

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

(IT-04-74)

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

Indicted for persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts; wilful killing; unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; cruel treatment; unlawful labour; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack and infliction of terror on civilians



Highest political official in the Croatian wartime entity, Herzeg-Bosna; former President of the “Croatian Community of Herceg-Bosna (HZ H-B)” and Prime Minister of the “Croatian Republic of Herceg-Bosna (HR H-B)”.

BRUNO STOJIĆ

Indicted for persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts; wilful killing; unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; cruel treatment; unlawful labour; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack and infliction of terror on civilians



As Head of the Department of Defence of the “Croatian Defence Council (HVO)”, the Bosnian Croat government and armed forces, was that body’s top political and management official, in charge of the Herceg-Bosna/HVO armed forces.

SLOBODAN PRALJAK

Indicted for persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts; wilful killing; unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; cruel treatment; unlawful labour; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack and infliction of terror on civilians



Senior Croatian Army officer, Assistant Minister of Defence and senior representative of the Croatian Ministry of Defence to the Herceg-Bosna/HVO government and armed forces; also known as “Brada”.

MILIVOJ PETKOVIĆ

Indicted for persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts; wilful killing; unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; cruel treatment; unlawful labour; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack and infliction of terror on civilians



Military head of the Herceg-Bosna/HVO armed forces, with the title “Chief of the HVO Main Staff”; from late July 1993, deputy overall commander of the Herceg-Bosna/HVO armed forces.

VALENTIN ČORIĆ

Indicted for persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts; wilful killing; unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; cruel treatment; unlawful labour; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack and infliction of terror on civilians



Deputy for Security and Commander of the HVO Military Police, later titled “Chief of the Military Police Administration” (within the HVO Department, later Ministry of Defence); in November 1993, appointed Minister of Interior in the HR H-B.

BERISLAV PUŠIĆ

Indicted for persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts; wilful killing; unlawful deportation, transfer and confinement of a civilian; inhuman treatment; extensive destruction of property and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; cruel treatment; unlawful labour; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack and infliction of terror on civilians



Held a command position in the military police and was HVO liaison officer to UNPROFOR; Head of the Service for the Exchange of Prisoners and other persons; President of the commission to take charge of all Herceg-Bosna/HVO prisons and detention facilities holding prisoners of war and detainees; a member of the HVO Commission of Exchange of Prisoners; also known as “Berto” or “Berko”.

Crimes Indicted for:

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

Cruel treatment; unlawful labour; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; destruction or wilful damage done to institutions dedicated to religion or education; plunder of public or private property; unlawful attack on civilians; unlawful infliction of terror on civilians (violations of the laws or customs of war)

Persecutions on political, racial or religious grounds; murder; rape; deportation; imprisonment; inhumane acts (crimes against humanity)

Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić, together with other leaders and members of the Herceg-Bosna/HVO authorities and forces, engaged in:

- **Instigation and fomentation of political, ethnic or religious strife, division and hatred:** By speeches, propaganda and false information, the Herceg-Bosna/HVO authorities created, instigated and supported a charged anti-Muslim atmosphere, promoted ethnic division and fostered religious mistrust.
- **Use of force, intimidation and terror:** Herceg-Bosna/HVO authorities and military and police units used force and the threat of force to dominate, suppress and persecute Bosnian Muslims. In the course of mass arrests and evictions, Bosnian Muslims were killed, severely injured, sexually assaulted, robbed of their property and otherwise abused. Identity papers and similar documents were often taken from Muslims, placing them at various risks and limiting their freedom of movement. In attacks on Muslim towns, villages and areas, and in the siege of east Mostar, there was regular and widespread shelling and sniping of Muslim civilians.
- **Appropriation and destruction of property:** Herceg-Bosna/HVO authorities and soldiers forced Bosnian Muslims to abandon their homes or sign them over to the HVO. Money, cars and personal property were often taken or looted. Muslim dwellings and other buildings, including public buildings and services, were appropriated, destroyed or severely damaged, together with Muslim buildings, sites and institutions dedicated to religion or education, including mosques. Much of this destruction was meant to ensure that Muslims could not, or would not, return to their homes and communities. The Herceg-Bosna/HVO authorities appropriated public property belonging to the Republic of Bosnia and Herzegovina. Seized or abandoned Muslim apartments and homes were often given or assigned to HVO members or Croat refugees.
- **Detention and Imprisonment:** The accused and other members of the joint criminal enterprise, together with various members of the Herceg-Bosna/HVO authorities and forces, established, supported and operated a system of ill-treatment, involving a network of prisons, concentration camps and other detention facilities (including, without limitation, the Heliodrom Camp, Ljubuški Prison, Dretelj Prison,

Gabela Prison and Vojno Camp) to arrest, detain and imprison thousands of Bosnian Muslims, including women, children and elderly. Many of the imprisoned and detained Muslims were kept in horrible conditions and deprived of basic human necessities, such as adequate food, water and medical care. Many suffered inhumane treatment and physical and psychological abuse, including beatings and sexual assaults.

