

1 Thursday, 10 February 2011

2 [Prosecution Closing Statement]

3 [Open session]

4 [The accused entered court]

5 [The Accused Pusic not present]

6 --- Upon commencing at 9.07 a.m.

7 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, kindly call the  
8 case.

9 THE REGISTRAR: Good morning, Your Honours. Good morning,  
10 everyone. This is case number IT-04-74-T, the Prosecutor versus Prlic et  
11 al. Thank you, Your Honours.

12 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar.

13 Today's Thursday. A very good morning to all of you. We are starting a  
14 bit late because there's this recurrent and very familiar technical  
15 problem which is still with us. The technician has told us that he is  
16 unable to identify the cause of the problem, because apparently this is a  
17 problem that lies only with Courtroom III. It doesn't exist elsewhere.  
18 It's only connected with our courtroom, but they cannot manage to find  
19 the cause in spite of all of the efforts they've made. And as was  
20 explained by Mr. Khan, quite rightly so yesterday, the system was  
21 changed, and that may be the reason for the problem. Whatever the case  
22 may be, they've booted up the system, and for the time being it's  
23 working. Let's hope it keeps working throughout the morning.

24 You may proceed, Mr. Prosecutor, with your closing arguments.

25 MR. STRINGER: Good morning, Mr. President, Your Honours,

1 Counsel. May it please the Court, I'll be presenting the closing  
2 submissions on behalf of the Prosecution in regard to the Accused  
3 Valentin Coric.

4 I'd like to begin my remarks by going straight to the two core  
5 arguments forming the foundation of the Coric brief and indeed the Coric  
6 defence itself. The first of these arguments is a legal one, with Coric  
7 asserting that he cannot be held responsible for any of the crimes  
8 alleged as a member of a joint criminal enterprise unless he is first  
9 found guilty under the principle of command responsibility found in  
10 Article 7(3) of the Statute. As he claims in paragraph 150 of his brief,  
11 "It's respectfully submitted that it is abundantly clear the OTP cannot  
12 succeed in proving a JCE unless the OTP can prove the liability of Coric  
13 under Article 7(3) of the Statute."

14 He continues in paragraph 151 of his brief:

15 "Without Article 7(3) liability, there cannot be JCE liability of  
16 Coric."

17 The second principle on which Coric bases his defence is, of  
18 course, factual. Here Coric hides behind his desk, claiming he was a  
19 mere bureaucrat or administrator with no real powers to punish or prevent  
20 crimes, no effective control over persons committing the crimes, and as a  
21 result, Mr. Coric claims that he didn't really know about crimes that  
22 were taking place since communications were bad and he only had "limited  
23 reporting" available to him even though he was chief of the Military  
24 Police Administration. As a result of this, Coric claims he didn't know  
25 about any joint criminal enterprise and that he did not contribute to and

1 was not a member of one.  
2 Coric's legal claim that liability for crimes as a member of a  
3 joint criminal enterprise is somehow dependent on it first being shown  
4 that he's guilty for those crimes under Article 7(3) is easily disposed  
5 of. The Trial Chamber will note the appeals judgement in the Kvocka case  
6 from February 2005. We have it on the screen. Paragraph 104 of that  
7 judgement where the Appeals Chamber notes that participation in a joint  
8 criminal enterprise pursuant to Article 7(1) of the Statute and superior  
9 responsibility pursuant to Article 7(3) of the Statute are distinct  
10 categories of individual criminal responsibility, each with specific  
11 legal requirements. Joint criminal enterprise responsibility does not  
12 require any showing of superior responsibility.  
13 And then in our slide there we make references to additional  
14 parts of the Kvocka appeals judgement, paragraph 144, paragraph 383, that  
15 stand for that same proposition.  
16 The Trial Chamber will note in addition that in the Krajisnik  
17 case, for example, the accused was convicted under joint criminal  
18 enterprise even though the Trial Chamber concluded that he did not  
19 exercise effective control over the forces who participated in the  
20 commission of the crimes. That's at paragraph 1121 of the Krajisnik  
21 trial judgement. And so this aspect of the Defence case that any  
22 liability for joint criminal enterprise is first dependent on a showing  
23 of 7(3) liability has no basis or merit whatsoever.  
24 In regards to his involvement and contribution to what we call  
25 the Herceg-Bosna joint criminal enterprise, our starting principle is

Page 52084

1 that Mr. Coric, like his co-accused, wanted to bring about creation of  
2 Herceg-Bosna, an autonomous Croat territory in Bosnia-Herzegovina.  
3 P08548. This is the publication entitled "They Years of Military  
4 Police," containing the contributions of a number of individuals who had  
5 been active in the military police of the HVO.  
6 In his contribution to that publication, Mr. Coric, writing about  
7 the formation of the military police said:  
8 "When selecting members of the military police, we took care to  
9 recruit honourable people, people committed to the Croatian cause and the  
10 homeland, and I think that we were very successful in that selection."  
11 Now, of course it's expected and appropriate that one might  
12 select and recruit honourable individuals. Mr. President, it's less  
13 clear how many Muslims would have been linked or faithful to the idea of  
14 the Croatian cause and the Croatian homeland that formed this cornerstone  
15 of recruitment in the military police. Croats weren't the only  
16 honourable people in Herceg-Bosna.  
17 P01788. This is a document that the Trial Chamber will recall  
18 from my submissions regarding General Praljak. These are the notes of a  
19 meeting held on the 2nd of April, 1993.  
20 Mr. President, I'm being told that my trial assistant's computer  
21 has crashed, and so we're not going to be in a position to put these  
22 documents up in Sanction. We can try to improvise with e-court in the  
23 meantime, and for that I think I'm dependent on the registrar. In any  
24 event, I'm going to keep going because it's clear that the technology is  
25 determined impede our progress on this final day of the Prosecution

Page 52085

1 closing submissions, which is rather unfortunate indeed.  
2 P01788 are the minutes of a meeting held with General Praljak,

3 Mr. Coric, others, and the commands of the HVO. The Trial Chamber will  
4 recall this document in this meeting from the words of General Praljak  
5 reported here where he said that, "We can only fence off what is ours and  
6 build our own state there." He was in this meeting talking about the  
7 homogenisation of the populations as part of what we say was his vision  
8 of Herceg-Bosna.

9 Valentin Coric was present at this meeting, as were other key  
10 individuals in the Herceg-Bosna hierarchy, such as Dario Kordic and  
11 Ignjac Kostroman, who was the gentleman from Central Bosnia, the Trial  
12 Chamber recalls, was advancing the cause of a secession of Herceg-Bosna  
13 to Croatia as part of the dream.

14 P06581. Mr. President, these are the minutes of a meeting held  
15 at the presidential palace. Mr. Boban, Dr. Prlic, President Tudjman, in  
16 November of 1993, the 10th of November, 1993. At this meeting, the  
17 discussion was about appointing and approving individuals who would take  
18 the key positions as part of the newly established Croatian Republic of  
19 Herceg-Bosna, the HR HB.

20 In this meeting, Dr. Prlic stated to Dr. Tudjman:

21 "Valentin Coric, who also enjoys general confidence in the army,  
22 is now our commander of the military police. By all his attributes, I  
23 can even think he would be a good defence minister."

24 And then he goes on. President Tudjman says:

25 "For those two ministries, the Ministry of Defence and the

Page 52086

1 Ministry of the Interior, you must appoint the most forceful and the most  
2 authoritative individuals."

3 Prlic replies:

4 "Valentin is, and Coric absolutely is that, yes."

5 Now, in November of 1993, it's impossible that descriptions such  
6 as "forceful" and "authoritative" could be assigned to Mr. Coric if  
7 indeed up to that point he was not in a position to know everything that  
8 had taken place up to that point. Had he not been an effective commander  
9 and chief of the military police, he would not have been approved and put  
10 forth to be the minister of interior of the newly declared Croatian  
11 Republic of Herceg-Bosna.

12 On the issue of contribution, Mr. President, I should say that  
13 Coric misstates the applicable standard for contribution to a joint  
14 criminal enterprise in his brief. In paragraph 219 of his brief, he  
15 claims that he did not substantially contribute to any JCE. This, of  
16 course, is not the required showing. Once Mr. Coric is shown to be a  
17 member of the JCE, sharing the intent for the commission of the JCE  
18 crimes, his contribution to that need only be significant, but perhaps  
19 it's not a vital point because in the Prosecution's submission, it's  
20 well-established in this case that Mr. Coric has made a quite substantial  
21 contribution to the Herceg-Bosna JCE.

22 As with his co-accused, Coric possessed tremendous power, albeit  
23 in his own sphere, the sphere of the military police, the tasks, and the  
24 competencies of the military police. One way that he contributed to the  
25 JCE was in not exercising his power to prohibit, punish, condemn, or even

Page 52087

1 criticise the widespread criminal conduct directed against the Bosnian  
2 Muslim population in Herceg-Bosna.

3 A particularly unsettling aspect of Mr. Coric's involvement in  
4 this case is that he was the chief military policeman. He was not a  
5 policeman for everyone, however, and certainly not for the Bosnian

6 Muslims. The evidence shows that he, like Praljak, was so committed to  
7 the Herceg-Bosna enterprise that he was willing to condone and approve  
8 crimes contributing to the establishment of Herceg-Bosna. Coric approved  
9 or turned a blind eye to crimes linked to his own subordinates in the  
10 military police and also did nothing to support the police efforts to  
11 take strong measures against other HVO personnel who were committing  
12 crimes, particularly when those criminals were useful in HVO combat  
13 operations. In other words, identical to General Praljak's command  
14 style, the command climate: If they're good soldiers, if they're good  
15 fighters, we'll look the other way when they're committing crimes.  
16 We see this in P03928, which is a report dated the 3rd of August,  
17 1993, directed to Mr. Coric personally at the Military Police  
18 Administration. The writer of this report is complaining about criminal  
19 activities of two well-known units, the Vinko Skrobo, formally Mrmak ATG,  
20 and the Benko Penavic ATG. He writes that they're responsible for a  
21 large share of the crime in the Mostar town area. He says:  
22 "Since these two units are listed as parts of the convicts'  
23 battalion, they have a special status for unknown reasons."  
24 The special status is reflected in the fact that neither the  
25 military police nor any other law enforcement organ is taking any action

Page 52088

1 against members of this unit who are committing crimes. He says,  
2 referring to his colleague Zvonko Vidovic, that Vidovic had received an  
3 order some time ago from the chief of the Military Police Administration  
4 that the centre should only register certain acts committed by certain  
5 people from these units.  
6 Continuing on to the next Page:  
7 "I would like to point out that the entire personnel of the  
8 above-mentioned units, a large part is involved in criminal activities so  
9 that a vigorous pursuit action and bringing of the perpetrators of  
10 criminal acts to court would probably lead to the break-up of those  
11 units."  
12 Now, Mr. President, there's been some evidence that what was  
13 really happening is they were holding off on taking measures against  
14 these units. They were collecting information, and they were going to  
15 wait until the right time to step in and take measures to prevent crimes  
16 committed by units such as these. However, we know that such an  
17 operation, if it was ever intended, certainly never took place.  
18 P05563 is a report, again, dated -- directed I should say  
19 directly to the chief of the military police, Mr. Coric. This is coming  
20 from Mr. Bozo, Stanko Bozic, who was the warden of the Heliodrom  
21 detention facility. It's his report for the month of September 1993,  
22 dated 2nd of October of that year.  
23 He's making reference to a lot of issues here that are of  
24 relevance to this case and Mr. Coric's responsibility. The initial  
25 section of the report he indicates that on the 9th of September, 351

Page 52089

1 detainees were transferred from Ljubuski, which had led to the prison  
2 being even more overcrowded. The transfer has led to a number of  
3 problems.  
4 He refers to an order by Mr. Mladen Naletilic Tuta on 21 and --  
5 20 and 21 September where he says that:  
6 "24 of our detainees why released for the requirements of the  
7 front line."  
8 Mr. President, what the evidence would show is that those were

9 actually not Muslim detainees. Those were, in all likelihood, very  
10 hardened Croat criminals, murderers, who were released from the Heliodrom  
11 just prior to the HVO operation directed by Mr. Tuta and the Convicts  
12 Battalion at Rastani. So the criminals were let out of gaol to go fight  
13 for the HVO. It's being reported to Mr. Coric. We don't know. There's  
14 certainly no evidence that Mr. Coric or anyone else did anything about  
15 this. We do know that Mr. Coric's co-accused, Mr. Stojic, subsequently  
16 commended, issued a commendation, to the members of the Convicts  
17 Battalion, congratulating for their successful operation at Rastani, an  
18 operation that we now know was one in which many crimes were committed.  
19 The report goes on. We're going to talk about the forced labour  
20 later in my remarks. Here he's referring to the number of detainees  
21 wounded, killed during the month of September while on forced labour.  
22 In reading the Coric brief, Mr. President, Your Honours, you'll  
23 see that he claims that it was, in fact, Colonel Obradovic who exercised  
24 the real authority over the HVO detention centres in Sector South,  
25 including the Heliodrom, and one of the observations I'm going to make

Page 52090

1 repeatedly in my remarks is this: If indeed it was Colonel Obradovic who  
2 was in charge or responsible for these prisoners, who had the power over  
3 them, if it was Obradovic who was the one that was authorising the  
4 extensive forced labour programme that we know about, then why is it that  
5 Mr. Bozic is sending this report to Mr. Coric? And as the Trial Chamber  
6 knows and we'll discuss, Mr. Bozic sent many, many reports to Mr. Coric,  
7 and it's because he considered that it was Mr. Coric who was the person  
8 who had the authority and the capability to deal with these issues.  
9 Mr. Coric contributed to the Herceg-Bosna JCE by approving and  
10 condoning an administrative deportation system whereby prisoners gained  
11 release from HVO detention camps so long as they went home, gathered  
12 their families in Ljubuski, and left Herceg-Bosna altogether.  
13 P04263. This document, Mr. President, is dated the 17th of  
14 August, 1993. It is a document over the name of an Ante Prlic and a Jure  
15 Herceg at the 4th Brigade. Stjepan Radic, military police. He says:  
16 "Based on the order of the chief of the military police, Valentin  
17 Coric, the following detainees are to be released because they have  
18 affidavits."  
19 The document is stamped "received" by the Military Police  
20 Administration, and it gives the names of 22 individuals.  
21 Mr. President, could we briefly pass into private session.  
22 JUDGE ANTONETTI: [Interpretation] Yes. Private session, please,  
23 Mr. Registrar.  
24 [Private session]  
25 (redacted)

Page 52091

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11 Page 52091 redacted. Private session.  
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23 [Open session]  
24 THE REGISTRAR: Your Honours, we're back in open session. Thank  
25 you.

Page 52093

1 MR. STRINGER: P04404. This is another document linked to these  
2 letters of guarantee programme. This gentleman Ante Prlic again writing:  
3 "Through this confirmation, the headquarters of the prison at  
4 Heliodrom is asked to release this prisoner, Enver Cibo, because he has  
5 an affidavit on the order of the chief of the military police."  
6 It continues:  
7 "The detainee mentioned above is to be handed over to the police  
8 Ljubuski because that is where his family is and his family has been  
9 ordered out of Herzegovina."  
10 If this was some rogue programme that no one knew about except a  
11 small group of individuals down in Ljubuski, why would this Mr. Prlic,  
12 Ante Prlic, being writing things like that the family had been ordered  
13 out of Herzegovina? And how would these people have ultimately been  
14 released if this procedure wasn't fully approved and authorised by the  
15 people who had responsibility and authority over the prisoners?  
16 Oh, and by the way, Mr. Prlic doesn't send this to  
17 Colonel Obradovic. There is no indication that Colonel Obradovic, who  
18 allegedly has the primary authority over the Heliodrom and the other

19 prison facilities, that Colonel Obradovic was involved in this or that  
20 his approval was needed. The reference here again is consistently to  
21 Mr. Coric.  
22 P10190. This is one going not to the Heliodrom but to Gabela.  
23 So again, a communication issued from the brigade military police, this  
24 time sending the communication to Gabela, asking prisoners to be released  
25 based on an order issued by the head of the military police, Mr. Coric.

