



International Tribunal for the  
Prosecution of Persons Responsible for  
Serious Violations of International  
Humanitarian Law Committed in the  
Territory of the Former Yugoslavia  
since 1991

Case No.: IT-04-74-T  
Date: 7 September 2006  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti  
Judge Árpád Prandler  
Judge Stefan Trechsel  
Reserve Judge Antoine Kesia-Mbe Mindua

**Registrar:** Mr Hans Holthuis

**Decision of:** 7 September 2006

**THE PROSECUTOR**

v.

**Jadranko PRLIĆ  
Bruno STOJIC  
Slobodan PRALJAK  
Milivoj PETKOVIĆ  
Valentin ĆORIĆ  
Berislav PUŠIĆ**

**DECISION ON PROSECUTION MOTIONS FOR JUDICIAL NOTICE  
OF ADJUDICATED FACTS OF 14 AND 23 JUNE 2006**

**The Office of the Prosecutor:**

Mr Kenneth Scott  
Mr Daryl Mundis

**Counsels for the Accused:**

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić  
Ms Senka Nožica and Mr Peter Murphey for Bruno Stojic  
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak  
Ms Vesna Alaburić for Milivoj Petković  
Ms Dijana Tomašegović-Tomić for Valentin Ćorić  
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

## I INTRODUCTION

1. Trial Chamber III (“Chamber”) of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Tribunal”) has been seized of two Motions for Judicial Notice of Adjudicated Facts from the cases titled *Prosecutor v. Mladen Naletilić and Vinko Martinović* and *Prosecutor v. Tihomir Blaškić* filed by the Office of the Prosecutor (“Prosecution”) respectively on 14 and 23 June 2006 (“Motion of 14 June 2006” and “Motion of 23 June 2006”).

## II PROCEDURAL BACKGROUND

2. On 10 July 2006, the counsels of the six Accused in the present case (“Defence”) filed the Joint Response of the Defence to Prosecution’s Motions for Judicial Notice of Adjudicated Facts (*Prosecutor v. Naletilić and Martinović* and *Prosecutor v. Blaškić*) (“Response”) in which the Defence invited the Chamber to refuse to take judicial notice, for various reasons, of almost all the facts proposed by the Prosecution and admitted in the Trial Judgement of 31 March 2003 and the Appeal Judgement of 3 May 2006 in the case *Prosecutor v. Mladen Naletilić and Vinko Martinović* (respectively “*Naletilić and Martinović* Trial Judgement” and “*Naletilić and Martinović* Appeal Judgement”) and in the Trial Judgement of 3 March 2000 and the Appeal Judgement of 29 July 2004 in the case *Prosecutor v. Blaškić* (respectively “*Blaškić* Trial Judgement” and “*Blaškić* Appeal Judgement”).

3. On 14 March 2006 the Chamber issued its Decision on Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B) of the Rules (“Decision of 14 March 2006”) whereby the Chamber refused to take judicial notice of the 172 facts taken from the *Naletilić and Martinović* Trial Judgement on the basis that they were under appeal, as well as of 48 additional facts on the basis that they were not sufficiently clear, that they contained legal characterisations or that they went to the responsibility of (one or several) Accused.<sup>1</sup> The Chamber also refused to take judicial notice of all the facts taken from the *Blaškić* Trial and Appeals Judgements on the basis that they were currently under review.<sup>2</sup>

4. In the meantime, on 3 May 2006, the Appeals Chamber rendered the *Naletilić and Martinović* Appeal Judgement, confirming most of the factual findings of the *Naletilić and Martinović* Trial Judgement. On 20 June 2006 the same Chamber also rendered its Decision on Prosecution’s Motion Seeking a Declaration filed on 29 May 2006 (“Decision of 29 May 2006”), whereby it affirmed that the *Blaškić* review proceedings did not affect the findings in the *Blaškić* Appeal Judgement concerning the issue of the existence of an international conflict and the involvement of Croatia in Bosnia and Herzegovina.<sup>3</sup>

## III ARGUMENTS OF THE PARTIES

5. In support of the Motion of 14 June 2006, the Prosecution calls upon the Chamber, pursuant to Rule 94(B) of the Rules of Procedure and Evidence (“Rules”) to

<sup>1</sup> Decision of 14 March 2005, para. 15.

