.

10 MR. SCOTT: I rose to my feet with great reservation and the  
11 Chamber fully knows that I have sat here for the last two-plus days and  
12 not gotten up to my feet. I'm happy to sit here and take insults to  
13 myself, insults to Prosecutor counsel, and that we've been sleazy and  
14 unethical. They can attack me all they want. But what is put before the  
15 Chamber and argued does have to be in evidence. It has to be in  
16 evidence. And that's the difference in terms of factual assertions.

17 Now, this is not argument. These are factual assertions being made. It

18 is only become an extreme basis that I rose to my feet. I apologise to

19 that, but I think this is completely different than broad latitude in

20 arguing inferences. This is an -- inferences. These are factual

21 assertions about things that are not in evidence. Excuse me, and I

22 apologise if I offended the Chamber. I did so with great reluctance.

23 Thank you.

24 [Trial Chamber confers]

25 JUDGE ANTONETTI: [Interpretation] The Trial Chamber has

Page 52348

1 deliberated, as you see, and would like to remind you that there was a  
2 written decision from the Chamber in which it said that there should be  
3 no objection from any party, from any party, I repeat, Prosecution or  
4 Defence, when the other party was making its closing arguments. So we  
5 anticipated the problem, and therefore we dismiss Mr. Scott's objection  
6 regarding the words spoken by Mr. Stojic's Defence.

7 Mrs. Nozica, you have the floor.

8 MS. NOZICA: [Interpretation] Thank you, Your Honours.

9 JUDGE ANTONETTI: [Interpretation] Let me add one thing. The  
10 Trial Chamber also reminds everyone that the Prosecutor, after closing  
11 arguments, can -- can request to have the floor as rebuttal, and the  
12 Trial Chamber will allow this or not, but this -- what you said,  
13 Mr. Scott, could have been said after the closing arguments.

14 MS. NOZICA: [Interpretation] Thank you, Your Honours. I'm very  
15 glad that Mr. Scott intervened, because I said nothing else but that this  
16 is something that's discussed publicly today in Bosnia-Herzegovina and  
17 that a third entity or another solution today is a topic dealt with by  
18 many political factors in the world who have understood that both

19 Herzegovina, as it was created by the Dayton Accord, cannot function.  
20 I am familiar with the position of the American ambassador who  
21 opposes the creation of a third entity. That's true. But it's also true  
22 that it's a topic of discussion which we -- which I have said. For a  
23 long time, that wasn't the case, and the very fact that this is being  
24 discussed, whether anybody agrees or disagrees with it, now after  
25 15 years is significant in itself.

Page 52349

1 We would like to point out that these six accused were in no  
2 position to exert influence on such demands put forward by the  
3 BiH Croats, because they have been in detention for five years. I have  
4 put this matter forward, because the Trial Chamber will take its decision  
5 about the joint criminal enterprise based on the facts in the case file  
6 and based on the generally known facts of the present time, because two  
7 things are going done in parallel, this trial and repeated criticism on  
8 the part of the Croats in Bosnia-Herzegovina due to their inability to  
9 realise their constitutional rights. That is relevant for a number of  
10 allegations put forward by the Prosecution with regard to the JCE in  
11 their final arguments.  
12 Now I'd like to discuss the allegation that Bruno Stojic  
13 consciously and significantly contributed to the JCE of Herceg-Bosna. In  
14 paragraph 532, the Prosecution strived to show the participation of  
15 Bruno Stojic in the JCE since 1991 when he was assistant minister of the  
16 interior of the Republic of Bosnia-Herzegovina, and by virtue of this  
17 function, he was also a member of the Crisis Staff of the HDZ.  
18 This allegation of the Prosecution, namely that Bruno Stojic as  
19 member of the HDZ Crisis Staff, actually began his activity as part of  
20 the JCE cannot stand its ground. Bruno Stojic, acting as assistant  
21 minister of the interior of Bosnia-Herzegovina, by virtue of his position  
22 was a member of the HDZ Crisis Staff. This was confirmed by Prosecution  
23 witness Stjepan Kljuic. The transcript Page is 7962 through 7966. That  
24 body was neither illegal nor criminal. It was headed by Stjepan Kljuic,  
25 a moderate Croat, as he has been called several times by the Prosecution.

Page 52350

1 It was a task of the HDZ Crisis Staff to protect citizens,  
2 because it was obvious that the defence system in Bosnia-Herzegovina had  
3 collapsed. It was based, first and foremost, on the JNA. Bruno Stojic  
4 was assistant minister of the interior of the Republic of BiH, in charge  
5 of finance. At that time, after the first multi-party elections, the  
6 minister was a Muslim. The ministry adopted decisions at the collegium  
7 of ministers, and Bruno Stojic went about his tasks professionally and in  
8 accordance with the laws and regulations of Bosnia-Herzegovina,  
9 advocating an integral whole Bosnia-Herzegovina, which is especially  
10 corroborated by document 2D841. This is the content of testimony of  
11 Witness Davor Korac, who at the time worked at that ministry. The  
12 transcript reference is 38825 through 38832.  
13 Bruno Stojic didn't leave Sarajevo to join the HZ-HB.  
14 Bruno Stojic at that time lived in Neum with his family, and he went  
15 there every weekend to see his family. In early April 1992, while he was  
16 in Neum, all points of entry to Sarajevo were blocked, and Bruno Stojic  
17 was unable to return to his job. Witness Davor Korac says as much on  
18 transcript Pages 38825 through 38826.  
19 Furthermore, it is correct, as put forward by the Prosecution,  
20 that Bruno Stojic participated in the procurement of weapons in that  
21 period because that was part of his job as assistant minister of the

22 interior, but these weapons were distributed to both Croats and Muslims.  
23 Witness Zoran Buntic -- Witness Zoran Buntic confirms that on  
24 transcript Pages 30587 through 30592, and Witness Slobodan Bozic on  
25 transcript Pages 36192 through 36196.

Page 52351

1 There's also another document to corroborate this, and that's an  
2 excerpt from Dr. Ismet Hadziosmanovic's book, who, as I said, at the time  
3 was the president of the SDA for the city of Mostar, and his book is  
4 Exhibit 2D976.  
5 Apart from that, there is also the testimony of Hamid Bahto on  
6 transcript Pages 37900 and the following, and there's also a document --  
7 or, rather, Exhibit 2D1253.  
8 The Prosecution alleges that this Crisis Staff was -- later  
9 became the HVO army, and he cites Exhibit P56. But from the persons on  
10 the list of 13 members of the Crisis Staff of the HDZ, only one later was  
11 a member of the military component of the HVO, and that is Ivo Lozancic.  
12 In paragraph 533 and the following, Bruno Stojic's work in the  
13 Department of Defence is mentioned. We have dealt with these matters in  
14 paragraph 32 of our final brief.  
15 I would like to stress the following, though: Bruno Stojic was  
16 head of the Department of Defence from the 3rd of July, 1992, through  
17 10 November 1993. There are -- there is evidence about the end of  
18 service of Bruno Stojic in the Department of Defence, and that is  
19 Slobodan Bozic's testimony on Pages 36163 and the following, and 36204  
20 and the following, and there's also Exhibit P6583 and Exhibit 2D416.  
21 I insist on this, Your Honours, because in the Prosecution final  
22 brief, in spite of this evidence, the Prosecution claims that  
23 Bruno Stojic remained in a leading position in the Department of Defence  
24 until late November, as if no evidence had been led before this Trial  
25 Chamber as to when exactly Bruno Stojic stood off -- stood down. We

Page 52352

1 think this is very important. The Department of Defence was one of the  
2 departments of the HVO HZ-HB with the same capacity as any other  
3 department. We also refer to paragraphs 223 through 231 of the Prlic  
4 final Defence brief and the final arguments of that same Defence of  
5 14 February 2011.  
6 Then I would like to mention that the Decree on the Armed Forces,  
7 P289 and P588, lay down the -- all relations between the bodies of the  
8 HZ-HB with the president of the HZ-HB, and that also applies to the  
9 relationship between the HVO HZ-HB and the Department of Defence.  
10 Bruno Stojic reported to the HVO HZ-HB for his work there, as all  
11 other heads of departments, and, in his work he had no direct link with  
12 the president HZ-HB, either de jure or de facto. The relationship  
13 between the Department of Defence and the president of the HZ-HB was  
14 purely of administrative nature and had to do with appointing officers at  
15 lower positions in the military component of the HVO. But let us return  
16 to the position of the Department of Defence of the HVO HZ-HB.  
17 The Department of Defence compiled a programme of work based on  
18 requests issued by the HVO HZ-HB, as all other departments, which is  
19 corroborated by Exhibit 1D110, Exhibit P4890, and P646.  
20 The Department of Defence submitted reports on its work to the  
21 HVO HZ-HB as all other departments did. The HVO HZ-HB forwarded this  
22 report to the president of the HZ-HB. The Main Staff, separately from  
23 the Department of Defence, also submitted its own report to the  
24 HVO HZ-HB, and that was forwarded to the president. This is confirmed by

25 Exhibits P128 and P4699. I deliberately ignore documents created after

Page 52353

1 10 November 1992 when Bruno Stojic was no longer head of the  
2 Department of Defence. These reports were accepted by the -- or approved  
3 by the HVO HZ-HB, which is corroborated by Exhibit 1D1607 and P4008.  
4 The Department of Defence made proposals for the appointment of  
5 officials to be appointed by the HVO HZ-HB as any other department did,  
6 and the Department of Defence received funds for its work and the  
7 military component of the HVO, because the HVO HZ-HB in 1992 and 1993, as  
8 all other departments, didn't -- didn't have its own budget. I will  
9 mention the relevant documents: P578, P950, P1137, P1197, P1324, P1388,  
10 P -- excuse me 1D1183, P5799, and, finally, P6689. This is a letter of  
11 the government of the HR HB dated 16 December 1993, which was sent to all  
12 municipalities. From it we can see that the government, based on the  
13 decisions of the Assembly, requests the establishment of a single  
14 financial system to fund the defence, the police, and the judiciary,  
15 which shows that even as -- in late 1993, this financial system at the  
16 level of the HZ-HB had not been established, which -- which confirms the  
17 allegations of Defence in their final briefs that the municipalities  
18 actually played the main role in the funding of the army.  
19 The head of the Department of Defence informed the HVO HZ-HB  
20 generally about the security situation, but the HVO HZ-HB also invited  
21 the leading persons from the Main Staff to meetings when it wanted  
22 precise information. The relevant documents have already been mentioned.  
23 Matters from the remit of the Department of Defence have been  
24 discussed at almost 80 per cent of the meetings of the HVO HZ-HB. We  
25 have no time to list them all but believe that these, as all other

Page 52354

1 documents, too, will certainly be carefully scrutinised by the  
2 Trial Chamber. Although most meetings dealt with Defence matters, at no  
3 one meeting was a discussion about operative commanding -- commanding the  
4 HVO, because that wasn't part of the remit of the Department of Defence  
5 or that of the HVO HZ-HB. So if we look at the minutes from all meetings  
6 of the HVO HZ-HB, we see that the Department of Defence, as all other  
7 departments, depended on the decisions taken by the HVO HZ-HB and had no  
8 specific positions, nor did it have any special links with Boban that  
9 would affect its work.  
10 Jadranko Prlic's Defence tried to suggest to the Trial Chamber  
11 that the Department of Defence had special links with the president of  
12 the HZ-HB, which simply -- which is simply wrong. Bruno Stojic didn't  
13 issue declarations with Mate Boban, but Jadranko Prlic did, which is  
14 logical with regard to his position. Document P2346 corroborates that,  
15 and we see what the military situation was like there. Although the  
16 Prlic Defence tries to push out the Department of Defence from the HVO  
17 HZ-HB, they cannot achieve that, because the evidence points to the  
18 contrary, and so does common sense.  
19 It's the Decree on the Armed Forces, P289 and P58, is the basic  
20 legislative document that determines the remit of the Department of  
21 Defence and its head. The -- there's also the decision on the basic  
22 structure of the Department of Defence, which is P586, and there's the  
23 decision on the organisation and the responsibility of the departments  
24 and commissions of the HVO HZ-HB, which is P440.  
25 It follows from all these that the Department of Defence, with

Page 52355

1 regard to the H -- the military component of the HVO, is in charge of  
2 administrative and professional matters as well as budget and material  
3 supply. The head of the Department of Defence did not command the army.  
4 That remit was -- that was the Main Staff's remit. We have spoke about  
5 that in detail in paragraph 331 of our final brief. We will briefly  
6 dwell only on document P586 to explain the remit of the head of  
7 Bruno Stojic with regard to the brigade commanders. This is a reply to  
8 paragraphs 6510 -- 65 through 106 and 376 through 364 and 614 of the  
9 Petkovic Defence brief, final brief.  
10 Now, with regard to the paragraph I mentioned in the Petkovic  
11 final brief, we would like to stress that the brigade commanders were not  
12 subordinate to the head of defence except in matters outlined in  
13 Article 9. There's no one -- there's no evidence that brigade commanders  
14 turned to Bruno Stojic with regard to matters that were not mentioned in  
15 Article 9.  
16 With regard to the aforementioned paragraphs in the  
17 Petkovic Defence final brief, I would like to say that brigade commanders  
18 were not subordinated to the head of the Defence Department, with the  
19 only exception being financial matters and budgetary issues.  
20 JUDGE ANTONETTI: [Interpretation] We no longer have any  
21 interpretation into French. It's back. Thank you.  
22 MS. NOZICA: [Interpretation] I will repeat. There is no single  
23 piece of evidence corroborating the fact that brigade commanders were  
24 subordinated to Bruno Stojic with regard to any activities or tasks, with  
25 the only exception being financial matters, administrative matters,

Page 52356

1 budgetary matters, and organisational issues. There's no single piece of  
2 evidence that brigade commanders addressed Bruno Stojic and brought  
3 before him any other issues but the aforementioned ones. There's no  
4 single piece of evidence that Bruno Stojic issued a single order to  
5 brigade commanders, with the only exception being those that dealt with  
6 administrative issues. And finally, it arises from the Petkovic final  
7 brief that the head of Defence Department was superior to the brigade  
8 commanders with regard to the operation of prison because -- of prisons  
9 because this was a non-combat activity. This is not corroborated by a  
10 single piece of evidence. In footnote 646 of Petkovic's final brief,  
11 allegedly there is evidence which corroborate this thesis and those are  
12 reports of the SIS of the brigades and not brigade commanders.  
13 In paragraph 332 of our final brief, we provided relevant  
14 evidence as to how the SIS functioned in the area -- area of HZ-HB and  
15 proof which demonstrated without any doubt that assistance for SIS in the  
16 brigades were subordinated to the brigade commanders. This was confirmed  
17 by Zrinko Tokic, who testified on behalf of both Praljak and Petkovic,  
18 and his testimony was recorded on Pages T45458, lines 10 to 5.  
19 Tokic then alleges that Bruno Stojic remained active in the area  
20 of arms and logistics as the head of department for production and sale  
21 of weapons and military equipment of the HR HB upon assuming those duties  
22 and tasks on the 16th of December, 1993. The Prosecutor did not provide  
23 any evidence to this Trial Chamber about the role of Bruno Stojic in the  
24 JCE after his departure from the position as the head of the  
25 Defence Department on the 10th of November, 1993.