Page 52094

1 They have to be delivered to the Ljubuski military police, pursuant to  
2 the fact that their families are in Ljubuski and they got expulsion from  
3 Herzegovina. These prisoners are released from the Heliodrom. They're  
4 released from Gabela. They go home, they gather their families, and they  
5 move out.  
6 P10328. The Trial Chamber may recall the evidence of  
7 Ms. Milada Orman. This is from her 92 bis statement talking about what  
8 happened in her village, Gradska, in the municipality of Ljubuski. Her  
9 testimony is consistent with what we've been seeing. Gradska is a  
10 village that makes part of Ljubuski, inhabited only by Bosniaks. They  
11 live -- there live about 1 to 200 people. When the Muslim from Ljubuski  
12 were called to report to the police station, they were called as well.  
13 When the men came back from detention, the people from Gradska organised  
14 and left on two or three buses to Zagreb. They locked their houses and  
15 left the keys in the municipality and left. They had to undergo the same  
16 procedure as other Muslim from Ljubuski. The laissez-passer, the tickets  
17 to third countries. They had a beautiful mosque in the village, and when  
18 they left, they locked it up, and they gave the key to the guardian of  
19 the church. When they went back around 1999, the mosque was completely  
20 blown up and destroyed. Some people had returned to Gradska, but not  
21 many. They want to return. The houses were not destroyed. They are  
22 occupied by Croats from middle Bosnia, but there is no power yet.  
23 So if the Trial Chamber in its deliberations wants to consider  
24 the impact of these deportation schemes on the people that lived in these  
25 areas, the Muslim population living in these areas, it has ample evidence

Page 52095

1 before it in order to do that.  
2 P06135 is a report of the Spanish Battalion. I don't know that  
3 we can put it up. I can read it though.  
4 Spanish Battalion reporting on the 25th of October, 1993.  
5 "It was noticed that the mosque in the village of Gradska has  
6 been recently destroyed. Apparently the village has been vacated these  
7 days. Given that windows and doors on the houses were open and smoke was  
8 coming out of some of them, which makes one think that the population was  
9 displaced towards another places."  
10 Why was all this happening? P06232. Just four days after the  
11 Spanish Battalion made its observations on Gradska that I've just read,  
12 we have here in this exhibit, dated the 29th of October, a request coming  
13 over the name of the chief of the military police, Mr. Coric. The  
14 document itself was signed by his deputy, we believe, Mr. Lavric.  
15 Authenticity of the document has not been challenged. And here the  
16 military police is requesting the municipality to approve the following  
17 vacated apartments for temporary use by military police employees.  
18 And by now all of us are able to look at the names of the people  
19 whose apartments are being requested. We all know what the ethnicity of  
20 those individuals is. They're all Muslims. They're all gone. They've  
21 hardly left, and the military police is already looking to take over

22 those apartments.  
23 We know that the military police had a very voracious appetite  
24 for Muslim housing, apartments, flats.  
25 P02879. This one is from the 21st of June, 1993. It's a

Page 52096

1 request, again, coming from the Military Police Administration, again,  
2 Mr. Lavric signing for Mr. Coric, to the housing and infrastructure  
3 office. We request -- it's a request to issue decisions permitting  
4 occupancy of apartments:  
5 "We enclose a list of civilian apartments occupied by members of  
6 the military police. We request that the corresponding decisions be  
7 issued as urgently as possible."  
8 137 flats, 137 members of the military police taking over these  
9 flats on the 21st of June. This is in all likelihood Mostar, West  
10 Mostar, based on the names of the streets, the locations of the flats.  
11 On this issue of the Lavric signature, we've just looked at two  
12 documents signed by him on behalf of Mr. Coric. There's been no  
13 challenge to the authenticity of the documents. It does raise the issue  
14 concerning his claims that P03220 is a forgery. It's not a forgery, just  
15 a bad document for him.  
16 The document, dated the 6th of July, 1993, when the HVO arrest  
17 campaign for all the Muslim men was getting in full swing,  
18 Colonel Obradovic absolutely expressed or sought to exert control over  
19 the release of prisoners from all four of the main camps, Heliodrom,  
20 Ljubuski, Gabela, Dretelj. He did that on a document that he issued on  
21 the preceding day. And right away, immediately, the Military Police  
22 Administration, again Lavric, signing on behalf of Coric steps right in  
23 saying that the military remand prisons are exclusively under the  
24 jurisdiction of the Military Police Administration. He tells Obradovic  
25 to cancel his order, and then he does concede that the prisoners who are

Page 52097

1 in the military remand prisons and who were captured by the Knez Domagoj  
2 Brigade subordinated to Colonel Obradovic, shall be if they are released  
3 be released with your consent.  
4 Coric claims that the Lavric signature on here on his behalf is  
5 forged. It's in our brief, Mr. President. There are lots of other  
6 documents authenticity is not challenged. The signature's the same,  
7 Lavric. We see it time and time again. It's just that this particular  
8 document causes some uncomfortableness for Mr. Coric, and so he's trying  
9 to distance himself from it.  
10 I'd like to make some remarks on the issue of subordination and  
11 particularly what happened when a unit was resubordinated or sent over to  
12 fight or to be placed under the command of a different part of the HVO.  
13 Mr. Coric has made a lot of claims that once that happens, he  
14 bears no responsibility for the military police who are then subject to  
15 orders of others in the brigade and the Main Staff. It's not correct.  
16 In his testimony -- actually, in both of their testimony,  
17 General Praljak and General Petkovic told us about this issue of  
18 subordination, both of them testifying that when military police  
19 personnel were resubordinated to the brigades, they still remained  
20 military policemen. They still remained within the military police  
21 structures, and Mr. Coric continued to have responsibility for them.  
22 On the 22nd of February, 2010, at Page 49795 of the transcript,  
23 General Petkovic testified:  
24 "Valentin Coric, in this specific case, would draft an order

25 according to which a certain battalion should be subordinated in a

Page 52098

1 certain area, and it will enter within the chain of command in that area.

2 Valentin Coric, although he has subordinated the battalion to the  
3 commander, doesn't lose his responsibility over that battalion. He  
4 doesn't simply dismiss that battalion. He has the right to exercise  
5 authority over that battalion. But the commander in the area will issue  
6 them with specific tasks and will be in command of that battalion."

7 We'll be talking a little later on about logistics and equipping  
8 the military police and how that, of course, was done, the Military  
9 Police Administration.

10 Mr. President, if you train these individuals, if you select  
11 them, if you give them uniforms, weapons, belts, badges, and all the  
12 rest, you own them. You might lend them out to others for specific  
13 combat-related tasks, but you always own those personnel.

14 P04186. There's a question as to who owned the prison wardens.

15 Who were they responsible to? Mr. Coric claims that the wardens were not  
16 answerable to or were not within the chain of command or the structure of  
17 the military police.

18 In this exhibit, 14 August 1993, Mr. Bozic, the warden at the  
19 Heliodrom facility, sends this document both to Mr. Stojic and to  
20 Mr. Coric. I'm looking at the second paragraph on the first Page. Bozic  
21 says:

22 "Because we are stationed at the barracks at the Heliodrom, we  
23 have been receiving logistics support from the 3rd Brigade the whole time  
24 due to its actual location, but the whole time we have been part of the  
25 military police unit. On a couple of occasions, leaders of the

Page 52099

1 3rd Brigade verbally warned us that they were not able to procure food  
2 for 2100 detainees, which caused us to turn to our military police unit,  
3 and they were unable to meet our request."

4 This is consistent with testimony that came from Ljubuski. I  
5 won't give more specifics on it because it's -- it's not public. The  
6 brigade providing food, that, of course, doesn't change what units the  
7 guards, the wardens, what structures they are attached to. Mr. Bozo is  
8 here clearly telling us that he thinks he's in the military police even  
9 though it's the brigade that had been providing food for the prisoners.  
10 On the 14th of August, though, he's got a problem, because he's  
11 telling Mr. Stojic and Coric that he doesn't have food to feed these  
12 prisoners. We don't know what, if anything, Mr. Coric did about that.  
13 Mr. President, could I briefly again pass into private session.

14 JUDGE ANTONETTI: [Interpretation] Registrar.

15 [Private session]

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Page 52100

1 (redacted)

2 [Open session]

3 THE REGISTRAR: Your Honours, we're back in open session. Thank  
4 you.

5 MR. STRINGER: Thank you, Mr. President.

6 It makes perfect sense, of course, for things to operate -- if  
7 you're putting military police into brigades, if you're putting them into  
8 the field, they're going to have to be subject to taking orders from the  
9 units in the field, the commands in the field.

10 Mr. Coric, throughout his brief equates the issue of exclusivity  
11 to the issue of lack of responsibility. He basically claims, "Well, the  
12 brigades could issue orders to the brigade military police, so that means  
13 I'm not responsible for them. I subordinated the 1st Light Assault  
14 Battalion to General Praljak, and so I'm not responsible for them because  
15 somebody else can give them orders.

16 "Other people may bring people from the Heliodrom, Mr. Pusic, for  
17 example, maybe Obradovic, and since other people could exercise that  
18 authority, that means I had none. I had no responsibility."

19 Again, this goes to the passage that my colleague Mr. Scott read  
20 from in his initial presentation, the remarks of Justice Jackson from the  
21 Nuremberg trials. You know, there are more than one -- there are  
22 multiple individuals responsible when crimes are committed. There isn't  
23 just one. And the fact that others within the Main Staff or the brigade  
24 structures could issue orders to particular members of the military  
25 police doesn't mean that Mr. Coric doesn't still bear responsibility for

Page 52101

1 those members. It doesn't mean that they're no longer a part of his  
2 military police structure.

3 The reports from the field coming in also tell us not only about  
4 the structures and the chain of command, because people don't send  
5 reports to people that are outside their chain of command. Subordinates  
6 send reports their superiors. The reports coming in also tell us a lot  
7 about knowledge and notice and the breadth of information that was  
8 available to Mr. Coric.

9 P00648. This is the 25th of October, 1992. This is an interim  
10 report and request to take measures coming from Mr. Siljeg, commander of  
11 the north-west Herzegovina operative zone. He's sending this to the  
12 Defence Department, the Main Staff, and to the HVO Military Police  
13 Administration. He's complaining about a military police unit from Livno  
14 and Tomislavgrad that had been under the control of a Zdenko Andabak  
15 which was in Prozor and returned to Livno and Tomislavgrad with about 30  
16 illegally seized motor vehicles.

17 Going to the end of the document, the end of the report, Siljeg  
18 says:

19 "I require the head of the Military Police Administration to  
20 inspect urgently military police units in Livno and Tomislavgrad.  
21 Consider the situation and take appropriate measures against individuals  
22 who behave like that."

23 So what this tells us, Mr. President, Your Honours, is that the  
24 operative zone commander, Mr. Siljeg, he certainly believed that  
25 Mr. Coric retained authority and responsibility for the conduct of his

Page 52102

1 military police subordinates, such as Mr. Andabak, out in the field, and  
2 that Mr. Coric retained the ability to take measures to deal with the

3 misconduct.

4 We know that in this case that at one point later Mr. Coric and  
5 General Praljak issued a joint order directing that the vehicles be  
6 returned.

7 P05657. Excuse me, I skipped one in my outline. P02697.

8 Mr. President, could I ask what time we're planning to take the  
9 break? I'm not sure where we are in the scheduling.

10 JUDGE ANTONETTI: [Interpretation] 10.30 as usual.

11 MR. STRINGER: P02697. This is another report coming from  
12 Mr. Siljeg, this one dated now the 9th of June, 1993. He's sending this  
13 to Mr. Boban, Mr. Stojic, Petkovic, and also Mr. Coric personally.

14 Toward the bottom of the first Page, second-to-last-paragraph:  
15 "Everything is wrong in the 2nd Battalion and they cannot not be  
16 commanded, except for part of the ATG from Tomislavgrad ..."

17 And he goes on to describe the situation:

18 "All this indicated that the military police units in Livno,  
19 Rama, in Gornji Vakuf, are wilful, out of control, and cannot be  
20 commanded."

21 He says:

22 "We would request that you undertake the following measures  
23 because, you know, this is the only route for passage."

24 And he goes on suggesting and asking for particular things to be  
25 done.

Page 52103

1 In item 2:

2 "It is true that the battalions were put under the jurisdiction  
3 of the operative zone commander, but only when we were up to our necks in  
4 problems. But what is the use of an order if there is no command and the  
5 commander is not in a position to command lower commanders or policemen,  
6 and you are conducting pursuing personnel policy in the military police."

7 At the top of the next Page, item 4, Siljeg writes:

8 "In future, use military police from territory in the depth to  
9 secure convoys on this axis. You have been informed of all security  
10 problems regarding the flow of people and goods through Rama and other  
11 negative incidents: Murder, arson, looting ... it is high time the  
12 military police did something."

13 Just to be completely precise, he says:

14 "It is high time the Military Police Administration did  
15 something." The UVP.

16 Item 6:

17 "We are doing everything in our power ... now it is your turn."

18 If he didn't think Mr. Coric was responsible for or could do  
19 anything about these problems he was having -- Siljeg was having with the  
20 military police in these areas, in the Prozor zone, then he wouldn't have  
21 sent this. He wouldn't have included Mr. Coric on this report.

22 P05657. We're going to talk about the deployment of military  
23 police personnel in Mostar a bit later, but again it's worth noting here  
24 that on the 5th of October, 1993, Mr. Coric issues this order: That  
25 after having inspected the combat line in the town of Mostar, he orders

Page 52104

1 that 100 military policemen are to be placed at the disposal of the  
2 Mostar town defence commander, Mr. Zlatan Mijo Jelic. Then he takes 20  
3 military police from the Military Police Administration. He takes 60  
4 military policemen out of the 5th Brigade that's based in Mostar, and  
5 another 20 policemen out of the 6th Military Police Battalion and places

6 all of those into the Mostar town defence.

7 So what we see here is Mr. Coric exerting direct control and his  
8 authority to deploy and to re-deploy military policemen within his own  
9 administration but outside also that administration, reaching across to  
10 his military police battalions to direct their personnel.

11 P03090. Mr. President, this is a report on the work of the HZ-HB  
12 military police in an analysis of the situation for the period January  
13 through June 1993. It appears over Mr. Coric's name.

14 In his brief, Mr. Coric does acknowledge that he and his Military  
15 Police Administration provided logistics support for the military police,  
16 pointing out that they issued badges and belts to the military policemen.  
17 However, he also claims, this is paragraphs 42, 128, and 217 of his  
18 brief, he claims that he received only limited reporting and that there  
19 is a multitude of evidence establishing general communications  
20 difficulties. His point being that all of these difficulties kept him  
21 out of the loop and prevented him from really knowing what was going on  
22 outside his Military Police Administration. The evidence proves  
23 otherwise. The fact is that individuals and units sent scores of reports  
24 to Coric from the field because they were part of the military police  
25 chain of command, and that command ran to Mr. Coric at the top.

