

1 Wednesday, 2 March 2011

2 [Open session]

3 [The accused entered court]

4 [The Accused Pusic not present]

5 --- Upon commencing at 9.00 a.m.

6 JUDGE ANTONETTI: [Interpretation] Please call the case,

7 Madam Registrar.

8 THE REGISTRAR: Case number IT-04-74-T, the Prosecutor versus

9 Jadranko Prlic et al.

10 JUDGE ANTONETTI: [Interpretation] Thank you, Madam Registrar.

11 This is Wednesday, March 2nd, 2011. I greet the accused,

12 counsel, members of the OTP, and everyone helping us, Court Officers,

13 interpreters, ushers, and Registrar and security guards.

14 I will give the floor to Mr. Scott who asked for it, and then we

15 will start with our rejoinders. And it will be D3 that will start.

16 Mr. Scott, you have the floor.

17 MR. SCOTT: Good morning, Mr. President. Good morning, each of

18 Your Honours. Good morning, counsel, all those in and around the

19 courtroom.

20 Your Honour, in light of the events yesterday, and I'm going to

21 keep this very short, and I was prepared to say more but as I've

22 considered it further this morning I'm going to say less rather than

23 more, but there are two points that I do want to make, and I do want to

24 make, as Mr. Karnavas sometimes says, the Prosecution record on this.

25 In terms of the scope of rebuttal that was allowed to the

1 Prosecution, Your Honours, reference was made to a Rule -- to a

2 2002 oral ruling by Judge Liu, a Trial Chamber ruling that in no way is

3 binding on this Chamber. Rule 86(A) in no place on the face of the rule

4 says anything about limiting rebuttal to "brand new material." There's

5 nothing in the rule that says that. There's nothing in the Judge Liu

6 ruling that specifically says that. And in any event, Judge Liu's ruling

7 is not at all binding on this Chamber at all.

8 Every point we attempted to address arose directly out of the

9 Defence closing arguments. There was no reference to anything not made

10 in the closing arguments, and we provided the Chamber on every occasion

11 the record citation to where the Defence argument was made. We did not

12 repeat what was in our -- what was in our brief but attempted to address

13 matters which we felt we had not previously had the opportunity to

14 address. It was not for the sole purpose of reinforcing the Prosecution

15 case because it was directly in response to cited arguments made during

16 the closing arguments.

17 And finally, Your Honours, we were specifically guided. Last

18 Thursday we stood up, we gave the Chamber the topics, there was

19 discussion, Defence were heard, the Chamber ruled - and I didn't want to

20 say yesterday because I wanted to go back and look specifically at the

21 regard lest I possibly be mistaken in what the ruling was - the

22 Trial Chamber said -- and when we left the courtroom last Thursday and

23 when Mr. Stringer and I prepared our submissions since Thursday until

24 last -- until yesterday morning, this is the trial ruling that we were

25 governed by. That we were governed by. Transcript page 52185, the

1 President:

2 "We wish to remind the Prosecutor that during the three hours  
3 they should focus on the most important points only, especially those  
4 which in their view they had not discussed sufficiently."

5 In the ruling. There was no ruling that it had to be limited --  
6 it was limited to brand new matters. There was nothing to that effect.  
7 We were given three hours, and that was the guidance we were given. We  
8 prepared accordingly.

9 I don't think, Your Honours, with great respect to the Chamber  
10 and my greatest respect, but I did feel the need to say this. I do not  
11 believe that the Prosecution was treated fairly yesterday at all and  
12 inconsistent with the guidance the Chamber gave us when it ruled on these  
13 matters.

14 Thank you.

15 JUDGE ANTONETTI: [Interpretation] Very well. This is now on the  
16 record.

17 Let me remind the D3, D4, D5, and D6 Defences, before they take  
18 the floor, to tell us -- and when they take the floor to tell us, On such  
19 a page, the Prosecutor said this. And then you can give us your  
20 rejoinder so that we can actually follow in an efficient manner what you  
21 are saying.

22 Mr. Kovacic, I see that you have the lectern. You asked for ten  
23 minutes and you have your ten minutes, and now you have the floor.

24 MR. KOVACIC: [Interpretation] Thank you, Your Honours. Good  
25 morning to everybody in the courtroom.

Page 52925

1 [In English] I will address only the issue of occupation, which  
2 was addressed by the Prosecution on the very beginning of their oral  
3 arguments yesterday. More precisely, it was -- more precisely, it was  
4 Mr. Stringer who discussed the issue. And for -- for better planning,  
5 Your Honours, I would like to inform you also that General Praljak will  
6 not address the Court on the end.

7 Talking about this subject, I would like, first, to state only  
8 two basic points. First, the Prosecution strongly advocates that there  
9 was an armed conflict at all times and all places where the alleged  
10 crimes occurred. Defence claims that the HVO did not have effective  
11 control over the territory where armed conflict took place. There is no  
12 evidence that would support the Prosecution's claim.

13 Second point: The local Croats won the democratic local  
14 elections and formed coalition municipal governments in municipalities  
15 encompassed by the indictment. Thus, the HZ-HB or HVO was not a foreign  
16 occupier. He held the power in those municipalities even before the  
17 conflict.

18 On page -- regarding the statement of the Prosecution on daily  
19 page number 23 yesterday, occupation must be by foreign forces. The  
20 Prosecution still cannot bring themselves to say Croatia occupied Bosnia  
21 and Herzegovina. Yesterday, the Prosecution stopped short of defining  
22 precisely who occupied the territories. Was it Republic of Croatia? Was  
23 it HV or the HVO or some combination of those?

24 In final brief, the Praljak Defence never said, as Prosecution  
25 yesterday cited, foreign forces must occupy. We said that according to

Page 52926

1 the international law, Republic of Croatia must have had effective  
2 control, the same kind of control they had over their own, own, armed

3 forces. This is the required test, effective control. There is no  
4 evidence that would show existence of effective control in that case.  
5 The Prosecution suggest that Article 47 of Additional Protocol I  
6 is in response to avoiding duties of occupation. That is fine, but --  
7 but that does not prove that Croatia occupied Bosnia and Herzegovina. It  
8 is not an argument in that direction.  
9 The Prosecution has failed to prove a foreign military occupation  
10 followed by a -- by a "puppet government." They have failed. And the  
11 reference to Article 47 is not helpful.  
12 The Prosecution makes reference to new secondary materials in  
13 rejoinder, not included in final brief except by an unexplained footnote.  
14 This is a flagrant abuse of process. That said, the secondary material  
15 referenced does not overthrow the fundamental fact that we need a foreign  
16 power with effective control. They referenced -- the Prosecution  
17 reference to Israel and Beirut doesn't exactly help. Israel's occupation  
18 of Lebanon could not be used as comparison -- for comparison.  
19 On page 25 and following, the Prosecutor deals with issue of  
20 state of occupation where there is armed -- existence of state of  
21 occupation where there is armed conflict. The Prosecution suggests that  
22 pockets of resistance does not negate occupation. This is a very small  
23 territory, he says. The question is: Is it really accurate to call  
24 these pockets of resistance? Is the Prosecution conceding that there was  
25 no armed conflict and thus no international armed conflict and thus no

Page 52927

1 nexus to international armed conflict? They couldn't have both.  
2 Related to that, the Prosecution cited finding in Naletilic  
3 regarding Doljani and Sovici, but, in fact, this argument is favouring  
4 the Defence thesis, because in Naletilic the judgement deals only with  
5 April 1993 in those places, and in this case we heard that there were  
6 combat activities from April to September, particularly massacre of Croat  
7 population took place in that time as well.  
8 I will not go further in details, but the Chamber will recall  
9 that in summer and autumn of 1993, the HVO was under constant attack of  
10 ABiH. Thus are we really talking about the pockets of resistance?  
11 The combat is really still going on, so there cannot be state of  
12 occupation.  
13 General Praljak was not commanding general of occupied territory,  
14 and we said so before. He was a front-line officer of a domestic group  
15 preventing massive expulsion of Bosnians who happened to be ethnically  
16 Croatian. There is no evidence that General Praljak was the king of the  
17 territory. He was not even a general, as the Prosecution originally  
18 asserted. By the way, on that subject matter, we attempted to introduce  
19 evidence, a statement under Rule 92 bis, of Mr. Bennefeld [phonetic], which  
20 was about transfer of Jews and other people from Sarajevo and human  
21 assistance provided to Sarajevo with assistance and help of HVO,  
22 particularly General Praljak, but that was not admitted.  
23 MR. STRINGER: Excuse me, counsel, I apologise for the  
24 interruption, but we object to references to non-evidence, that is,  
25 tendered 92 bis statements that are not in evidence. And this is also

Page 52928

1 getting beyond the scope of the legal submissions made in respect of  
2 occupied territory.  
3 MR. KOVACIC: I accept that objection, but I'm just done.  
4 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, please use the  
5 exhibits that are in evidence. Only use those who are in evidence.