<sup>2</sup> *Ibid.*

<sup>3</sup> Decision of 29 May 2006, p. 4.

take judicial notice of the 220 adjudicated facts taken from the *Naletilić and Martinović* Trial Judgement that were not included, reversed or overturned in the *Naletilić and Martinović* Appeal Judgement.<sup>4</sup> On this account, the Prosecution notes that numerous facts alleged in the *Naletilić and Martinović* case were also alleged in the *Prlić et al.* case, especially those referring to some events that took place in Sovići, Doljani and Mostar.<sup>5</sup> The Prosecution also recalls that several Trial Chambers and the Appeals Chamber affirmed the existence of an international armed conflict in Bosnia and Herzegovina in which some Croatian senior officials and armed forces were involved.<sup>6</sup> Moreover, the Prosecution points out that the Motion of 14 June 2006 was part of the action plan which it presented to the Trial Chamber on 12 April 2006. This plan provides in particular for the necessity of making robust use of adjudicated facts, in place and stead of taking oral evidence, in order to increase the effectiveness and expediency of the proceedings.<sup>7</sup> The Prosecution contends that the procedure stipulated in Rule 94(B) of the Rules should also allow a greater consistency of the Tribunal's jurisprudence.<sup>8</sup>

6. In support of the Motion of 23 June 2006, the Prosecution invites the Chamber, pursuant to Rule 94(B) of the Rules, to take judicial notice of the 45 adjudicated facts taken from the *Blaškić* Trial and Appeal Judgements which, pursuant to the Decision of 29 May 2006, are not affected by the review proceedings that are currently being conducted by the Appeals Chamber.<sup>9</sup> In this regard, the Prosecution submits that the Decision on the Interlocutory Appeal Brought by the Prosecution Following the Decision on Judicial Notice, rendered on 16 June 2006 in the case titled *Prosecutor v. Edouard Karemera, Mathieu Ndirumpatse and Joseph Nzirorera* ("*Karemera et al.* Decision"), encourages a more liberal interpretation of Rule 94(B) of the Rules, modelled after that of Rule 94(A) of the Rules concerning "facts of common knowledge", with reference to the existence of a widespread or systematic attack on a civilian population or the nature of an armed conflict.<sup>10</sup> For this reason, the Prosecution respectfully requests that the Chamber take into account the observations of the Appeals Chamber, according to which "it is true that 'widespread and systematic attack against a civilian population' and 'armed conflict not of an international character' are phrases with legal meanings, but they nonetheless describe factual situations and thus can constitute 'facts of common knowledge'. The question is not whether a proposition is put in legal or layman's terms (so long as the terms are sufficiently well defined such that the accuracy of their application to the described situation is not reasonably in doubt). The question is whether the proposition can reasonably be disputed."<sup>11</sup>

7. The Prosecution also draws the attention of the Chamber to some aspects of the interpretation of Rule 94(B) of the Rules adopted in the *Karemera et al.* Decision. Thus, in order for the Appeals Chamber to take judicial notice of adjudicated facts, there is no requirement that adjudicated facts be beyond "reasonable dispute".<sup>12</sup> There is no requirement, either, that these facts must not go "directly or indirectly" to the

<sup>4</sup> Motion of 14 June 2006, paras. 5-7.

<sup>5</sup> *Id.*, para. 9.

<sup>6</sup> *Id.*, para. 11.

<sup>7</sup> *Id.*, paras. 10-12.

<sup>8</sup> *Id.*, para. 8.

<sup>9</sup> Motion of 23 June 2006, paras. 1-5.

<sup>10</sup> *Id.*, para. 9.

<sup>11</sup> *Id.*, para. 9. (Quoting the *Karemera et al.* Decision, para. 29).