Page 52105

1 Here are a few of the many documents establishing that  
2 communications were operating at a highly satisfactory level and that  
3 Coric received regular reports from military police units both within the  
4 brigades and his own military police battalions. The reporting chain  
5 itself shows that all of these units, whether military police in the  
6 brigades or in the battalions remained within the sphere of  
7 responsibility of the chief of the Military Police Administration.

8 So turning to P03090, the military police Coric report on the  
9 work for the first half of June 1993, we see on Pages 26 and 27 of the  
10 English version Coric is reporting on the equipment and other items  
11 provided to his subordinates within the military police structures,  
12 camouflage trousers, jackets, et cetera, which is obviously not a  
13 surprise. And here he refers on Page 27 to the 1719 white belts, white  
14 waist belts of the military police and the 499 badges.

15 As we move down the Page, however, we see that Coric won't just  
16 providing badges and belts to the military policemen. During the first  
17 half of 1993, the Military Police Administration distributed 570.000  
18 rounds. They actually distributed more hand grenades than belts. 1719  
19 belts versus 2506 hand grenades. They distributed 445 automatic rifles,  
20 which is roughly the same number of badges that they distributed. They  
21 distributed an even greater number of 82-millimetre mines.

22 So the Trial Chamber has to bear that in mind when it considers  
23 Mr. Coric's claims that he wasn't responsible for what his military  
24 police people did when they were out in the field, if they were out  
25 subordinated for a combat operation to a different unit. It was

Page 52106

1 Mr. Coric and his Military Police Administration that put the bullets and  
2 the guns and the hand grenades and the mines into the hands of these  
3 individuals, and he cannot absolve himself of responsibility if they use  
4 those weapons improperly and illegally.

5 On the issue of communications, on the following Pages of his  
6 report, this is Page 28, he gives a very comprehensive overview of the  
7 equipment and the extent to which communications functioned throughout  
8 the Military Police Administration and, in fact, the key role that

9 military police communications played within the HVO itself.  
10 He says that:  
11 "The state of wire communications is mainly satisfactory; all  
12 units, stations, and communication centres are connected to an automatic  
13 telephone network ..."  
14 Moving down to item 2a:  
15 "They installed repeaters in three locations for radio  
16 communications," which, he as says, "enables us to have good  
17 communications in 70 per cent of HZ-HB territory. Communications on the  
18 UHF are ensured on the level of all the battalion administrations  
19 (Ljubuski, Dretelj, Mostar, Livno, Vitez).  
20 "Radio communications cover the entire border area towards  
21 Croatia.  
22 "Generally speaking, all important check-point are well  
23 connected, and we manage to provide the optimum minimal resources for  
24 combat activities of units."  
25 Moving on, halfway down the following Page Mr. Coric reports:

Page 52107

1 "In addition to the said working difficulties, it is important to  
2 point out that the HVO military police communications system was the  
3 basis for ensuring communications during combat activities in the almost  
4 entire HZ-HB, and particularly in the Prozor and Mostar theatres of war,  
5 in the past period." That is January through June 1993.  
6 So communications maybe not perfect, but pretty darn good.  
7 Page 31 of this report. I'm going to step off on a different  
8 topic, but since we're on the document I think it's worth pointing this  
9 out.  
10 Section 2.4 Coric reports that:  
11 "In the past period, there were over 6.000 prisoners of war in  
12 prisons in Herceg-Bosna."  
13 Keep in mind, Mr. President, this report applies to the period of  
14 time prior to the 30 June arrest campaign that begins.  
15 Coric continues:  
16 "There are over 4.000 prisoners in the prisons. Of that number,  
17 several hundred are members of the Serbian Army, and a large number are  
18 members of the Army of Bosnia and Herzegovina."  
19 Now, General Praljak would tell you that during this same period  
20 of time, the members of the Army of Bosnia and Herzegovina were their  
21 allies until the grand betrayal took place on the 30th of June. That is,  
22 needless to say, not the case.  
23 Coric continues:  
24 "A large number of prisoners are on work detail, which provides  
25 opportunity for escaping from prison."

Page 52108

1 Never mind the problems associated with people getting shot or  
2 wounded, which as we see takes place throughout the summer of 1993.  
3 Never mind the fact that it's unlawful to use them to work in dangerous  
4 situations or to put them to work in support of the HVO war effort. The  
5 only concern here is that they might run away. They might escape.  
6 He says, moving down a few lines:  
7 "Prison wardens have been appointed, who are in charge of  
8 co-ordinating all affairs. Military police have the task of providing  
9 security for prisoners."  
10 So if the military police, their role in providing security, if  
11 the authority, the responsibilities of the wardens, didn't fall within

12 the sphere of responsibility of the military police, why would he be  
13 writing about it in this report?  
14 Staying with P03090. This document tells us even more about the  
15 detailed level of knowledge that Mr. Coric had about the military police  
16 when they were involved in combat operations. Looking at this report,  
17 starting at Pages 5, across to Pages 6 and 7, he's writing about the  
18 report January through June in the north-western Herzegovina operative  
19 zone.  
20 And just turning to Page 6, then, of the English, we can see the  
21 level of knowledge that he processes. He says:  
22 "When talking about this operation zone, the 2nd Light Assault  
23 Battalion should be commended for their achievements and the combat  
24 operations in Prozor, Gornji Vakuf, and Mostar.  
25 " ... military police took part in all major military combat

Page 52109

1 operations since the beginning of the war ..."  
2 He's happy to take credit for that.  
3 Skipping down a couple paragraphs.  
4 "On 18 January 1993," we would say "at 0400," in the morning,  
5 "the overall attack was launched by the newly arrived HVO units and the  
6 HVO military police units on the villages and the dominating hill  
7 positions in the area held by the ABiH units.  
8 " ... military police units were commanded by the 1st Light  
9 Assault Battalion commander," that's Mr. Jelic, "and the 2nd Battalion  
10 commander."  
11 He goes on talking about the numbers of policemen who took over  
12 such places as the village at Uzricje, Zdrince.  
13 Continuing on to the next Page:  
14 "At the same time, 2nd battalion members from Prozor took over  
15 several villages and major elevations previously controlled by ABiH ..."  
16 Down two paragraphs: On the 22nd of January ... members of the  
17 1st Light Assault Battalion launched an attack on these villages: Rimcevo  
18 Gaj, an important ABiH stronghold, the attacks started at 0400."  
19 Then he continues on.  
20 Again, if these soldiers involved in these operations weren't a  
21 part of his structure, his military police, then why would Coric be  
22 reporting about them? He's happy to take the credit. He's just not  
23 willing to take any of the blame. The fact is he equipped these  
24 soldiers. He put them in the field. He owns them, even if others in the  
25 brigade were exerting specific combat-related operational control over

Page 52110

1 these soldiers in respect of these operations.  
2 P03551. What else do the reports tell us? What else do the  
3 documents tell us about Mr. Coric and his knowledge of events taking  
4 place outside of his office at the Military Police Administration?  
5 This is the 19th of July, 1993, the arrest campaign. The  
6 round-ups are in full swing throughout Herceg-Bosna and the  
7 HVO-controlled territories. This is a report of the Mostar SIS.  
8 Actually, it's Mr. Coric responding to a report of the SIS  
9 administration, the SIS officer who was up in Tomislavgrad. Coric says:  
10 "We are informing you that due to the large number of detained  
11 persons of Muslim nationality, we are unable to receive the people that,  
12 according to the aforementioned report, you are planning to send to the  
13 Mostar central military remand prison and that you should therefore keep  
14 them detained within your operations zone."

15 This tells us that Mr. Coric had access to or read SIS reports,  
16 at least this one, if they dealt with prisoners, issues regarding  
17 prisoners, movement of prisoners. Here Mr. Coric knows how many  
18 prisoners they've got at the Heliodrom. He knows they can't take any  
19 more, and so he's having to perform some air traffic control duties,  
20 shuffling prisoners around, keeping them here, keeping them there, and  
21 exerting his power over all of them as part of a unified detention system  
22 for which he bears a key, key role.  
23 P05497. In terms of reporting and in terms of Mr. Coric's  
24 knowledge and the structures, the structures of the military police that  
25 provided him with knowledge, let's spend a couple of minutes talking

Page 52111

1 about his 5th Military Police Battalion based in Mostar. It had  
2 companies throughout the south-east Herzegovina operative zone. Up until  
3 June it's the 3rd Military Police Battalion, until he did the  
4 reorganisation.  
5 This exhibit, Mr. President, is a monthly report on the work of  
6 the 5th Military Police Battalion for the month of September 1993. On  
7 Page 2, what we see here -- actually, on the bottom of Page 1 they say:  
8 "Security. During the past month, the 5th Military Police  
9 Battalion guarded facilities and persons of special importance as  
10 follows."  
11 And then on Page 2 we get a very extensive list of all the places  
12 where members of Mr. Coric's 5th military police battalion are out  
13 providing security. They are providing security to people who are linked  
14 to the HZ-HB government, such as Mr. Boban himself in Grude. That's  
15 towards the bottom of the Page. But of course, more significantly, we  
16 see them providing security, that is, guards for the HVO prison camps.  
17 About the sixth line down from the top of this Page:  
18 "Security of the central military detention facility at the  
19 Heliport - 21 military policemen."  
20 Moving down a few lines: Security at the Dretelj barracks - 6  
21 military policemen. Security of prisoners at Dretelj - 10 military  
22 policemen. Security at the military police station in Stolac, Neum,  
23 security at the military police centre Ljubuski, health centre, Citluk.  
24 He's got subordinates in his 5th Military Police Battalion throughout the  
25 south-east Herzegovina operative zone, all of whom are sending him

Page 52112

1 reports, all of whom are giving him information about events in the  
2 field, many of whom are directly guarding the prisoners in the prison  
3 facilities.  
4 Down toward the bottom they've got 23 military policemen at the  
5 military detention facility in Ljubuski.  
6 The bottom of the Page summing up:  
7 "Hence in September, 174 members of the 5th Military Police  
8 Battalion worked on security jobs."  
9 The bottom of Page 4, continuing on Page 5 of this report:  
10 "Traffic check-points. The 5th Military Police Battalion manned  
11 19 permanent traffic check-points, namely ..." all these places you see  
12 on the following Page.  
13 Moving ahead to paragraph 14. What else is in this report?  
14 Third Page -- third paragraph toward the bottom:  
15 "Checking the security of the prisoners at the Heliport, we found  
16 out that prisoners being taken to work at the front line did not all  
17 return and that a large number are wounded and mutilated."

18 In another report, this time coming from within his own  
19 5th Military Police Battalion to Coric on what's happening with the  
20 prisoners out at the Heliodrom facility.  
21 Bottom of Page 16. This goes to the Military Police  
22 Administration. This report also goes to Mr. Coric.  
23 The Trial Chamber might find the table that's attached to this  
24 report at Page 17 of the English to be of use when it considers what  
25 units fell within this 5th Military Police Battalion that's reporting to

Page 52113

1 Mr. Coric. It's all laid out here in this table. We see the battalion  
2 command. We see the companies. The companies themselves are based out  
3 in the field in places like Capljina, Ljubuski, elsewhere. And then we  
4 see references to the brigade platoons; that is, the brigade military  
5 police who are within -- who are themselves situated within a brigade but  
6 who, nonetheless, remain within the structure of the 5th Military Police  
7 Battalion.  
8 Jumping back to P039 -- sorry, P03090, the report of Mr. Coric on  
9 the work of the military police for January through June 1993.  
10 This is an organigramme chart that's attached to the report. It  
11 tells us what units are sitting directly under him, and what we see again  
12 is an assistant chief for the south-east Herzegovina operative zone.  
13 Underneath Mr. Coric, underneath Mr. Lavric who was the deputy chief of  
14 the Military Police Administration. Then we see in the Mostar area,  
15 south-east Herzegovina, we see a light assault battalion, and we see a  
16 5th Battalion, and then we see the same structure in other places.  
17 So again there's no question. We can -- we can parse words about  
18 what happened when the 1st Light Assault Battalion was subordinated to  
19 General Praljak and the Main Staff on the 29th of August, 1993, but there  
20 are military police personnel out there who are not touched by the issue  
21 of subordination, and those are the members of the 5th Military Police  
22 Battalion, and those are the brigade military police. But all of them,  
23 including the members of the 1st Light Assault Battalion, when the  
24 subordination takes place in late August of 1993, all of them remain  
25 military police, all remain under the control of Mr. Coric. He's the one

Page 52114

1 who has the power over them.  
2 Mr. President, this is a good time for a break.  
3 JUDGE ANTONETTI: [Interpretation] Absolutely. Let's have a  
4 20-minute break.  
5 --- Recess taken at 10.30 a.m.  
6 --- On resuming at 10.53 a.m.  
7 JUDGE ANTONETTI: [Interpretation] The court's back in session.  
8 MR. STRINGER: Thank you, Mr. President.  
9 Mr. President, I'm going to stay with the issue of reporting  
10 within the military police structure. However, could I ask that we very  
11 briefly again pass into private session for one short remark.  
12 JUDGE ANTONETTI: [Interpretation] Registrar, please.  
13 [Private session]  
14 (redacted)  
15 (redacted)  
16 (redacted)  
17 (redacted)  
18 (redacted)  
19 (redacted)  
20 (redacted)

21 (redacted)  
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Page 52115

1 (redacted)  
2 (redacted)  
3 (redacted)  
4 (redacted)  
5 (redacted)  
6 (redacted)  
7 (redacted)  
8 (redacted)  
9 (redacted)

10 [Open session]

11 THE REGISTRAR: Your Honours, we are back in open session. Thank  
12 you.

13 MR. STRINGER: P03401 is a report dated 12 July 1993 from the 4th  
14 Brigade Military Police at Ljubuski. In terms of what's being reported  
15 to the police, Military Police Administration, Mr. President, I wanted to  
16 note here at the bottom of Page 1:

17 "In Rama the military police arrested 237 Muslims and took them  
18 to the Ljubuski prison. Commander Prlic contacted Capljina military  
19 police commander Ancic and military police chief Valentin Coric and  
20 obtained approval to transfer the above prisoners to the Dretelj military  
21 prison in Capljina. A patrol of the brigade military police took them to  
22 Capljina."

23 The report continues:

24 "On Mr. Tomic's orders we took 20 prisons," it says, "with a  
25 military police escort to IZM," that's the forward command post, "for

Page 52116

1 labour. They were returned to the prison in the evening ..."

2 If we move forward to the next exhibit which is P03121. We see  
3 now a report coming out of the 3rd Company of the 3rd Military Police  
4 Battalion in Capljina. Now, Mr. President, again this is not brigade  
5 military police. This is the 3rd Company of the 3rd Military Police  
6 Battalion. This is in July. This would be on the 2nd of July, 1993.

7 This is a report of the commander of the 3rd Company there, Mr. Kresimir  
8 Bogdanovic reporting. And again, going to the end of the document just  
9 quickly to see that this has been delivered to the command of the  
10 3rd Battalion and also to the Military Police Administration.

11 This is reporting that ten military policemen guarded the Dretelj  
12 barracks where the arrested Muslims are held. There were no problems.  
13 He goes on the next day saying that:

14 "One Military Police Platoon in Stolac was used for collecting  
15 Muslims ..."