6 MR. KOVACIC: Thank you, Your Honour. It wasn't necessary  
7 because it was my last sentence which is now cut off. So I should only  
8 add that Praljak was a volunteer, not a king. And I'm done. Thank you,  
9 Your Honours.  
10 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Kovacic.  
11 Very well. Mrs. Alaburic, you have the floor. You gave us a  
12 document. I believe we'll have it on the screen. There are two columns  
13 to this document, and there is an explicit reference to the words of the  
14 Prosecution. And on the right-hand side column we have your answer, your  
15 analysis of these points. Thank you very much. You have the floor.  
16 MS. ALABURIC: [Interpretation] Good morning, Your Honours. Good  
17 morning to my colleagues from the Prosecution and those from the Defence,  
18 as well as the accused and everybody else present in the courtroom and  
19 around it.  
20 Unfortunately, nothing will be shown on the screens because we  
21 had -- didn't have enough time to make a PowerPoint presentation for our  
22 rejoinder. But we have hard copies so that you, Your Honours, will  
23 have -- or have your respective copies, and I have also just given some  
24 to Mr. Stringer. So you'll be able to follow our rejoinder.  
25 By way of introduction, let me say that the time devoted by the

Page 52929

1 Prosecution in its rebuttal to the Petkovic Defence to us is a  
2 confirmation of the relevance of the -- of closing arguments of the  
3 Petkovic Defence. We understand that as a compliment, and it is with  
4 pleasure that we reply to our learned friends from the Prosecution.  
5 Our first assertion is about what Mr. Stringer said on page 4 of  
6 the transcript, that it's up to the Prosecution to prove that the Muslim  
7 prisoners have the status of civilians. But in the very next sentence  
8 Mr. Stringer, in a way, contradicts himself.  
9 The Petkovic Defence wishes to stress that it does not dispute  
10 that some military-aged and able-bodied men may have been civilians, but  
11 it is a fact that such men are not considered civilians until proven  
12 otherwise. And it seems that we basically agree with the Prosecution on  
13 that.  
14 In this trial, this -- the Prosecution has not proved that  
15 military-aged able-bodied men who are considered victims and who are  
16 isolated in early July 1993 indeed were civilians.  
17 Our second point is Mr. Stringer's reference to the judgement in  
18 the Celebici case. We wish to say, with regard to that, that the  
19 Defences in the Celebici case argued that the prisoners in that detention  
20 centre were neither prisoners of war nor persons enjoying the protection  
21 of the Geneva Conventions. The Prosecution in that case initially argued  
22 that they were prisoners of war, which was not the position of the  
23 Defence.  
24 The Petkovic Defence is different from the position -- has a  
25 position different from that of the Defence in the Celebici case. We

Page 52930

1 have prepared paragraph 243 of the judgement in that case from which you  
2 can see the position of the Defence in that case, but this surely is not  
3 relevant here.  
4 Mr. Stringer, furthermore, as noted on page 5 of yesterday's  
5 transcript, said that reservists are considered civilians until they are  
6 mobilised. We would like to draw your attention to document 4D1164,  
7 which is a decision on general mobilisation adopted by the  
8 Presidency of BH on 20 June 1992. Pursuant to that, all conscripts

9 between the ages of 18 and 65 were mobilised.  
10 THE INTERPRETER: 55, interpreter's correction.  
11 MS. ALABURIC: [Interpretation] We add that this mobilisation was  
12 not abolished in 1993, which, according to the criteria stipulated by the  
13 Prosecution itself, the reservists in Bosnia-Herzegovina from the  
14 declaration of general mobilisation were not civilians any more. Our  
15 position is that they were the reserve force of the  
16 Army of Bosnia-Herzegovina even before that.  
17 On this same page, page 5, Mr. Stringer's assertion is recorded  
18 that reservists are not members of the armed forces.  
19 We appeal to the Trial Chamber to review the legislation of  
20 Bosnia-Herzegovina, first and foremost the decree on the service in the  
21 BH Army, which is document 4D412. In this document, it is clearly stated  
22 that the BH Army consists of a standing and a reserve force.  
23 JUDGE ANTONETTI: [Interpretation] There must be a mistake on the  
24 transcript. Document is 4D1164 and not 4D412. Continue.  
25 MS. ALABURIC: [Interpretation] Your Honour, no, it is not a

Page 52931

1 mistake. Document 4D1164 is the decision of the Presidency of BH on  
2 general mobilisation, whereas now --  
3 JUDGE ANTONETTI: [Interpretation] You're right. It was another  
4 document.  
5 MS. ALABURIC: [Interpretation] Very well. Thank you,  
6 Your Honour.  
7 The following regulation of BH, the decree on military  
8 conscription, is 4D1030, in which it is clearly stated that all  
9 able-bodied men are subject to military conscription until the age of 60.  
10 From that, we follow, or we conclude: If the laws and regulations of  
11 Bosnia-Herzegovina state that the reservists are members of the BH Army,  
12 namely as that army's reserve force, then the Prosecution cannot claim  
13 the contrary, or at least they cannot argue against what is stated in the  
14 laws and regulations of Bosnia-Herzegovina.  
15 I repeat: They cannot dispute the status of reservists pursuant  
16 to laws and regulations of Bosnia-Herzegovina.  
17 On page 6, probably to corroborate their assertions, the  
18 Prosecution quoted General Petkovic, who said that when an HVO member on  
19 furlough rapes a Muslim woman, whether that is a crime that is connected  
20 with combat activity, to which General Petkovic answered in the negative,  
21 that such a member of the armed forces at that particular moment was a  
22 free civilian.  
23 We wish to point out that this was a relevant issue to establish  
24 a causal relationship between a crime and the armed conflict. The  
25 example of the crime of rape was used to point out under which

Page 52932

1 circumstances such a crime is a war crime as opposed to the situation in  
2 which such a crime during a war can be merely a crime without the  
3 attribute "war," that is, not a war crime. So it was a matter which was  
4 relevant for the issue of nexus rather than for the status of the victim  
5 under international humanitarian law.  
6 Petkovic's opinion about the status of able-bodied men in  
7 Bosnia-Herzegovina has been put forward in this courtroom several times.  
8 General Petkovic was very clear: They were the reserve Army of  
9 Bosnia-Herzegovina.  
10 The other topic dealt with by Mr. Topic [as interpreted] were the  
11 Muslim soldiers of the HVO. Mr. Stringer additionally clarified the

12 position of the Prosecution that the Muslim HVO soldiers are protected by  
13 international law based on Article 75 of Additional Protocol I.  
14 Our position is that Article 75 of the Additional Protocol does  
15 not apply, and we have elaborated on that in our final brief. We are not  
16 going to repeat it now. But we can add the following: The Prosecutor's  
17 position is not founded on international customary law. The Prosecution  
18 failed to give information about practice in any country, nor have they  
19 stated one relevant legal opinion in corroboration of their  
20 interpretation of Article 75. The Prosecution hasn't shown a precedent  
21 that would go to corroborate their position.  
22 As opposed to that, the Petkovic Defence can offer the following:  
23 Firstly, a quotation from the book by Antonio Cassese, "International  
24 Criminal Law," page 82. I quote:  
25 [In English] "War crimes may be perpetrated by military personnel

Page 52933

1 against enemy servicemen or civilians or by civilians against either  
2 members of the enemy armed forces or enemy civilians, for instance, in  
3 occupied territory. Conversely, crimes committed by servicemen against  
4 their own military, whatever their nationality, do not constitute war  
5 crimes. Such offences may nonetheless fall within the ambit of the  
6 military law of the relevant belligerents."  
7 [Interpretation] End of quote. The case law which referred to is  
8 the judgement of the Special Tribunal for Sierra Leone, the RUF case.  
9 I'll point out three elements. First I quote:  
10 [In English] "The law of armed conflict does not protect members  
11 of armed groups from acts of violence directed against them by their own  
12 forces."  
13 [Interpretation] Quoting from paragraph 1451. Following  
14 quotation from paragraph 1452:  
15 [In English] "The law of international armed conflict regulates  
16 the conduct of combats vis-à-vis their adversaries and persons hors de  
17 combat who do not belong to any of the armed groups participating in the  
18 hostilities."  
19 [Interpretation] And the following quotation is from  
20 paragraph 1453:  
21 [In English] "The law of international armed conflict was never  
22 intended to criminalise acts of violence committed by own member of an  
23 armed group against another, such conduct remaining first and foremost  
24 the province of the criminal law of the states of the armed group  
25 concerned and human rights law. In our view, a different approach would

Page 52934

1 constitute an inappropriate reconceptualization of a fundamental  
2 principle of humanitarian law. We are not prepared to embark on such an  
3 exercise."  
4 [Interpretation] End of quote. We also point out the  
5 Apilts [phoen] and Motosuke cases, which we have mentioned in our final  
6 brief and the Coric Defence also referred to that in their final brief.  
7 The third topic is about the so-called Mrksic duty. The  
8 Prosecution, on page 8, points out the difference between domestic  
9 legislation and de facto responsibility based on custody as well as  
10 control over the prisoners.  
11 On this occasion I would like to stress that the Petkovic Defence  
12 agrees that responsibility depends on the nature of the accused's duty,  
13 which can be determined both -- by both the de jure and the de facto  
14 situation.

15 On page 12, the words of Mr. Stringer were recorded that  
16 Generals Petkovic and Praljak had custody and control over the prisoners  
17 when they were under the control of HVO units during the performance of  
18 forced labour.  
19 I would like to state that, to our minds, the Prosecution here  
20 clearly shows that Petkovic and Praljak did not have custody of the  
21 prisoners while they were in detention centres or in any other situation  
22 when they were not performing what is called here forced labour.  
23 Furthermore, we interpret that position in the following way: Issuing an  
24 order to take prisoners for forced labour is not the proof of custody and  
25 control of the said prisoners. An approval for the work of prisoners of

Page 52935

1 war was subject to an approval by those who did have custody and control  
2 over the detainees, but what matters the most is this: In any case, this  
3 did not imply any authority with regard to the treatment of the  
4 prisoners.