Page 52357

1 Bruno Stojic's Defence claims, with regard to paragraph 339 which  
2 deals with the ultimatum story, that there was no ultimatum on the

3 15th of January, 1993. There was none in mid-April 1993. A lot of  
4 detail to that effect have been provided in paragraphs 243 of our final  
5 brief.

6 With regard to the authorities of Bruno Stojic to issue the order  
7 which was admitted into evidence under P1140, this is the order dated  
8 15 January 1993, which is portrayed as an ultimatum. We would like to  
9 point out that he only implemented a decision of the HVO HZ-HB in keeping  
10 with his authorities pursuant to Article 9 on the decision of the  
11 organisation of the Defence Department. And here we would like to point  
12 out that the order issued by Bruno Stojic shows that this could not be an  
13 ultimatum. And the same applies to the order issued by General Petkovic.  
14 I would kindly ask the Trial Chamber to pay particular attention  
15 to Article 1 in Bruno Stojic's order where it says that the Main Staff of  
16 the armed forces of the HVO must establish contact with all operation  
17 zone and staffs of the BH Army in the territories of provinces 3, 8, 10,  
18 1, 5 and 9, with a view to finalising details of the implementation of  
19 this decision of the HVO HZ-HB. That decision was admitted into evidence  
20 and clearly shows that that could not have been an ultimatum, given the  
21 fact that contact had to be established with commanders and staffs in the  
22 territories of various provinces as mentioned in that order.  
23 I would kindly ask the Trial Chamber to reconsider and carefully  
24 analyse all of those documents that deal with the alleged ultimatum. For  
25 the long five years, those documents have been referred to as an

Page 52358

1 ultimatum, so it should be very careful in evaluating whether they,  
2 indeed, were an ultimatum, because where I come from, there is a  
3 notorious truth which says if you repeat a lie ample times, it becomes  
4 true, true, and that applies to this alleged ultimatum. It was not an  
5 ultimatum, and I'm sure that the Honourable Chamber will be able to  
6 realise very quickly what this was all about.

7 In document 1139, bullet point 7, it says:

8 "Commanders of operative zones are hereby tasked with  
9 establishing contacts with the commands of the BiH and find the best  
10 solutions for establishing joint commands."

11 This is General Petkovic's orders. How can these decisions be  
12 ultimatum but they can only be realised in co-operation with the ABiH?  
13 These documents were drafted based on the agreed positions of the  
14 negotiators -- negotiators in Geneva and the talks between Izetbegovic  
15 and Boban in Zagreb, as General Praljak testified before this Trial  
16 Chamber on Pages 40568 through 40573 and confirmed by Witness Bozo Rajic.  
17 When these documents were issued and when we heard the testimony  
18 of Mr. Praljak, this was corroborated by the testimony of Mr. Bozo Rajic,  
19 who, at the time, was Defence minister of Bosnia-Herzegovina, who  
20 testified before this Court and his testimony -- his statement was  
21 admitted at 2D1409.

22 In the order issued by the minister of defence of  
23 Bosnia-Herzegovina, who also included into his order the units of the  
24 Army of Serbia and Bosnia-Herzegovina, Article 6, states that the  
25 implementation of the order will be the duty of Brigadier

Page 52359

1 Milivoj Petkovic, the commander of the Main Staff of the HVO;  
2 Colonel Sefer Halilovic; and Colonel Ratko Mladic.  
3 The order was issued on the 21st January 1993. The document  
4 number is 2D441, and the deadline for the implementation of the order or  
5 for its execution is the end of negotiations in Geneva. Why were there

6 objections to the order being carried out and why Mr. Izetbegovic changed  
7 his position? It suffices to look at document 2D48 which the  
8 Trial Chamber members have in their binders and this is an interview  
9 given by Sefer Halilovic to El Pais on the 27th of January, 1993. In  
10 that interview, he said that nobody could destroy the idea of  
11 Bosnia-Herzegovina as a single integral and sovereign state through no  
12 negotiations. He said negotiations are all well and good, but if a  
13 different result is achieved, we will prevail in a battlefield.  
14 And then there is a journalist -- the journalist's comment, and  
15 he says Halilovic's opinion probably has more weight than the opinion of  
16 President Izetbegovic, although Halilovic does not have his chair at  
17 roundtable in Geneva. He is still the one who represents those who fight  
18 on the front lines.  
19 And finally let me say that there was no ultimatum. This was  
20 just an attempt to organise Bosnia-Herzegovina in the way that was  
21 agreed -- agreed by the representatives of Bosnia-Herzegovina in Geneva.  
22 However, the government in Sarajevo withdrew their consent after  
23 decisions and orders had been issued by the HVO HZ-HB.  
24 Since the Prosecutor shows this ultimatum as one of the most  
25 important pieces of evidence corroborated -- corroborating the existence

Page 52360

1 of the JCE, we have to ask ourselves what would have happened if those  
2 decisions had been implemented jointly and in co-operation?  
3 One of the very significant options is this: There would have  
4 never been a war between Bosniaks and Croats, because everything would  
5 have been resolved in January 1991. The problem between Bosniaks, who  
6 were then known as Muslims and Croats, from the very outset was different  
7 ideas of the internal organisation of Bosnia-Herzegovina, and this is  
8 precisely what General Halilovic talks about in his interview. On the  
9 one hand, there was a desire of the government in Sarajevo for Bosnia and  
10 Herzegovina to be organised as an integral state; and, on the other hand,  
11 there was a desire of a majority of the Croatian people to decentralise  
12 the state and break it down into -- into either cantons or provinces or  
13 an association of republics. The concept was accepted by the  
14 international community. So the concept of the internal reorganisation  
15 of Bosnia and Herzegovina, and they offered different solutions which  
16 were all to the last accepted by the representatives of the HZ-HB.  
17 However, none of those solutions were adopted or approved by the  
18 government in Sarajevo.  
19 Under the pressure of the international community, the war was  
20 ended, and the Washington Agreement was signed. The Washington agreement  
21 follows the demands of the representatives of the HZ-HB, because the  
22 Federation of Bosnia and Herzegovina has been split into cantons. It has  
23 been divided into cantons.  
24 In the Federation of Bosnia and Herzegovina, as we could see in  
25 Exhibits 2D1183, Article 1, the Army of Bosnia and Herzegovina and the

Page 52361

1 HVO have been recognised as the Armed Forces of Bosnia-Herzegovina, and  
2 nothing has changed to this day. Deadlines were given to establish a  
3 Joint Command, and that was done, but that was done only two years after  
4 the war and after the collapse of the concept of a unitarian or a single  
5 state that was advocated by Alija Izetbegovic from the beginning of the  
6 attempts to organise Bosnia-Herzegovina.  
7 Just like my learned friend Mr. Ken Scott did it, I'm going to  
8 ask the Trial Chamber to carefully read the transcript from the meeting

9 between Presidents Izetbegovic and Tudjman, dated 12 July 1992. The  
10 document number is P336. This transcript shows that there was a conflict  
11 between those two concepts of the internal organisation of  
12 Bosnia and Herzegovina. The concept of a unitarian state, on the one  
13 hand, and the concept of a state divided into cantons on the other.  
14 All of this certainly has to be put into the perspective of  
15 solutions as proffered by the Washington Agreement. This transcript  
16 clearly shows, and Mr. Alija Izetbegovic confirmed that, that the HVO was  
17 the first to organise themselves for the defence of  
18 Bosnia and Herzegovina at the time when the government forces did not  
19 exist and were not organised. This transcript shows that Mr. Izetbegovic  
20 is grateful to -- to Croatia for everything that they had done for the  
21 refugees up to then. The transcript also shows that Alija Izetbegovic  
22 wanted Croatia to continue assisting Bosnia-Herzegovina, but also it  
23 shows his reluctance to accept Croatian demands for the cantonisation of  
24 Bosnia-Herzegovina.  
25 I'm now moving on to paragraph 540, and I'm following my own

Page 52362

1 thesis about the way the decision was made on the 15th of January, 1993,  
2 the same decision that the Prosecutor calls an ultimatum. He wants to  
3 transfer that same picture and image on to the events which took place  
4 after the 30th of June, 1993, and again, he's referring to  
5 Exhibits P3038, and that's the proclamation which signed jointly by  
6 Mr. Prlic and Mr. Stojic on the 30th of June, 1993, and he brings them  
7 into connection with an order issued by Mr. Petkovic about raising combat  
8 readiness to a higher level, which is P3082 and orders under P3128 and  
9 P3012. Contrary to the assertion by the Prosecution that that was a case  
10 of some sort of subordination, the Defence points out that the only  
11 common reference for this -- for -- for the issuing of those documents  
12 was the BiH Army attack against the HVO on the 30th of June, 1993.  
13 If we follow the chronology, the first thing that happened was  
14 the issuing of the order P3019, then P3082, and finally the order  
15 co-signed by Mr. Stojic and Mr. Prlic, P3128.  
16 The Petkovic Defence, in paragraphs 253 through 254, states that  
17 Mr. Petkovic, on the 30th of June, 1993, after the order P3019 was  
18 issued, informed Mr. Bruno Stojic that in all the units measures have  
19 been taken to remove Muslims from the HVO units, and that the same was  
20 repeated on the 22nd of July, 1993, in his report two days before he left  
21 his position as the Chief of Staff.  
22 These reports clearly states that measures had been taken in  
23 order to disarm Muslim members of the HVO and that additional  
24 mobilisation campaign had been carried out. Documents were offered to  
25 corroborate this claim. They were 4D480 and P3642. We have to emphasise

Page 52363

1 that it is correct that these documents do not mention that Muslim  
2 members of the HVO should be isolated. Those two documents were not  
3 presented to Mr. Stojic, because he was in Mr. Petkovic's chain of  
4 command, which is proven and corroborated by document P3029, which was  
5 delivered to Mr. Blaskic, and the document is identical to 4D48Z.  
6 Document P3640 is a six-month report.  
7 Mr. Bruno Stojic's Defence points out that the Prosecutor,  
8 himself, in his closing argument admitted that on the 30th of June, 1993,  
9 the situation changed in the HZ-HB and that that was the date when the  
10 war started between the ABiH and the HVO. This is what the Defence  
11 claims. And we also claim that the war started with the ABiH attack on

12 the HVO. And now we are moving to the Prosecutor's final brief, to its  
13 part entitled as follows: "Stojic had full authority and responsibility  
14 for the Defence Department in the HVO."  
15 This is not true. Bruno Stojic did not have full authority and  
16 responsibility for all the activities of the Defence Department, which we  
17 corroborated in paragraph 3 of our final brief. Bruno Stojic did not  
18 issue orders to the assistants in the Defence Department, and he also did  
19 not issue orders to the commanders of the Main Staff.  
20 In paragraph 542, the Prosecutor develops his case and says that  
21 Bruno Stojic had wide authorities in managing and controlling the  
22 Defence Department, which included issuing order to the assistants of the  
23 HVO Main Staff and other bodies. To corroborate his words, the  
24 Prosecutor does not proffer a single piece of evidence that would confirm  
25 this. Among the documents proffered by the Prosecutor, there's also

Page 52364

1 document P5259. We emphasise that these are the instructions for the  
2 work of the SIS in Travnik. This document was not drafted or issued by  
3 Bruno Stojic. The document is not signed. The author is not mentioned.  
4 However, the heading shows that the document was issued by the security  
5 sector and not Bruno Stojic.  
6 In paragraph 543, the Prosecutor claims that the collegium of the  
7 Defence Department advised Stojic about various defence and military  
8 issues and that Stojic put a lot of weight to these meetings and that he  
9 told General Praljak that he should personally attend the meeting on the  
10 2nd of September, 1993. General Praljak, however, sent his deputy to  
11 that meeting.  
12 In footnote 1272, the Prosecutor refers to the testimony provided  
13 by Slobodan Bozic, who -- when they claim that the collegium advised  
14 Stojic on different defence and military issues. The witness never said  
15 that. I'm going to quote the witness:  
16 "The collegium was an informal body which was not envisaged by  
17 any document. The purpose of the meetings of that body was to discuss  
18 all relevant issues, issues of some interest for the Defence Department  
19 and the preparation of various documents that were supposed to be adopted  
20 at the HZ-HB level or at the level of the president of the HZ-HB. So all  
21 those should be discussed, and all members of the collegium could  
22 participate, all with a view to finding the best possible proposals and  
23 solutions that would be later on referred for further processing."  
24 Collegium meetings were not intended to -- to provide advice to  
25 Bruno Stojic on Defence and military issues. Many administrative and

Page 52365

1 technical issues of some relevance for the functioning of the  
2 Defence Department were discussed at the collegium meetings, and this can  
3 be seen in all the transcripts. The transcripts clearly show that every  
4 sector was independent in the discharge of their duties and that the head  
5 of the Defence Department did not have a say in that.  
6 Your Honours, I would like to move on to the topic of the  
7 collegium. I would like to show some transcripts. I would not like to  
8 be interrupted after showing the first in the series of documents that I  
9 intend to show, so I would kindly ask you to call the first break at this  
10 moment.  
11 JUDGE ANTONETTI: [Interpretation] It was just about time to have  
12 the break. We shall have a 20-minute break.  
13 --- Recess taken at 10.27 a.m.  
14 --- On resuming at 10.50 a.m.  
15 JUDGE ANTONETTI: [Interpretation] The court is back in session.