- **Forcible Transfer and Deportation:** The accused and other members of the joint criminal enterprise, together with various members of the Herceg-Bosna/HVO authorities and forces, established, supported and operated a system of ill-treatment to deport Bosnian Muslims to other countries or transfer them to parts of Bosnia and Herzegovina not claimed or controlled by Herceg-Bosna. Many of the transferred or deported Muslims were first imprisoned and detained as described above, and only "released" to be transferred or deported. Many persons so transferred or deported were forced to sign over their property to the HVO or to simply abandon their property and leave their belongings.

- **Forced Labour:** Many Bosnian Muslims held by the HVO were forced to engage in physical labour, such as building military fortifications, digging trenches, carrying ammunition and retrieving bodies, often in combat and dangerous conditions, which resulted in many Bosnian Muslim detainees being killed or severely wounded. Some were used as human shields or to draw fire from enemy positions, in order to locate those positions. HVO units and soldiers used Muslim prisoners to plunder and loot Muslim homes and property.

| JADRANKO PRLIĆ | |
|-----------------------|---|
| Born | 10 June 1959 in Đakovo, Croatia |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |

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

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

| MILIVOJ PETKOVIĆ | |
|-------------------------|---|
| Born | 11 October 1949 in Šibenik, Croatia |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |

VALENTIN ĆORIĆ

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

BERISLAV PUŠIĆ

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|----------------------------|---|
| Born | 8 June 1952 in Mostar, Bosnia and Herzegovina |
| Indictment | Initial: 4 March 2004, made public on 2 April 2004; amended: 16 November 2005; second amended: 11 June 2008 |
| Surrendered | 5 April 2004 |
| Transferred to ICTY | 5 April 2004 |
| Initial appearance | 6 April 2004, pleaded not guilty to all charges |

STATISTICS

| TRIAL | |
|------------------------------------|---|
| Commenced | 26 April 2006 |
| Trial Chamber II | Judge Jean-Claude Antonetti (presiding), Judge Árpád Prandler, Judge Stephan Trechsel, Judge Antoine Kesia-Mbe Mindua (Ad Litem Reserve Judge) |
| Counsel for the Prosecution | Kenneth Scott, Douglas Stringer |
| Counsel for the Defence | For Jadranko Prlić: Michael G. Karnavas, Suzana Tomanović For Bruno Stojić: Senka Nožica, Karim A.A. Khan For Slobodan Praljak: Božidar Kovačić, Nika Pinter For Milivoj Petković: Vesna Alaburić, Nicholas Stewart For Valentin Čorić: Dijana Tomašegović-Tomić, Dražen Plavec For Berislav Pušić: Fahrudin Ibrišimović, Roger Sahota |

| RELATED CASES <i>by geographical area</i> | |
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| NO RELATED CASES | |

INDICTMENT AND CHARGES

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

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

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

According to the indictment, the Croatian community of Herceg-Bosna declared its existence on 18 November 1991 as a political and territorial entity on the territory of Bosnia and Herzegovina. In August 1993, the Croatian community of Herceg-Bosna declared itself the “Croatian Republic of Herceg-Bosna (Herceg-Bosna)”. Mate Boban was the President of Herceg-Bosna from its inception until approximately February 1994. By actions taken on 8 April 1992 and 15 May 1992, various Herceg-Bosna leaders, including Mate Boban, established the “Croatian Defence Council (HVO)” as Herceg-Bosna’s armed forces and government, describing the HVO as Herceg-Bosna’s supreme executive, administrative and defence body.

The indictment alleges that various persons established and participated in a joint criminal enterprise, the purpose of which was to politically and military subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg-Bosna, and to join these areas as part of a “Greater Croatia”.

It is further alleged that numerous persons participated in this joint criminal enterprise. They included Franjo Tudjman, the then President of the Republic of Croatia; Gojko Šušak, the then Minister of Defence of the Republic of Croatia; Janko Bobetko, former senior General in the Army of the Republic of Croatia; Mate Boban, the then President of the Croatian Community (and Republic) of Herceg-Bosna, as well as the six individuals charged in this indictment.

The indictment alleges that, as part of, and in the course of the actions described in the indictment, involving ethnic cleansing on a widespread and systematic basis, and in furtherance of the joint criminal enterprise, Jadranko Prlić, Milivoj Petković, Bruno Stojić, Slobodan Praljak, Valentin Ćorić and Berislav Pušić, together with other leaders and members of the Herceg-Bosna/HVO authorities and forces, engaged in the instigation and fomentation of political, ethnic or religious strife, division and hatred, the use of force, intimidation and terror, the appropriation and destruction of property, detention and imprisonment, forcible transfer and deportation and forced labour.

It is alleged that the Herceg-Bosna/HVO campaign of attacks and ethnic cleansing took place in the municipalities of Prozor, Gornji Vakuf, Jablanica, Mostar, Ljubuški, Stolac, Čapljina and Vareš. This included crimes allegedly committed in the villages of Sovići and Doljani, the Heliodrom and Vojno camps, and the Dretelj and Gabela District Military Prisons.