5 Therefore, we would like to emphasise once again: The  
6 Prosecution claims that prisoners, while they were in detention units,  
7 were not under the control of General Petkovic before the 24th of July,  
8 we suppose, and then General Praljak after that date. Therefore, we  
9 would kindly ask the Trial Chamber to look at that assertion and bear  
10 that in mind when they decide on the charges from 12 to 17 of the  
11 indictment, which in concerns the -- which concerns the conditions of  
12 detention and inhumane treatment of prisoners in detention centres.  
13 On page 13, Prosecution reacted to our closing argument about  
14 them not pleading about what regulations delegated Petkovic to look after  
15 the detainees. And the Prosecution referred to their indictment in doing  
16 that. By that allegation, they again confirmed that they did not mention  
17 a single piece of regulation or an order by a superior that might have  
18 been issued to General Petkovic and that might have concerned the care of  
19 detainees in detention centres. The Prosecution thus confirms that such  
20 a regulation does not even exist, and they did not manage to prove their  
21 allegations from the indictment beyond any reasonable doubt.  
22 On -- at the end of page 13 and following, for the first time  
23 after five years the Prosecution proffered an assertion that an order  
24 issued by Mate Boban on the 15th of September, 1993, document number  
25 P5104, that that is an order which authorised General Petkovic to look

Page 52936

1 after the detainees and bound General Petkovic to look after the  
2 detainees. Since that was the first time we ever heard such an assertion  
3 in the courtroom, I will give it a little bit more time.  
4 I would like to call up document P5104 in e-court. For you,  
5 Your Honours, I have a hard copy.  
6 This order issued by Mate Boban consists of seven bullet points.  
7 The first two bullet points refer to the HVO units. Bullet points 3 and  
8 4 refer to detention centres. Bullet point 5 refers to humanitarian aid.  
9 Bullet point 6 refers to the work of UNPROFOR. And finally,  
10 bullet point 7 refers to the HVO Main Staff.  
11 "The HVO's Main Staff shall inform all subordinated commands and  
12 units of this order and provide for professional help in its  
13 implementation."  
14 Mate Boban's order was forwarded to two different places. The  
15 first one was the Defence Department, then the second one was the  
16 Main Staff of the Armed Forces of the Croatian Republic of Herceg-Bosna.  
17 I conclude, this order issued by Mate Boban was not forwarded to

18 Petkovic. General Praljak also did not forward the order to  
19 General Petkovic. Based on this order, Petkovic was not authorised to do  
20 absolutely anything. Furthermore, this order means that the Main Staff  
21 was duty-bound to inform subordinated commands and units. However, it  
22 was not duty-bound to inform any of the detention centres which are  
23 referred to in bullet points 3 and 4.  
24 The reason is very simple. The Main Staff of the HVO and its  
25 then-commander, Mr. Slobodan Praljak, did not have any authorities over

Page 52937

1 the detention centres.

2 If we look at the order that General Praljak forwarded to HVO  
3 units, document number P5188 - Your Honours, you again have a hard copy  
4 of the document - we will see that General Praljak indeed did not forward  
5 Boban's order to any of the detention centres. He didn't forward that  
6 order because General Praljak did not have any authorities over those  
7 detention centres.

8 And my final conclusion is this: By this order, the Main Staff  
9 of the HVO and its commander, Slobodan Praljak, or anybody else in the  
10 Main Staff, no authorities over the detention centres were transferred.  
11 The following sentence that I deem very important is recorded on  
12 page 17. This is my learned friend Stringer's assertion that it is  
13 irrelevant whether Petkovic had control over the detention centres. I  
14 repeat that we deem this assertion that Petkovic did not have authorities  
15 over the detention centre to be important and that it should be taken  
16 into account when deciding on the crimes relative to the detention  
17 centres.

18 The Prosecution, furthermore, on the same page asserts that  
19 Petkovic and Praljak as well had custody and control over detainees  
20 during the so-called forced labour. The same assertion is recorded on  
21 page 12. And in addition -- in reference to that, we would like to state  
22 that these are factual matters that have to be proven on a case-by-case  
23 basis. And the assertions presented by Mr. Stringer are assertions that  
24 the Prosecution failed to prove beyond any reasonable doubt in this case.  
25 What is most important for us is the Prosecutor's position that

Page 52938

1 Petkovic did not have control over detention centres. Therefore, he  
2 could not be held responsible for the treatment of prisoners and  
3 situations that occurred in those centres.

4 MR. STRINGER: Excuse me, Counsel. I apologise. That's a  
5 mischaracterisation of the Prosecution position. The Prosecution  
6 position is that in respect of the Mrksic duty, the question is about his  
7 control over prisoners. We say his responsibility over the detention  
8 centres is irrelevant in respect of the Mrksic duty, but that's not a  
9 concession that he didn't have control or responsibility in respect of  
10 the detention facilities. Thank you.

11 MS. ALABURIC: [Interpretation] I would like to briefly respond to  
12 Mr. Stringer's intervention.

13 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I'm somewhat  
14 surprised by your intervention, because we're here in an adversarial  
15 system. Somebody states a statement, the other one will respond. And  
16 the last to respond will be the Defence team. So if whenever you are on  
17 your feet because you don't like what is being said, we're going to be  
18 here for another few years. So let the Defence speak, because they have,  
19 as per rules, the final word. They are now in the stage of the  
20 rejoinder, matters of proceedings.

21 MS. ALABURIC: [Interpretation] I will spend just a brief minute  
22 to reply to Mr. Stringer.  
23 If the Prosecution claims that Generals Praljak and Petkovic had  
24 custody and control over the detainees during forced labour and if  
25 this -- if this is the only claim that they have to make about custody

Page 52939

1 and control, then it arises from that by some -- based on argument  
2 en contrario we can conclude that in any other -- they didn't have  
3 control or custody in any other situation. Whether our interpretation is  
4 correct or not, of course, will be judged by the Trial Chamber.  
5 I have very little time left, so I have to speed along.  
6 On page 18, in respect of the Mrksic duty, the Prosecution  
7 repeats that there is a responsibility when detainees are transferred to  
8 another body. We would like to draw your attention to the fact that the  
9 Prosecution didn't either claim or prove that Petkovic had ever  
10 personally arrested somebody and transferred that person on to another  
11 body for further custody. We claim further on that the Chief of the  
12 Main Staff did not have the authority to supervise and control detention  
13 centres, the wardens of those detention centres, or the staff.  
14 There is clear evidence that other institutions were authorised  
15 to control the treatment of detainees.  
16 Within this context, we would also like to say that the  
17 Prosecution's position on the Mrksic duty reminds us of the following  
18 situation: A judge who sentences somebody is also responsible for the  
19 treatment of the person that they sentenced to a prison centre.  
20 And the fourth topic that I would like to tackle is the topic of  
21 occupation. However, my learned friend Mr. Kovacic has already explained  
22 that very well. I'll skip that part. There is no need for me to add  
23 anything, because my learned friend Mr. Kovacic said everything that is  
24 relevant, in my opinion. And the following topic concerns occupation,  
25 commanders.

Page 52940

1 The Prosecution still claims that a military commander in an  
2 occupied territory has the authorities vested in an occupation commander.  
3 All those -- nobody gave him any executive authorities. And the  
4 Prosecution referred to the Hostages case. We would like to state the  
5 following: Neither the Hostages case nor the High Command case or any  
6 other case for that matter or the customary law in general confirmed the  
7 Prosecutor's argument because, firstly, not every commander in an  
8 occupied territory is an occupying commander in the command sense of the  
9 word.  
10 Secondly, only those commanders who had been given executive  
11 authorities over the occupied territory are indeed occupying commanders.  
12 Thirdly, the Prosecutor had five years in these proceedings  
13 during which time he claimed that in Herceg-Bosna there were civilian  
14 authorities, that the civilian authorities had control over the army, and  
15 all of those assertions and evidence led in that sense directly challenge  
16 the claim that a military commander was the highest executive power in  
17 Herceg-Bosna. Or, as Mr. Kovacic, said that Praljak or Petkovic before  
18 him was king in Herceg-Bosna.  
19 We would like to add to that that Milivoj Petkovic was not a  
20 military commander; he was a Chief of Staff. The indictment does not  
21 charge Petkovic as an occupying commander. Therefore, the assertions  
22 presented today or over the past two months referring to occupying  
23 commanders are not a valid part of the Prosecution case. Those

24 assertions are erroneous and they're not proven. What we deem important  
25 is to mention the fact that the Prosecution did not refer to the part of

Page 52941

1 our closing arguments in which we argue that they are the ones who  
2 interpret the authorities of the occupying commander as an objective  
3 authority, which means that we agree with the Defence of General Petkovic  
4 that the responsibility of an occupying commander is one part of command  
5 responsibility pursuant to Article 3 of the Statute and that for the  
6 existence of this part of responsibility one needs to prove all the  
7 necessary elements as well as for all the other elements of command  
8 responsibility. The Article of the Statute is 7/3.

9 And my final remark concerns the relationship between an armed  
10 conflict and occupation and the relationship between the two. My learned  
11 friend Mr. Kovacic explained that very well. I don't need to belabour  
12 the point. I just need to say that between the Prosecution and ourselves  
13 there is no difference. There's no dilemma that this matter has been  
14 properly regulated by all the existing regulations. Indeed, minor  
15 conflicts do not deny the state of occupation. However, widely spread  
16 conflicts and fighting do challenge the state of occupation.  
17 In his case in the indictment and while leading evidence, the  
18 Prosecution tried to prove that there were conflicts, that those  
19 conflicts were widespread and systematic, and that there was fierce  
20 fighting going on especially from the month of April until the --  
21 April 1993 until the end of the relevant period.

22 And finally I would like to conclude by saying this: The  
23 Prosecution did not manage to refute the allegations of Petkovic Defence  
24 or prove beyond any reasonable doubt Petkovic's responsibility. We again  
25 conclude that the Prosecution believes that Petkovic did not have

Page 52942

1 authority over detention centres, that he was not in charge of the  
2 treatment of the detainees in those detention centres.  
3 This, Your Honours, ends my rejoinder to the Prosecutor's  
4 rebuttal. Is it now the moment for me to say something in reference to  
5 Jadranko Prlic's rebuttal, or shall I do that after the -- all the  
6 Defence teams are finished?

7 JUDGE ANTONETTI: [Interpretation] Since you are on your feet, you  
8 may do it now.

9 JUDGE TRECHSEL: I must repeat, Ms. Alaburic, please control the  
10 speed of your speech because it does not all come across to us. And the  
11 poor interpreters are audibly suffering. Thank you.

12 MS. ALABURIC: [Interpretation] Thank you, Your Honours. I will  
13 behave and I will be brief.

14 Jadranko Prlic's Defence yesterday presented their rebuttal to  
15 our closing argument in its part which concerned the transit centre in  
16 Ljubuski, and this is recorded on pages 84 through 89 of yesterday's  
17 transcript. And if I may summarise the position of Jadranko Prlic's  
18 Defence, I would like to do it in the following way: Transit centres  
19 were set up in order to look after displaced Croats from Central Bosnia.  
20 And there was --

21 MR. KARNAVAS: Objection. Objection. There was one transit  
22 centre. So we're talking about one transit centre. We're talking about  
23 the Ljubuski transit centre. So if we're going to be correct, let's be  
24 correct. So if you're going to summarise, summarise me correctly.