16 Ms. Nozica, please proceed. I was told by the Court Deputy that  
17 you had so far used 2 hours and 57 minutes. In other words, there is  
18 still -- you have nearly two hours left.  
19 MS. NOZICA: [Interpretation] Thank you for this information,  
20 Your Honour. I will try to finish by the end of this session, and then  
21 the final arguments will be presented by my learned friend.  
22 Before I continue, I would like to correct the transcript and  
23 thank Ms. Alaburic, who -- who pointed this out. On Page 19, line 3, I  
24 said "lower-ranking commanders," whereas it should be "higher-ranking  
25 commanders."

Page 52366

1 I also apologise to the Trial Chamber and everybody else in the  
2 courtroom for any possible errors regarding numbers, but in the afternoon  
3 we will review the transcript, and, in case of need, tomorrow morning  
4 correct the transcript before we proceed, or possibly file a motion.  
5 Let me now return to the matter of the collegium of the  
6 Department of Defence. I will mention everything relevant.  
7 I've already pointed out that the collegium discussed  
8 administrative matters. The relevant documents in chronological order  
9 are 2D1362. That's an invitation to a meeting.  
10 Then 2D1363. And I would like to point out that in these  
11 minutes, under item 6, it is clear what administrative role Bruno Stojic  
12 had in appointing persons, appointing either personnel in individual  
13 sectors or in units. Mr. Stojic asked all his assistants to submit  
14 proposals for personnel appointments by Monday, 30 November 1992. He  
15 also requested proposals for personnel to be appointed to establish  
16 certain brigades.  
17 The following collegium meeting is 2D1443, and then 2D1444,  
18 followed by P880, P1075, and P4646.  
19 P4756 is that meeting to which Bruno Stojic invited  
20 General Slobodan Praljak, but he didn't come. In his stead,  
21 General Matic was there. He was de facto the fourth most important man  
22 in the Main Staff.  
23 We can see from a discussion in item 1, and the Trial Chamber has  
24 the document, that the restructuring of the Main Staff was on the agenda,  
25 and this is a matter normally dealt with by the head of the Department of

Page 52367

1 Defence.  
2 On 18 September 1992, the head of the Department of Defence did  
3 adopt an interim structure of the Main Staff, that is P502, in which the  
4 highest ranking positions of the Main Staff were the Chief of Main Staff,  
5 the deputy chief, and the assistant chief. As we see from the discussion  
6 by General Matic in these minutes, there were dilemmas due to the  
7 introduction of new positions, namely the deputy chief and the assistant  
8 Chief of the Main Staff, which were absent from the interim structure.  
9 So it wasn't clear what the authority of the Chief of Main Staff or his  
10 deputy, respectively, were.  
11 The highest-ranking person in the Main Staff should have attended  
12 the meeting, but he didn't come, and General Matic didn't have the power  
13 to take such decisions. Nothing was done, but a new deadline was given  
14 to the services of the Main Staff to draft an instruction about the work  
15 of the Main Staff. However, this job was never done before Bruno Stojic  
16 left the position of the head of the Department of Defence on  
17 10 November 1993.  
18 All this is not so important were it not for the insistence of

19 the Prosecution on the fact that Bruno Stojic invited General Praljak.  
20 But General Praljak was the highest-ranking man in the Main Staff, and it  
21 was normal for him to give his opinion about these matters.  
22 Let me now pass to paragraph 545 of the Prosecution final brief  
23 where the Prosecution asserts that Bruno Stojic had powers over the armed  
24 forces, including the right to issue orders to the Chief of the  
25 Main Staff, but he don't corroborate this assertion by any evidence. And

Page 52368

1 that is not surprising, because there is no evidence to corroborate it,  
2 and this is a false assertion. The only orders Bruno Stojic ever issued  
3 to the Main Staff refer to administrative matters regarding the structure  
4 of units which were part of his remit according to Article 9 of the  
5 decision on the elements of the structure of the Department of Defence.  
6 Furthermore, it is asserted that Bruno Stojic was in a position  
7 to order the establishment of HVO units or their merging or splitting.  
8 The Prosecution offer Exhibit P3149 to corroborate that, because that  
9 document is an order to re-establish the Knez Domagoj Brigade, but this  
10 order was not passed by Bruno Stojic. This order was co-signed by the  
11 Chief of Main Staff. If this was expressly within his remit, he would  
12 have issued the order himself.  
13 In item 2 of this order, which is actually within his remit and  
14 that's why he co-signs, he gives out a task to the Department of Defence  
15 from the remit of the civil sector of the Department of Defence. So this  
16 wasn't an order of the head of the Department of Defence, which is  
17 confirmed by Exhibit P3151, which is an order issued by Mr. Obradovic,  
18 who passes -- passed it on to subordinate units, and in the preamble to  
19 that order, he refers to the order issued by the Main Staff rather than  
20 the order of the chief of the Department of Defence.  
21 Let me move on to the heading in the Prosecution brief that  
22 Stojic played an active role in the command and control of the armed  
23 forces of the HVO. But Bruno Stojic did not have the authority to  
24 command the HVO, nor did he ever do that. This is explained in detail in  
25 paragraph 331 of our final brief.

Page 52369

1 Two commanders of the Main Staff have been heard in this  
2 courtroom, Milivoj Petkovic and Slobodan Praljak. Both confirmed that  
3 they never received an order from Bruno Stojic about the operative  
4 commanding of the HVO. The transcript Pages where this can be found are  
5 43446 and the following. Also Page 50349.  
6 The Prosecutor actually confirms that, too, in the first sentence  
7 of paragraph 547. No one document used by the Prosecutor to corroborate  
8 this claim actually confirms it. The claim of the Prosecution is that  
9 Stojic actually commanded indirectly, but that doesn't make sense,  
10 because the only way you can command is directly, and the Prosecution's  
11 duty was to offer evidence to that effect.  
12 In Annex N, the Prosecution lists several documents which  
13 allegedly show that Bruno Stojic commanded HVO units. Not one of these  
14 documents actually confirms that.  
15 I would like to point out the testimonies of the commander of the  
16 Main Staff again, which clearly show that Bruno Stojic did not command  
17 HVO units in an operative manner.  
18 The Stojic Defence does not deny that the Main Staff was under  
19 the Department of Defence. The Department of Defence did have authority  
20 with regard to the Main Staff as outlined in Article 9. We have said  
21 that several times. But the -- but a close reading of that paragraph

22 clearly shows that Bruno Stojic didn't have the authority to either plan  
23 or command.

24 Your Honours, I would like to draw your attention to the  
25 possibility that in Annex N of the Prosecution final brief, you may be

Page 52370

1 able to find Mr. Siljeg's reports, who submitted -- which he submitted to  
2 Bruno Stojic and other persons. But for the Trial Chamber to decide  
3 whether Bruno Stojic received these reports only for his information or  
4 to act upon, it is necessary to see that Bruno Stojic did not report --  
5 receive sitreps from commanders of other operative zones. For him to be  
6 able to take part in planning or issue orders, even indirectly, as  
7 asserted by the Prosecution, then he would have had to have reports from  
8 all operative zones, but that is not the case. Therefore, the only  
9 conclusion to be drawn is that Colonel Siljeg, in accordance with some  
10 procedures that he obviously learned, sent reports both to the  
11 Department of Defence and other bodies of the HZ-HB, but there is no  
12 evidence that Bruno Stojic ever replied to him with regard to inquiries  
13 in these documents or that he gave him instructions or orders.

14 Paragraph 549: Here the Prosecution claims that Bruno Stojic had  
15 close and direct connection with Gojko Susak, the Croatian minister of  
16 defence, about military matters, and as evidence they offer the  
17 transcript from the meeting of the People's Defence Council of Croatia of  
18 3 November 1992, where Susak put forward the information that on  
19 19 August 1992, he had a meeting with 17 officials from  
20 Bosnia-Herzegovina, among whom there was Bruno Stojic. This clearly does  
21 not corroborate the Prosecution's claim about the existence of direct and  
22 close links between Bruno Stojic and Gojko Susak.

23 The Prosecution go on to assert that it is obvious from the  
24 transcript of 27 January 1993, that Stojic thoroughly informed  
25 Gojko Susak about military operations in Central Bosnia, including

Page 52371

1 Gornji Vakuf, and for that they offer Exhibit P1325 as corroborating  
2 evidence.

3 Your Honours, I kindly ask you to review this transcript, because  
4 we submit that it does not contain what the Prosecution asserts.

5 The Prosecution further claim that Stojic controlled HVO labour,  
6 logistics, and finance. In paragraph 556, the Prosecutor asserts that  
7 Witness Miroslav Rupcic confirmed in his testimony that Stojic requested  
8 the minister of defence of Croatia to pay for the armed forces and that  
9 Susak approved that, but the witness didn't say that. The Prosecutor  
10 showed the witness two documents P10290 and 10291. The witness said  
11 these documents did not bear Bruno Stojic's signature. This unambiguous  
12 statement of the witness is mentioned on Page 23375 of the transcript,  
13 lines 9 and 10. It suffices to look at these documents to find out that  
14 they do not have the letterhead of the Department of Defence. They have  
15 no registration number of the Department of Defence or its seal, and they  
16 are not signed by Bruno Stojic.

17 During his cross-examination, the witness was shown the settling  
18 of accounts of the Department of Defence for 1993. That's P8118, Pages 7  
19 and 8. It's a lengthy document. The Trial Chamber has -- has it in its  
20 possession. And the overall revenue of the Department of Defence is  
21 stated in Croatian dinars. Here the amount is shown which the  
22 Department of Defence received from the Ministry of Defence of the  
23 Republic of Croatia and the Department of Finance of the HR HB. The  
24 amount received from the Department of Defence of the Republic of Croatia

25 is 16.764.924.236 Croatian dinars.

Page 52372

1 During the witness's testimony of Witness Miroslav Rupcic, a  
2 conversion of Croatian dinars into German marks was made which can be  
3 found in paragraph 214 of our final brief. The witness testified that  
4 toward the end of 1993, that amount equalled 4.488.445 German marks. The  
5 reference can be found in transcript Pages 23573 and the following.  
6 When we presented this document to the witness, Judge Antonetti,  
7 based on the information from that document, said that this amount was  
8 received from the Ministry of Defence of the Republic of Croatia is  
9 lesser than 10 per cent, which is completely correct. And the  
10 transcript -- the relevant transcript Page is 23576 through 23571. I  
11 apologise. I misspoke. It's transcript Pages 23576, line 17 -- lines 17  
12 and 28.  
13 Bruno Stojic's Defence points out, and that can also be seen in  
14 the documents P1020 and 1291, that the monies were borrowed from the  
15 Ministry of Defence of the Republic of Croatia. And the Defence also  
16 points out that the monies loaned to the Defence Ministry were raised by  
17 the citizens who originated from Bosnia and Herzegovina and who lived in  
18 Bosnia and Herzegovina and elsewhere, all over the world, and that was  
19 confirmed by the Prosecutor's witness Mr. Rupcic on Pages 23579 through  
20 23581 and 23585. We would like to draw your attention, Your Honours,  
21 that on that occasion the witness was also shown document 2D532, which  
22 was admitted into evidence as 1D1755.  
23 The witness explained why those monies were paid into accounts in  
24 Croatia rather than in accounts in Bosnia-Herzegovina. It should be  
25 pointed out because of the Prosecutor's allegation about the -- about the

Page 52373

1 JCE in this part that concerns financial support to -- provided by the  
2 Republic of Croatia that the Defence has presented to the Trial Chamber  
3 Exhibit 2D545, which is the guarantee of the Ministry of Finance of the  
4 Republic of Croatia, dated 13 May 1992. And this guarantee showed --  
5 shows that it was guaranteed to the Crisis Staff of the Muslims of  
6 Croatia an amount of \$30 million US worth of goods will be delivered as  
7 assistance to the Republic of Bosnia and Herzegovina. Your Honours, it  
8 really is not necessary to provide any comments about these two amounts,  
9 because they clearly show that the Republic of Croatia has given ample  
10 money, both to the HZ-HB and also provided guarantees to the republic of  
11 Bosnia and Herzegovina that there would be at least a nine times higher  
12 amount forthcoming in order to assist the Republic of Bosnia and  
13 Herzegovina.  
14 Paragraph 558: The Prosecution further claims that Bruno Stojic  
15 organised special centres, intelligence centres, in Mostar and Zagreb,  
16 and he proffers Exhibit P2044. The claim does not arise from that  
17 document. The intelligence centre in Mostar had existed even before the  
18 war and continued existing during the war. This is corroborated by  
19 P7344, Pages 41 through 45, where we can see what the role of that centre  
20 was -- or, rather, of these centres. These centres were primarily  
21 intended for alerting and informing citizens about possible attacks,  
22 informing citizens about the passability of different roads, the supply  
23 of water, and also they were intended to make a note of all those events.  
24 Bosnia-Herzegovina borders on Croatia, and it was only normal for the two  
25 centres to co-operate as they do in peacetime. Intelligence centres of

Page 52374

1 that type co-operate during peacetime and during wartime, and they share  
2 information of some relevance for each other.

3 In this paragraph, the Prosecutor claims that Bruno Stojic  
4 co-operated with the Serbs when it comes to the procurement of weapons  
5 from the Serb side. When it comes to the parts of Mladic's diaries and  
6 co-operation with the Serbs, we provided a detailed explanation in our  
7 final brief, in paragraph 259 -- 252.

8 Bruno Stojic's Defence claims that the purchase of weapons from  
9 Bosnian Serbs was the product of the environment in the area of the UHZHB  
10 which were under constant attack on the part of the ABiH. They were not  
11 in a position to procure weapons in any other way. They were not able to  
12 get medical treatment in those enclaves because they didn't have any  
13 hospitals. This is confirmed by the Prosecutor's witness EA.

14 The fact that those areas were encircled was used by the  
15 Bosnian Serbs as testified by EA to sell their weapons and materiel and  
16 technical equipment at prices up to ten times higher than was their real  
17 market value.

18 During the examination of that witness, I used the word  
19 "blackmail," and indeed it was a blackmail, and Witness EA confirmed that  
20 on Pages 24904 to 24903 through 24917. The Page numbers are 24904, 24913  
21 to 24917. This is also confirmed by document P9967.