<sup>12</sup> *Id.*, para. 11.

criminal responsibility of the accused concerned, provided that they do not go to their acts or conduct”.<sup>13</sup> Finally, according to the Appeals Chamber, in certain cases judicial notice can be taken of facts “related to the conduct of physical perpetrators of a crime for which the accused is being held criminally responsible through some other mode of liability”<sup>14</sup> or “related to the existence of a joint criminal enterprise and the conduct of its members other than the accused”.<sup>15</sup>

8. In its Response, the Defence first emphasises that the broad interpretation of Rule 94(B) of the Rules on the part of the Prosecution, based on *Karemera et al.* Decision, is erroneous.<sup>16</sup> According to it, the Appeals Chamber stated that paragraph (A) of Rule 94 of the Rules differs fundamentally from paragraph (B): the former deals with “facts of common knowledge” while the latter covers only “adjudicated facts, which are derived from other proceedings of the Tribunal relating to matters at issue in the current proceedings”.<sup>17</sup> Moreover, although the Chamber is obliged to take judicial notice of facts of common knowledge, it has a margin of discretion regarding the facts adjudicated in other proceedings of the Tribunal.<sup>18</sup> Once judicial notice has been taken of facts of common knowledge, they cannot be contested during the proceedings, which is not the case with facts admitted by application of Rule 94(B) of the Rules.<sup>19</sup>

9. The Defence also insists on the assertions of the Appeals Chamber that, in order to safeguard the presumption of innocence, the Chamber must be prudent when considering taking judicial notice of facts that relate to the responsibility of the accused, but not to their acts, conduct or mental state.<sup>20</sup> In the same spirit, the Defence considers that the Chamber should not take judicial notice of facts “related to the existence of a joint criminal enterprise when those facts would be sufficient to establish their responsibility.”<sup>21</sup> In the light of the Decision on the Interlocutory Appeal Brought Pursuant to Rule 92 *bis* (C) of the Rules of 7 June 2002 in the case titled *Prosecutor v. Stanislav Galić* (“*Galić* Decision”), the Defence adds that the Chamber should not take judicial notice of facts that, although relating to the acts and conduct of the subordinate(s) of the accused, can be used to establish the responsibility of the accused.<sup>22</sup>

10. Finally, in its Response, the Defence emphasises that the necessity to conduct a trial within a reasonable time should not induce the Chamber to take judicial notice of facts that prejudice the Accused’s right, even if they were adjudicated in other cases.<sup>23</sup> The Defence also recalls, as did Trial Chamber I in the case titled *Prosecutor v. Momčilo Krajišnik*, that in some cases the procedure of taking judicial notice may require considerable resources, particularly on the part of the Defence, and does not necessarily expedite the proceedings.<sup>24</sup>

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.* (quoting *Karemera et al.* Decision, para. 52).

<sup>15</sup> *Ibid.*

<sup>16</sup> *Id.*, para. 13.

<sup>17</sup> *Id.*, para. 14.

<sup>18</sup> *Ibid.* (quoting *Karemera et al.* Decision, paras. 40-42).

<sup>19</sup> *Ibid.*

<sup>20</sup> *Id.*, para. 20 (quoting *Karemera et al.* Decision, para. 52).

<sup>21</sup> *Id.*, para. 22.

<sup>22</sup> *Id.*, paras. 23-26 (quoting *Galić* Decision, paras. 13-14).

<sup>23</sup> *Id.*, para. 28.

<sup>24</sup> *Id.*, para. 29 (quoting *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-T, Decision of Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005, para. 22).

11. From these considerations, the Defence concludes that the Chamber should not take judicial notice of almost all the facts from the *Blaškić* and *Naletilić and Martinović* Trial and Appeal Judgements based on the fact that they were already excluded in the Decision of 14 March 2006, that they are not sufficiently clear, that they contain legal characterisations, that they go, or possibly go, to the responsibility of one or several of the Accused, that they go to the core of the Indictment or that they are repetitive proposals.<sup>25</sup>

#### IV DISCUSSION

12. The Chamber will first briefly recall the conditions for the application of Rule 94(B) of the Rules in light of the arguments set out by the Prosecution and the Defence cited above and of the Tribunal's jurisprudence in the matter (A). Then, within the framework of these conditions, it will examine separately each fact that the Prosecution requests to be admitted (B).

##### A. Applicable Law

13. Rule 94 of the Rules provides that:

(A) A Trial Chamber shall not require proof of facts of common knowledge but shall take judicial notice thereof.

(B) At the request of a party or *proprio motu*, a Trial Chamber, after hearing the parties, may decide to take judicial notice of adjudicated facts or documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings.