25 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, in order -- one

1 minute. In order to avoid this type of problem, you had to quote  
2 precisely what had been said by Mr. Karnavas. This would have absolved  
3 him of the need to object, which is here inadequate anyway in a final  
4 rejoinder. So just quote him exactly and then you can state your point  
5 of view.

6 MR. SCOTT: Excuse me, Your Honour, but, you know, it's  
7 increasingly clear --

8 MR. ALABURIC: [Interpretation] Your Honours --

9 MR. SCOTT: It's increasingly clear that the one party in this  
10 courtroom that doesn't have a right to be heard is the Prosecution. When  
11 Mr. Karnavas -- when Mr. Stringer got up to his feet a few moments ago,  
12 he was again closed down and said not to say anything. You haven't said  
13 anything to Mr. Karnavas, but -- so it's okay for Mr. Karnavas to object,  
14 it's okay for the Defence to go on and on about their responses, but not  
15 for the Prosecution to be heard. There's a double standard in this  
16 courtroom and it's a shame that it's at the end of this case. This is  
17 absurd. It's unfair, Your Honours. You can't treat the parties  
18 differently. You can't have one set of rules for the Defence and other  
19 set of rules for the Prosecution. When Mr. Stringer gets up and makes a  
20 reasonable objection, he's shouted down. Mr. Karnavas gets up and then  
21 you direct your criticism to Ms. Alaburic. It's completely unfair.

22 JUDGE ANTONETTI: [Interpretation] Mr. Scott, I think that what I  
23 said was misinterpreted. I said this to Ms. Alaburic: I said that if  
24 she had quoted exactly what had been said by Mr. Karnavas, this problem  
25 would not have arisen, as was the problem stated by Mr. Karnavas. I was

1 telling Ms. Alaburic to give exact quotes, quotations, which has nothing  
2 to do with what you have just said. I was just reminding you, as was  
3 stated by the Trial Chamber and as was said to everybody, that when we  
4 came to rebuttals and rejoinders you had to give exact references as to  
5 transcript pages and quotations. So I think now Ms. Alaburic understood  
6 me and she's going to do what I told her to do.

7 MS. ALABURIC: [Interpretation] And I believe that the  
8 intervention was in order, and I will explain why I used a plural. On  
9 page 74, line 17, records as follows: Transit centres for prisoners of  
10 war. Therefore, Mr. Karnavas said, or at least that was how it was  
11 recorded, although he didn't say it, and that's the only reason why I  
12 used the plural form. And if there is a mistake in the transcript, I  
13 will correct myself. And when I summarise what my learned friend  
14 Mr. Karnavas said on those pages, I will say that the rebuttal refers to  
15 the Petkovic Defence claims about the transit centre in Ljubuski and  
16 their claim that that transit centre was also set up for prisoners of  
17 war.

18 Our rejoinder is as follows: The Petkovic Defence does not deny  
19 the claims presented by the Prlic Defence about the transit centre in  
20 Ljubuski and about the need to look for those Croats who had been  
21 expelled from Central Bosnia. In our closing argument we referred to  
22 paragraphs 105 and 131 of the indictment relative to the charges about  
23 the crimes of deportation of Muslim civilians and detainees from  
24 Heliodrom in mid-July 1993. Those charges, as they are worded in the  
25 indictment and as they are defined in Annex A of the Prosecutor's final

1 brief, directly concern the office for refugees and displaced persons as

2 well as the civilian authorities of the HVO. They are directly defined  
3 as immediate and direct perpetrators of those alleged crimes.  
4 If I have carefully enough read the final briefs of other Defence  
5 teams, the Prlic Defence team did not deal with any of the documents that  
6 concern the charges relative to the -- to mid-July 1993. Therefore, I  
7 thought that it would be my professional obligation, and due to the lack  
8 of time and due to some other circumstances, I thought that I should  
9 present one single legal position and that is that the crime of illegal  
10 deportation can be committed only against civilians and not against  
11 prisoners of war. And that our interpretation of the law must be  
12 correct, and that's why I need to say that it is not disputable that  
13 prisoners of war cannot be victims of crimes against humanity pursuant to  
14 Article 5 of the Statute, but they have to be part of systematic and  
15 widespread attack against a civilian population.  
16 Our position was based on several pieces of evidence. Let me  
17 quote some of them without mentioning those that the Prosecution  
18 mentioned in his Annex A.  
19 The documents in question are P3427; P3554; P3587; P3673; P3804;  
20 P3952; P9679; BA's testimony -- or, rather, the cross-examination by  
21 Prlic Defence of that witness on pages 7423 through 7429; testimony by  
22 Witness BC, both examination-in-chief and cross-examination by the  
23 Prlic Defence recorded on pages 18353 through 18355, as well as pages  
24 18359 and 18595 through 18597.  
25 It was not our intention to harm anybody, but, rather, to say

Page 52946

1 something that should be beneficial for all Defences. We don't think  
2 that we can be prejudicial to anybody, because according to the  
3 principles of the JCE, Milivoj Petkovic can be pronounced responsible for  
4 the actions of other persons and bodies, and this is all we have to say.  
5 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, I am now giving  
6 the floor to Mr. Coric's Defence. His counsel is to speak for  
7 15 minutes.  
8 MS. TOMASEGOVIC TOMIC: [Interpretation] Good morning,  
9 Your Honours. Good morning to everybody in the courtroom.  
10 On pages 8 and 9 of yesterday's transcript, the Prosecutors  
11 assert that de jure it was Mr. Coric and the military police who had  
12 control over detention and prisoners. In this respect they cite two  
13 documents, P837 and P143. Both documents are instructions for the work  
14 of the military police. In both documents, in the section where the  
15 tasks of the military police are listed, under item (I) it says that the  
16 military police provides internal security in military prisons. And  
17 under item (T) it is stated that it participates in securing prisoners of  
18 war. Participates, Your Honour. So these two tasks are listed among  
19 their daily tasks.  
20 In their closing argument and its final brief, the Coric Defence  
21 has asserted and continues to assert that in the daily implementation of  
22 military police tasks the military police was de jure and de facto  
23 subordinated to military commanders. Furthermore, the mere securing of  
24 prisoners does not amount to running a prison. Running a prison includes  
25 control over wardens, visits, food, and releases. None of that -- none

Page 52947

1 of these was done by the military police administration or  
2 Valentin Coric. It was all done by military commanders, for example,  
3 Colonel Obradovic or the Rama Brigade commanders.  
4 Let me give an example. The warden of Gabela was a member of the

5 Knez Domagoj Brigade who was directly subordinated to Obradovic. And the  
6 prison wardens at Prozor were appointed by brigade commanders.  
7 All the details corroborated by evidence have extensively been  
8 dealt with by the Coric Defence in their final brief, and we won't repeat  
9 that now.  
10 On page 18 of yesterday's transcript, the Prosecution offers as a  
11 proven fact that prisoners were handed over to the military police, but  
12 the Prosecution failed to prove that assertion.  
13 The Coric Defence stands by its assertion, which they have  
14 corroborated by evidence during its closing argument, that prisoners were  
15 never, in fact, handed over to the military police, but, rather, that  
16 they stayed in the de facto custody of military commanders and under  
17 their control.  
18 This is not only asserted by the Coric Defence, Your Honours.  
19 Mate Boban knew that too. That is why in his document that we saw on the  
20 screens a short while ago, P5104, in item 7 he commands the Main Staff  
21 that they shall acquaint their subordinated units with that order and  
22 provide professional assistance in the implementation of that order.  
23 There is no item in that order in which Mate Boban says what the  
24 military police should do or the Military Police Administration or,  
25 indeed, the Department of Defence.

Page 52948

1 On -- excuse me. I would like to draw the Trial Chamber's  
2 attention to three more documents that corroborate how Mate Boban's order  
3 was forwarded. That's P5199, 1D1704, and 2D1319.  
4 I apologise to the interpreters. This was a digression. I'll  
5 return to my written speech.  
6 On page 10 of yesterday's transcript, the Prosecution speaks  
7 about the credibility of Prosecution Witness E. To support the  
8 credibility of that witness, the Prosecution refers to document P7411,  
9 which is a document issued by Mr. Pusic, as confirmation that the  
10 military police administration, the ODP, Mr. Prlic, and the SIS took  
11 part in the programme of releasing persons from prison and is showing  
12 affidavits.  
13 I would like to remind the Trial Chamber that neither Witness E  
14 nor the Prosecution, in connection with the releases in which this  
15 witness was involved, failed to mention any one of these bodies, and that  
16 is precisely one of the reasons, but only one of them, why the  
17 Coric Defence challenges the credibility of Witness E.  
18 Witness E and his documents testified to a practice that was very  
19 different. They mention none of these bodies. And they don't mention  
20 the way of releasing people as described in Mr. Pusic's document with  
21 which the whole story began.  
22 Some other persons are mentioned in connection with Witness E,  
23 such as some attorneys who have nowhere else, except in that one  
24 particular location, have been involved in any activities that have to do  
25 with the release of prisoners or the showing of affidavits.

Page 52949

1 At the place where Witness E acted, the practice was unique and  
2 unorthodox. It was devised by Witness E of his own accord and in  
3 co-operation with some persons that were close to him. The military  
4 police administration or Valentin Coric or any one of the above-mentioned  
5 bodies, such as the ODP, the SIS, or the exchange service, had nothing  
6 to do with that.  
7 On pages 9 and 10 of yesterday's transcript, the Prosecution

8 cites document P7411, page 4, item 5, and say that the exchange service  
9 with the crime enforcement department of the military police and some  
10 other services grouped all prisoners together, which effected their  
11 release if they had all the required documents.

12 Contrary to the assertions of the Prosecution, this document says  
13 that the exchange service compiled a list. And in that context, the  
14 crime enforcement department of the military police is not mentioned at  
15 all.