22 The document shows the prices which were paid for materiel and  
23 technical equipment. Would I like to draw the Trial Chamber's attention  
24 to the fact that the witness was examined and shown this document during  
25 his examination, and we also showed him 2D577. In this document, we see

Page 52375

1 the prices that the ABiH paid for the materiel and technical equipment  
2 purchased from the HVO and from the arms factory in Travnik. We compared  
3 those prices with the witness, and we established that the prices they  
4 paid to the Serbs were up to nine times higher. This was recorded on  
5 transcript Pages 24913 through 24917.

6 We would like to briefly draw the Trial Chamber's attention to  
7 document P9965, specifically to the last sentence in that document which  
8 shows that the HVO Kiseljak paid 1 million Deutschmarks to the Serbs from  
9 their own funds. This is yet another piece of evidence that the local  
10 authorities financed the troops in their own areas.

11 I'm now moving on to the part where it says that Bruno Stojic  
12 exerted control over the HVO military police. In paragraph 561, there is  
13 a description of the administrative activities which were within the  
14 remit of Bruno Stojic, as well as of the chief of the military police,  
15 Valentin Coric.

16 In paragraph 564, the Prosecutor alleges that one day before the  
17 HVO ultimatum, on the 15th of April, 1993, according to the Prosecutor,  
18 the ultimatum was on the 15th of April, 1993, so one day before that, the  
19 military police commander Lovric issued a plan for the intensive control  
20 of the city of Mostar pursuant to an order issued by the  
21 Defence Department head, and he mentions document number P1868. However,  
22 the Prosecutor's allegation is not correct. This is indeed a plan of the  
23 increased control of the city of Mostar. However, the document says that  
24 it was being issued because of the complicated security situation as a  
25 result of the conflict between the ABiH and the HVO in Konjic. This plan

Page 52376

1 has nothing whatsoever to do with any ultimatum.  
2 Witness Dragan Juric testified about this attack by the ABiH, and

3 would I kindly ask you to look at two documents, P1874 and P1879, which  
4 illustrate this claim. The same paragraph says that after the BH Army  
5 took the North Camp in Mostar, Bruno Stojic subordinated the civilian  
6 police, which had manned the front lines, to the commander of the  
7 military police. In the footnote, there is a reference to document  
8 P3124. However, Your Honours, this is not correct, and you've -- you  
9 will see that confirmed in documents P3027 and P3123. These -- these are  
10 orders issued by the head of the department of the interior who had the  
11 right to command the civilian police.

12 As far as moving the military police from Livno and their arrival  
13 in Mostar, the commander of that unit testified, and that testimony was  
14 recorded on transcript Page 50973, and in his testimony he said whose  
15 orders he followed when he did that.

16 In paragraph 567, the Prosecutor claims that -- that after  
17 tensions in Prozor in October, Stojic's Defence Department stepped up the  
18 HVO control in Mostar by way of issuing an order to the military police  
19 through Valentin Coric. The Prosecutor claims that the order was for the  
20 military police to get hold of the most important facilities in town. In  
21 order to corroborate that claim, they proffered document P619. In this  
22 report, it is stated that pursuant to the order of the head of the  
23 department, pursuant to a decision of the president of the HVO, certain  
24 facilities in Mostar had indeed been taken.

25 A Prosecutor -- Prosecutor's witness, Witness CV, testified and

Page 52377

1 said that this was done in a joint operation of the ABiH and the HVO, and  
2 you will see that at -- in the transcript on Page 12590, lines 13 through  
3 20. And this was additionally confirmed by Witness Vidovic, and that was  
4 recorded on transcript Pages 5149 through 51554.

5 In paragraph 568, the Prosecutor offers document P670 to  
6 illustrate his claim that that document demonstrates an active role of  
7 Bruno Stojic in the military operations in Prozor. The document itself  
8 shows that there was a joint attempt by Bruno Stojic and Slobodan Praljak  
9 to resolve problems that had arisen with regard to the departure of a  
10 group of soldiers from Jajce, Jajce that had come -- come under a Serb  
11 attack only one day after the alleged agreement with the H -- with the  
12 Serbs, and that took place in Jajce, on the 26th of October, 1992, and  
13 this is corroborated by P11380.

14 The document shows that for 40 -- 58 hours there had been  
15 attempts to allow an HVO formation to head for Jajce, but there have been  
16 attempts to prevent that by the Muslims:

17 "You should try to settle this situation with Muslims in Travnik  
18 and Jajce, and you should exert your influence over the Muslims and  
19 ensure an unhindered passage towards Jajce on their part."  
20 And I end this quote.

21 Why was this quote important, Your Honours? It is important  
22 because this unit that headed towards Jajce did that on account of a  
23 fierce attack by the Serbs. Jajce was being defended by both Muslims and  
24 Croats, and that particular unit was also composed of both Croats and  
25 Muslims which is corroborated by document number 3D484.

Page 52378

1 Certainly this document cannot be interpreted as an order, but,  
2 rather, as an appeal to do anything possible to save Jajce, which was  
3 being defended by both the HVO and the ABiH.

4 The following document that the Prosecution used in order to  
5 corroborate his claim that Bruno Stojic had been involved in the events

6 and developments in Prozor in 1992 is P799. The Prosecutor claims that  
7 Bruno Stojic called the HVO brigade commander and the commander --  
8 I apologise, Your Honours. I was just checking the time, and I  
9 apologise for that.  
10 The Prosecutor claims that Bruno Stojic, on the 25th of October,  
11 1992, called the HVO brigade commanders and the commander of the military  
12 police in Mostar and invited them to report to him about the situation in  
13 Prozor and proffers document P7992 to corroborate that.  
14 When we look at the document, we see that this is an invitation  
15 to a meeting. However, the conclusion drawn by the Prosecutor certainly  
16 cannot be drawn on the basis of this document. The reason why  
17 Bruno Stojic sent this invitation is obvious if we look at document P835.  
18 Bruno Stojic, only five days after that meeting, issued an order about  
19 appointments in the Rama Brigade of other officers and deputy commanders  
20 pursuant to the authorities within his remit, pursuant to Article 34 of  
21 the Decree on Armed Forces.  
22 When we look at these two documents, we can conclude that that  
23 was the main topic on the agenda of that meeting. It would not be  
24 logical for a Defence Department head to call all the leading officers to  
25 travel across the territory to inform him about certain developments

Page 52379

1 seven days post facto.  
2 On several occasions, the Prosecutor used documents issued by the  
3 assistant for the SIS to the respective units in order to prove some of  
4 his allegations, although those documents were never submitted to  
5 Bruno Stojic. Bruno Stojic was not in a position to know about the  
6 contents of those documents even if they had been sent to the SIS  
7 administration.  
8 The Prosecutor never proved that Bruno Stojic had full and  
9 complete control over a single sector in the Defence Department.  
10 Paragraph 571: With regard to the claims in this paragraph of  
11 the Prosecution, the Defence points out that there is no evidence showing  
12 that Bruno Stojic was aware of the alleged attacks of the HVO after  
13 15 April 1993 in Central Bosnia. And no one document the Prosecution  
14 uses to substantiate their claim actually shows that.  
15 In paragraphs 572 and 573, the Prosecution claims that the HVO  
16 operation against Sovici and Doljani was a large-scale operation that  
17 included two operative zones and that it could only be co-ordinated by  
18 high authorities, including Bruno Stojic. They likewise claim that the  
19 operation was carried out in accordance with the plan, so even if Stojic  
20 was not involved, he was at least familiar with the plan.  
21 The Prosecution failed to prove any of these claims beyond  
22 reasonable doubt. As evidence they offered two orders issued by  
23 Miljenko Lasic, but they were not forwarded to Bruno Stojic; as well as  
24 document P1915, which shows that it refers to the BH Army attacks on the  
25 Herceg Stjepan HVO Brigade in Konjic on 14 April 1993 but which

Page 52380

1 Witness Dragan Juric testified on transcript Pages 39318 through 39321.  
2 Furthermore, document P2085 wasn't received by either Stojic or  
3 the Department of Defence, which can be seen from the log-book of coded  
4 messages of the Main Staff, which is P463.  
5 The Prosecution also did not prove who this man Dragan is.  
6 In paragraphs 574 and 575, the Prosecution claims that  
7 Bruno Stojic played a leading role in the military operations of the HVO  
8 on 9 May 1993, and substantiates that with BBC footage of 10 May, which

9 the Prosecutor presented in his final arguments. Your Honours will  
10 remember that this is Exhibit P4238.  
11 I would especially like to point out for the Trial Chamber the  
12 words the Prosecution uses -- or, the Prosecution mentions in  
13 paragraph 577 are not the words of Bruno Stojic but the words of the  
14 journalist. The journalist provides an alleged answer in part of that  
15 footage, the alleged answer of Bruno Stojic. But after that, we heard  
16 Bruno Stojic's voice. We submit that the words cited were not uttered by  
17 Bruno Stojic, because if he had, the journalist would have noted that as  
18 he has noted or recorded the -- that part of his statement which is not  
19 contentious.  
20 There were also valuable observations and questions by  
21 Judge Antonetti about this footage and about the way of the office of  
22 Bruno Stojic looked as well as the maps in front of him. The transcript  
23 Pages are 35985 through 35961.  
24 About paragraph 579, about shelling Mostar after 9 May 1993 and  
25 the alleged reasons for that, the Prosecution claims that Bruno Stojic

Page 52381

1 knows about that based on the testimony of Witness CB. The Prosecution  
2 haven't proffered any evidence to support the claim that Bruno Stojic was  
3 aware of this statement even if -- if the -- and the Defence asserts that  
4 this is wrong and that the witness made it up.  
5 This statement was not recorded in any report of the SpaBat.  
6 Slobodan Bozic -- we cannot trust a witness who says that he didn't know  
7 who Slobodan Bozic was, who regularly contacted the SpaBat as a member of  
8 the HVO HZ-HB commission for liaison with international organisations.  
9 Now, about paragraph 580 that Bruno Stojic knew about sniping and  
10 about the death of Lieutenant Fernandez by a bullet fired by the HVO.  
11 The evidence of the death of Lieutenant Fernandez has been  
12 analysed. Document 2D117 is a report about the findings of the  
13 commission whose task it was to investigate the circumstances of the  
14 killing of this lieutenant. This report is dated 14 June 1993, and the  
15 allegations from this report were used in the letter that Bruno Stojic  
16 sent to the Spanish minister of defence.  
17 We would like to remind you that Spanish officers, namely  
18 Colonel Castro and Colonel De Salas, also took part in the work of the  
19 commission, which means that Bruno Stojic did not put himself in the  
20 position to be responsible for the death of HVO soldiers. And we see  
21 from report 2D117 that a story was compiled which originates from high  
22 officials in Spain, probably by mediation of information from the SpaBat  
23 that HVO is to blame and that sanctions are to be taken against the HVO  
24 in Croatia. This is the reason why Bruno Stojic wrote this letter to the  
25 Spanish minister. So Bruno Stojic didn't put himself in the position to

Page 52382

1 be responsibility for the killing of the HVO soldier as the Prosecution  
2 claims. Furthermore, we see that the HVO was not responsible for the  
3 death of Lieutenant Fernandez nor has anybody ever established anything  
4 else about this event.  
5 After the report of this commission, UNCIVPOL got the mandate to  
6 investigate the circumstances of the killing of this lieutenant, but they  
7 never did that. The document is 2D118.  
8 So the Prosecution's claim that the HVO was pronounced guilty of  
9 this murder is wrong.  
10 I'll get back to the last sentence from report 2D117, because it  
11 shows the manipulation of information about the death of

12 Lieutenant Fernandez to the detriment of HVO. This can also be seen from  
13 the report by General Petkovic, which is P2808. This manipulation was  
14 continued by Witness van der Grinten in his statement given to this  
15 Tribunal when he said that Bruno Stojic, when talking to this witness on  
16 16 June 1993, said that he had HVO snipers under his control.  
17 In the report from this meeting, which is P286 -- I'm not sure  
18 whether this is actually the right document number. I will check it and  
19 correct it subsequently, if necessary. Anyway, this document states that  
20 the HVO had snipers under their control.  
21 This is obviously false testimony, because it is not at all  
22 logical that this wouldn't have been mentioned in the report I mentioned  
23 if Bruno Stojic had ever said that. But we can see that not even the  
24 Prosecutor believe him fully because if we read the last sentence in  
25 paragraph 589 of the Prosecution final brief.

Page 52383

1 In paragraph 588, the Prosecution claims that the HVO attacked  
2 the BH Army on 24 August 1993, at the North Camp, the hydro power plant  
3 dam and the Rastane village. But the Defence states that the footnotes  
4 of 1369, 1370 and 1371 of the documents cited by the Prosecution show  
5 that it was actually the BH Army who started the attack. And the  
6 documents mentioned here were not received by Bruno Stojic. They show  
7 who was in a position to decide which HVO unit would be involved in these  
8 military operations, but Bruno Stojic took no part in that.  
9 Documents P4401 and P4435 about the professional units and their  
10 training allegedly contain Bruno Stojic's statements, but these reports  
11 do not state when he allegedly said that, and since the BH Army attacked  
12 the HVO on the 24th of August, 1993, Bruno Stojic, even if this were  
13 correct, couldn't know that this military operation would be launched or  
14 who would take part in it.  
15 We would like to add that even in the log-book of activities of  
16 the SpaBat, which is P1717, and the following period, no conversation  
17 with Bruno Stojic is recorded.  
18 Paragraph 589: Here the Prosecution asserts that after the  
19 BH Army had taken Rastane on 20 September 1993, Stojic and Praljak  
20 reacted fast by mobilising all human resources to destroy MOS terrorist  
21 groups which had infiltrated the area. They refer to documents P5235 and  
22 P5232. These two orders have nothing to do with the HVO operation at  
23 Rastane, which is north of Mostar.  
24 The evidence we offer is document P9276, which is map 18, which  
25 the Trial Chamber can use to see where Rastane is.