16 He makes reference farther down on the Page to check-points and  
17 the role that the check-points played and how useful the check-points  
18 were as part of the campaign that was underway. Again, this is being the  
19 2nd of July, 1993. The "... check-points used, especially to those  
20 leading towards Muslim-inhabited places, because it can be expected that  
21 many Muslims will try to hide, which would make the arrest very  
22 difficult."

23 He continues:

24 "The task of bringing in was carried out by Knez Domagoj,  
25 1st Brigade, brigade police, members of the Capljina MUP, and our members

Page 52117

1 who brought in persons addressed at check-point."

2 Going on to the next Page, he reports:

3 "In the afternoon, six buses with Muslims were brought in from  
4 the Heliodrom. All persons brought in were accommodated in buildings of  
5 the Dretelj barracks and a proper record of them is kept."

6 P03055 is related to this last point. This is dated the previous  
7 day, the 1st of July, 1993. This is an order -- actually, it's a  
8 document made by Mr. Zvonko Vidovic and Mr. Stanko Bozic reporting the  
9 order by Berislav Pusic to transfer 200 detainees from the central  
10 military police prison in Mostar to the prison in Capljina until further  
11 notice. So again, what we see here is the order from Pusic sending 200  
12 prisoners down to the prison in Capljina, and the previous document,  
13 P03121, we have Mr. Coric's subordinate in the 3rd Military Police  
14 Battalion, Mr. Bogdanovic, reporting that in fact the Muslims arrived on  
15 the buses from the Heliodrom.

16 So this tells us a couple of things. It tells us first of all  
17 that this is all taking place within one uniform, unified prison system,  
18 falling within the competence and authority of the military police in  
19 which the prisoners were held and moved and transferred in ways that  
20 suited the captors, Mr. Coric, Mr. Pusic, and the others.  
21 Again, no reference to Colonel Obradovic here as having any role  
22 to play in the approval on the transfer of these prisoners even though,  
23 according to the Coric Defence, Mr. Obradovic was the one who possessed  
24 exclusive and overall authority concerning all the detention facilities  
25 located in the operative zone of south-east Herzegovina, including the

Page 52118

1 prison of Heliodrom. That's what Mr. Coric says in paragraphs 460 and  
2 468 of his brief.

3 I'm going to pass over the next exhibit, which was P03347. It's  
4 another exhibit from Mr. Bogdanovic. I'm trying to stay on my time since  
5 we got off to a little bit of a late start today.

6 I'd like to move on to P05869, staying again with the issue of  
7 reporting and what units within the military police structure were  
8 reporting to Mr. Coric and what types of information was he getting from  
9 them.

10 This is a 14 October 1993 report of the -- the minutes, actually,  
11 of the regular monthly meeting of leading officers of the Military Police  
12 Administration and military police battalion commanders. The meeting was  
13 held on the 10th of October.

14 Mr. Coric is named first among these present, followed by  
15 Mr. Lavric, the assistant chief, and others whose names appear on Page 2  
16 of the document.

17 The point here is not what the minutes say themselves but what's  
18 on the agenda. What does this tell us about what was on the agenda at  
19 this meeting?

20 "Item 1. Submission of reports on work during the preceding  
21 month."

22 Then moving down:

23 "Item 1. Reporting --" it says: "Reports on work during the  
24 preceding month were submitted and comprehensively discussed and analysed  
25 by those present."

1 "Item 2. On the basis of the reports submitted on work and the  
2 current situation and the priority tasks of the military police having  
3 been assessed, the meeting issued the following."  
4 They issue their conclusions. The point being there are regular  
5 monthly meetings that Mr. Coric had with all of his commanders,  
6 subordinate commanders, and in those meetings, all of the month's reports  
7 are comprehensively discussed.  
8 In regard -- I want to focus a bit on the situation involving  
9 forced labour and the use of prisoners from the Heliodrom for that.  
10 It's confidential, so we're not going to put it up, but the Trial  
11 Chamber may have looked at confidential Annex M to the Prosecution's  
12 final trial brief in this case. It contains a table with some 100 --  
13 excuse me, 235 orders issued approving the use of prisoners for forced  
14 labour, the vast majority of those orders on forced labour having been  
15 issued by a Zlatan Mijo Jelic, Mr. Coric's direct subordinate, and  
16 commander of the 1st Light Assault Battalion. The primary overwhelming  
17 beneficiary of the forced labour of the prisoners from the Heliodrom  
18 being the 1st Light Assault Battalion itself.  
19 There is no indication on any of these approvals for the release  
20 of prisoners for forced labour that Colonel Obradovic played any role in  
21 this process.  
22 P04259 is a report dated 17 August, 1993. It is one of many  
23 reports made by Stanko Bozic, the warden at the Heliodrom facility. His  
24 many reports directly to Mr. Coric, informing Coric about the prisoners  
25 who were being killed and wounded in Mostar while performing forced

1 labour. Mr. Bozic's reports to Mr. Coric on that are contained as well  
2 in the Prosecution's confidential Annex M.  
3 In this Exhibit P04259, we see Bozic reporting that the  
4 prisoners, 90 inmates, had been turned over for labour on the 13th of  
5 August, and then they received a report that ten of them had been  
6 wounded.  
7 This report went to Mr. Coric and also Mr. Zlatan Mijo Jelic.  
8 Mr. Bozic would not be sending this report and all the others to  
9 Mr. Coric if he didn't consider Mr. Coric to be the one with  
10 responsibility for the prisoners being held at the Heliodrom facility.  
11 Mr. President, could we please go into private session for one  
12 minute.  
13 JUDGE ANTONETTI: [Interpretation] Registrar.  
14 [Private session]  
15 (redacted)  
16 (redacted)  
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7 [Open session]

8 THE REGISTRAR: Your Honours, we're back in open session. Thank  
9 you.

10 MR. STRINGER: Mr. President, just a few documents on the issue  
11 of separation of prisoners detained, in this case in the Heliodrom. The  
12 Defence have argued, General Praljak has argued, I know General Petkovic  
13 has argued or testified that only Muslim members who had been members of  
14 the HVO were used for forced labour.

15 P04675. This is a report of Mr. Bozic dated 31 August 1993.

16 He's noting or reporting that 60 detainees were handed over for work.  
17 One was killed, Asim Drljevic, and that on that occasion nine detainees  
18 were wounded. Only four were kept in the hospital for treatment, and the  
19 four are named. The first one of those being Mr. Almir Spuzevic.

20 P04680. This is a report coming from a different source on the  
21 same day, 31 August 1993, informing today two prisoners were killed, 25  
22 wounded while they were working in Ricina Street. And then the wounded  
23 are identified. There are 26 names appearing there. And on the second  
24 Page, number 16, is a Sanel Muslic, born in 1975. This document bears  
25 the stamp of the -- the "Received" stamp of the Military Police

Page 52122

1 Administration.

2 So focusing on those two, Mr. Spuzevic and Mr. Muslic, what was  
3 their status? Were they former members, Muslim members of the HVO? No,  
4 they're not.

5 P03013 is a list of persons detained in the military remand  
6 prison centre on the 30th of June, 1993, the day the arrest campaign  
7 began.

8 There are many, many persons indicated or listed on this list,  
9 and there are many lists like this for the same day and the days that  
10 followed.

11 On Page 23 of the English version of the list -- excuse me, Page  
12 4 of the English version, item number 23, there is a reference here to  
13 Almir Spuzevic who we just saw was wounded on the 31st of August, 1993,  
14 as noted in the report of Bozic. The list from the 30th of June tells us  
15 that he was residing in Mostar and that he was not engaged at the -- in  
16 the military at the time he was arrested on the 30th of June. So this  
17 tells us that during the entire month of July and the entire month of  
18 August until the end on the 31st, when he was wounded working on the  
19 front line, Mr. Spuzevic remained in the HVO custody, and throughout this  
20 entire period of time the HVO's own records tells us that he had not been  
21 engaged in the military. He was a civilian.

22 Page 7 of the same list of prisoners, item 56, refers to a Samir,  
23 son of Ibrahim Muslic, born on 11 February 1975 in Mostar. 11 February  
24 1975, make him 18 years old. So he is military age. He's still quite a  
25 young man.

Page 52123

1 He, in our submission, is the other individual who's listed on  
2 the report from 31 August as having been wounded while working on the  
3 front line. So this tells us that he also had been in the Heliodrom for  
4 a full two months and that their records, their own records tell us that

5 he was not engaged in the military. He was not a former HVO member.  
6 If you look at this Page and throughout this document P03013, the  
7 Trial Chamber will see many, many references to individuals who were not  
8 in the military. A couple of them on this Page even deemed unfit for  
9 military service. That's the person at number 48, or the gentleman  
10 number 54, who was not engaged in the military. He had a heart attack.  
11 These are civilians, and we know that the civilians were held, detained,  
12 together with POWs, together with Muslims who had been members of the  
13 HVO. There was no separation as required under international  
14 humanitarian law, and the Trial Chamber has our submissions on that issue  
15 in our final trial brief.  
16 In his -- in his final trial brief, Mr. Coric, rather remarkably,  
17 in the Prosecution's submission, points the finger for the forced labour  
18 responsibility to none other than the prison wardens such as Mr. Bozic  
19 himself, who sent scores of reports directly to Mr. Coric, to Mr. Jelic,  
20 and others complaining about the use of the forced labourers, reporting  
21 diligently the numbers wounded, the numbers killed. Paragraph 475 of the  
22 Coric brief says:  
23 "Documentary evidence proved the responsibility of the prison  
24 wardens with regard to labour of prisoners."  
25 And they cite some documents on that, including P04233. In fact,

Page 52124

1 what does 4233 say? This is dated 16 August 1993. It's a letter to  
2 the -- Mr. Zarko Tole who was the Chief of Staff of the Main Staff. It's  
3 sent by a member of Mr. Coric's 5th Military Police Battalion,  
4 Mr. Josip Praljak, who as the Trial Chamber will recall was the deputy  
5 warden of the Heliodrom facility, working with Mr. Bozo. And in this  
6 document, this communication to the Main Staff, Mr. Josip Praljak says --  
7 he refers to:  
8 "... photocopies of reports which were submitted on time in order  
9 to put a stop to the practice of the military police who take detainees  
10 away for labour.  
11 "Sir, we request you as chief to forbid such behaviour by the  
12 soldiers who take them away for labour, and also that delinquent  
13 behaviour be most severely punished."  
14 So rather than implicating the prison wardens in the crime of  
15 forced labour, which is what Mr. Coric attempts to do with this document,  
16 the document, in fact, shows that the prison warden, in this case the  
17 deputy, Mr. Praljak, was reaching out to the Main Staff because they were  
18 not getting any support. They weren't getting any reaction whatsoever  
19 from Mr. Coric as the chief of the Military Police Administration in  
20 their attempts to bring this widespread practice of forced labour, the  
21 many woundings, and the many deaths that were taking place to Mr. Coric's  
22 attention.  
23 It's not the only desperate attempt to try to get someone to do  
24 something about this. We will see later that Mr. Stanko Bozic did the  
25 same thing, directing his concerns directly to the president of

Page 52125

1 Herceg-Bosna, Mate Boban.  
2 Mr. President, I would like to take a few minutes to return to  
3 the issue of resubordination now that we've been talking about forced  
4 labour and the role of the commander of the military police's 1st Light  
5 Assault Battalion in approving forced labour, that is Mr. Jelic, and the  
6 fact that the military police 1st Light Assault Battalion was a primary  
7 beneficiary and participant in the use of forced labourers in Mostar.

8 Mr. Coric asked the Trial Chamber to consider the fact that in  
9 late August, on the 28th of August, 1993, he subordinated the military  
10 police 1st Light Assault Battalion to Mr. Praljak and the HVO Main Staff.  
11 That is P03763.  
12 There's no dispute about this. General Praljak testified about  
13 it. He asked for it. He got it. Mr. Coric by this order is putting the  
14 1st light assault battalions, including the 1st Light Assault Battalion  
15 commanded by Mijo Jelic, resubordinating them operationally for purposes  
16 of combat operations to the commander of the HVO Main Staff.  
17 Mr. Coric's argument here is that because he did this, because  
18 the Main Staff took away members of the 1st Light Assault Battalion and  
19 other Light Assault Battalion personnel as well, this prevented him from  
20 fighting crime and using these soldiers to fight crime and to do real  
21 policemen work, military police work, in Mostar.  
22 So if the Trial Chamber is going to consider that argument that  
23 Mr. Coric's intentions were all good and benign and that he would have  
24 done more about crime if he'd just had the military police personnel,  
25 General Praljak hadn't taken them away, it's worth considering what the

Page 52126

1 military police policing activity was, and particularly the activities of  
2 the 1st Light Assault Battalion in Mostar were before the resubordination  
3 took place late in July 1993.  
4 P02802. This is a report of the 3rd battalion of the military  
5 police in Mostar, dated the 15th of June, 1993. So this is before  
6 there's any subordination. Stamped "Received" at the Military Police  
7 Administration.  
8 Mr. President, Your Honours, you'll note first of all that the  
9 report indicates, Page 1, that yesterday, the 1st Company wrote an  
10 eviction order for the apartment located here as indicated on the  
11 document, again indicating the military police continued participation in  
12 the taking of flats in Mostar.  
13 Passing over to the next Page. Mate Ancic, who wrote this,  
14 states that:  
15 "No criminal acts or incidents were notified yesterday. Only the  
16 ethnical cleansing of the town from Muslims -- persons of Muslim  
17 nationality was noticed."  
18 He says:  
19 "The perpetrators were members of the 4th Battalion and members  
20 of the ATG ..."  
21 So that gives the Trial Chamber some idea of how strongly the  
22 military police in Mostar were combatting crime before any issues of  
23 resubordination came up in late July of 1993.  
24 We can look very briefly again at P02879 from roughly the same  
25 period of time. This is the document we saw earlier. This is the

Page 52127

1 request from Mr. Lavric on behalf of Mr. Coric at the Military Police  
2 Administration, asking that the occupancy be permitted of all of these  
3 apartments for 137 members of the military police in Mostar. We know, of  
4 course, this is happening right in the midst of a violent campaign of  
5 expulsions in West Mostar that kicked off particularly after the events  
6 of the 9th and 10th of May, 1993. So we know what the military police  
7 was doing about apartments before any resubordination took place. They  
8 were taking apartments of people who were being evicted from their homes.  
9 Now, I'm going to come back to confidential Annex M. We're not  
10 going to put it up because it's confidential.