16 The Coric Defence asserts, and continues to assert, and it is  
17 also corroborated by documents and witnesses we -- whom we have cited,  
18 that the crime enforcement service got these lists from the exchange  
19 service and some other bodies. That list -- on that list there were the  
20 names of some imprisoned persons.

21 With regard to these names, the crime enforcement service was  
22 duty-bound to issue a certificate and forward it to these other bodies.  
23 This certificate only contained one piece of information, namely whether  
24 or not criminal proceedings are pending against that particular person  
25 from the list. That certificate did not contain information as to

Page 52950

1 whether the person may or may not be released. Therefore, the crime  
2 enforcement service only provided such information as is given by the  
3 police anywhere in the world. The crime enforcement service did not  
4 decide about releases.

5 I would also like to draw your attention to documents P4450 and  
6 6D169.

7 Thank you, Your Honours. The Coric Defence has finished.

8 I would just like to point out that on page 27, line 15, after  
9 the -- after -- after the word exchange -- or the word exchange should be  
10 followed by the word "service." Exchange service, in other words.

11 JUDGE ANTONETTI: [Interpretation] Very well. Thank you.

12 Mr. Ibrsimovic, you have the floor for the Pusic Defence. Mr. Pusic is  
13 not here, but he's represented. He's ill. So you have the floor for the  
14 last rejoinder.

15 MR. IBRISIMOVIC: [Interpretation] Thank you, Mr. President. In  
16 our rejoinder we'll refer to transcript pages 52825 through 52827.  
17 Talking about advancing arguments, then I must say that what we heard  
18 yesterday from Mr. Stringer is just a repetition of what has already  
19 been -- had already been said in the final brief of the Prosecution and  
20 in the closing arguments of Mr. Kruger. We have heard nothing new that  
21 would justify advancing additional arguments. Namely, there must be some  
22 standards in place to allow advancing arguments in rebuttal. In our  
23 submission, these standards had not been met.

24 What did Mr. Stringer do? He merely repeated what had been said  
25 by Mr. Kruger in his closing argument when he was accusing Mr. Pusic.

Page 52951

1 Mr. Stringer even cited the same document as Mr. Kruger did in his  
2 closing argument. If we look at transcript page 52159, we see that  
3 Mr. Kruger cited the same document as Ms. Tomasegovic, and that is P7411.  
4 And it was cited again in this courtroom by Mr. Stringer. It's document  
5 P7411, which was mentioned by Mr. Kruger in his closing argument and  
6 again yesterday by Mr. Stringer. We don't understand why. Probably to  
7 reinforce their case as anticipated by Mr. Khan.

8 It is a document which doesn't show that Mr. Pusic had any power  
9 or authority. It has been dealt with in the Prosecution final brief in  
10 paragraph 1248 and 1251, and it was documentary evidence which was not

11 shown to any witness in this courtroom.  
12 Furthermore, Mr. Stringer cited Witness E's evidence, who was  
13 heard during the proceedings, but Mr. -- or Witness E's evidence cannot  
14 be linked to Mr. Pusic when it comes to the issuing of affidavits or  
15 letters of guarantee or the transfer to third countries.  
16 The Prosecution dealt with the evidence of this witness  
17 extensively in paragraph 1103 and 1106 of their final brief. Again,  
18 nothing new that would justify advancing these arguments in yesterday's  
19 rebuttal.  
20 Mr. Stringer cited document P7124, and the same document is dealt  
21 with in paragraph 320, 1203, 1232, 1255, 1310 of the Prosecution final  
22 brief, as well as in the Pusic final brief in paragraph 468 and 479.  
23 It is also a document showing that a meeting was held on  
24 11 December 1993, but it doesn't point out any power, authority vested in  
25 Mr. Pusic. It was a meeting attended even by totally anonymous and

Page 52952

1 irrelevant persons of whom we know nothing.  
2 On 11 December 1993, Mr. Pusic, as a result of this meeting, was  
3 not appointed as a member of any one commission that had the formal power  
4 to decide on prisoners in detention centres. The paragraphs on page  
5 29923 should be 468 through 479.  
6 Yesterday we did hear something new from Mr. Stringer after all,  
7 on page 52825 through 52827, namely a rhetoric that is much milder with  
8 regard to Berislav Pusic. I quote the transcript of 1 March 2011. The  
9 Prosecutor said that Berislav Pusic no longer had exclusive powers with  
10 regard to prisoners in military prisons and that his service is  
11 co-responsible, that he was no longer -- he now no longer is in a  
12 position to do everything himself. But Mr. Stringer as at -- this  
13 actually was never the position of the Prosecution in the first place,  
14 that this was the exclusive right of Mr. Pusic.  
15 If we look at slide 6 that was part of the PowerPoint  
16 presentation here, the exchange service headed by Mr. Pusic and the  
17 commission established by Mr. Stojic on 6 August 1993 now is merely in a  
18 position of de jure responsibility. The de facto responsibility that was  
19 debated during these proceedings is no longer there. Thus, there is no  
20 more exclusiveness of Mr. Pusic as mentioned in paragraph 1190 of their  
21 final brief with regard to prisoners of war.  
22 What can I say at the end of these proceedings? I haven't heard  
23 anything about who Mr. Pusic was or what he did, and nobody else in the  
24 courtroom has heard it. We needed five years to come up with an answer  
25 to this question. Of course, that is the exclusive duty of the

Page 52953

1 Prosecution. They were duty-bound to provide that answer. Certainly  
2 there is the Golden Rule in dubio pro reo, which was mentioned by my  
3 learned friend Mr. Khan and so did Mr. Sahota. The only possible  
4 conclusion is an acquittal of Mr. Pusic.  
5 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Ibrisimovic.  
6 The rejoinders are now finished. We will now have a 20-minute  
7 break. And when we resume, I will give the floor to the accused if they  
8 wish.  
9 --- Recess taken at 10.21 a.m.  
10 --- On resuming at 10.49 a.m.  
11 JUDGE ANTONETTI: [Interpretation] The Court is back in session.  
12 Mr. Prlic, you have the floor.  
13 THE ACCUSED PRLIC: For almost 20 years I fought for a modern

14 European Bosnia and Herzegovina with equal nations and citizens. At the  
15 risk of sounding immodest, there is no one that I know of with a better  
16 record about that. The protection of this historical heritage and  
17 constitutional basis of my country was also the mission of my entire  
18 life. No one is able to question that, including during the period of  
19 the indictment.

20 Your Honours, I'm not going to repeat my opening statement, which  
21 was entirely confirmed during my defence and even strengthened during  
22 other defence cases by new exhibits and testimonies, except that context  
23 is very important for understanding the events relating this case.

24 When the war started, I voluntarily came back from the  
25 United States in 1992 to become a soldier. And later, I was appointed to

Page 52954

1 the Special Purpose Council in Mostar. These were reasonable steps. All  
2 of us were obliged to defend our country in accordance with the system of  
3 the All People's Defence. Under the difficult circumstances of that  
4 time, there was a need to organise ourselves from bottom up and to try to  
5 stop the chaos. I was entrusted, perhaps because of my previous  
6 experiences and record, to try to help in co-ordinating the civilian  
7 parts among different municipalities and the government in Sarajevo.  
8 Such was the purpose of my appointment in the Croatian Community of  
9 Herceg-Bosna, which was an administrative provisional authority in the  
10 areas of more than 50 municipalities. This cannot be possibly related  
11 with the 1939 Banovina, which is presented as a territorial goal of the  
12 alleged JCE. This authority was established as a reaction to the war and  
13 as an attempt to fill in the gaps in the functioning of the newly  
14 recognised State of Bosnia-Herzegovina.

15 You have to keep in mind the events as they were unfolding in and  
16 around Bosnia and Herzegovina, the challenges that emerged from the  
17 mutual collapse of all financial and social services, the lack of  
18 security at the state and local level, and the ongoing uncertainty that  
19 prevailed.

20 The steps the Muslim side was taking added to the insecurity of  
21 the Croats of Bosnia and Herzegovina. Izetbegovic and the SDA seemed to  
22 be pursuing a policy that effectively would strip of the constituent  
23 status of the Croat people in Bosnia and Herzegovina. We Croats wanted  
24 to ensure that we would be enjoying full and equal rights as one of the  
25 constituent peoples in the new Bosnia and Herzegovina.

Page 52955

1 We never advocated that either the Muslims or Serbs be denied  
2 their rights as constituent peoples of Bosnia and Herzegovina, but we  
3 insist then, as we continue to insist today, that we Croats have the  
4 rights to preserve our status, our heritage, and our culture. We were  
5 not then and we are not today Roman Catholic Bosnians. We are Croats  
6 from Bosnia and Herzegovina.

7 This was confirmed by every international peace proposal which  
8 recognised our rights, that took part of the peace plans for the  
9 constitutional framework of a post-Yugoslavia Bosnia and Herzegovina.  
10 All the peace plans were based on the result of censuses, and none of  
11 these plans recognised any ethnic changes by force. We supported this  
12 fundamental principle and never advocated for any type of ethnic  
13 cleansing of any nation.

14 Even in the darkest moment of the conflict, when the Croats of  
15 Central Bosnia were forced to escape for safety, we never accepted that  
16 the ancestral homes of the Croats in that part of Bosnia and Herzegovina

17 would be lost forever. We always expected that in the end of the war all  
18 citizens from Bosnia and Herzegovina who were forced to leave or left out  
19 of fear would return to their homes. We never wanted less for Muslims or  
20 Serbs than we were hoping for ourselves.

21 The work of HVO or Croatian Community of Herceg-Bosna is the  
22 interim executive body and later of the government of Croatian Republic  
23 Herceg-Bosna. It was the most honest approach to the building of such  
24 Bosnia-Herzegovina, one that would be accepted by all its citizens. This  
25 cannot be questioned, despite some criminal activities that occurred

Page 52956

1 during these times of war. By the word "honest," I mean that our goal  
2 was to protect the independence of Bosnia-Herzegovina based on the  
3 reconciliation of its constituent peoples and rights of all citizens  
4 following the part of the international negotiations about its internal  
5 organisation and reacting to the events with interim measures.