Page 52384

1 The BH Army took Rastane on 21 September 1993, which follows from  
2 the report of the Main Staff, which is document 2D338. The HVO  
3 operations were commanded by the commander of the zone of operations  
4 South-East Herzegovina, Miljenko Lasic, which is -- which can be seen in  
5 document P5303.  
6 The commands of Bruno Stojic -- or, rather, the orders of  
7 Bruno Stojic and Slobodan Praljak refer to terrorist groups in the area  
8 of Capljina, Capljina, which is south of Mostar, and not Rastane, which  
9 is north of Mostar.  
10 Slobodan Praljak in his testimony explained that he received an  
11 order from Bruno Stojic and that he crossed out "Mostar" from this order  
12 and entered "Ljubuski" and added his initial to confirm the changes. The  
13 transcript Page is T42078, lines 36 -- line 36 through 42082, line 25.  
14 These orders show that the task was to mobilise men which was

15 within Stojic's remit but also that the forces gathered should be put at  
16 the disposal of Colonel Obradovic. The mobilisation was to be carried  
17 out by the military police and the civilian police. That's why the head  
18 of the Department of the Interior was -- or, rather, the head of the  
19 Department of the Interior issued an identical order, this is 2D3002.  
20 This is obviously an urgent intervention, and that's why all  
21 three orders are almost identical, except for this essential detail in  
22 which the order of Slobodan Praljak differs. He at the end of his order  
23 adds that the commander of the first sector, Colonel Obradovic, shall  
24 inform him about its implementation in a regular fashion.  
25 So everybody acted within their remit. The order of

Page 52385

1 Bruno Stojic, which is P5232, cannot be considered commanding HVO units  
2 as claimed by the Prosecution in Annex N. If there had been terrorist  
3 groups in the general area of Capljina -- or that there were terrorist  
4 groups can be seen from two SpaBat reports of 12 September and  
5 27 September 1993. The documents are P4971 and P5416. In the former  
6 document, it is said on Page 5:  
7 "The logistical patrol that was returning from supplying food to  
8 the front line was ambushed at Stanojevici when six HVO soldiers were  
9 killed."  
10 Your Honours, I can offer a map. It is IC1108. It is not in  
11 your binder, but it shows where Stanojevici is. It is in the Capljina  
12 municipality.  
13 In the second report, on Page 5, it is stated that the  
14 reconnaissance group, upon the request of the HVO, found five dead bodies  
15 at Oplicici, two of which were in uniforms with their hands tied behind  
16 their backs, and all five dead bodies had a large hole in the back of  
17 their heads.  
18 Where Oplicici is, namely at the Dubravka plateau and very near  
19 the areas where mobilisation was to be carried out, can be seen in  
20 IC0018.  
21 These documents clearly show that terrorist groups infiltrated  
22 the area and that they executed some people, because that is the proper  
23 name for the event due to the state in which the corpses were. The  
24 corpses were found by SpaBat and described by them.  
25 Furthermore, the Prosecutor asserts that Bruno Stojic commended

Page 52386

1 Tuta and the Convicts Battalion after these operations in September 1993  
2 at Rastane instead of launching an investigation and punishing the  
3 perpetrators of crimes. The Defence submits that no crimes were  
4 committed in September 1993 at Rastane nor can -- may be found in the  
5 indictment.  
6 Paragraph 591: In this paragraph, the Prosecutor refers to two  
7 documents about the alleged information that Bruno Stojic had about the  
8 eviction of people from their apartments and transfer of women and  
9 children to the left bank. These are documents P5554 and P5518.  
10 None of the documents -- or neither of the two were ever  
11 submitted to the HVO HZ-HB or Bruno Stojic. My learned friend  
12 Mr. Karnavas commented upon one of those documents.  
13 The Prosecutor failed to prove beyond every reasonable doubt that  
14 Bruno Stojic had any knowledge about those events.  
15 Paragraph 593: In this paragraph the Prosecutor alleges that  
16 after the crime in Stupni Do, Bruno Stojic proposed that  
17 Bruno [as interpreted] Rajic be promoted into the rank of active colonel;

18 that's according to the Prosecutor.  
19 As for the assignment of rank to Ivica Rajic, this was not a  
20 promotion as the Prosecutor alleges. This was just a proposal. And this  
21 can be seen in document P6328, and this was also explained by Witness EA  
22 on Pages 24904, lines 1 through 17.  
23 The Prosecutor did not prove beyond any reasonable doubt that  
24 Bruno Stojic knew or was in a position to know about the responsibility  
25 of Ivica Rajic about the crimes in Stupni Do.

Page 52387

1 As we look at all of the documents that have been admitted into  
2 evidence in this case, we can see that before the 10th of November, 1993,  
3 when Bruno Stojic left the position as the head of the  
4 Defence Department, there was no suspicion that Ivica Rajic might be  
5 responsible for those crimes. In other words, up to that moment, no  
6 single element was proffered or established to prove that Ivica Rajic had  
7 ever participated in some illegal actions. Furthermore, the Prosecutor  
8 alleges that Ivica Rajic continued to report to Stojic, Praljak, and  
9 Petkovic about the Serbian Croatian co-operation even after the crime in  
10 Stupni Do. He submitted requests and received replies from Stojic on the  
11 following day.  
12 This is not true. We have to look at documents P6219, which is  
13 Ivica Rajic's request, dated 29 October 1993, and the request is for  
14 assisting the population in Vares. And also Bruno Stojic's letter,  
15 P6267, which refers to a convoy which was supposed to move from Berkovici  
16 via Nevesinje to Konjic. That convoy carried aid to the civilian  
17 population and the HVO soldiers which were in the territory of Turije,  
18 Zabrdje and the Konjic pocket that we often mentioned in this case and  
19 that Witness Dragan Juric testified about. So these two documents are  
20 not in a causal relationship.  
21 In paragraph 594, there is a reference to the fact that  
22 Bruno Stojic was directly responsible for the camps and that he  
23 participated actively in the establishment of a system which served to  
24 expel a number of Muslim detainees and their families and -- and deported  
25 them out of Herceg-Bosna. Bruno Stojic was not responsible for the

Page 52388

1 camps, either directly or in any other way, and we provided ample proof  
2 of that in our final brief.  
3 The Prosecutor offers a document which refers both to the camps  
4 as well as to the deportation of Muslims. The Prosecutor offers document  
5 P3573.  
6 The document itself refutes the Prosecutor's conclusion about  
7 Stojic's direct involvement and responsibility for the camps. This is a  
8 record of the HVO HZ-HB meeting which took place on the 28th of July,  
9 1993. This is just one of the sessions that discuss the issue of the  
10 camps.  
11 Your Honours, I suggest that you look at the document P3560, and  
12 this document describes one of those sessions that preceded the session  
13 described in P3573, the latter discussed at the request of the  
14 municipality of Capljina about the transfer of the detainees and the  
15 conditions of their detention. The goal was to improve the conditions of  
16 their accommodation. A discussion ensued, and a conclusion followed, and  
17 this conclusion says this:  
18 "Prisoners of war have to be provided with good accommodation,  
19 conditions in keeping with the Geneva Conventions."  
20 And it is also said that if the current accommodation facilities

21 are not adequate, the president of the administration of general  
22 co-ordination will assign new locations and transfer prisoners of war to  
23 the new locations.  
24 And now most importantly:  
25 "The accommodation in new locations will be within the purview of

Page 52389

1 the Defence Department."  
2 A work group or a task force of three people was appointed at  
3 that session, and these three people were tasked with visiting the  
4 municipality of Capljina, establish the status of the camps and make  
5 proposals to remedy the situation if, indeed, a remedy was needed.  
6 At this session it was stated that only when the locations are  
7 found, the Defence Department will be in charge of them, but only those  
8 locations met the conditions of the [indiscernible] 929 [as interpreted].  
9 We would like to point out that Capljina and Dretelj centres  
10 where prisoners of war were accommodated, as well as people serving  
11 prison services, were not established in keeping with this decree.  
12 Now let's go back to the session which was held on the 20th of  
13 July and that the Prosecutor referred to. The document number is P3573.  
14 The task force submitted its report to the participants in the  
15 session, and you can see -- you can see that the task force had  
16 established that some media reports were incorrect. They visited the  
17 area. They provided their opinion. And as for the transit centres and  
18 the finding of new locations for the transfer of people from Capljina,  
19 this is very important, that's why I will move to that, the international  
20 Red Cross and other international organisations will be allowed access to  
21 those facilities in order to control the conditions of stay of  
22 incarcerated persons.  
23 Secondly, an initiative is upheld for the opening of a transit  
24 centre in Ljubuski for those people who wanted to leave war stricken  
25 areas and leave for the third countries. The UNHCR has been informed

Page 52390

1 about that.  
2 Another task force of three people has been assigned in order to  
3 see what the possibilities were to accommodate a certain number of  
4 incarcerated persons.  
5 This is the information that Bruno Stojic received at the  
6 session, and the special emphasis was put on the transit centres. It was  
7 said at this session that the initiative also involved the participation  
8 of the UNHCR. In other words, Bruno Stojic was not involved in any other  
9 shape or form in any of the activities that were aimed at expulsion and  
10 deportation. We would like to emphasise that both commissions that were  
11 supposed to establish what the conditions were and possibly find new  
12 locations were composed without the involvement of any member of the  
13 HVO HZ-HB. The commission that was established by Bruno Stojic in 1993,  
14 pursuant document number P3995, never took off the ground. The document  
15 number is P3995. We said that in our final brief, and we repeat it  
16 today.  
17 As far as the role of SIS in the procedure to exchange prisoners,  
18 we would like to point out that document of 6D168 shows that the SIS  
19 centre provided their opinion stating that there were no hindrances for  
20 people to be released from the central military prison but did not make  
21 any decisions about that. Document P4686 shows that this particular  
22 person was released pursuant to an approval that was issued by the office  
23 for exchanges.

24 Your Honours, although SIS centres were integral parts of the SIS  
25 administration and the security sector, the Prosecution did not prove

Page 52391

1 that Bruno Stojic knew or was in a position to know about the activities  
2 of the aforementioned centre.  
3 In paragraph 597, the Prosecutor claims that on the  
4 27th October 1993, Josip Praljak sent a report to Bruno Stojic about the  
5 situation at Heliodrom. And he referred to document P6170. The Defence  
6 claims that this letter was never sent to Bruno Stojic. Not only did he  
7 not receive it, it was not sent to him. The contents of the document  
8 show that the information contained in the document is the information  
9 sent by the witness to Mr. Naletilic. And for reasons known only to him,  
10 he considered him Mr. Bruno Stojic's advisor and a person higher ranking  
11 than Bruno Stojic. The link between him and Naletilic is seen in  
12 document P6844, which is a report from the crime police department dated  
13 24 November 1993.  
14 Mr. Praljak was interviewed in respect of an unauthorised delivery  
15 of documents from the central military prison at Heliodrom to Naletilic.  
16 The witness was examined about that before this Trial Chamber,  
17 and we can see it in the transcript on Pages 1486 through 14873.  
18 Here we can see that His Honour -- His Honour Judge Antonetti was  
19 surprised to see how the witness could put a lower-ranking person above a  
20 higher-ranking person. Namely, he put Mr. Naletilic above Mr. Stojic,  
21 and the witness replied to that that this must have been a typo.  
22 It was not a typo. We claim that that letter was not even  
23 intended for Bruno Stojic's perusal, and whether it was delivered to  
24 Mr. Naletilic or not, we don't know that. Besides, if Bruno Stojic, as  
25 the head of the Defence Department, was in charge of the central military

Page 52392

1 prison at Heliodrom as the Prosecutor insists, and if the witness  
2 Josip Praljak, who was an employee of that prison addressed him as his  
3 superior, how is it then possible to explain that the witness, on the  
4 24th of November, 1993, sent a letter to Bruno Stojic under  
5 Exhibit P6848? And that was 14 days after the new composition of the  
6 government was made publicly known. And it was known to everybody that  
7 Bruno Stojic was not part of that government, as can be seen in P6583,  
8 and that was also 14 days after Bruno Stojic stopped working in the  
9 Defence Department.  
10 We move to chapter 7 where it says that Stojic consciously and  
11 significantly contributed to the operation of the HVO camps by illegally  
12 arresting people and sending them for forced labour.  
13 In paragraph 600, the Prosecutor claims that the  
14 Defence Department was completely responsible for the HVO, according to  
15 Mr. Petkovic. This is not what Mr. Petkovic said so explicitly, and you  
16 can see this on Page 50670.  
17 Your Honour, Witness Petkovic said, and I paraphrase, that in  
18 HZ-HB they had prisons for prisoners of war and incarcerated people.  
19 There was a decree issued by Mate Boban, which is P9292. Whether  
20 Mr. Petkovic knew which of the centres had been established pursuant to  
21 that decree's moot at this point, but what we would like to draw the  
22 Trial Chamber's attention is the testimony of Mr. Petkovic about prison  
23 camps and put that testimony in the context of all the other evidence,  
24 and we believe that based on all that, the Trial Chamber will be able to  
25 draw a correct conclusion.