14. The Chamber would first note that the procedure of judicial notice is primarily intended to ensure greater consistency of the Tribunal's jurisprudence and contribute, in certain cases, to the expediency of the proceedings.<sup>26</sup> Indeed, once judicial notice has been taken of the adjudicated facts, they need not be proven again, in particular not by questioning witnesses at trial. Nevertheless, this procedure must in no way impact on the accused's right to a fair process, and especially not on their right to be presumed innocent. This is why taking judicial notice of adjudicated facts is subject to several conditions and implies only a rebuttable presumption of the accuracy of these facts, a point which the Chamber will address subsequently.

15. In reply to the arguments put forward by the parties with regard to the relationship between the judicial notice of facts of common knowledge (Rule 94(A) of the Rules) and that of adjudicated facts from other proceedings (Rule 94(B) of the Rules), the Chamber reiterates that the two are different in nature and entail different legal consequences (albeit being partially governed by the same principles).<sup>27</sup> As the Defence has rightly noted, although the Chamber is compelled to take judicial notice of facts of common knowledge, it is its discretionary right to determine which

<sup>25</sup> Response, paras. 33-35.

<sup>26</sup> It should be noted, as Trial Chamber I stated in the case *Prosecutor v. Momčilo Krajišnik*, that: ".../ since the admission of an adjudicated fact only creates a presumption as to its accuracy, the admission may consume considerable time and resources during the course of the proceedings, thereby frustrating, in practice, the implementation of the principle of judicial economy." (Case IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005, para. 16).

<sup>27</sup> *Karemera et al.* Decision, paras. 40-42.

adjudicated facts from other proceedings of the Tribunal it will choose to recognise.<sup>28</sup> Moreover, once judicial notice has been taken of facts of common knowledge, they cannot be rebutted at trial, which is not the case with those accepted pursuant to Rule 94(B) of the Rules.<sup>29</sup> Therefore, judicial notice of the latter facts is just a rebuttable presumption of their accuracy.<sup>30</sup>

16. In this regards, the Chamber notes that certain adjudicated facts submitted by the Prosecution pursuant to Rule 94(B) of the Rules could have been qualified as facts of common knowledge pursuant to Rule 94(A) of the Rules. This applies, for instance, to facts concerning the dates when the Republic of Croatia and Bosnia and Herzegovina were recognised by the European Community. As was already noted in the previous paragraph, application of Rule 94(A) of the Rules is not discretionary.<sup>31</sup> If a Chamber determines that a fact is of common knowledge, it must take judicial notice of it.<sup>32</sup> Finally, the issue of judicial notice may be raised by the Chamber *proprio motu* or upon the request of the parties.

17. Nevertheless, the Chamber does not find in this particular case that it should reclassify out of hand the facts of common knowledge proposed by the Prosecution. The Chamber considers that this would not be fair towards the Defence in that the Defence has not be given the opportunity to express its views on the matter and once facts are qualified as those of common knowledge, they cannot be rebutted.<sup>33</sup>

18. As regards the arguments of the parties about the conditions for applying Rule 94(B) of the Rules, based on the Tribunal's jurisprudence,<sup>34</sup> a Chamber may take judicial notice of a fact only if it fulfils the following six cumulative conditions:

1. it is sufficiently clear (concrete, distinct and identifiable);
2. it is pertinent to the case;
3. it does not contain legal characterisations;

---

<sup>28</sup> *Id.*, para. 41.

<sup>29</sup> *Id.*, para. 42.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Id.*, paras. 22 and 41.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Id.*, para. 42.

<sup>34</sup> The Tribunal's Trial Chambers are not always consistent in their application of Rule 94(B) of the Rules. See the differences between: *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 *bis*, 28 February 2003; *Prosecutor v. Enver Hadžihasanović and Amir Kubura*, case IT-01-47-T, Decision on Judicial Notice of Adjudicated Facts Following the Motion Submitted by Counsel for the Accused Hadžihasanović and Kubura on 20 June 2005, 14 April 2005; *Prosecutor v. Prlić et al.*, case IT-04-74-PT, Decision on Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B), 14 March 2006.