6 For internationals who came to Bosnia and Herzegovina with fixed  
7 ideas, the majority of constitutional and the organisational things were  
8 difficult to be understood, and they still are. We had [indiscernible]  
9 system that we had inherited from the former Yugoslavia. For all of us  
10 living and working in Bosnia and Herzegovina, it made sense, and we all  
11 understand -- understood the de jure authority and responsibilities that  
12 went with various institutions and positions.

13 To those coming from Western democracies, it is obvious, then,  
14 listening to the understanding of how things worked and what the actual  
15 authority was behind titles, that little or no actual effort was made to  
16 truly understand how our system operated. It is also a fact that certain  
17 people had different ideas, like Tadjman in certain times, but one needs  
18 to look at what was happening on the ground.

19 I met Tadjman only once in 1992, and then next during a  
20 presidential meeting in November 1993. I never heard him speaking  
21 against the independence of Bosnia and Herzegovina or against the  
22 constituent rights of all free peoples or against peace or against  
23 principle of any of the proposed international peace plans.

24 Without contacts with the leaders of Croatia, we wouldn't be  
25 able, for instance, to defend ourselves or to establish state border

Page 52957

1 between Croatia and Bosnia and Herzegovina. The basic evidence of this  
2 attitude are the presidential transcript, but in their entirety and not  
3 by selectively picking and choosing passages out of context.

4 I also want to point out the existence of numerous mistakes in  
5 the presidential transcripts, not to mention how easy it is to  
6 misinterpret or misuse this information. Take, for instance, in  
7 paragraph 398 in Prosecution final brief, footnote 916, where there is  
8 reference to PO 8288, where the Prosecution attributes the words to me,  
9 and a close reading of the transcript shows that someone else,  
10 unidentified, is talking. This is rather obvious when considering that  
11 the speaker says that he majored in history.

12 This may be unintended mistake by the Prosecution, but it does  
13 serve as an example of how easy it is to misread these transcripts and  
14 perhaps draw erroneous conclusions.

15 Your Honours, you also have all the minutes of the HVO HZ-HB  
16 meetings, which I was chairing. I urge that all be read, preferably  
17 chronologically, which would allow for context and perspective in light  
18 of the circumstances. None of the decision can be possibly linked with  
19 aims of the alleged joint criminal enterprise or with crimes themselves.

20 I also urge you to consider my conduct, my public statement, and  
21 activities not only in relation to those minutes and decisions but also  
22 with my counterparts and the representatives of the international  
23 organisations. I did try to have positive engagement with Izetbegovic,  
24 Silajdzic, and others. Perhaps that is why I was considered as a  
25 suitable interim or acting prime minister after Medjugorje Agreement in

Page 52958

1 1993, minister of defence after the Washington Agreement, or minister of  
2 foreign affairs after Dayton Peace Accord.

3 My activities with Prosecution Witness DZ in trying to resolve  
4 the situation in Mostar is another example. It went unnoticed because  
5 everything I was doing with DZ, my counterparts in East Mostar, and  
6 Silajdzic were secret. Not even DZ's superiors knew all the activities,  
7 let alone the other international organisation that operating on the  
8 ground.

9 It is easy to jump to conclusions that I did almost nothing if  
10 one does not know all the facts or assumes and fixes authority upon  
11 which -- which I did not have. Hopefully, Your Honours, you have a  
12 fuller picture now that some of the facts have come out in the open and  
13 you reflect back having in mind the circumstances and placing the facts  
14 in proper context.

15 The structures and institutions that we, the HVO HZ-HB  
16 collective, contributed to establish there was fundamental in bringing an  
17 element of formality in the organisation to the chaos that engulfed my  
18 country after the beginning of war. It was a temporary executive  
19 authority, something that was stressed at all times.

20 Our aim was to ensure that everybody remained at their homes,  
21 that social structures, as we knew, would continue. Schools, hospitals,  
22 financial institution would function in this very chaotic and  
23 unpredictable -- unpredictable -- like King's Speech - unpredictable  
24 environment.

25 If we failed in achieving all our goals, it was not for lack of

Page 52959

1 trying. What is clear and what I do want to stress here today is that we  
2 at the HVO HZ-HB never set out to discriminate against anyone. The  
3 HVO HZ-HB was an interim executive body for civilian affairs, not a  
4 Joint Command as the Prosecutor appears to suggest. It was supposed to  
5 cease working after just several months of [indiscernible] functioning,  
6 when the Vance-Owen Peace Plan was adopted in January 1993, which would  
7 allow the position in provinces and a central government to be filled  
8 jointly with Muslims. However, there were hesitation on the Muslim side  
9 in making appointment. For instance, in Mostar, on parity basis with  
10 Croats, then the Army of BH strategically started a conflict. And as a  
11 reaction, there was a new international peace proposal for a union of  
12 free republic. Croatian Republic Herceg-Bosna was set up further to this  
13 so called Owen-Stoltenberg Plan.

14 In November 1993, the government of Croatian Republic was founded  
15 with more competent compositions, with an active parliament, and other  
16 institutions which almost immediately gave positive results. One can say  
17 that the executive structures started to function, and evidence of that  
18 are the first working programme and the budget for 1994 [indiscernible]  
19 the improvement of the overall situation. I want to stress that I don't  
20 shy away from any of the collective decisions signed on behalf of HVO  
21 HZ-HB in my capacity as its president, and I'm not avoiding any  
22 responsibility. Allow me, however, to clarify my role.

23 I was not able to give any operative or administrative order.  
24 Both Chief of Staff testified about that. Neither to the military police  
25 nor to SIS nor to municipalities nor to anybody else, including the

Page 52960

1 members of the interim executive body, and there is no evidence contrary  
2 to this.

3 Indicative of my limited role is, for instance, that I had to ask  
4 local authorities to issue me a pass in order to be able to move around  
5 in Veli Mostar.

6 As I said in opening statement, I never committed any crime, nor  
7 did I encourage the commission of any crime, nor am I aware of the fact  
8 that any of the members of the executive provisional body were involved  
9 in anything like this. We did everything to alleviate the consequences  
10 of war and destruction, and we took all the steps required to see the  
11 perpetrators of those crimes punished.

12 Concretely, I have never had custody over prisoners. My function  
13 did not foresee detaining or imprisoning anyone. I didn't kept any power  
14 to release anyone. The HVO HZ-HB did not establish detention centres.  
15 It simply could not do that. And there is not evidence where the  
16 HVO HZ-HB and I as its president overstepped our de jure authority.  
17 With the orders issued by the president of Croatian Community of  
18 Herceg-Bosna, conditions were created for the HVO HZ-HB to make a  
19 concrete contribution, improving the conditions, and finally closing the  
20 detention centres. Without this order, we were powerless to do anything,  
21 both de jure and de facto.

22 As the president of HVO HZ-HB and the government of Croatian  
23 Republic, I did everything for the prisoners and all victims that my  
24 position and my role allowed. And those who suffered deserve sincere  
25 compassion and justice. I did try to make a positive difference, and

Page 52961

1 during those times and in that environment, it was not easy. The fact  
2 that I tried to do more and my function envisaged or permitted does not  
3 mean that I had such competencies. I put myself at the disposal of  
4 anyone without a [indiscernible], from Croatia, international  
5 organisations, in the media, to bring about necessary positive changes.

6 I've already said that I stand by all decisions of the HVO HZ-HB  
7 and later on the government of Croatian Republic, but I have often asked  
8 myself if this situation happened again, would I do anything different or  
9 maybe did I omit to do something? I have found nothing, having in my  
10 circumstances.

11 In that period, I could have left, escaped, and avoided the  
12 indictment, but in that case I would have been guilty to myself my entire  
13 life because I failed to do something in order to improve the situation.  
14 Who would have benefitted from my leaving? I stayed so that I could look  
15 everyone in the eye and could continue working on the project of building  
16 a modern, independent Bosnia and Herzegovina, a project to which I  
17 devoted most of my life.

18 How could I accept the thesis that I occupied my own country for  
19 which I was among the very first, as people said, who already in 1990 was  
20 in favour of its independence? I held many governmental positions in  
21 Bosnia and Herzegovina as its vice-president and acting president until  
22 1991 and then from 1994 until 2003. First as minister of defence for  
23 Bosnia and Herzegovina, which means that I was entrusted with overseeing  
24 the activities of both the Army of BH and HVO while the war continued,  
25 all the way up to the Dayton Peace Accord. And all in that small area

1 where people knew, as they say, who was shooting at whom. After all, for  
2 all those who had left their homes in any manner, the governments to  
3 which I was a member ensured their return and the return of their  
4 property. I repeat, for all, no matter of their national affiliation,  
5 including from the municipalities mentioned in the indictment.  
6 As the head of practically the only functioning ministry in  
7 state, the Ministry of Foreign Affairs for Bosnia and Herzegovina, I  
8 represented for more than five years all of its citizens, including the  
9 victims of these times of war. Throughout all these position, I have  
10 supported project of international justice.  
11 Despite almost seven years in custody, despite all speeches of my  
12 accusers, I still trust this Tribunal is able to bring justice, as I  
13 believed in all those years since 1993.  
14 Your Honours, you have the evidence before you. I ask that you  
15 not succumb to any [indiscernible] or final briefs. Examine carefully  
16 all the testimonies and all the evidence. Please turn to the realistic  
17 context of the entirety of the events. I am confident that with that  
18 approach you will succeed in making a fair and objective decision.  
19 Thank you, Your Honours, for your understanding and for the very  
20 hard force you have put thus far into this case and for all the hard work  
21 that practically lies ahead of you.  
22 JUDGE ANTONETTI: [Interpretation] Thank you.  
23 Mr. Stojic is now going to take the floor.  
24 THE ACCUSED STOJIC: [Interpretation] Good morning, Your Honours,  
25 and good morning to everybody in the courtroom.