1 Furthermore, the Prosecutor in this paragraph of his final brief  
2 proffers certain documents that should corroborate his claim that  
3 Mr. Stojic was responsible for the camps. We will tackle only some of  
4 those documents.  
5 Your Honours, sometimes -- or, rather, very often when reading  
6 Mr. Scott's final brief and all of the other learned friends from the  
7 Prosecution, my feeling was that we did not present our Defence case  
8 here, that none of the Defence teams called any of their witnesses. The  
9 Prosecutor insists on all the charges in the indictment, and it seems  
10 that we were here in vain, that we challenged the Prosecutor's case in  
11 vain, that we called our witnesses in vain.  
12 My learned friend Mr. Karnavas says that it is understandable the  
13 Prosecutor doesn't find Defence witnesses credible. But there are some  
14 notorious facts. One of them is when Mr. Stojic left the  
15 Defence Department, but the Prosecutor does not believe even that. The  
16 Prosecutor witnesses themselves corroborated some of our case, but the  
17 Prosecutor chooses to ignore those.  
18 One of the documents is P193 about the Dretelj Barracks. I  
19 really feel bad for having to repeat certain things five or six times,  
20 but I'm forced to do that because the Prosecutor chose to include them in  
21 his final brief, and I have to react, and I have to point to certain  
22 things.  
23 So this document P893 is a decision to give the Dretelj Barracks  
24 to the military police for their use. This decision has nothing  
25 whatsoever to do with the apprehension of persons after the

1 30 March 1993.  
2 Your Honours went there, visited the barracks. It is one  
3 building, and behind it there was the centre in which the detainees were  
4 held.  
5 This decision was adopted at a collegium meeting, which is P880.  
6 This building houses the 3rd Company of the 3rd Battalion of the military  
7 police. It was badly damaged and renovated, which is confirmed by  
8 document 2D518. The construction works finished in early March, and this  
9 (redacted) on Pages  
10 22431 to 22434.  
11 I apologise. I must correct what I said. I haven't noticed  
12 that. It is Witness C.  
13 JUDGE ANTONETTI: I will check. Very well.  
14 MR. STRINGER: Excuse me, Mr. President. Sorry for the  
15 interruption. We need a redaction to be made, I believe.  
16 JUDGE ANTONETTI: [Interpretation] Yes, absolutely.  
17 Madam Registrar, could you prepare an order for redaction.  
18 MS. NOZICA: [Interpretation] Thank you, Your Honour. May I  
19 continue? I really apologise. This really was my mistake. I failed to  
20 notice.  
21 This was confirmed by Witness C on Pages 22431, line 11, through  
22 Page 22434, line 9.  
23 The first persons to be taken into Dretelj prison, rather than to  
24 the barracks I mentioned, were brought after 30 June 1993. I would not  
25 go back to the story what happened on 30 June 1993, but it is beyond any

1 reasonable doubt that this building was being renovated to become a

2 prison and that it was before the BH Army attack, the consequence of  
3 which was the arrest of Muslims who were HVO members.  
4 The following document the Prosecution mentioned in this  
5 paragraph is P2806. In this report of 16 June 1993, Mr. Stojic mentions  
6 504 prisoners under investigation. It is important to stress that this  
7 number -- that Bruno Stojic is not the source of this number, but that  
8 the EC monitors got it from the prison warden on 11/6/1993 when they  
9 visit the prison. This is mentioned in document P2721.  
10 Secondly, Bruno Stojic, at the collegium on 2 September 1993,  
11 which is document P4756, said:  
12 "We have two military prisons; namely the central military  
13 prison, Heliodrom, and Ljubuski."  
14 Because he had information that the central military prison, and  
15 in Ljubuski, people are held against whom investigations are being  
16 conducted or against whom criminal proceedings have been launched, and  
17 the investigative judge or the president of the court had full powers  
18 over them.  
19 Bruno Stojic had no knowledge about possible detainment of  
20 prisoners of war after the report dated 31 October 1992, which is P677.  
21 Bruno Stojic was not familiar with the systematic use of Muslim  
22 detainees for forced labour. The Prosecution claims the contrary, but  
23 they do not corroborate it with evidence.  
24 The SIS administration reports of 20 September 1993, which is  
25 5222, from the Dretelj prison, and the report dated with the same date

Page 52396

1 from the Gabela prison, which is P5223, are -- were sent to the president  
2 of the HZ-HB which can be seen from document 2D926. These two reports  
3 came about as the implementation of the conclusions reached at the  
4 collegium on 2 September 1993. We have already mentioned that this is  
5 Exhibit P4756.  
6 These reports were never forwarded to Bruno Stojic, because on  
7 15 September 1993, the president of the HZ-HB issued order P5104 to the  
8 effect that in detention centres for prisoners of war in which not all  
9 conditions prevail as set out by international law of war and  
10 Geneva Conventions, these conditions shall be created immediately.  
11 The president of the HZ-HB obliged the Main Staff, in item 8, to  
12 familiarise all commands and units with that and provide technical  
13 assistance in the implementation. This order was also forwarded to the  
14 Department of Defence for information and to Bruno Stojic to act upon.  
15 This order has also been -- was also sent to all units, which can be seen  
16 in documents P5199, 1D1704 and 2D1319.  
17 The Prlic Defence stated twice yesterday that this decision  
18 was -- or, rather, that this order was adopted by Mr. Boban pursuant to  
19 Article 30, which is very correct. This is Article 30 of the Decree on  
20 the Armed Forces, which is P588.  
21 We don't understand what the problem is here. And this provision  
22 in paragraph 1 provides for Boban's right to issue orders, and the  
23 Defence created a whole story out of this Article 30, but what does it  
24 actually say? Under paragraph (1), it says:  
25 "In carrying out the activities from the remit, the commander of

Page 52397

1 the armed forces passes directives, orders, and other acts.  
2 "(2) The supreme commander of the armed forces can delegate the  
3 implementation of some of the activities, the command and control of the  
4 armed forces to the head of the Department of Defence."

5 So that when the supreme commander in issuing orders refers to  
6 Article 30, he actually refers to his powers to issue orders. If he had  
7 transferred these powers to anybody else, he would have had to refer to  
8 Article 30, paragraph (2), which is not the case here. And not only  
9 here. I must say once more for the umpteenth time that there's no such  
10 document showing that Mr. Boban ever transferred his powers to command  
11 the armed forces to Bruno Stojic.

12 It is important to stress, and I'm returning to the sequence of  
13 events in connection with the prison, I must stress that at the meeting  
14 of 6 September 1993, which is P4841, there was more discussion about the  
15 prisons and the finding of new locations. Some tasks were given to the  
16 Department of Defence, and a deadline was set of 15 days.  
17 If we look at these minutes, it certainly isn't logical to assume  
18 that the Department of Defence should be able to do anything within 15  
19 days, because the entire HVO HZ-HB was unable to do so in the past three  
20 months. But regardless of that, this conclusion of the meeting held on  
21 6 September 1993 ceased to be relevant when President Boban passed  
22 decision P5104, where he precisely names those charged with implementing  
23 his decision.

24 In paragraph 611, the Prosecution claims that Stojic and Coric  
25 know -- knew that prisoners were taken out for labour and substantiate

Page 52398

1 that with document P8424.

2 The document was drafted on 12 May 1994; in other words, six  
3 months after Bruno Stojic had left the Department of Defence and  
4 Valentin Coric was no longer chief of military police.

5 In paragraph 613, we -- we read the Prosecution's allegation that  
6 Bruno Stojic received reports about extensive destruction of Muslim  
7 property in Prozor. The documents mentioned here are P1315 and P3375.  
8 These are reports drafted by Zeljko Siljeg which were forwarded to the  
9 Presidency of the HZ-HB and the government of the HVO and the  
10 Department of Defence, the Main Staff and the operative zone. These  
11 reports were drafted based on the obligation that flows from the joint  
12 declaration signed by Boban and Izetbegovic on 27 January 1993 in Geneva,  
13 by which they obliged the Main Staffs of the BH Army and the HVO to  
14 establish the responsibility for the conflict between the BH Army and the  
15 HVO.

16 Based on this declaration, the Chief of the Main Staff, on the  
17 same day, issued order P1322, whose item 4 obliges the commanders of the  
18 operative zone to immediately establish the causes and investigate the  
19 consequences and establish responsibility of the members of HVO units and  
20 BH Army units for the conflict. These documents clearly show that the --  
21 the commanders of the operative zones were obliged to establish the  
22 responsibility.

23 Bruno Stojic was not obliged, either de jure or de facto, to do  
24 that.

25 The Prosecution, at paragraph 619, asserts that the HVO HZ-HB

Page 52399

1 held two meetings about the prevention of crime. These are P2606 and  
2 P4276.

3 I stress, Your Honours, that the HVO HZ-HB continuously  
4 implemented measures to prevent crime and did everything in their power.  
5 I have no more time, because I would like to finish before the  
6 break, to mention all these government sessions, but the activities of  
7 the HVO HZ-HB certainly be a focus of the attention of the Trial Chamber.

8 I'm sure you will find out, and you will notice. But it is important to  
9 stress that the activities of the HVO HZ-HB cannot abolish the -- the  
10 duty of the commanders of the HVO units whose subordinates committed  
11 crimes, which is provided for by Article 27 of the Decree on District  
12 Military Courts, which is P587.

13 In paragraph 625, the Prosecution's claim that Bruno Stojic knew  
14 and was informed about deliberate killings and rapes committed by the  
15 HVO, but the documents to substantiate that were never received by  
16 Bruno Stojic.

17 There is -- among these, there is document P2770. That's an  
18 intercepted conversation. It has been mentioned many times here. I  
19 needn't explain to the Trial Chamber how things go in the army and the  
20 war. One service listens in on the other. There's a lot of propaganda  
21 on that, and to what extent all that is accurate is questionable. But  
22 the Prosecution never showed that this report was submitted to  
23 Bruno Stojic nor that the handwritten name "Bruno" refers to him at all.  
24 During the -- the final, the Prosecution has read this  
25 [indiscernible] name Keza, and said, "I believe it is Keza." We don't

Page 52400

1 know based on what they believe that. We would like to point out that  
2 document P2769 shows what was happening on 4 June 1993 in the Dum  
3 neighbourhood. This is a report of the military police which recorded  
4 the events, but they do not match of the descriptions from the  
5 intercepts.

6 Paragraph 626: I would like to -- I have good news for both the  
7 Trial Chamber and myself, I'm drawing to an end.

8 With regard to the events at Rastane of 24 August 1993, the  
9 Prosecution asserts that -- that this health care sector got involved  
10 after these events, and they referred to document P4653. Based on that,  
11 it isn't likely that Bruno Stojic knew about these deaths. The cited  
12 document shows that this is the reply of the assistant head of  
13 Department of Defence for health care to the oral order of the Chief of  
14 the Main Staff, Zarko Tole. Bruno Stojic didn't have to know about this  
15 activity of the Department of Health. Such a decision or such -- the --  
16 the Prosecutor didn't show that he had de facto full control over the  
17 work of all sectors and the Department of Defence. Especially in war,  
18 such full control is impossible.

19 With regard to paragraph 629 through 632, the Stojic Defence  
20 points out that Bruno Stojic was not de jure or de facto obliged to  
21 investigate crimes committed by individual members of the HVO. According  
22 to Article 27 of the Decree on District Military Courts which is P587,  
23 this was the duty of unit commanders.

24 Your Honours, thank you very much. I will no longer take the  
25 floor. My learned friend Mr. Khan will continue after the break, and I

Page 52401

1 would like to thank you accordingly for the good co-operation we had all  
2 these years, and once again I apologise deeply to the interpreters,  
3 because I am not happy to learn that in this courtroom, and I see  
4 Judge Trechsel nodding in confirmation, that was -- that I was one of the  
5 fastest and most difficult speakers, and this is why I apologise to the  
6 interpreters and to everybody else.

7 JUDGE ANTONETTI: [Interpretation] Thank you. We're going to have  
8 our 20-minute break now, and I believe that Mr. Khan is going to take the  
9 floor. Well, I have very elaborate calculations by the Court Deputy  
10 shows us that he has under 30 minutes, maybe 28 or 29 minutes.

11 Since we're going to resume around 10 to 1.00, you'll be working  
12 until 20 past 1.00, and in theory, the Praljak Defence should be  
13 starting. It might be for a very short time, but they might be able to  
14 start and give us some preliminary remarks. I don't know, because I  
15 don't know beforehand what they're going to say. So we're going to break  
16 for 20 minutes.

17 --- Recess taken at 12.30 p.m.

18 --- On resuming at 12.52 p.m.

19 JUDGE ANTONETTI: [Interpretation] The court is back in session.

20 The Court Deputy is telling me that you have 24 minutes, Mr. Khan.

21 MR. KHAN: I'm grateful, Mr. President. If you could just give

22 me a moment while I try to get my LiveNote to work.

23 I'll make do.

24 Mr. President, Your Honours, this, of course, is the final few

25 minutes that we have to ask you to consider the case against

Page 52402

1 Mr. Bruno Stojic and to view it in the light that is most favourable to  
2 him, because of course the principle of in dubio pro reo means that in  
3 relation to each and every issue where there is doubt, that doubt must  
4 fall to the benefit of Mr. Stojic.

5 Now, Your Honours, we did not in our brief address the issue of  
6 sentence. It is, of course, extremely difficult for counsel on the one  
7 hand to strongly and passionately and with full vigour ask for a client  
8 to be acquitted on all counts and in the alternative to say, well,  
9 Your Honours, in the event you're not with us, in the event that you feel  
10 compelled to enter conviction, a sentence of X amount of years must be  
11 imposed. But, Your Honours, that's what the Rules require to be  
12 addressed, at least in some general terms on sentence.

13 The overarching requirement of general application to any case,  
14 in my respectful submission, by any Judge when tailoring the sentence is  
15 to do that. It is to tailor the sentence, to individualise the penalty.  
16 But some factors appear to be quite clearly pertinent to the overall  
17 assessment of the case of Mr. Stojic.

18 Your Honours, in your first decision on provisional release,  
19 noted the fact that despite having indications that he was wanted by the  
20 International Criminal Tribunal for the former Yugoslavia, Mr. Stojic did  
21 not go underground. He did not try to evade justice, but, rather, he  
22 surrendered to the jurisdiction of this Court voluntarily. And,  
23 Your Honour, it's very clear from the jurisprudence of this court, for  
24 example the Simic case, that voluntary surrender may be a factor to be  
25 taken into consideration.

Page 52403

1 Your Honour, Mr. Stojic during his time in court has never  
2 boycotted the trial. He has never walked out, never been difficult,  
3 always co-operated, in my respectful submission, in an exemplary manner  
4 with the authority of Your Honours as Judges appointed by the  
5 international community to decide his fate and the merits of the  
6 Prosecution's case. And, Your Honour, it's my respectful submission that  
7 his conduct in trial is also a relevant factor.

8 Mr. Stojic has also asked that the Bench be thanked very properly  
9 discharging your own duties for the humanity that each and every one of  
10 you have shown him. The record discloses that in relation to provisional  
11 release applications, and in relation to application for release on  
12 humanitarian grounds, on many occasions the Prosecution were vigorously  
13 opposed, opposed the applications put in and they sought even to appeal

14 decisions of the Trial Chamber. But Your Honours, in discharging your  
15 function, showed faith in Mr. Stojic, and it's relevant that on each and  
16 every occasion, on each and every occasion that provisional release was  
17 granted, the terms of that conditional release were complied with.  
18 There's been no breach, no suggestion of witness intimidation, and on  
19 every occasion he has surrendered in a way that this court proceedings  
20 have not been disrupted in any manner. And, Your Honour, the content of  
21 those provisional release applications disclose, in part, what that has  
22 meant to Mr. Stojic, his wife and his parents. And in my respectful  
23 submission, of course, it was the proper course, because the presumption  
24 of liberty is, of course, the corollary, the natural consequence of the  
25 presumption of innocence, but he thanks you for that.