11 If the Trial Chamber looks at the table, the Trial Chamber is  
12 going to see some 36 orders approving the use of forced labourers by  
13 Mr. Jelic, commander of the 1st Light Assault Battalion prior to the 28th  
14 of July when this Light Assault Battalion was subordinated to  
15 General Praljak. So that tells us that the Light Assault Battalion and  
16 Mr. Jelic were highly engaged in the practice of the use of illegal  
17 forced labourers from the Heliodrom before any subordination took place.  
18 And if you go back to confidential Annex M, Mr. President, the  
19 Trial Chamber will see, of course, that Mr. Jelic and the 1st Light  
20 Assault Battalion continued to used prisoners at a huge rate after they  
21 were subordinated by Mr. Coric to the Main Staff on the 28th, 29th of  
22 August, 1993. So in this respect, subordination plays no role. It has  
23 no impact whatsoever in respect of these crimes.  
24 We know that it was Mr. Jelic approving the use of all of these  
25 forced labourers as indicated in all of these many orders, and having

Page 52128

1 done so on the authority of Valentin Coric. This is P00352. It's Page  
2 27. This is from the diary of deputy warden Josip Praljak who we just  
3 saw writing the Main Staff asking them to do something about forced  
4 labour. We know he reports that on the 4th of July they were asking  
5 Bozic whether to taken prisoners for work. Bozic says:  
6 "I approve for the barracks and the military police for the  
7 outside, but I will ask the chief."  
8 The next Josip Praljak reports meeting with Bozic where Bozic  
9 informs:  
10 "As of today, nobody can take prisoners to perform labour without  
11 written approval signed by Mijo Jelic and his deputy Dedo Primorac."  
12 Mr. President, the evidence establishes that it was Mr. Coric who  
13 Mr. Bozic himself tells us through his many, many reports to Coric that  
14 it was Coric who processed the authority and who then delegated the  
15 authority to approve prisoner release for purposes of forced labour. He  
16 delegated that to Mr. Jelic, his subordinate and commander of the  
17 1st Light Assault Battalion, and also to Mr. Primorac. And consistent  
18 with that in confidential Annex M, the Trial Chamber will see the many,  
19 many scores of orders for approving forced labour that were issued by  
20 those two individuals.  
21 It bears noting that Coric concedes in paragraph 484 of his brief  
22 that Mr. Jelic remained a member of the military police even after he was  
23 appointed to the Mostar defence. Mr. Jelic was at all times a military  
24 police officer, and he was at all times a direct subordinate of  
25 Mr. Coric.

Page 52129

1 Mr. President, can we pass into private session for what I think  
2 will be the last time.

3 JUDGE ANTONETTI: [Interpretation] Yes. Mr. Registrar.

4 [Private session]

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22 (redacted)  
23 [Open session]  
24 THE REGISTRAR: Your Honours, we are now in open session. Thank  
25 you.

Page 52130

1 MR. STRINGER: P05554. Again, getting back to this question of  
2 the impact on military policing duties of the redeployment of the  
3 military police 1st Light Assault Battalion to General Praljak at the end  
4 of August 1993, here we see a report dated the 1st of October. It's not  
5 a military police report. It's a report of the SIS. It reports the  
6 abduction of Muslims from Centar to suburb in Mostar on the 29th of  
7 September, reporting that Vinko Martinovic, Stela, convicted in this  
8 Trial Chamber of these very crimes, arrived at the Mostar defence, which  
9 at the time was under the command of Mr. Jelic. When he did not find  
10 him, he went to find the deputy commander of the 1st Light Assault  
11 Battalion, Mr. Cavar, who obviously knew about the operation because he  
12 had already prepared a blueprint of the operation, apartment stickers  
13 "Under military police control" printed on them, and how many people  
14 would take part in the operation. Again we see the military police's  
15 appetite for Muslim housing in West Mostar even at this period, late  
16 September 1993.  
17 The transfer was drawn up, the transfer of women and children to  
18 the left bank, men to the Heliodrom to be kept for labour, of course.  
19 The plan also envisaged seizing all apartment keys and placing  
20 stickers on apartment doors.  
21 Moving across to the next Page. The last statement:  
22 "The commander of the Mostar Defence sector, Zlatan Jelic, aka  
23 Mijo, was also informed of this operation subsequently, and Colonel Ivan  
24 Andabak ..."  
25 Now, what this tells us, Mr. President, is the fact that

Page 52131

1 Mr. Coric had deployed, resubordinated, the 1st Light Assault Battalion  
2 to Mr. Praljak one month earlier had no impact whatsoever on policing  
3 duties in Mostar. The 1st Light Assault Battalion was itself engaged in  
4 a high level of crime in Mostar during this very period of time. It  
5 didn't matter whether they were directly subordinated to General Praljak  
6 or whether they say -- remained strictly under the structure of the  
7 Military Police Administration, they were a part of the problem and  
8 nothing they did was going to help with dealing with the core crimes that  
9 were taking place in Mostar. And I'm talking about the big picture, the  
10 big-ticket items, the appropriation of Muslim property, for example,  
11 Muslim housing; the deportations of Muslims from West Mostar across the  
12 river. These are core crimes linked directly to the achievement of the  
13 Herceg-Bosna plan, and there's no evidence that the military police has  
14 ever policed those crimes.  
15 I'm going to pass now to a bit of the Trial Chamber judgement in  
16 the Milutinovic, which contains some very relevant language that we

17 submit is useful to the Trial Chamber in analysing this question of  
18 punishment.  
19 This is what they said in the Milutinovic case:  
20 "Documents from the Pristina Corps command and subordinate units  
21 demonstrate that some measures were undertaken at different levels  
22 against members of the Pristina Corps units who were found to have  
23 committed crimes of murder, rape ... robbery. Although it has been  
24 concluded above that the few prosecutions of VJ members in Kosovo were  
25 manifestly inadequate in light of the scale of offences occurring there,

Page 52132

1 the Chamber finds that this evidence shows that Lazarevic undertook some  
2 punitive measures against subordinates responsible for the crimes of  
3 murder and rape, along with property crimes. However, the Chamber notes  
4 that the evidence does not demonstrate any prosecutions undertaken or  
5 punishments imposed in respect of the forcible expulsion of Kosovo  
6 Albanians by VJ members. It considers that the widespread commission of  
7 forcible displacement, as detailed in Section VII and the lack of  
8 criminal prosecutions for such acts does support the Prosecution  
9 contention that Lazarevic intentionally failed to ensure prosecutions of  
10 subordinates responsible for forcibly displacing Kosovo Albanians."  
11 Now, Mr. President, the Prosecution will be the first to tell you  
12 and to agree that within the Military Police Administration, within the  
13 companies, within the 5th Military Police Battalion, there were good men,  
14 and they were trying to do a good job. They were trying to do something  
15 about the widespread crime that was happening there. That's why they're  
16 writing all these reports that we've been looking at. And there's no  
17 question that individuals were punished and prosecuted for some robberies  
18 or rapes or murders.  
19 Mr. Coric, as he points out in his brief, he -- he issued  
20 disciplinary measures against four members of the military police who had  
21 been members of Dr. Prlic's security detail. They -- they'd committed  
22 rape. They were kicked out of the military police.  
23 So it may be that people, maybe the accused, maybe Mr. Coric  
24 didn't want people to be raped, and maybe he didn't want people to be  
25 murder, but the evidence shows that he, like the other accused, wanted

Page 52133

1 them gone, and we don't see any evidence of any law enforcement energy  
2 being put into dealing with the big-ticket crimes, the crimes as  
3 indicated in -- in the Milutinovic judgement, the crimes linked to the  
4 forcible displacement, the taking of the flats, the crimes that really  
5 lead to the large numbers of people being thrown out. There's no  
6 evidence of that in this case even if there is some evidence of a  
7 prosecution or a disciplinary measure here and there being meted for a  
8 rape or a murder.  
9 We see this in P03616, which are the minutes of a meeting, a  
10 meeting held of a working group on crime in Mostar. Working group on  
11 combatting and detecting perpetrators. And on Page 2 we see  
12 Mr. Mladen Jurisic, who is the military prosecutor speaking. And again,  
13 this is in -- on the 21st of July, 1993, right as the expulsions are in  
14 full swing. I think it's the same day as -- as -- I could be wrong. At  
15 the same period of time when Muslims are being expelled in droves across  
16 the Neretva River, Mr. Jurisic says:  
17 "We are now overloaded with charges of failure to respond to  
18 mobilisation orders, overloaded with charges against war criminals, and  
19 also charges against members of the Muslim armed forces, but there are no

20 charges against criminals in the town of Mostar."

21 It's as indicated in the report we saw a few moments ago, all is  
22 quiet. No crime reported. We're just noting the ethnic cleansing of  
23 Muslims from West Mostar, because in the culture of the military police,  
24 that was not criminal conduct. That's a core crime linked to the  
25 achievement of the Herceg-Bosna JCE, and it was not dealt with at all by

Page 52134

1 the Military Police Administration.

2 Mr. President, we know -- and I think this may be a confidential  
3 document, so we won't put it up. P11220 tells us that in March of 1995  
4 Mr. Coric as the minister of the interior of the Croatian Republic of  
5 Herceg-Bosna appointed Mijo Jelic to be the head of the Special Police  
6 sector of the Ministry of Internal Affairs. So this elite unit, as how  
7 it's reported in this article, is one that's to be headed by an  
8 individual appointed by Coric to manage the authorisations for hundreds  
9 of prisoners to be taken to work on forced -- on the confrontation lines  
10 for forced labour, who allowed members of his 1st Light Assault Battalion  
11 to take part in ethnic cleansing operations directly in West Mostar. So  
12 this tells us volumes about Mr. Coric's views about the utility that  
13 Mr. Jelic played in achieving the goals of the Herceg-Bosna JCE.

14 The last exhibit is P05792. Mr. President, we've been talking  
15 about the many reports sent to Mr. Coric from the field, Capljina,  
16 Dretelj, Heliodrom. Mr. Siljeg at the operative zone sending reports  
17 down to Mostar, trying to get Mr. Coric to do something about the  
18 criminal conduct of the military police in the north-west Herzegovina  
19 operative zone.

20 Those aren't the only people that thought Mr. Coric had the  
21 authority to make things right. I spoke earlier about Josip Praljak, who  
22 out of desperation finally wrote directly to the Chief of Staff of the  
23 HVO Main Staff, Mr. Tole, complaining to them about the use of prisoners  
24 for forced labour, the woundings and the killings that were resulting  
25 from it.

Page 52135

1 Here in this we see -- this is a long letter written by Mr. Bozic  
2 directly to the President of Herceg-Bosna, Mr. Boban.  
3 On Page 2, item number 1, he's requesting a solution to these  
4 problems so as to ease the work of the prison. And he points out taking  
5 detained persons away for work. Item number 2, "Serious injuries and  
6 suffering of detainees." And he goes on.

7 What we see in the written notation at the top of the document is  
8 that President Boban read this and wrote to the chief of the military  
9 police, Valentin Coric:

10 "This is a very serious problem. Please contact Mr. Bozic. Sort  
11 the matter out within the limits of what is possible and the requirements  
12 of humanitarian law."

13 This is the 10th of October, 1993. We know that prisoners  
14 continued to be taken for forced labour after this. We know what the  
15 conditions were like throughout the remainder of 1993. We know that most  
16 importantly, perhaps for our purposes, the president of Herceg-Bosna  
17 himself thought Mr. Coric was the one who had the responsibility, the  
18 authority, and the capability to deal with these problems. We, of  
19 course, know otherwise, because we've seen the many notices and the  
20 reports that were sent to Mr. Coric. He knew very well all the crimes  
21 that were taking place. He did nothing about forced labour. The  
22 military police continued to take part in ethnic cleansing operations in

23 West Mostar and continued to move their own personnel into the flats and  
24 homes that were left behind after the Muslims moved out.  
25 Mr. President, later we'll have some final submissions about

Page 52136

1 Mr. Coric. That completes my remarks for now. Thank you.  
2 JUDGE ANTONETTI: [Interpretation] Very well. I believe it is now  
3 Mr. Kruger who will take the floor.  
4 MR. KRUGER: Good afternoon, Mr. President, Your Honours. Good  
5 afternoon everybody in and around the courtroom.  
6 Your Honours, I will be presenting the concluding remarks for  
7 Mr. Berislav Pusic, accused number six. It's regrettable that he's not  
8 in the courtroom today, but we trust that he will be watching these  
9 proceedings on the monitor.  
10 Your Honours, the essence of Mr. Pusic's defence is summed up in  
11 the very first paragraph of his final trial brief, and if we can just  
12 call that up on the monitor. Your Honour, it seems we've already run  
13 into a problem. I don't have that slide on the monitor, but I can read  
14 it for the Trial Chamber.  
15 The very first paragraph says:  
16 "Pusic was a low-ranking civil servant involved in a technical  
17 and administrative capacity in the exchange and release of prisoners with  
18 no de jure or de facto powers to give orders to anyone else or to  
19 interfere in the operation of Croatian Defence council detention centres.  
20 Pusic principally rubber stamped decisions taken by the other HVO bodies  
21 and officials. Pusic was a small and disposable cog in the bureaucratic  
22 wheel, not an independent decision-maker who could exert control over the  
23 policies and practices of the HVO."  
24 Your Honours, if this assertion is accepted, and the Prosecution  
25 does not accept his version, if this is accepted, Mr. Pusic has

Page 52137

1 immediately, in the very first paragraph of his summary of his own role  
2 and position in the HVO, exposed himself to conviction and a sentence of  
3 imprisonment in accordance with the jurisprudence of this Tribunal. The  
4 Kvocka case precisely provided how view the role of a low-ranking  
5 disposable administrative cog in a JCE. And I would like to refer to the  
6 accused Prcac in particular in the Prosecutor versus Kvocka et al. He  
7 worked for 22 days in the Omarska camp where he used to handle lists of  
8 detainees, deal with particulars of newly arrived detainees, take care of  
9 the transfer of detainees from one camp to another, and manage the  
10 movement of detainees within the camp.  
11 If we can look specifically at paragraphs 448 and 449. According  
12 to the Trial Chamber, Prcac was fully aware of the ongoing system of  
13 abuse pervading the camp. Paragraph 457 says despite this, he continued  
14 to work for 22 days in the Omarska camp where he performed his duties  
15 efficiently, effectively, and indifferently, and with deliberate care and  
16 diligence.  
17 Now, Your Honours, if we move down to paragraph 459, the Trial  
18 Chamber said:  
19 "Prcac was the administrative aid to the commander of the camp,"  
20 and we see that he was "carrying lists detainees ..."  
21 And then if we could turn to paragraph 460 of that judgement. At  
22 the end it says:  
23 "The role Prcac played in the functioning of the camp provided a  
24 valuable service and his administrative duties constituted one of the  
25 many integral cogs in the wheel of a system of gross mistreatment."

1 The Trial Chamber found though Prcac did not participate directly  
2 in the commission of any crimes, he was guilty of co-perpetrating the  
3 crimes of persecution, murder, and torture as part of the JCE, and they  
4 sentenced him to about five years' imprisonment, and on appeal this was  
5 confirmed, his conviction.

6 With respect, if the Pusic defence is accepted, these same  
7 paragraphs pretty much describe the role of Mr. Pusic, he should then  
8 properly be convicted as at least a co-perpetrator of the crimes  
9 committed as part of the JCE.

10 Your Honours, the Prosecution, however, asserts that Pusic was  
11 much more than only a slowly level administrative technician, disposable  
12 cog that he portrays himself to be. His liability lies at a much higher  
13 level.

14 Before stepping off the Kvocka judgement, it should be noted that  
15 regarding accused Prcac, the JCE in Omarska camp was formed on 27 May  
16 1993. Mr. Prcac only joined that JCE weeks later, starting work there on  
17 15 July 1993. Neither the Trial Chamber nor the Appeals Chamber had any  
18 problem in convicting Mr. Prcac as a member of that JCE.

19 Mr. Pusic's argument, that indictment paragraph 230, the  
20 so-called exclusion clause, is incompatible with having Pusic as a  
21 leading member of the JCE has no basis in law. And that's in his brief  
22 from paragraph -- Page 20 onwards.

23 The Tribunal law recognises that a person can join a JCE at a  
24 later stage. And, of course, it's only fair then to hold such a person  
25 responsible only for the crimes committed from the time of joining

1 onwards.

2 Now, Your Honours, back to Mr. Pusic's first paragraph of his  
3 trial brief. He asserts his defence is based on a careful analysis of  
4 the evidence. The "careful analysis" he refers to consists of  
5 highlighting very selectively and in isolation certain snippets of  
6 evidence and testimony and arguing on the basis thereof that all the  
7 Prosecution evidence, which points to Pusic's membership and  
8 participation in the JCE, actually doesn't prove this at all. On paper  
9 he says, "I had power, but in reality, I had none."