1 Your Honours, I've not prepared a speech. I've not prepared any  
2 notes. I'm going to speak from my heart and from my soul. I'll share  
3 with you my feelings, and I did not need to prepare for that. There are  
4 just a few things that I would like to share with everybody.  
5 First of all, Your Honours, I would like to thank you for your  
6 understanding, when you did me favours and let me go home to my family.  
7 My family also has to bear the same burden that I've been bearing for  
8 five or six years.  
9 Your Honours, you know that as soon as I was indicted I  
10 surrendered myself to this Tribunal. I respect the Tribunal. I respect  
11 you, Your Honours. And I will respect every decision as I have done in  
12 the past.  
13 For example, when you granted me provisional release, I respected  
14 that. And I believe that you didn't have any objections to the way I met  
15 the conditions of my provisional release, because I did it fully.  
16 Throughout the trial I've been present in the courtroom. I  
17 believe that only myself and His Honour Judge Antonetti have been in the  
18 courtroom every day, day in, day out. There were even situations when I  
19 presented myself running a fever. My lawyers know that only too well,  
20 but I was present every second of the trial.  
21 Your Honours, as far as the judgement is concerned, there is just  
22 one thing that I would like to ask you. I know that you have a lot of  
23 documents to study. I've studied all the documents over the last six or  
24 seven years. I have left no stone unturned with my lawyers. And it was  
25 not easy to do it. And I'm sure that it will not be easy for you either.

1 But please read everything. Read the transcript. It -- read all the  
2 documents. Look at all the facts and render your judgement based on  
3 that.  
4 Your Honours, this is what I have to say in open session:  
5 Whatever your decision may be, I will honour it to the very last word,  
6 because you're honourable people, you're good Judges, and you are doing  
7 your job well.  
8 Second of all, I would like to thank my Defence team for the  
9 understanding they showed to me during these proceedings. They have been  
10 very understanding towards myself, towards my family. They've always  
11 found time to talk to my family, to my wife, to my children, and to my  
12 parents. I would like to thank them for the hard work that they've done  
13 over the past five years. And I have to tell you, Your Honours, that  
14 whatever they have told you during the proceedings, in their closing  
15 arguments, all that had been agreed with me, and I stand behind every one  
16 of their words.  
17 Your Honours, I also wanted to say at the very end one of the  
18 most important things, and those are the victims of this war. The  
19 hardest moments in my life were when I listened to these people, when I  
20 looked at them here in the courtroom.  
21 Your Honours, I assure you that there's no document, that there  
22 is no proof of my conduct that contributed to any of the crimes. I never  
23 ordered any crimes. I never condoned any crimes. And I know that there  
24 were crimes. I've -- I've seen that in the courtroom.  
25 Your Honours, from the bottom of my heart, I would like to say

Page 52965

1 that I sympathise. I feel compassion for those people, for the victims  
2 of the war that happened down there, and especially the Muslim victims of  
3 that war.  
4 Thank you very much, Your Honours, for your patience. This is  
5 all I had to say.  
6 JUDGE ANTONETTI: [Interpretation] Thank you. I'm now giving the  
7 floor to the last accused who wishes to speak. I believe this is  
8 General Petkovic.  
9 THE ACCUSED PETKOVIC: [Interpretation] Good morning to everybody  
10 in courtroom, and especially to you, Your Honours.  
11 Although I was a professional soldier, a career soldier who had  
12 been trained for warfare, my nature is entirely different. I really  
13 believe that it is better to talk and negotiate, to reach a peaceful  
14 agreement on any of the disputes than wage war, albeit for a day, and  
15 this is what I advocated in mid-1993, and I still advocate that. My  
16 opinion hasn't changed. However, war, unfortunately, was unavoidable in  
17 the former Yugoslavia as it was at the time. When I was a member of the  
18 JNA before the war, I never even dreamt that the peoples of Yugoslavia  
19 could wage a war against each other, and it never occurred to me that the  
20 main force that would start the wheels of war turning might be the  
21 Yugoslav People's Army, an army that I had served in for 20 years.  
22 Unfortunately, the JNA waged that war in the interest of only one people  
23 of the former Yugoslavia and we know only too well which people was that.  
24 When the things started, I knew what to do. I didn't have  
25 anything to do with Serbia. My homeland was Croatia. And it is only

Page 52966

1 normal that I decided to help my own state, my own Republic of Croatia.  
2 During the course of that war, my destiny also took me to the  
3 south of Croatia. That was at the greatest peril at that time. In 1992,

4 UNPROFOR was already was between the warring sides in the most Croatia  
5 but not in the south, which means that Croatia had a tacit right to try  
6 and liberate its southern part. That's why I joined the command in  
7 Blace -- in Ploce. I joined all the others in their effort to march  
8 towards Dubrovnik and liberate that part of Croatia.  
9 Initially, we wanted to prevent the occupation of larger  
10 territories. Unfortunately, all the attacks were launched from the  
11 republic which had the longest border with Croatia and that's Bosnia.  
12 And it was not the Muslim people that launched attacks against the  
13 Republic of Croatia. Those were the units of the JNA which had been  
14 brought over from Serbia and that had been transferred from Slovenia and  
15 Croatia, and they were the ones that had to be countered. And we stopped  
16 them. We stopped their onslaught in the valley of the Neretva River.  
17 Just as we were getting ready to march towards Dubrovnik, they had their  
18 own ideas, and that's when Kupres happened in the month of April 1993.  
19 More powerful and better equipped, the JNA overpowered the HVO in  
20 Kupres. They threatened Livno, Kupres, Tomislavgrad, and the entire  
21 territory of the Republic of Croatia from Sinj to the Neretva valley.  
22 Your Honours, in that part of the Croatian border there was no single  
23 Croatian soldier. The way we saw things was that the people of Bosnia  
24 and Herzegovina would manage to stop the JNA, that they would -- the JNA  
25 would not be allowed to get to Bosnia and Herzegovina or through Bosnia

Page 52967

1 and Herzegovina down to the Republic of Croatia. But the situation was  
2 different. We had to stop our efforts to liberate the south of Croatia  
3 and instead to help the HVO forces, which by then were still not well  
4 organised. And I repeat, only the HVO forces. When I arrived there in  
5 April, there was no other formation there. There was no other army  
6 presence there.  
7 Fortunately enough, with our help the HVO managed to save Livno,  
8 Tomislavgrad, and Prozor. And never again was the JNA capable of posing  
9 a serious threat in the Livno theatre of war.  
10 Let me tell you that I spoke to the commander of those forces,  
11 the OG in Kupres. The commander was General Galic. I asked him what his  
12 opinion was about the attacks against the HVO and their onslaughts  
13 towards the territory of the Republic of Croatia. When that problem was  
14 solved, we had to solve the problem that existed in the Neretva valley.  
15 The problem was major, and the HVO was a small military. Truth be told,  
16 along the border of the Republic of Croatia they did have the assistance  
17 of the Croatian Army. All that was resolved in June 1993, and this was  
18 the first large area that the forces that fought against the Serbs in  
19 Bosnia and Herzegovina managed to liberate. And those were the forces of  
20 the HVO with quite a large participation of Muslim people among their  
21 ranks. Those people volunteered and joined the HVO of their own will.  
22 And let's not forget that there was also an organised force of the  
23 then-government, the independent Mostar Battalion and its 350 soldiers.  
24 So that was part of the organised BiH Army.  
25 Therefore, I went to counter the attacks of Serbia -- Serbs in

Page 52968

1 Bosnia. That's how I wished to help the defence of the Republic of  
2 Croatia as well as the Republic of Bosnia and Herzegovina. Without that  
3 fight, without that assistance, Bosnia and Herzegovina would have lost  
4 all touch with the outer world. That part of the Republic of Croatia,  
5 that border south of Split down to the Neretva valley, is the only  
6 connection of the free part of Bosnia and Herzegovina with the world. At

7 least that was the situation then. Life was difficult there, but still  
8 there was life. And I'm proud that we managed to maintain that area, to  
9 make it viable, to make it functionable, to make it passable, to keep the  
10 free passage from Bosnia-Herzegovina to the Republic of Croatia and from  
11 there even further, both from Croats and Muslims who resided in Bosnia  
12 and Herzegovina at the time.

13 I was one of those who created the Croatian Defence Council. I  
14 used my knowledge from the JNA and the Croatian Army that I had gathered  
15 thus far. And I repeat once again, neither myself nor anybody else never  
16 prevented a Muslim soldier who wanted to become a member of the  
17 Croatian Defence Council from doing so. They joined us in their  
18 hundreds. We accepted them, we equipped them, we armed them, and  
19 together with them we waged the same war.

20 In the month of February, I wrote a letter to Sefer Halilovic,  
21 and I told him that I rejoice every new soldier, a Croat and Muslim  
22 alike, because all of us would fight together. And I also told him in  
23 that letter that I was happy that his commander Ali Pasalic understood  
24 the situation and accepted, as he put it himself, Petkovic as commander  
25 in that area. He said, There are very few of us; we do not have the

Page 52969

1 power; and I will be in command in Konjic because there I have more power  
2 than you do. And we accepted that fact. That's how we did until the  
3 month of April 1993.

4 There are numerous orders speaking to that effect, about Pasalic  
5 reporting to me, about measures that he took, how he ordered his  
6 brigades, either the Mostar Brigade or the Bregava Brigade, and all the  
7 other units under his command.

8 Incidents and misunderstandings started sometime in April, and  
9 they became more frequent and lasted longer. I claim that I did all that  
10 I could, together with Sefer Halilovic and Arif Pasalic, to establish the  
11 relationship of trust and co-operation.

12 Your Honours, you heard, and I'll try to briefly summarise what  
13 happened from the 18th of April 1993 until the moment when Halilovic left  
14 his position, I'll try to tell you what we did, and I admit that it was  
15 done with the help of the international community.

16 On the 18th of April, Mr. Boban and Mr. Izetbegovic issued a  
17 statement that conflicts had to be stopped. General Krnovas [phoen] came  
18 to Mostar at that time. Mr. Thebault came to Mostar, Mr. Ganic came, a  
19 member of the Presidency of Croat -- his name escapes me. Oh, yes,  
20 Boras. I was there as well, Pasalic was there, Mr. Prlic was there. And  
21 we agreed on that day that we would resolve the situation in Mostar. And  
22 Halilovic was supposed to arrive and attend the meeting because that's  
23 what Mr. Izetbegovic had promised us. Zagreb, Halilovic did arrive,  
24 together with Mr. Morillion, on the 19th of April. They flew to Mostar,  
25 and they joined the team.