Page 52404

1 Your Honour, the Blaskic Appeal Judgement, at paragraph 728, and  
2 the Kordic and Cerkez judgement, at paragraph 1053, makes it clear that  
3 complying with conditions of release and behaviour at trial may be  
4 mitigating factors, as does the Simic case of October 2003, that a lack  
5 of previous conviction, previous good character, are factors that may be  
6 taken into account.

7 Now, Your Honours, I preferred yesterday very briefly to the  
8 evidence of Davor Korac, who was Bruno Stojic's superior in the  
9 Ministry of Interior, and the fact that he had good relations with  
10 members of all communities, and that was echoed by his friend  
11 Tomislav Kresic - I hope I pronounced it correctly this time - in  
12 relation to his personal life. This is important in looking at the man,  
13 not the rhetoric, not the caricature that's being painted, but the man  
14 that has been sitting in your presence for these many years.  
15 Your Honour, I also referred to a General Hamid Bahto's evidence  
16 and that is evidence must be given in a significant weight. It really  
17 must be looked at before almost looking at the Prosecution evidence in  
18 neutralising some of the invective, to neutralise some of the  
19 preconceptions that the Prosecution, that are in good faith, have  
20 constantly sought to push forward as the truth. Matters are never as  
21 simple as may first appear, and the search for truth requires often a  
22 difficult navigation through competing narratives. And, Your Honours,  
23 that's the task that you all have to get to grips with in the months  
24 ahead.

25 Now, Your Honour, General Makar can hardly be called a partisan

Page 52405

1 witness. As Judge Antonetti noted very pertinently, he's a Croat, but he  
2 is a Croat who is married to a Serb, who fought in the Army of  
3 Bosnia-Herzegovina. Hardly a more balanced mix one could hope for. And  
4 that witness had the courage to come to this court in open session and  
5 speak on behalf of Mr. Stojic.

6 Now, Your Honours, it's often difficult for all sides in  
7 different conflicts and different cases to get hold of witnesses, but  
8 to -- there are peculiar difficulties in Defence cases to get witnesses,  
9 to be the voice of an individual that is castigated and that faces  
10 terrible accusations, terrible crimes, and to speak up for such a person  
11 whilst you are living amongst people who get to hear a one-sided  
12 narrative largely, who have strong feelings, is a matter of exceptional  
13 courage. And witnesses on all sides, Prosecution and Defence, that have  
14 come before the Court in those circumstances are to be applauded, but the  
15 evidence of these -- and I mention they're Muslims because that's  
16 something the Prosecution pointed out, these two Muslim witnesses of

17 Hamid Bahto, and then I'll come to him, the second Muslim, Nedžad Cengić,  
18 are important, and the fact that all three witnesses, including  
19 General Makar, were members of the Bosnian Army, the Army of  
20 Bosnia-Herzegovina, is extremely important.  
21 Now, Your Honour, General Nedžad Cengić's evidence is relevant  
22 not just to the assessment of the man that Bruno Stojić is, which may be  
23 relevant for other purposes that I started with, but, Your Honour, he  
24 describes a chaotic situation, and he also describes his account that  
25 when he met Bruno Stojić, Mr. Stojić wanted to help. He was willing. He

Page 52406

1 was not hostile, but he had difficulties, and so he asked General Cengić  
2 to come back the next day. And when he did it seems that help had been  
3 provided, because in that location were General Praljak and  
4 General Petković -- and the request was given. The MTS that was asked  
5 for was provided.  
6 Now, Your Honour, this evidence is not to be sidelined. It's not  
7 of no consequence. It's not irrelevant as the Prosecution would have you  
8 to believe. It may be difficult, it may be awkward, it may be  
9 inconvenient because it does not fit in with the theory that they are  
10 pushing, but, Your Honours, it is certainly not irrelevant. And it was  
11 revealing, again in response to a question by the learned  
12 President Judge Antonetti, that when that witness under oath was asked,  
13 Who was Bruno Stojić's superior, who did you believe to be the person  
14 above him? He says, "In my opinion --" and I quote:  
15 "In my opinion, while we were waiting, it was Mr. Praljak -- as  
16 we were waiting for authorisation, Mr. Praljak and Mr. Petković, because  
17 they had to wait for some sort of agreement to be reached; and then  
18 thirdly, as we would then bide our time to see what happened."  
19 And in relation to the assistance given, he says later on that he  
20 does not -- he did not view those gentlemen as his enemies, and he gave  
21 reasons for that. But, Your Honours, the fact that he viewed  
22 General Praljak as a superior is not unimportant, in my respectful  
23 submission. In reviewing the totality of this mass of documents, Your  
24 Honours should not lose sight of reality that the HVO existed before the  
25 Defence Department was established. What happened overnight? Did the

Page 52407

1 previous modus operandi suddenly get erased by some act of amazing  
2 subordination to an administrative structure? Does that happen anywhere  
3 in the world, or did the way the HVO acted before the creation of the  
4 Defence Department continue in very important and material respects? We  
5 say it did.  
6 And Your Honours will be guided by the evidence, but you, no  
7 doubt, would have formed your own impression of the various personalities  
8 in this courtroom over the last few years, and any suggestion -- and,  
9 Your Honours, with all your experience in all candour have on occasion  
10 had to use all of that experience to keep this trial on track in relation  
11 to some of the personalities in this courtroom, and the suggestion on a  
12 human level that somehow Bruno Stojić, in fact, is the commander,  
13 effective commander of people like General Praljak, General Petković, and  
14 equal to the highly educated Dr. Prlić is really a nonsense. It is a  
15 nonsense. If it fits the case, it's convenient, but it is not the truth.  
16 Your Honours, when I discussed yesterday in brief the MTS  
17 provided by Croatia, again it is important, and I will simply ask  
18 Your Honours to note paragraph 215 of our final brief. What I didn't  
19 mention, and again it's important, is the training provided by the

20 Republic of Croatia, and that's detailed at paragraph 216 and also by the  
21 document 3D00299 of the 4th of January, 1993.  
22 Now -- and again paragraph 278 of our final brief that the  
23 wounded members of the Army of Bosnia-Herzegovina described as the army,  
24 taken out of context, different snippets different people said at  
25 different times, the army being treated in the same hospitals as other

Page 52408

1 Croats, taken to Split, is not consistent on any fair appraisal of the  
2 evidence with the Prosecution's narrative. One simply does not give  
3 weapons to one's enemies, train one's enemies, treat one's enemies. The  
4 only solution, the only fair conclusion is those people are not the enemy  
5 in the manner that the Prosecution allege.

6 Your Honours, my learned leader discussed in brief the points in  
7 detail, the ultimatums and the importance of that, and we refer to  
8 paragraph 172 of our final brief and the fact also that Witness DE, at  
9 transcript 15671 to 2, noted that 11 HVO brigades, 1 HVO battalion were  
10 under the command of the Army of Bosnia-Herzegovina in areas not  
11 controlled by the HVO. Well, why? Why? Why give men valuable  
12 commodities, arms, to help one's enemies in other areas? Well, the  
13 Prosecution can't have it both ways. They say, Well, that's because of  
14 the fight against the Serbs. Well, what about this joint agreement in  
15 Karadjordjevo and Graz? Why have this fight against the Serbs? What  
16 necessitated the fight against the Serbs if there's the joint agreement  
17 in the simplistic and fallacious manner put forward by the Prosecution?  
18 Why help?

19 Your Honour, the help is given because there was no criminal  
20 intent to carve up Bosnia-Herzegovina by Bruno Stojic.  
21 In the relation to the Greater Croatia case, it is important just  
22 to look closely at the footnotes relied upon by the Prosecution. In  
23 paragraph 169 of their final brief, they rely upon two documents to  
24 support the contention that Croatia was behind it all, the Republic of  
25 Croatia.

Page 52409

1 Now, P09839, it's under seal and I won't go into the document,  
2 but, Your Honours, look at that. But they also quote Prlic, and Prlic  
3 says that the reason they did not take Jablanica and Konjic was because,  
4 was because, of pressure from the Croatian government not to take it.  
5 And in the following paragraph, 170 of the Prosecution's final brief,  
6 P09258, again they rely upon -- yes, P09258, they note that  
7 President Tudjman would not allow General Praljak to take East Mostar  
8 because of political loss.  
9 Now, Your Honours, international diplomacy requires mediators.  
10 It requires intervention. It requires assistance. And whatever dreams  
11 and scenarios were looked at by President Tudjman as to how the final map  
12 would look, and it may well have included every conceivable option, the  
13 question is whether or not a criminal intent can be discerned or whether  
14 or not there is doubt in relation that massive, broad-brush, simplistic  
15 view that we say that it is. There is doubt.  
16 Now, Your Honours, the Prosecution can't have their cake and eat  
17 it. They can't. I use that phrase, because sauce for a goose, sauce for  
18 a gander has been overdone. It's too well cooked that source. But,  
19 Your Honours, the Prosecution constantly refer to this co-operation  
20 between the Serbs and the Croatians. In furtherance of this subtext,  
21 this underlying idea that there's a deal, an unsavory, underhand deal  
22 between those parties, and they refer in paragraph 277, 281, 285 and 289

23 of their final brief of various co-operation, including ICRC and others.  
24 But, Your Honours, they refer in 871 and 888 to the willingness of the  
25 Croats to fight with the Serbs in Zepce. Well, Your Honours, Zepce is

Page 52410

1 not part of the area the Prosecution, themselves, contend to be part of  
2 the Croatian Community of Herceg-Bosna. And when this comes to assisting  
3 Muslims in that area, they say it's not relevant, because actually that's  
4 part of, you know, the big JCE theory. And when it comes to helping the  
5 Armija of Bosnia-Herzegovina outside, they say it's not relevant. It's  
6 outside their geographic area. Well, what they are alluding to in Zepce  
7 is the identical argument; they can't have it both ways. The same  
8 applies to arms. Your Honours, is this really a true-track policy that  
9 the Prosecution would have you believe, or is such an understanding --  
10 would such an understanding amount to a one-sided appraisal of the  
11 evidence? They can't have it both ways. They're trying to have it both  
12 ways and it should be rejected.

13 Your Honours, Bruno Stojic never met President Tudjman. Never  
14 met him. It can't be glossed over. It can't be ignored. It has  
15 significance. Your Honours must decide what is that significance. We  
16 say the fact that General Petkovic and Praljak and Dr. Prlic met him  
17 reveals who are the most important individuals. Your Honours, the fact  
18 that prior to April 1992 Bruno Stojic was the commandant for logistics  
19 and in December 1993 he was in production of weapons is important. Are  
20 the Prosecution saying that suddenly he was catapulted to high office and  
21 high command, operational control or administrative control, standing  
22 astride Bosnia -- the Croatian Community of Herceg-Bosna as a colossus or  
23 is the reality actually that his role was administrative and he did not  
24 have effective command and control. Your Honours will see annexed to our  
25 final brief a list, a selection of formalising documents, or documents

Page 52411

1 that Bruno Stojic formalised in relation to decisions that had been  
2 previously taken by others. Did he have effective command or was he a  
3 rubber stamp in those material respects? Your Honours, the Defence say  
4 he never had. He was never part -- there wasn't a massive JCE as  
5 alleged. He was not part of it. He had no knowledge of it. The  
6 Prosecution theory is not supported in important and material  
7 particulars. It is our respective submission, Your Honours, not to be  
8 swayed by emotion or invective, not by the hard work done by my learned  
9 friends opposite or their sincere belief that they have the truth in  
10 their hands and all Your Honours need to do is accept it as gospel. Your  
11 Honours, we say that there is doubt and that requires but one conclusion  
12 that our client is acquitted.

13 I'm most grateful.

14 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Khan. You were  
15 very well within your time limit. Thank you for that.

16 We are going to start with General Praljak's Defence. We still  
17 have 30 minutes. Let's try to use them as best we can.

18 [Praljak Defence Closing Statement]

19 MR. KOVACIC: Thank you, Your Honour.

20 [Interpretation] Your Honours, first of all, just as you  
21 requested from us from preparations for the session, I will inform you  
22 that General Praljak's Defence will present its arguments in the  
23 following way: I will be the first to speak, and I will respond to the  
24 Prosecutor's allegations that in Bosnia and Herzegovina at the critical  
25 time there was a state of an international armed conflict in place, and

1 with this regard that Bosnia and Herzegovina was under occupation.

2 After me, my partner Mrs. Pinter will respond to the Prosecutor's  
3 allegations from the Prosecutor's brief, mostly from the chapter dealing  
4 with the criminal responsibility of Slobodan Praljak, which is chapter 11  
5 in the Prosecutor's brief, and, finally, again in keeping with your  
6 decision about the schedule of these proceedings, General Praljak will  
7 personally address the Trial Chamber, and he will take the 30 minutes  
8 that were given to him.

9 As regards the international armed conflict, the Prosecution  
10 claims that in Bosnia and Herzegovina there was a state of -- the state  
11 of an international armed conflict between April 1992 to -- and March  
12 1994. The -- this is presented in paragraphs 71 through 92 and connected  
13 paragraphs 160 to 106.

14 Let me remind you that even during pre-trial, the Prosecutor  
15 claimed that the Republic of Croatia was not the master of the war  
16 between the Army of Bosnia-Herzegovina and the HVO in Bosnia-Herzegovina.  
17 During the trial, the Defence adhered to that position and many pieces of  
18 evidence were presented to that effect. I'm not going to repeat  
19 arguments that corroborate this assertion. My learned friend has just  
20 mentioned some of them. I would just like to remind you of a number of  
21 facts that point to the fact that it was impossible to believe that the  
22 Republic of Croatia was party to an international conflict with  
23 Bosnia-Herzegovina, either directly or indirectly, and that it, either  
24 directly or indirectly, supported only the HVO. General Praljak will  
25 speak about those facts himself.

1 The Republic of Croatia recognised a sovereign Bosnia and  
2 Herzegovina immediately after the latter state proclaimed its  
3 independence in April 1992. That was only a day after the recognition by  
4 the European Union. Bosnia and Herzegovina then set up its embassy in  
5 Zagreb only a few days after the recognition. Diplomatic relations were  
6 established, and very importantly never ever during the war from 1991 to  
7 1994, a single government or a single representative of the government of  
8 the Republic of Croatia or Bosnia-Herzegovina stated either implicitly,  
9 let alone explicitly, that there were hostilities between the two states.