The indictment states that Jadranko Prlić directed the work of, and was responsible for, the HVO government, including military matters. He signed decisions and decrees that comprised the HVO’s official policy. According to the indictment, Prlić had the power to appoint and dismiss persons in positions of significant authority in the civilian, military and judicial organs of Herceg-Bosna and the HVO. He also possessed authority to close Herceg-Bosna prisons and concentrations camps.

The indictment states that Bruno Stojić had authority to appoint and dismiss HVO military commanders up to the level of brigade commander. He could and did issue organisational, strategic and combat-related orders. He exercised authority and effective control over HVO prisons and detention facilities, in whole or in part, through the HVO Military Police and the head of such police, Valentin Ćorić.

The indictment states that Slobodan Praljak was responsible for the management, organisation, planning, preparation, training, discipline, supply, deployment and operations of the Herceg-Bosna/HVO armed forces. He also had command authority over the Herceg-Bosna/HVO Civilian Police, when they acted under or in coordination with the Herceg-Bosna/HVO armed forces during times of armed conflict. He was closely involved in all aspects of Herceg-Bosna/HVO military planning and operations.

The indictment states that Milivoj Petković was responsible for the management, organisation, planning, preparation, training, discipline, supply and deployment and operations of the Herceg-Bosna/HVO forces. He issued organisational, strategic and combat orders. He also had command authority over the Herceg-Bosna/HVO Civilian Police, when they acted under or in coordination with the Herceg-Bosna/HVO armed forces during times of armed conflict. He was closely involved in all aspects of Herceg-Bosna/HVO military planning and operations.

The indictment states that Valentin Ćorić had *de jure* and/or *de facto* command and control of the HVO Military Police, which regularly played important roles in administering Herceg-Bosna/HVO prisons and detention facilities (including the release and transfer of prisoners and detainees) and in combat and ethnic cleansing operations. Ćorić exercised effective control and substantial influence over the HVO Military Police, and had the authority and responsibility to command and discipline members of the HVO Military Police. It was also part of the duties of the military police, which Ćorić commanded, to investigate alleged crimes by Herceg-Bosna/HVO armed forces.

The indictment states that Berislav Pušić was an instrumental, high-level official in the Herceg-Bosna/HVO system concerning the detention, use, release, exchange, transfer and deportation of Bosnian Muslims. Based on his *de jure* and/or *de facto* powers, he exercised effective control and substantial influence over various components and personnel in this system. It was part of his responsibility to classify and process Muslim detainees in accordance with the Geneva Conventions and international humanitarian law. It is alleged that he issued orders and decisions, signed authorisations and gave instructions for the handling of Bosnian Muslim detainees, which controlled their continued detention and/or their transfer or deportation to other areas or countries.

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

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

PRE-TRIAL

On 8 September 2004 Jadranko Prlić, Milivoj Petković, Bruno Stojić, Slobodan Praljak, Valentin Ćorić and Berislav Pušić were granted provisional release. All the accused returned to the Detention Unit on 24 April 2006.

THE TRIAL

The trial of Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić, and Berislav Pušić commenced on 26 April 2006.

On 12 June 2006, Valentin Ćorić filed an urgent motion for permission to attend the funeral of his father. The motion was granted and he was released from 14 June until 19 June 2006.

Following a decision, which was made public on 17 August 2006, all the accused were granted provisional release during the court recess in the following periods:

Jadranko Prlić - from 1 August until 9 August 2006;
Bruno Stojić - from 23 July until 31 July 2006;
Slobodan Praljak - from 1 August until 9 August 2006;

Milivoj Petković - from 8 August until 16 August 2006;
Valentin Ćorić - from 23 July until 31 July 2006;
Berislav Pušić - from 14 July until 22 July 2006

On 11 June 2007, the Trial Chamber granted the Defence motions for provisional release of all six accused during the summer court recess. However, the Chamber kept the dates and conditions of the provisional release confidential.

The Prosecution completed its case on 24 January 2008.

On 14 April 2008, the Appeals Chamber ordered the provisional release of Berislav Pušić from 16 April until 2 May 2008.

On 22 April 2008, Milivoj Petković was granted provisional release but the Trial Chamber kept the dates and conditions of the release confidential.

On 25 April 2008, Jadranko Prlić was granted provisional release but the Trial Chamber kept the dates and conditions confidential.

On 29 April 2008, Bruno Stojić was granted provisional release but the Trial Chamber kept the dates and conditions confidential.

The Defence case commenced on 5 May 2008.

On 17 July 2008, Jadranko Prlić, Bruno Stojić, Milivoj Petković, Valentin Ćorić and Berislav Pušić were granted provisional release, but the Trial Chamber kept the dates and conditions confidential.

On 2 December 2008, Valentin Ćorić and Bruno Stojić were granted provisional release, but the Trial Chamber kept the dates and conditions confidential.

On 5 December 2008, Milivoj Petković was granted provisional release but the Trial Chamber kept the dates and conditions confidential.

On 4 May 2009, a public redacted decision was filed stating that Valentin Ćorić was granted provisional release on humanitarian grounds from 1 May until 19 June 2009.

RULE 98*bis* DECISION

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

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