10 Pusic, in putting this forward as a serious defence, however, is  
11 confronted with several dilemmas in order to make it work.

12 The first dilemma for the Pusic defence, Your Honours, is that --  
13 that the Pusic Defence has already presented all of their current  
14 arguments to the Chamber previously during their 98 bis submissions in  
15 January 2008. In its 98 bis decision, the Trial Chamber found as follows  
16 after considering all the evidence, and this is at transcript Page 27236  
17 to 237, on 20 February 2008:

18 "In light of the above evidence, a reasonable Trial Chamber could  
19 find beyond any reasonable doubt that the Accused Pusic held a leadership  
20 position and shared the common criminal purpose of deporting Muslims from  
21 the territory of Herceg-Bosna by force and other criminal means, and that  
22 he participated in the joint criminal enterprise through his acts and  
23 omissions as an officer of the HVO military police in charge of the  
24 exchanges of Bosnian Muslims detained by the HVO, as the chief of the  
25 service in charge of the exchange of prisoners and other persons, and as

1 the president in charge of the commission in charge of all the  
2 Herceg-Bosna prisons and detention facilities."  
3 Since that time, Your Honours, the Pusic Defence has not placed  
4 any alternative evidence before this court. No evidence whatsoever which  
5 could convincingly persuade the Trial Chamber to come to a different  
6 conclusion. The dilemma for the Pusic Defence is that the Trial Chamber  
7 must therefore assess Pusic's criminal liability for the crimes he is  
8 charged with on the basis of the very same evidence they have already  
9 previously found sufficient beyond any reasonable doubt.  
10 The second dilemma for the Pusic Defence is that Pusic actually  
11 concedes that the evidence before the Trial Chamber shows him possessing  
12 and exerting authority. To surmount this dilemma, Pusic simply asserts  
13 that the Court should place absolutely no store by all of this because he  
14 didn't any power. Therefore, when he says, "I acknowledge what I said in  
15 1993 and what all of the evidence points to, but ignore this and accept  
16 when I tell you that I actually had no power or authority."  
17 And that brings us to the third dilemma. The -- Pusic's claim  
18 that he had no power and authority is not based on any evidence, because  
19 he's put none before the Court. It is based only on the bare assertions  
20 of Pusic in his final trial brief. The irony is that Pusic asserts that  
21 he exaggerated or lied about his authority in 1993, and this is in his  
22 final trial brief at Page 39. However, now, when he is faced with the  
23 possibility of imprisonment, Pusic says he's speaking the truth when he  
24 says he didn't have any authority. Now, this is the dilemma for the  
25 Pusic Defence. They have to acknowledge that Mr. Pusic was -- has a

Page 52141

1 track record of being a liar and an opportunist, while at the same time  
2 trying to convince the Trial Chamber that what he is asserting now is the  
3 truth and not an opportunistic attempt to stay out of prison.  
4 The Prosecution respectfully submits that Mr. Pusic's simple  
5 assertions of his innocence, unsupported by any sworn testimony or  
6 alternative evidence from him, is not sufficient to overcome these  
7 dilemmas.  
8 Your Honour, the Prosecution submits that it has convincingly set  
9 out in its 98 bis arguments on 5 February 2008, and now again in its  
10 Prosecution final trial brief in even more detail, how the evidence  
11 before the Chamber concerning Berislav Pusic proves beyond a reasonable  
12 doubt that his membership and participation in the JCE charged and how he  
13 is variously criminally liable for the crimes he's charged with. All the  
14 evidence for each allegation against Berislav Pusic is specifically,  
15 comprehensively, and clearly cited, and the evidence is not incidental,  
16 anecdotal, or imaginary. It is convincing and consistent, showing  
17 Pusic's role in the JCE spanning several months, from April 1993 onwards.  
18 All this evidence points to his large-scale involvement and  
19 participation in the JCE, and on this the Prosecution and the Pusic  
20 Defence are essentially in agreement. However, the Pusic Defence asserts  
21 that the Prosecution is wrong to accept that all this evidence is proof  
22 of Mr. Pusic's significant participation. No, once again they say,  
23 ignore this evidence. Although it seems to point his large-scale  
24 involvement, it simply isn't true, because Pusic tended to exaggerate his  
25 own power and authority; Pusic final trial brief, paragraphs 120 to 123.

Page 52142

1 Witnesses and the Prosecution exaggerate or overstate his power and  
2 authority; that's the Pusic final trial brief, paragraphs 87, 128, 176,  
3 217 and 248. And then all the documents, orders, and approvals bearing

4 his signature have no value. He was merely a rubber stamp for others who  
5 exerted the true authority.  
6 Now, in Berislav Pusic -- in his view, he was little more than a  
7 secretary in 1993 and 1994, rather than what the evidence shows - a  
8 ruthless corrupt military policeman who guised ethnic cleansing in the  
9 systematic detention and exchange of Muslim men, women, and children.  
10 Your Honours, to find for Mr. Pusic on the basis of his  
11 arguments, the Trial Chamber must accept Mr. Pusic's interpretation of  
12 the evidence. The problem for Mr. Pusic is his silent and passive  
13 defence. He did not provide the Trial Chamber with any evidence to  
14 support his interpretation. The Trial Chamber has only his unsworn and  
15 untested word in the form of his final trial brief, and perhaps his  
16 earlier 98 bis submissions.  
17 It's worth taking a moment to consider what evidence there is to  
18 throw some light on Mr. Pusic the man. Despite not having testified,  
19 there's ample evidence that sheds light on his character and integrity.  
20 And I'd like to turn first to Exhibit P00663. This is an official notice  
21 by the HVO SIS on October 28, 1993. And it records, paragraph 1 on Page  
22 1:  
23 "On the occasion of the search of the house owned by Berislav  
24 Pusic, a member of the military police ...," and then it mentions which  
25 authorities were searching, did the search, "... who had noticed that the

Page 52143

1 Pusic brothers, Berislav and Vitomir, were regularly delivering stolen  
2 goods to the house. Each week, one or two stolen vehicles, or the  
3 vehicles confiscated from the Serbs using forged certificates ... that  
4 were issued by Berislav ..."  
5 Continuing on the same Page, paragraph 2:  
6 "Berislav Pusic together with his brother Vito and Makso opened a  
7 shop in Rudnik and were procuring goods by stealing the international aid  
8 and the Caritas aid."  
9 And Page 2 still, on Page 2:  
10 "During the war," and this is 1992, the war with the Serbs,  
11 "Berislav Pusic was issuing certificates to the Serbs ..."  
12 And then at the bottom:  
13 Berislav Pusic -- or "Pusic was destroying documents in the  
14 Mostar county prison at the request of some Serbs, and he was probably  
15 receiving certain amounts of (foreign currency) for doing the favour."  
16 Paragraph 3:  
17 "... he," Pusic, "was protecting the Serbs ... releasing them  
18 from the Mostar county prison and destroying documents."  
19 And then:  
20 "In addition this, they were making a list of persons of Serb  
21 nationality for the exchange and, according to some information, they  
22 were requesting money for it, so those persons who did not have the money  
23 would leave the keys of their flats to Pusic, who would then take all the  
24 valuable property out of the flat."  
25 This was 1992. Now, Your Honours a year later, in December 1993,

Page 52144

1 the SIS produced a further report, and this is Exhibit P07007 of the  
2 2nd of December 1993, and on the second Page we see that the report is  
3 regarding the work and behaviour of Berislav Pusic. Page 2, it says:  
4 "Berislav Pusic worked in the SDB in the former Communist state.  
5 For a small material gain, Pusic sold information to criminals against  
6 whom an operation was being prepared ... the operation failed ... and

7 Pusic was fired."

8 Continues:

9 "After the work broke out in Mostar, Pusic, using the fact that  
10 he had been fired from the UDBA, to be engaged -- he used that fact to be  
11 engaged in the military police of the HVO."

12 Further on the same Page:

13 "Pusic immediately got down to work. Mrs. Cestic, who used to be  
14 a typist in the military police, would type a certificate."

15 And then the procedure is described, and it says:

16 "Pusic signed the certificates, stamped them, and sold them to  
17 these people for 200 Deutschmarks a piece."

18 And Page 3 at the top:

19 "During the war against the Chetniks, Pusic arrested the famous  
20 photographer Braco Njunjic."

21 And then we see that he extorted the following from him: 5.000  
22 Deutschmarks; six slot machines, valued at 30.000 Deutschmarks; a cannon  
23 photocopying machine, valued at 2.500 Deutschmarks; and a  
24 Peugeot 205 ..."

25 Also on Page -- just after that we see that he took 8.000

Page 52145

1 Deutschmarks from Miso Grcic, but despite that he kept him in custody for  
2 months. "Pusic sent Grcic to be exchanged on three occasions against his  
3 will."

4 Still Page 3:

5 "... it was discovered that Pusic took money on a daily basis  
6 from people who were free and from those who were in detention for  
7 various favours ..."

8 On Page 4:

9 "Soldiers had a joke call him Berko Pusic also known as '200  
10 Deutschmarks.'"

11 Now, Your Honours, this was all in 1992 against the Serbs it  
12 seems, but let's see what this reports about Mr. Pusic in 1993.

13 Page 4:

14 "When he became the head of the office for the exchange of  
15 prisoners of the HR HB, Pusic continued the same business. Pusic  
16 released over 100 MOS members from the military prison without the  
17 agreement of the SIS and the criminal department.

18 "Pusic did this for money too."

19 Your Honours, just a side note. It's interesting to note that  
20 Mr. Pusic is reported here as exerting his authority at will despite of  
21 what others authorities were supposed to do. It's without the agreement  
22 of SIS and the criminal department of the military police.

23 Now, Your Honours this report concludes with the following:

24 "We believe that throughout the war, Berislav Pusic has been  
25 working against the interests of the Croatian people and soldiers, and

Page 52146

1 since the same can be expected in the future, we recommend that measures  
2 are taken so that Pusic be prevented from causing more damage to the  
3 reputation of the HVO."

4 In the event, despite this report, nothing was done, and in  
5 August 1994, Pusic was still operating, as seen from Exhibit P08431 where  
6 he writes a long fax to the centre for human rights in which he spouts  
7 the manifestly false HVO version of the events in 1993 which the Trial  
8 Chamber has heard so often from various defence -- Defences in this case.  
9 It's a worthwhile read to see how zealously Pusic was still lying for his

10 radical nationalist ideology.

11 A sampling that I've selected is from 8431, Page 3 -- or -- Page

12 3. It says -- and here he's referring to Muslims who were captured in  
13 action. It says:

14 "All prisoners stayed alive while Muslims were killing Croats and  
15 making mass graves."

16 And on the same Page:

17 "The only prison which was registered was -- as a prison was  
18 Heliodrom, while Gabela and Dretelj were registered as collection centres  
19 which were known to the ICRC which was regularly visiting and resettling  
20 Muslims to third countries in accordance to their wish, and those who did  
21 not wish to go abroad, they crossed to the MOS-controlled side ..."

22 Your Honours, the evidence before this court proves  
23 overwhelmingly that these were blatant lies. Many Muslims died in HVO  
24 detention. There were no "regular ICRC visits to Dretelj and Gabela,"  
25 and the deportation of Muslim men from Dretelj and Gabela was not a

Page 52147

1 question of Muslim detainees exercising a free choice at leisure. They  
2 were brutally expelled and deported against their wills by the likes of  
3 Mr. Berislav Pusic.

4 To persuade the Court to accept his defence, Mr. Pusic must lie  
5 about his role and involvement. The evidence shows he's a man capable of  
6 doing exactly that. He is not an honest man.

7 Now, Your Honours. If we can turn to Mr. Pusic and his power.

8 May I ask at what time shall we take the break, until what time do I  
9 have?

10 JUDGE ANTONETTI: [Interpretation] Well, before the break, you  
11 have 15 minutes.

12 MR. KRUGER: Thank you, Your Honour.

13 Your Honour, faced with the extensive evidence of his integral  
14 involvement with prisoner exchange and detainee issues, including forced  
15 labour, Mr. Pusic boldly asserts his innocence and the weakness of the  
16 Prosecution case. It's, however, nothing more than an impossible and  
17 preposterous story. Mr. Pusic simply ignores or speciously  
18 re-characterises the majority of the evidence against him, and he  
19 selectively takes snippets of testimony and evidence out of context in  
20 order to further his tenuous story-line that no one else in the HVO -- or  
21 that -- rather, I'll say that again. His story-line is that everyone  
22 else in the HVO around Mr. Pusic had the power. He himself possessed no  
23 power whatsoever, and his sole function was to maintain lists which were  
24 created and used by others.

25 He then examined each piece of evidence in a vacuum to urge that

Page 52148

1 the Prosecution's interpretation is not the only reasonable  
2 interpretation of that evidence.

3 However, we submit when the evidence is examined outside the  
4 selective and myopic narrative presented by Mr. Pusic, when it is put  
5 into context of all the other evidence, as the Prosecution has done, then  
6 there is no doubt whatsoever. It's beyond any reasonable doubt that  
7 Mr. Pusic wielded the authority over prisoner detention and transfer and  
8 committed the crimes as alleged in the indictment.