10 I would like to remind you of the old theory that was abandoned  
11 in the international law and that was that a war had -- has to be  
12 declared. That theory was abandoned. However, there has to be a display  
13 of political will. Something has to be in place. But that didn't  
14 happen. Nobody ever said, We are in war with the other state.  
15 Without any precedence in history, the Republic of Croatia never  
16 introduced any restrictive measures with regard to the property or assets  
17 of Bosnia-Herzegovina or its citizens in the territory of the  
18 Republic of Croatia. The Prosecutor simply ignores these and similar  
19 facts.

20 It is certain that in the history of international relations and  
21 conflicts, there's no such precedent. It never happened anywhere in the  
22 world that one of the parties to the conflict, simultaneously while the  
23 conflict lasted, helped the other side to the conflict to survive the  
24 aggressor.

25 Witness Peter Galbraith, whom I don't quote gladly because his

1 words were totally unacceptable to us, however, despite his political  
2 views, mind you, he was not a witness, he was just presenting his  
3 political views, however, after all those words, at one point during  
4 cross-examination on the 13th of September, 2006, he said, and that was  
5 recorded on Page 6599, he confirmed that Bosnia and Herzegovina could not  
6 have survived without the positive views and assistance coming from the  
7 Republic of Croatia. This fact imposes a question: Why would the  
8 Republic of Croatia have done all of the above mentioned if there had  
9 been a plan in place for the Republic of Croatia to carve up some of the  
10 territory and assisted the Croatian Defence Council with a view to  
11 achieving that?  
12 The Prosecutor offers a very simple and naive answer when the  
13 Prosecutor says it's a two-track policy. The Defence replies to that:  
14 This is a naive response which ignores facts. Second of all, no concrete  
15 piece of evidence was every proffered in order to corroborate the  
16 two-track policy theory.  
17 Thirdly, every policy, especially international policy and  
18 especially in such situations, is, in one way or another, a two-track  
19 policy. There is no single state in the world that would have revealed  
20 all of its cards under such circumstances.  
21 The Prosecution claims that the Republic of Croatia had  
22 territorial aspirations and that it wanted to carve up one part of the  
23 territory of the Bosnia-Herzegovina, and even in that context it develops  
24 a thesis about the existence of an international armed conflict.  
25 In addition to the aforementioned facts that clearly show that

Page 52415

1 that was not the case, let's look at the testimony of Miomir Zuzul in the  
2 transcript on Pages 27644 from line 15 to 27646, line 5.  
3 The witness told us in this courtroom that while the peace  
4 negotiations were going on, and never stopped, Izetbegovic offered to  
5 Tudjman to take one part of the territory of Bosnia-Herzegovina. The  
6 so-called Herzegovinian municipalities are what the Prosecutor refers to  
7 as Banovina. Tudjman refused.  
8 I would like to mention that to corroborate the fact presented by  
9 Miomir Zuzul, the Defence proffered the statement by Jean -- Jacques  
10 Klein pursuant to Rule 92 bis. Mr. Klein is an American general who was  
11 a high-ranking UN officer in the Republic of Croatia at the critical  
12 time. He confirmed Zuzul's words. Unfortunately, and I repeat  
13 unfortunately, for reasons still unclear to me, the Trial Chamber did not  
14 admit that statement into evidence like so many other documents. It  
15 seems that the Trial Chamber in this case does not accept the generally  
16 accepted principle, and that is the -- more information and evidence in  
17 this case will make it easier to come to the truth.  
18 Let's go back to our main topic. If the Republic of Croatia had  
19 had any territorial pretensions towards Bosnia and Herzegovina, the  
20 aforementioned offered -- offer attested to by Witness Zuzul would have  
21 materialised, but it didn't and that's a fact. Why would the Republic of  
22 Croatia have actively acted in Bosnia-Herzegovina, allegedly assisting  
23 only the HVO in the conflict with the BiH Army if it is true that it  
24 could have gained the desired territory through negotiations? The offer  
25 was on the table. But the Prosecution doesn't have an answer to that.

Page 52416

1 The Prosecution never even mentioned that in his final brief. They  
2 simply refuse to see the fact because they do not fall into place.  
3 I hope that the Trial Chamber will see and will recognise even

4 those facts which do not fall into place with the Prosecutor's thesis.  
5 There is unequivocal evidence which unambiguously and very  
6 clearly point to the fact that the political leadership of the  
7 Republic of Croatia not only supported the creation of a new independent  
8 State of Bosnia and Herzegovina but also that during the conflict in  
9 Bosnia and Herzegovina, it actively supported the survival of that new  
10 independent state. And the facts are as follows:  
11 Firstly, the political leadership of the Republic of Croatia, and  
12 even the ruling party, the HDZ of the Republic of Croatia, directly  
13 called and appealed to the Croatian citizens in Bosnia and Herzegovina to  
14 take part in the referendum, to respond to the referendum, and to vote at  
15 that referendum for an independent State of Bosnia-Herzegovina.  
16 Let me remind you that was an international condition imposed  
17 upon the Republic of Bosnia and Herzegovina if it wanted to be recognised  
18 as an independent state. The world told them you have to have a  
19 referendum, and they had it.  
20 The Croats participated in the referendum and voted in favour.  
21 Obviously, the voting process was confidential, and we don't know who  
22 voted in what way, but we are aware of the mathematics. The referendum  
23 was successful and resulted in the declaration of an independent state in  
24 April 1992.  
25 In view of the number of constituent peoples in Bosnia and

Page 52417

1 Herzegovina and the number of voters, Muslims, Serbs, and Croats, the  
2 referendum would not have been successful. It would have fallen through  
3 had the Croats not responded to the referendum, and results show that  
4 they voted in favour of an independent Bosnia and Herzegovina. The  
5 mathematics are clear here.  
6 The Republic of Croatia lobbied and therefore unequivocally  
7 supported the independence of Bosnia-Herzegovina. In other words, the  
8 Republic of Croatia was in favour of an independent Bosnia and  
9 Herzegovina on its borders, and it is a fact that simply cannot be  
10 ignored. And yet the Prosecution decides to ignore this fact.  
11 In the chaotic situation when the SFRY was falling apart, the  
12 representatives of municipalities in which Croats were the absolute, or  
13 at least relative minority, established the HZ-HB on 18 November 1991 as  
14 an interim body to perform all the functions which the then state  
15 authorities did not carry out. This created the conditions for the  
16 subsequent establishment of the HVO in April 1992 as an executive body  
17 and the HVO as a military component necessary to defend BiH against the  
18 aggression of the JNA. The HZ-HB or the HVO at that moment were the  
19 only, and I repeat, only organised force in BH which, at least to some  
20 extent, was able to stand up to the aggression with weapons. It is a  
21 notorious fact that both Muslims and Croats voluntarily joined HVO units  
22 and defended BH together until the end of 1992, and to some extent until  
23 May 1993 when the conflict between them began.  
24 Interestingly, though, even then they fought jointly in those  
25 areas of BH where there was no direct conflict between the two parties.

Page 52418

1 My learned friend Mr. Khan has just said something about this.  
2 If we take into consideration that the Presidency of  
3 Bosnia-Herzegovina declared the state of war only on the 20th of June,  
4 1992, the 20th of June, at a time when the JNA had already occupied the  
5 greatest part of the territory that it had wanted to occupy, or we could  
6 almost say they had taken nearly everything, it is clear that only the

7 Croatian Community of Herceg-Bosna and the HVO started to defend the  
8 country timely.  
9 Perhaps I should cite Exhibit P00274, the Decree on the State of  
10 War. The Presidency declared the state of war only on the 20th of June.  
11 This corroborates what we have been putting forward, namely that the  
12 HZ-HB has been -- or, rather, was established for the very reason because  
13 there was nobody else to defend the country. Only on the 20th of June  
14 does the Presidency declare the state of war, and of course there is some  
15 time necessary to organise, to prepare things so that somebody actually  
16 can start fighting the Serbian aggression.  
17 The facts I mentioned, especially the referendum on independence  
18 and the timely organisation of defence of BH clearly show that the  
19 Republic of Croatia wanted an independent State of Bosnia-Herzegovina on  
20 its borders and that with that and active participation of the  
21 Republic of Croatia, Bosnia and Herzegovina very probably never would  
22 have come or survived as an independent state.  
23 How is the Prosecution's argument about the existence of a JCE  
24 and an international armed conflict compatible given the facts I have  
25 just stated? The only possibility to make such assumptions is total

Page 52419

1 ignorance of these facts.  
2 Another thing I would like to mention is a technical  
3 circumstance, but, still, it's about the time of the commission of the  
4 offence.  
5 In their final brief, the Prosecution state that the  
6 international armed conflict existed in BiH at least until April 1992  
7 until March 1994. In order to establish the facts, we must determine  
8 when the alleged international armed conflict actually began and how long  
9 it lasted. We need that to assess the evidence the Prosecution mentioned  
10 in their Annex C. Of course I can't go into every detail, but I'm only  
11 trying to paint rough picture for you to see yourselves.  
12 The first nine documents mentioned in Annex C, and these are  
13 documents that according to the Prosecution are evidence confirming the  
14 existence of an international armed conflict, the first nine of these  
15 refer to events before the declaration of independence of  
16 Bosnia-Herzegovina; that is, before 5 April 1992.  
17 I can understand these documents only in the following way:  
18 Bosnia-Herzegovina was still part of the SFRY, which was breaking apart,  
19 and Croatia was already at war with that same country, SFRY, because the  
20 Army of SFRY was at the same time attacking Croatia. These documents are  
21 totally irrelevant as evidence for the existence of an international  
22 armed conflict, because Bosnia-Herzegovina did not yet exist as a country  
23 at that time.  
24 No one document cited in Annex C was drafted or refers to after  
25 the 9th of May, and that's the date which, according to us, can be

Page 52420

1 considered as the earliest date of the start of the conflict between the  
2 HVO and the BH Army, but even that document is not a good foundation for  
3 the Prosecution's conclusions.  
4 The OTP only interprets various documents in such a way,  
5 neglecting the context of events and, of course, without taking into  
6 consideration those events and all evidence that show that the argument  
7 of Croatia as the master of war in BiH is totally irrational.  
8 There are many documents in Annex C that refer to HV documents  
9 and have to do with the southern front, from Split to Dubrovnik roughly.

10 The Trial Chamber has heard much about this already. The witnesses are  
11 mentioned: Beneta, Petkovic, Praljak, Zuzul, and so on. But anyway, the  
12 OTP say that the southern front are -- southern front is -- is a part of  
13 the war in Bosnia-Herzegovina, which is nonsense, because the  
14 southern front is a front line in Croatia. And, of course, you cannot  
15 wage war without occasionally crossing the border line.  
16 The documents cited by the OTP here must be viewed in context  
17 with -- with the following documents: 5D64, that's a joint statement of  
18 Tudjman and Izetbegovic; then 3D647, that's the agreement on friendship  
19 and co-operation from the summer of 1992; then there is 1D02283 of 25  
20 February; then there's the Decree of the Presidency of BH about the armed  
21 forces, which is 4D410, and there are similar -- there is similar  
22 evidence.  
23 Only when you take into consideration all that, you can see that  
24 there's undoubtedly a military co-operation and that HV troops are active  
25 along the border to protect the -- their own units in Dalmatia.

Page 52421

1 Exhibit 3D450 and 3D420 show that the HVO is one of the two  
2 components of the Defence forces of BH. This is a decision of the  
3 Presidency of BH on the appointment of the commander of the TO, dated  
4 27 May 1992. It is a fact that that decision does not mention the  
5 municipalities that are part of the HZ-HB. So we can conclude from that  
6 that Izetbegovic, himself, considers that Defence in these municipalities  
7 has been already organised by the HVO, and, thus, he appoints commanders  
8 only for those regions of BH in which there is no defence yet. So those  
9 people down there are already putting up a defence, but -- and these  
10 are -- there is no defence, so we'll appoint commanders.  
11 The OTP say that the Croatian control over the HVO can be  
12 established based on the fact that Praljak was the commander and had  
13 de jure and de facto control over HVO units of the BH Army. In other  
14 words, they implied that General Praljak was an agent of the Republic of  
15 Croatia.  
16 The paragraphs of the Prosecution brief are 71, 75, 76, 673, and  
17 others.  
18 Your Honours -- or, actually, I can still cover some ground. Two  
19 more sentences.  
20 The evidence, such as the testimony of General Praljak, the  
21 testimonies of other witnesses and documents, clearly show that  
22 General Praljak had different statuses at different points in time during  
23 the war in Bosnia-Herzegovina, but he was always a volunteer in various  
24 roles though. He was a common soldier. He was a -- he was commander of  
25 a small area in early 1992. He was a mediator in a peace mission, and he

Page 52422

1 was also commander of the Main Staff of the HVO. These are more or less  
2 undisputed facts.  
3 What is not undisputed, though, is that General Praljak had  
4 de facto and de jure control.  
5 I think that this is a convenient moment for me to stop before  
6 moving on to another topic.  
7 Your Honours, if I may, tomorrow, according to our math but,  
8 actually, of course, you are the time -- the main time-keeper, if I may  
9 compliment you in this manner, we need -- we will be about 15 minutes  
10 short, and I mean the Praljak Defence, for all of us to say what we have.  
11 So if we could be accorded 15 minutes more tomorrow, and we can finish,  
12 because, to my mind, I think we are some 15 minutes short. That is, we

13 will be able to squeeze into five hours. So perhaps we could sit for 15  
14 minutes longer. That's what I mean.

15 JUDGE ANTONETTI: [Interpretation] Fine. The Legal Officer can  
16 liaise with the Legal Officer in the Tolimir case, because one of the  
17 Judges sitting here also sits in that case. I'm sure it will not be a  
18 problem.

19 So far you have had 30 minutes, so you have 4 hours and 30  
20 minutes tomorrow.

21 That said, I would like to thank all and everyone and ask  
22 everyone to attend the hearing tomorrow morning at 9.00.

23 --- Whereupon the hearing adjourned at 1.46 p.m.

24 to be reconvened on Thursday, the 17th day  
25 of February, 2011, at 9.00 a.m.