Page 52970

1 On the 19th, we toured Mostar. We inspected the area together.  
2 And then we decided that General Pellnas would work together with the  
3 Mostar Group and cover the area from Mostar to Konjic and that the rest  
4 of us, led by General Morillon and Mr. Thebault, should set out to  
5 Central Bosnia. We arrived in Zenica and you saw that that on the  
6 20th we, firstly, despite fierce arguments, we issued an  
7 argument [as interpreted] where it says on the bullet point 1 that we  
8 were members of the same army. The document was testified by both  
9 Mr. Thebault and Mr. Morillon. They put their signatures on the

10 document.

11 A lot of support to that document was issued by Mr. Ganic, the  
12 then-president of the Presidency who was with us, and Mr. Zubak, who was  
13 a member of our delegation.

14 On the following day, after we spent the entire night telephoning  
15 to all command levels to tell them that we wanted a complete cease-fire,  
16 after a short stay in the British Battalion, we spent the entire  
17 following day touring the most threatened areas. Myself, Halilovic, and  
18 all the other men who were with us. And for that I'm eternally grateful  
19 to the British Battalion who took us to every single point where we  
20 wanted to go. And we managed. We managed to deal with the situation in  
21 Central Bosnia. And on the following day we continued, and then we  
22 received an invitation on the 24th to report to Zagreb or, rather, to be  
23 in Zagreb on the 24th at that a meeting would take place there.  
24 So Mr. Boban, Mr. Izetbegovic, myself, and Halilovic we went to  
25 Zagreb to discuss the situation further. In Zagreb we confirmed by way

Page 52971

1 of a statement that we were a single army and the two of us signed a  
2 statement about a Joint Command that had to be established and that we  
3 accepted that. And as we accepted all that, we returned to the territory  
4 of Bosnia and Herzegovina. And then on the 28th, immediately after that,  
5 three days thereafter, with the help of Mr. Thebault, we arrived in  
6 Jablanica. We tried to agree as to what should be done in Jablanica and  
7 Konjic when it was their turn. And then we continued towards Zenica.  
8 On the 28th we were in Zenica, on the 29th and the 30th we stayed  
9 in the area, in the general area. We established the Joint Staff of the  
10 armed forces of Bosnia and Herzegovina. You had an occasion to listen to  
11 Filipovic, my representative the Croatian Defence Council, and you also  
12 saw a list of the people whom I delegated into the Joint Staff. You saw  
13 that my intentions were good. I faxed the same document to Lord Owen, to  
14 show him that our intentions were serious. This is what we did. We  
15 established a Joint Staff. And then on the 29th and the 30th of April,  
16 we issued our first orders. It was myself and Halilovic who issued them,  
17 but the heading read, The Joint Staff of the armed forces of  
18 Bosnia-Herzegovina. That was the official heading. I signed the  
19 documents on behalf of the joint forces of Bosnia and Herzegovina.  
20 After the 30th of April, we agreed that due to certain  
21 commitments that Halilovic had in other parts of the theatre of war that  
22 concerned the Serbs that we should meet in Jablanica. And then on the  
23 4th and 5th of May we did arrive in Jablanica. After a very hard  
24 meeting, we again started to tour the area in order to resolve the  
25 matters on the ground as much as we could at that moment. At that time,

Page 52972

1 unfortunately, the 9th of May happened. You heard the arguments proposed  
2 both the Prosecution and the Defence. It's up to you to decide what  
3 happened there. However, on the 10th of May, pursuant to the agreement  
4 by Izetbegovic and Boban, I was in Kiseljak. On the 11th, I was joined  
5 by Halilovic. And I think it was only normal for us to return where it  
6 was dangerous and that was the Neretva valley. And then we arrived in  
7 Medjugorje. You all saw documents, but let me say that we were together  
8 on the 12th, on the 13th, on the 14th. We were together with the  
9 representatives of international organisations and we were all there in  
10 order to deal with very concrete problems. And I admit that those were  
11 not minor problems. We were not sitting in the command in Medjugorje.  
12 We toured the area just as before.

13 And then already on the 18th, again upon the invitation of the  
14 president, we found ourselves in Medjugorje. Mr. Prlic also mentioned  
15 that date. He told you what was agreed there. Myself and Halilovic  
16 remained together on the 19th, then in Mostar on the 20th and the 21st of  
17 May. Again on the 21st of May we were in Konjic and Jablanica. We were  
18 there in order to try and deal with very specific problems on the ground.  
19 And let me continue. A short interruption ensued. And then on  
20 the 28th of May we found ourselves in Sarajevo, myself and him, as well  
21 as the gentleman from UNPROFOR.  
22 I assert, Your Honours, that if we -- we managed to place the  
23 situation under a tolerable control. However, what happened after that  
24 was Travnik, the beginning of June. The HVO was attacked in Travnik.  
25 It -- and 20.000 Croats scattered in different directions. On the

Page 52973

1 9th of June, I was invited by the international community to arrange a  
2 meeting in Kiseljak with Halilovic. I arrived. I waited. And I learned  
3 from General Morillon that Rasim Delic on that day was standing in for  
4 Halilovic or, rather, replaced Halilovic on the day. He asked me to  
5 stay. He asked me to wait until Delic arrived in Kiseljak. Delic did  
6 arrive in Kiseljak on the 10th. You have that document, we signed that  
7 document, it was an agreement of sorts; however, what Halilovic had done  
8 before him, Delic never did. Delic said that he had only assumed his  
9 duties and that he had to return to the command in Sarajevo in order to  
10 be briefed by his own men, and Travnik remained out of his focus, as it  
11 were.  
12 Truth be told, under bullet point 2 we said that we would brief  
13 members of the Joint Staff about everything. To be honest, unofficial --  
14 unofficial stories and rumours according to which Halilovic was a bosom  
15 buddy with Petkovic and that the two of them together were preventing the  
16 BH Army from achieving further successes; I don't know who spread those  
17 rumours, but once again you have to look what was happening between the  
18 18th of April to the 9th of June. Maybe for five or six days that wasn't  
19 true, but the rest of the time Halilovic and I were always there in the  
20 areas where fighting was going on. This was the only way we knew how to  
21 prevent the evil from getting out of proportions and spreading even  
22 further. That was our way to fight it. In my orders to my subordinates,  
23 I tried to instruct them, to guide them, to refer them to their  
24 colleagues in the BiH Army, to negotiate, to find compromises, to refer  
25 to our agreements and accords.

Page 52974

1 Your Honours, I had my hands full. And I'm sure that, faced with  
2 so many things that I had to deal with, I may have made mistakes. I  
3 don't know what I would do today in a similar situation. It's very  
4 difficult for me to say. I'm sure that I would treat certain things in a  
5 different way, but I can claim that I was very sincere when I spoke to  
6 Halilovic and Pasalic, that I didn't have a hidden agenda.  
7 Your Honours, I would be very happy if this story that I just  
8 shared with you, when I talked to people, when I toured the grounds, if  
9 that had saved lives. And I believe that I did save lives, not just  
10 myself but Mr. Halilovic who was there with me. Unfortunately, my new  
11 counterpart Delic didn't like that approach. He never went to Bugojno,  
12 Fojnica, or anywhere else. He just wasn't keen. He didn't want to go  
13 anywhere. He just waited for me to come to Sarajevo to come to him to  
14 sign documents, and that was so unlike Sefer Halilovic, who was always  
15 there.

16 Your Honours, crimes were never what I wanted. I never planned  
17 or agreed on committing any crimes with anybody. My Defence team and  
18 myself have tried to explain all of my actions to you, Your Honours, and  
19 especially those who are in greatest dispute. And I had the courage to  
20 sit in front of you and answer all the questions that you had to put to  
21 me. During the proceedings I asked the floor in order to help you get to  
22 the truth, to make this -- these proceedings as expeditious as possible,  
23 not only for my sake but for the sake of everybody else.  
24 I believe that you are going to study all the documents in their  
25 integrity. You are professional Judges. I do not have any doubt that

Page 52975

1 your decision will be just and fair.  
2 I take this opportunity to apologise to all the victims of  
3 actions and omissions committed by any members of the HVO, and I  
4 apologise in particular to Muslims, to those Bosniaks with whom I started  
5 defending Bosnia and Herzegovina in 1992.  
6 I am sorry that the unity of the peoples did not last throughout  
7 the war, for four years. And that for almost 12 years we were enemies in  
8 Bosnia and Herzegovina -- for almost 12 months.  
9 I would like to say that in 1994, from the then-leaders of the  
10 HVO I was proposed as the Chief of the Main Staff, and we -- I did that  
11 and worked on the implementation of the Split Agreement and other  
12 agreement that had been issued by then.  
13 Your Honours, I would like to thank you for always being  
14 benevolent towards my humanitarian requests. Thank you for allowing me  
15 to be treated in the Republic of Croatia. And the only times I was  
16 absent from the courtroom was when I was ill. And this is all,  
17 Your Honours, that I thought I should say in my final address. I would  
18 like to thank you for your patience, for your efforts, for your  
19 understanding shown to all us over the past five years. Thank you very  
20 much.  
21 JUDGE ANTONETTI: [Interpretation] Very well. All the accused who  
22 have wanted to speak have done so.  
23 Let me read out Rule 87(A) of the Rules:  
24 "Following the parties' closing arguments, the Presiding Judge  
25 brings the proceedings to a close, and the Trial Chamber will then

Page 52976

1 deliberate in camera. The accused will only be found guilty if the  
2 Trial Chamber is of the view that their guilt has been proved beyond  
3 reasonable doubt."  
4 I see that I can take note of the fact that the closing arguments  
5 have been done. I now adjourn the hearing sine die.  
6 --- Whereupon the hearing adjourned at 11.44 p.m.  
7 sine die  
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