9 Aside from the specific orders assigning him to his various  
10 positions, some examples of his authority are, and if -- we have three  
11 slides: P02020 was an order from Mr. Coric on 22 April, 1993, and on  
12 Page 2, he ordered:

13 "Mr. Berko Pusic is charged with participating on behalf of the  
14 Military Police Administration in the exchange of all arrested persons."  
15 Your Honours, low-level administrative technicians are not given  
16 such authority.  
17 P02546. It's a 28 May 1993 report on the activities of the 4th  
18 brigade of the HVO military police, and on Page 2 it says:  
19 "We received an order from Berko Pusic and Valentin Coric to  
20 transfer the prisoners to the prison on Heliodrom."  
21 The conclusion from this is if Pusic was so insignificant as he  
22 says, why would he have been mentioned at all? It would have been  
23 sufficient to say, "We received an order from Valentin Coric."  
24 P03652. This is a 23 July 1993 telex from Berislav Pusic to the  
25 HVO military police in Jablanica. And he says:

Page 52149

1 "We would like to ask you to escort the Muslims you were given in  
2 our last -- we would like you to escort the Muslims you were given to our  
3 last check-point in Doljani from where they can walk to Jablanica. If  
4 they expel our Croats from Jablanica, inform us of it, because there will  
5 be a reaction against these men of theirs."  
6 Your Honours, these are not the words of an impotent filing  
7 clerk.  
8 Who were these Muslims referred to in this exhibit and whom Pusic  
9 requested that they be expelled under escort? And for this we can look  
10 at Exhibit P03668, also of 23 July 1993, and it's from the 3rd HVO  
11 battalion commander, and we see it's to Berislav Pusic personally in his  
12 capacity at the exchange commission and it says: These persons are 400  
13 Muslim women, children, and elderly. They were brought to Doljani  
14 sector.  
15 "... please inform as soon as possible what we are to do with  
16 them and why they were sent to Doljani."  
17 We also see there's no food for these people.  
18 "Please instruct."  
19 Berislav Pusic was exerting his authority, and, Your Honours, his  
20 authority was recognised.  
21 In his final trial brief, Berislav Pusic asserts in paragraph 157  
22 his "lack of decision-making authority is highlighted in a number of ECMM  
23 reports by their representatives attending prisoner exchange  
24 negotiations."  
25 In reference to a meeting chaired by the ICRC on 23 May, the ECMM

Page 52150

1 representative notes Pusic advised those present he did not have the  
2 authority to sign the agreement reached on behalf of the HVO for access  
3 to the Heliodrom. He refers to Exhibit P02496 in that regard.  
4 Your Honours, however, the Pusic Defence in asserting this ignore  
5 Mr. Pusic's own direct words regarding his authority.  
6 On 19 October 1993, he was interviewed by Slobodna Dalmacija, and  
7 they published an interview with him in connection to talks about the  
8 exchange of detainees. This is Exhibit P05945. The title is "You reach  
9 an Agreement with Peter, Paul annuls it ..."  
10 He's interviewed as head of the office of the government of the  
11 HR HB for the exchange of captives. And on Pages 4 and 5, the  
12 interviewer asks him:  
13 "Who are the people sitting opposite you during the talks you  
14 hold and what do you think of them as negotiators?"  
15 And Pusic, he says:

16 "From the International Red Cross, there's Mr. Claudio  
17 Barancini ..."  
18 And then he says from the UN High Commission, it's Mr. Hulme.  
19 From the Spanish Battalion, Major Ferrero and Colonel Carvajal. And then  
20 he says:  
21 "From the Muslim side from the east side of Mostar, Messrs. Cakan  
22 Alispahic and Mr. Sevko Dziho, who have been very fair during the talks,  
23 come to the negotiations."  
24 And then he says:  
25 "But they are not the people who can decide. They must always go

Page 52151

1 and get instructions from Mr. Arif Pasalic, who usually makes the final  
2 decision."  
3 And then he says when the subject of talks is Jablanica and  
4 Konjic, Mr. Zuka comes. And then he says, Your Honour:  
5 "Unlike the Croatian side," now, that's him, "unlike the Croatian  
6 side, the members of the commission they sent never had the power to  
7 decide. We formed the office attached to the HR of HB government which  
8 has all powers to make decisions on the issues of exchange and release of  
9 detainees while the Muslim side have some people to negotiate and others  
10 to decide."  
11 He says:  
12 "We have all the powers to make decision on the issues of  
13 exchange and release ..."  
14 Your Honour, further more, Mr. Pusic, he communicated directly  
15 with ministers of the Republic of Croatia reporting his own meeting with  
16 senior internationals, and in an ECMM document which we cannot show  
17 outside the court, Exhibit P05889, a report from 14 October 1993, he says  
18 it's reported:  
19 "Pusic head of the HVO office for the exchange of prisoners has  
20 sent a letter to Mate Granic, Croatian minister of foreign affairs. In  
21 the letter, Pusic informs Granic about his talks with Claudio Barancini,  
22 the head of the ICRC ..."  
23 Your Honour, Mr. Pusic was not a low-level rubber stamp. Hardly.  
24 These two exhibits, which show Mr. Pusic meeting with the head of  
25 the ICRC, also demolish Mr. Pusic's arguments found in paragraphs 174 and

Page 52152

1 75 of his brief that the Prosecution failed to distinguish between  
2 high-level and local prisoner exchange and release negotiations.  
3 According to Mr. Pusic, Mr. Pusic only participated in the low-level  
4 local negotiations and had no significant involvement in the high-level  
5 talks.  
6 Your Honour, I'm going to continue with this topic, but I think  
7 this is an appropriate place to --  
8 JUDGE ANTONETTI: [Interpretation] Very well. Let's have a break.  
9 You -- I would like to tell the Prosecution that so far they've used up  
10 14 hours, so when we resume, you will have one hour.  
11 --- Recess taken at 12.24 p.m.  
12 --- On resuming at 12.47 p.m.  
13 JUDGE ANTONETTI: [Interpretation] The court is back in session.  
14 Mr. Kruger, you have the floor.  
15 MR. KRUGER: Thank you, Mr. President.  
16 Mr. President, Your Honours, before the break we were still  
17 addressing paragraph 174 and 175 of the Pusic final trial brief. That's  
18 the argument that the Prosecution has mischaracterised Pusic's role in

19 the prisoner release and exchange process and that Mr. Pusic did not have  
20 any significant involvement in talks, also that he participated only in  
21 low-level, unimportant things.  
22 We had a look at Exhibits P05945 and P05889, and now I'd --  
23 finally on this point, I wish to show another example. Mr. Pusic  
24 participated prominently in high-level negotiations with the ABiH in  
25 Jablanica in May 1993. Being present throughout the two-day process

Page 52153

1 where they visited the school in Sovici and Doljani. He was with  
2 General Petkovic and others.  
3 Now, Mr. Pusic alleges in paragraph 233, 233 of his final trial  
4 brief, that his role was wholly insignificant.  
5 Your Honour, there are some visual images available on this  
6 meeting, and I'd like to refer to some. The first one is, and this comes  
7 from a video exhibit, P02187, and the first image that we see on the  
8 screen shows Mr. Pusic on the right of the screen sitting next to  
9 Miljenko Lasic and then General Milivoj Petkovic. They were part of a  
10 small specialist segment of the HVO delegation for this particular  
11 meeting. Who was sitting on the other side of the table, and if we can  
12 have a look at the next slide, we see that that is General Halilovic, and  
13 the next slide we see General Pasalic sitting there. And the question  
14 is: Was Mr. Pusic in this meeting only a seat warmer? And for this, I'd  
15 like to show a clip of Mr. Pusic's participation in this meeting.

16 [Video-clip played]

17 THE INTERPRETER: "[Voiceover] Today I would send them to Vrci  
18 and to other places where the wounded are so that they will be pulled  
19 out. We don't have to send ours from down there. I'm here now for the  
20 seventh time, and we still haven't broken the deadlock regarding the  
21 pulling out of the wounded and every time that was the goal. That's why  
22 I would propose now, together with SpaBat, that they do it.  
23 "That is a representative of the HVO and a representative of  
24 yours who has influence over those soldiers, and so let's go immediately  
25 and finish that today.

Page 52154

1 "Yesterday you were wounded, you didn't want to go, the three  
2 from Kostajnica.

3 "But the condition was the two dead.

4 "Who set the condition?

5 "Your man there in Vrce.

6 "If you want, we can settle the issue of the dead right now.

7 There are dead on both sides, yours and ours.

8 "Do you think it's true?

9 "Of course the information is true.

10 "I don't think it could be done, but I don't see why they  
11 couldn't be collected immediately since a long time has elapsed from the  
12 day of death. The bodies start to decay, so collect the wounded and at  
13 the same time throw the dead ..."

14 MR. KRUGER: Your Honour, Mr. Pusic participated in this meeting  
15 directly. He is seen responding forcefully to General Pasalic who is  
16 General Petkovic's ABiH counterpart, senior counterpart, and he does this  
17 while General Petkovic is sitting there right next to him.

18 With respect, Your Honours, these were clearly high-level talks,  
19 and Pusic is significantly or was significantly involved.

20 If we can look at another still from a video exhibit, and this is

21 Exhibit P00999, and I'm not going to play the clip, but Mr. Pusic was

22 interviewed by the Croatian media, and we see this was shown on HTV,  
23 Croatian television, and what is significant is how Mr. Pusic is  
24 identified. Even the Croatian media view him as somebody significant in  
25 the HVO. He is described as "HVO negotiator."

Page 52155

1 Your Honour, if we can move on to a further topic, the question  
2 of whether Mr. Pusic was indeed only a rubber stamp in view of all the  
3 signed documents. There's a vast amount of documents with Mr. Pusic's  
4 signature. Mr. Pusic acknowledges his signature appeared on many  
5 documents regarding release, expulsion, and forced labour. He, of  
6 course, states these documents and his signature have no value because he  
7 was only a rubber stamp for authority exercised elsewhere.

8 With respect, this is pure nonsense. Pusic's signature, as with  
9 anyone's meant something when he signed it. It meant that he claimed  
10 responsibility for a proposition, and in the case of his signature, that  
11 proposition was most frequently the authorisation to expel Muslims to  
12 third countries or to ABiH territory. His signature authorised the use  
13 of detainees for forced labour on a massive scale. His signature  
14 authorised the transfer and release of detainees. People sought  
15 Mr. Pusic's signature because he had power. That is why people present  
16 documents to other people to sign.

17 Your Honour, Mr. Pusic makes much of the fact that others,  
18 witnesses -- sorry, that other people also at time exercised authority to  
19 release and exchange detainees. And this is from his final trial brief,  
20 Page 58.

21 The Prosecution case is not, as the Pusic Defence suggests in its  
22 final trial brief, that Mr. Pusic was the only one able to transfer  
23 prisoners, nor is it our case that he had the supreme control over every  
24 single aspect of detainee life and liberty. The evidence shows it was  
25 Pusic's mandated job to determine who would stay, who would go, and where

Page 52156

1 they would go.

2 When others ordered transfers and releases, it was incidental to  
3 their jobs or their positions. Mr. Pusic, however, exercised his  
4 authority throughout the HVO material in the course of the conflict from  
5 his involvement, and he consulted with the HVO leadership in making his  
6 decisions at times. As seen from P05889, he even consulted ministers  
7 from the Republic of Croatia on this.

8 The Prosecution has never maintained that all of the blame for  
9 the criminal detention and expulsion scheme of the HVO falls at the feet  
10 of Berislav Pusic. However, the criminal activities of others does not  
11 absolve Mr. Pusic from his crimes when he wielded the power that he was  
12 given to further violate international law, rather than to abstain from  
13 doing so or pursuing those who were.

14 Bruno Stojic, he placed the responsibility and power to release  
15 and exchange prisoners upon Mr. Pusic's shoulders when he set up the  
16 commission on 6 August 1993. And that's Exhibit P03995. Mr. Pusic  
17 exercised this responsibility throughout the rest of 1993. He often did  
18 this without following the outlined procedures, as we have seen, of  
19 engaging with the SIS and military police concurrence or involving other  
20 commission members.

21 If we can have a look at Exhibit P04141. This is a 12 August  
22 1993 decision by the commission, signed by Mr. Pusic, and it's in regard  
23 to the registration of detainees.

24 And if we see the second paragraph it says:

25 "Registration was carried out in Mostar, Ljubuski prison, and

Page 52157

1 Otok, and detainees were classified."

2 Of course we know this is false. That was never done. By

3 December 1993, no classification had yet been done.

4 He continues:

5 "The release of prisoners from Dretelj and Gabela must be

6 suspended for the purpose of the most expeditious registration possible

7 and correct classification, and the commission will provide the above

8 slips for ... registration ..."

9 If we look at another exhibit, P06170. This is a 27 October 1993

10 memo by Josip Praljak on the work of the commission. And if we look at

11 the bottom, it says:

12 "As you are aware, the head of the prisoner exchange office,

13 Mr. Pusic, can release these prisoners with the approval of the SIS and

14 of the intelligence service of the military police ..."

15 But then in the very next paragraph it says that:

16 "Detainee Admir Cevra was being investigated by Mr. Mistic, a SIS

17 employee, who did not give his approval for release, but was then

18 released on the basis of certain documents from Berislav Pusic."

19 So Berislav Pusic did for the deem himself bound by the input of

20 the SIS and the crime investigation department. He exerted his authority

21 at will.

22 Your Honours, Pusic was not the exclusive arbiter of the

23 machinery of the HVO expulsion mechanism, but the evidence shows he

24 selectively chose to act when it furthered the objectives of the JCE.

25 His role was not routine ministerial list-keeping, which is uninteresting

Page 52158

1 to him.

2 And if we can look at P07102, on 10 December 1993. This is a

3 proposal from Mr. Pusic to accused number 1, Mr. Prlic on the work of the

4 service of exchange. On Page 5 Mr. Pusic explains to Mr. Prlic:

5 "The prisons are interesting for the service only for the purpose

6 of seeking certain persons for exchange ..."

7 Your Honours, it is not credible that someone who so explicitly

8 indicated to someone no less than the head of government, Mr. Prlic, that

9 he's not interested in prisoners except for the exchange -- from the

10 exchange perspective. It's not credible that such a person would, in

11 fact, only have been charged with simply keeping lists of prisoners for

12 months on end.

13 Your Honours, Mr. Pusic, he points in his final trial brief, to

14 some instances where Mr. Pusic is not mentioned or is unknown to certain

15 witnesses. This is the final trial brief of Mr. Pusic, on Page 36. And

16 this is stated as proof that he could not have played a leading role in

17 the JCE.

18 That certain evidence and testimony omits specific mention of

19 Mr. Pusic does not negate all the other evidence of his involvement and

20 participation in the JCE alleged. Witnesses who said nothing about

21 Mr. Pusic's involvement were most likely in situations where they either

22 did not have a Pusic-related basis of knowledge, or they did not have

23 access to the internal processes and high-level discussions between

24 Mr. Pusic and other members of the JCE. It doesn't mean, however, that

25 such things did not take place.

Page 52159

1 The same goes for his argument that he could not have been in the  
2 JCE because Slobodan Praljak did not know of him. And this is the Pusic  
3 final trial brief, paragraphs 14 and 15. This does for the remove the  
4 fact that he was known and interacted in the context of the JCE with the  
5 four other accused in the case, Messrs. Prlic, Stojic, Petkovic, and  
6 Mr. Coric.  
7 The argument of not being in the JCE because he was unknown to  
8 some witnesses and an accused, it's an irrelevant red herring.  
9 Your Honours, certainly very few people inside and outside Nazi  
10 Germany knew of Adolph Eichmann and what exactly he was doing during 1942  
11 and 1945. That does not negate the fact that he was the one who kept the  
12 trains running to transport Europe's Jews to the Nazi death camps and  
13 that he so participated in the Nazi genocide that was the Holocaust.  
14 It's irrelevant that some people did not know of Mr. Pusic or his  
15 exact role in 1993 in Herceg-Bosna. The evidence still abundantly shows  
16 Pusic was instrumental in the persecutory detention of thousands of  
17 Muslims in HVO detention facilities. Their persecutory utilisation for  
18 forced labour, and the ultimate persecutory, deportation, and expulsion  
19 of thousands of Muslims from the territory of the HZ-HB, or later HR HB.  
20 In conclusion, Your Honours, Mr. Pusic's allegations of being a  
21 lowly bureaucrat with no power at all is belied by his own end-of-year  
22 report in 1993. It's a report on the activities of the service for the  
23 exchange of prisoners and other persons of the HR HB, Exhibit P07411. On  
24 31 December 1993, he reports, paragraph 1:  
25 "The service was founded as there was no central place to

Page 52160

1 collect, process, and send back the information about the resolution of  
2 complex humanitarian problems in the process of exchange, but above all  
3 to facilitate the exchange of captives, missing, and dead."  
4 The next paragraph:  
5 "In the previous months, co-operation was established with the  
6 ICRC, UNPROFOR, European monitors, and other similar and related  
7 institutions in the area of HR HB and the Republic of Croatia."  
8 Regarding meetings held in the six months since being set up on  
9 30 June, 1993, he reports in paragraph 3:  
10 "We held 18 meetings with representatives of Republika Srpska and  
11 27 meetings with representatives of the RBH Army. The topics discussed  
12 were the exchange of detainees and dead and the evacuation of civilians.  
13 The service ... always tried to effect an exchange that would as  
14 favourable to our side as possible."  
15 Then he lists various statistics, numbers of exchanged people,  
16 dead people, and after listing these and all the release efforts, we come  
17 to paragraph 5:  
18 "The work of the Service Staff was mainly concerned with the  
19 detained Muslims."  
20 Then:  
21 "In co-operation with the office of displaced persons, SIS, and  
22 the crime investigation department of the Military Police Administration,  
23 it also effected the release from prison if detainees had completed  
24 documentation. The service did its part of the job fully."  
25 That says it all.

Page 52161

1 This report apparently formulated in the words of Berislav Pusic,  
2 whose name appears as the author, shows the work Pusic was doing was

3 indeed a cog in the HVO's machinery, but it was by no means disposable  
4 and insignificant.  
5 Pusic put the Prosecution to the proof of every allegation  
6 against him and responded with a passive and virtually silent defence.  
7 On the basis of this, Berislav Pusic argues that the evidence clearly  
8 shows Pusic was an MP officer who -- control officer who had nothing to  
9 control. He was the head of a prisoner exchange service who had neither  
10 the power over prisoners nor the power to exchange. He was appointed by  
11 the head of a government and the minister of defence and the head of the  
12 military police to do no more than be a stenographer. He was a custodian  
13 of records who introduced none of those records that he alleged he was  
14 charged with maintaining, but those people who did introduce his records  
15 into evidence he accuses of being self-serving liars.  
16 With respect, the evidence does not support Mr. Pusic's version,  
17 and the doubt that he asserts exists is not reasonable by any stretch of  
18 the imagination.  
19 The Prosecution submits, Your Honours, the evidence proves beyond  
20 any reasonable doubt his membership and participation in the JCE alleged,  
21 and his liability for the crimes he has been charged with as fully set  
22 out in the Prosecution's final trial brief.  
23 Mr. Pusic has shown no remorse for his misdeeds. He has shown no  
24 understanding for the suffering his actions have caused to the thousands  
25 of victims of his crimes, and the Prosecution submits that he should be

Page 52162

1 sentenced -- convicted and sentenced as we have set out in our final  
2 trial brief.  
3 Your Honour, that concludes this section on Mr. Pusic, and if I  
4 can hand over to Mr. Scott again.  
5 JUDGE ANTONETTI: [Interpretation] Very well. Thank you.  
6 Next.  
7 Good morning, Mr. Scott, again.  
8 MR. SCOTT: May it please the Court. This may be the last time  
9 that the Prosecution is on its feet in this case, so I would like to take  
10 a few moments to thank various persons in and around the courtroom before  
11 concluding the Prosecution's remarks.  
12 First, the Prosecution extends its sincere thanks to the  
13 translation booths for all the tremendous hard work over the many months.  
14 We likewise thank the court reporters for all of their work. We are very  
15 sorry for sometimes talking too fast and not always as clearly as one  
16 might wish.  
17 Despite the recent and current difficulties, we nonetheless thank  
18 the technicians for all of their support. Technology is a wonderful  
19 thing when it works, but may it never ever prevail over the human being.  
20 We thank the Registry for all of their hard work in trying to  
21 keep things straight.  
22 We thank the Chamber's legal officers for all the hard work that  
23 they have done and undoubtedly will do over the next months.  
24 We thank Your Honours for your attention and patience. The  
25 Prosecution never claimed that it would or could, or that has it has in

Page 52163

1 fact presented a perfect case, but I can assure you without qualification  
2 that we have done our very best. We have never had any other agenda or  
3 desire except to present our case as effectively and efficiently as  
4 possible, to assist the Chamber in doing justice.  
5 We especially thank Judge Mindua for his long and faithful

6 service as our alternate Judge.  
7 Finally, I take the luxury of this moment to thank the  
8 Prosecution team for all of their hard work and dedication, and  
9 especially Mr. Stringer, Ms. West, and Mr. Kruger for their terrific  
10 closing submissions. Thank you.  
11 Taken at face value, what the Defence arguments tell us is that  
12 either no one was responsible for anything, or if someone was  
13 responsible, it was certainly someone, anyone, other than the particular  
14 accused.  
15 On responsibility for the HVO camps, we see six men running as  
16 fast and far in the opposite direction as possible, or pointing the  
17 finger at one another.  
18 Prlic says that Boban and the Defence Department, Mr. Stojic's  
19 department, were responsible for the camps. Stojic says it was Boban,  
20 HVO military commanders, HVO municipal authorities and ODPR, part of  
21 Mr. Prlic's government, who were responsible. Prljak says it was the  
22 civilian HVO government, that is Mr. Prlic's HVO HZ-HB, that was  
23 responsible for the camps. In his sworn testimony, Petkovic said it was  
24 the Stojic Defence Department which was responsible, and in his final  
25 brief, he's added that the Military Police Administration was also

Page 52164

1 responsible. Coric says it was individual HVO military unit commanders  
2 who were responsible for all of the persons which that unit detained.  
3 And Pusic says, concerning the Muslim men arrested after 30 June 1993,  
4 that it was the military police who were responsible for processing them.  
5 So where do all these Defence claims leave us? With respect,  
6 Your Honours, a government president, an intelligent, obviously capable  
7 man who climbed to the pinnacles of power and then claimed he had none.  
8 A man who was the head of this and the top of that, a man who based his  
9 entire course on power, position, and influence, but now says that his  
10 only job was to send out notices of meetings and sign decisions made by  
11 others.  
12 A head of the Defence Department who Petkovic referred to as "his  
13 minister," who Petkovic expressly placed in his chain of command, who  
14 Susak reported to Tudjman was "organising everything down there," a man  
15 who most others say was in charge of the HVO camps, but who, according to  
16 Stojic himself, was doing nothing more than ordering cap badges and  
17 sitting in on a few meetings.  
18 Two generals, one a theatre director and one a professional  
19 soldier, both of whom say that all they wanted was social harmony but who  
20 presided over an army and participated in making and executing policy  
21 that wreaked ethnic violence and havoc in tens of thousands of lives, by  
22 officers and soldiers who they say they controlled. They blame the  
23 politicians, and the politicians blame them. Sadly, the Prosecution  
24 submits that the HVO commanders and soldiers only did what they were  
25 explicitly or implicitly told and encouraged to do.

Page 52165

1 A chief of military police who organised training programmes for  
2 his subordinates on the laws of war which many of them thereafter  
3 breached with impunity on an almost daily basis. Despite his  
4 self-described role as a minor administrator, he inexplicably rose on  
5 Tudjman's personal endorsement to Herceg-Bosna's minister of interior.  
6 The head of a refugee and exchange service who always had the  
7 best interests of Muslims in mind and for whom he generously provided a  
8 one-way bus service out of Herceg-Bosna.

9 President John Kennedy said in a speech at American University in  
10 June 1963:

11 "World peace, like community, does not require that each man  
12 love his neighbour - it requires only that they live together in mutual  
13 tolerance, submitting their disputes to a just and peaceful  
14 settlement ... Peace need not be impracticable, and war need not be  
15 inevitable. For in the final analysis, our most basic common link as  
16 human beings is that we all inhabit this small planet. We all breathe  
17 the same air. We all cherish our children's future. And we are all  
18 mortal."

19 It seems to me, Your Honours, that some people forgot that, but we  
20 cannot let them forget that, or the ones who might come next, or the ones  
21 who might come after that.

22 Mankind has a problem - after every round of horrible massive  
23 violence, we say "Never again." We cannot forget this. We will not  
24 forget this.

25 "We cannot let them forget this," and by saying "them," we mean

Page 52166

1 the next ones, the next ones who might be tempted to do the same thing.

2 We cannot let them forget that.

3 But we do. We do. We do forget. Never again, until the next  
4 time, and the next time.

5 The Holocaust, Cambodia, Yugoslavia, Rwanda, Sierra Leone,  
6 Darfur.

7 Can I stop the next time? Can you? Maybe, maybe not.

8 This is your best chance, Your Honours, President Antonetti,  
9 Judge Prandler, Judge Trechsel, Judge Mindua, this is your best chance to  
10 say, "Never again," and really mean it. We won't stand for this. We  
11 won't stand for this.

12 We couldn't stop, we didn't stop the last one, but we can hold  
13 these men accountable.

14 You've heard the accused. Do you remember the victims? Over the  
15 past four and a half years you've seen and heard the accused often,  
16 almost daily. You've heard their voices repeatedly. We all probably  
17 remember Mr. Stojic standing up one day in court and telling the  
18 courtroom about a grandchild being born.

19 As I've sat here these past months, I've often wondered what it  
20 might have been like if throughout the trial we had had six  
21 representative victims sitting behind the Prosecution, just as the  
22 accused sit behind Defence counsel. Maybe one of them would have stood  
23 up one day and said, "Maybe I would be a grandmother today if my daughter  
24 had not been killed in Mostar," or, "Today would have been my son's 37th  
25 birthday if he had not died in a HVO camp."

Page 52167

1 Do you remember the victims? Do you hear their voices?

2 In a former life I prosecuted a lot of financial crime, what some  
3 call white-collar crime. I confess I was always disappointed to  
4 encounter some Judges who for some reason were only too happy to send the  
5 young black man to prison for stealing a loaf of bread or \$50 worth of  
6 gasoline, but somehow didn't feel the same way when there was someone who  
7 looked like a businessman in front of them, wearing a suit and looking  
8 awfully, quote, "normal," but who by the stroke of a pen had embezzled or  
9 defrauded someone of a million dollars. The thought being, well, that  
10 man, that guy looks pretty much like us. He wears a suit. He looks like  
11 someone who goes to church on Sundays.

12 In fact, he looks a lot like the accused here.  
13 The Security Council mandate is not for the ICTY to prosecute all  
14 the men who pulled the triggers or lit the matches but to hold  
15 accountable those who were most responsible, who caused these things to  
16 happen at a much higher level. Since at least a Security Council  
17 statement in 2002, the Tribunal has been repeatedly urged to concentrate  
18 its work, quote, "on the prosecution and trial of the most senior leaders  
19 suspected of being responsible for crimes within the [Tribunal's]  
20 jurisdiction ..."  
21 But I wonder whether it is often not easier to impose a heavy  
22 sentence on someone like the thug Goran Jelusic, who was sentenced to 40  
23 years' imprisonment because he repeatedly personally pulled the trigger  
24 in executing a number of non-Serb prisoners held at the Serbs' Luka camp  
25 in 1992 than on the senior civilian and military leaders who put people

Page 52168

1 like Jelusic in the very situation in which hundreds or thousands of such  
2 horrific crimes were committed.  
3 The concept or phrase "the banality of evil," came into  
4 prominence from the 1963 book by Hannah Arendt, "Eichmann in Jerusalem, A  
5 Report on the Banality of Evil," in which among other things she  
6 commented on how this rather ordinary or normal looking person, at least  
7 by outward appearance, could have been involved in carrying out the most  
8 unspeakable crimes. But as Mr. Kruger reminded us today, Eichmann was a  
9 top administrator in the machinery of the Nazi camps. I'm sure he never  
10 personally put anyone to death, he never personally lit an oven, never  
11 personally did those things, probably, but he ran the machinery who  
12 accepted the policies and premises of his state and participated in the  
13 ongoing evil with the energy and diligence and dedication of a good  
14 bureaucrat.  
15 The German playwright and novelist Goethe said: "Behaviour is a  
16 mirror in which everyone displays his own image."  
17 In this regard, and as Mr. Stringer mentioned today, the accused  
18 may point to a few instances where an HVO soldier was punished for a  
19 crime against a Muslim civilian. We submit that there is no evidence of  
20 very much of that, but perhaps, probably, there were a few.  
21 Let me set out the situation this way: Imagine a train taking a  
22 carload or carloads of prisoners to a Nazi death camp. During the time  
23 on the train, a Nazi guard steals a watch and takes jewellery from a  
24 Jewish woman on the train. As circumstances would have it, a top German  
25 officer comes by, finds out about the situation and punishes the German

Page 52169

1 soldier for stealing the watch and taking the jewellery. But he didn't  
2 stop the train. The train continues on to the final destination, the  
3 final solution.  
4 I say to you concerning these accused, they might have looked  
5 like church-goers on Sunday, but when they were doing what they did, when  
6 they were establishing, promoting, instigating, ordering, and supporting  
7 ethnic cleansing, they were thugs. They were thugs. No better than  
8 Goran Jelusic who pulled the trigger himself.  
9 For Jadranko Prlic, the Prosecution asks for a sentence of 40  
10 years.  
11 For Bruno Stojic, the Prosecution asks for a sentence of 40  
12 years.  
13 For Slobodan Praljak, the Prosecution asks for a sentence of 40  
14 years.

15 For Milivoj Petkovic, the Prosecution asks for a sentence of 40  
16 years.  
17 For Valentin Coric, the Prosecution asks for a sentence of 35  
18 years.  
19 For Berislav Pusic, the Prosecution asks for a sentence of 25  
20 years.  
21 Do you hear the voices, Your Honours? Do you hear the voices,  
22 the voices of the victims?  
23 Sometimes often the voices start as whispers, whispers for lots  
24 of reasons, whispers because some are still embarrassed or ashamed about  
25 what happened; whispers because some don't want to relive the horrible

Page 52170

1 things ever again, not even to say the words out loud; whispers because  
2 they've given up being heard, because no one seems to listen to them  
3 anyway; whispers because they feel powerless.  
4 But then many of the voices become more than whispers. The  
5 voices grow louder. You hear them from Gornji Vakuf and Jablanica and  
6 Mostar and Stolac, from the Heliodrom, from Dretelj, from Gabela, from  
7 Ljubuski.  
8 And they are not all Muslim voices. There are Croat voices, too,  
9 from Croat victims. Not the victims of the Serbs, not the victims of the  
10 Muslims - and there were - but the victims, the Croat victims of Greater  
11 Croatia, because of the nationalist ambitions of these men and others  
12 around them, these Croat victims lost loved ones. These Croat victims  
13 lost their homes. These Croat victims lost their livelihood. They were  
14 victims too.  
15 Do you hear the voices? Judges, do you hear the voices?  
16 We hold a certain power as stewards for the powerless, for the  
17 victims, to do justice.  
18 Let me say that again.  
19 We hold a certain power as stewards for the powerless, for the  
20 victims, to do justice. We must, as stewards act on their behalf in  
21 seeking justice, in doing justice, to empower the powerless.  
22 Do you remember the victims? Do you hear their voices?  
23 The Muslim women and children in Prozor may have been powerless  
24 in October 1992 to prevent themselves from being expelled from their  
25 homes, but not today.

Page 52171

1 The Muslim villagers who had their mosque destroyed in Sovici in  
2 April 1993 might have been powerless to stop it, but not today.  
3 The Muslim families who were kicked out of their homes in the Dum  
4 neighbourhood in West Mostar on the 14th of June, 1993, might have been  
5 powerless to stop it, but not today.  
6 The elderly Muslim couple cowering with a single candle in a  
7 Mostar basement hiding from HVO shelling might have been powerless to  
8 stop it, but not today.  
9 Witness BQ on being released from Dretelj might have been almost  
10 powerless to walk from Vrda to Dreznica, but not today.  
11 Mufida Likic may have been powerless to stop the HVO soldiers  
12 from murdering her sister, her aunt, and her neighbour in that potato  
13 cellar in Stupni Do, but not today.  
14 Do you hear the voices? They cry for justice.  
15 JUDGE ANTONETTI: [Interpretation] We will now adjourn. On  
16 Monday, the Prlic Defence will start, so we will on Monday, and I wish  
17 you all an excellent day.

18 --- Whereupon the hearing adjourned at 1.33 p.m.,  
19 to be reconvened on Monday, the 14th day  
20 of February, 2011, at 2.15 p.m.

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