4. it is accepted as conclusive either because it has been confirmed by the Appeals Chamber or because it has not been the subject of a request for appeal or review by any of the parties;
5. it does not go to the act, conduct or mental state of the (one or several) accused; and
6. it is not based on a plea agreement.

19. Two other criteria are sometimes recalled in the Tribunal's jurisprudence. First, judicial notice cannot be taken of a fact that has been the subject of "reasonable dispute between the parties".<sup>35</sup> Second, judicial notice must not "impact on the right of the accused to a fair trial".<sup>36</sup> Given that it is not easy to determine with accuracy what the term "reasonable dispute" covers and that it is difficult to apply in a concrete case, the Chamber will disregard the first criterion. In the *Karemera et al.* Decision the Appeals Chamber seems to confirm this interpretation by holding that "there is no requirement that adjudicated facts be beyond reasonable dispute."<sup>37</sup> This criterion has not been adopted in recent jurisprudence of the Tribunal, either.<sup>38</sup> As regards the second criterion concerning the right of the accused to a fair trial, also raised in some cases of the Tribunal<sup>39</sup> and by the Defence<sup>40</sup>, the Chamber considers that it is not in itself an independent criterion but only an *essential* safeguard for the application of other criteria, especially when it is necessary to determine whether a fact does or does not go to the "acts, conduct or mental state of (one or several) Accused concerned".<sup>41</sup> The Chamber will return to this issue later on.

20. The Chamber will now delineate the above-cited criteria in the light of the Tribunal's jurisprudence.

21. In order for a fact to be clear, distinct, concrete and identifiable (condition 1), it must be taken from one (or more) specific paragraph(s) of a trial or appeal judgement.<sup>42</sup> A vague and generalised request to take notice of an entire trial or appeal

<sup>35</sup> See : *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 bis, 28 February 2003, para. 15; *Prosecutor v. Željko Mejačić et al.*, case IT-02-65-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts Pursuant to Rule 92 bis, p. 4; *Prosecutor v. Enver Hadžihasanović and Amir Kubura*, case IT-01-47-T, Decision on Judicial Notice of Adjudicated Facts Following the Motion Submitted by Counsel for the Accused Hadžihasanović and Kubura on 20 June 2005, 14 April 2005, p. 6.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Karemera et al.* Decision, para. 40.

<sup>38</sup> See: *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, case IT-02-60-T, Decision On Prosecution's Motion For Judicial Notice Of Adjudicated Facts And Documentary Evidence, 19 December 2003, para. 16; *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005, para. 14; *Prosecutor v. Prlić et al.*, case IT-04-74-PT, Decision on Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B), 14 March 2006.

<sup>39</sup> See: *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 bis, 28 February 2003, para. 15.

<sup>40</sup> Response, paras. 27-32.

<sup>41</sup> *Karemera et al* Decision., para. 53.

<sup>42</sup> See *Prosecutor v. Zoran Kupreškić et al.*, case IT-95-16-A, Decision on the Motions of Drago Josipović, Zoran Kupreškić and Vlatko Kupreškić to Admit Additional Evidence Pursuant to Rule 115 and for Judicial Notice to be Taken Pursuant to Rule 94(B), 8 May 2001, para. 12.

judgement is insufficient.<sup>43</sup> Moreover, a fact that a party wishes to be taken judicial notice of must be comprehensible on its own, i.e., when taken out of its context.<sup>44</sup> Finally, the fact must have the same, or at least a similar, form as the one that was adjudicated in the trial or appeal judgement from which it has been taken.<sup>45</sup>

22. Condition 2 on the relevance of adjudicated facts, pursuant to Rule 94(B) of the Rules, means that these facts must relate to the matter at issue in the current proceedings,<sup>46</sup> i.e., in this specific case, to the events charged in the Indictment against the Accused *Prlić et al.*

23. As regards condition 3, on the absence of legal characterisations, the Chamber considers that this should be assessed on a case-by-case basis and interpreted restrictively.<sup>47</sup> Although certain paragraphs of the Trial and Appeal Judgements proposed for judicial notice essentially describe factual situations, they frequently contain legal terms as well. These paragraphs may be accepted pursuant to Rule 94(B) of the Rules.<sup>48</sup> Judicial notice will not be taken of a paragraph, however, if it makes primarily legal points.<sup>49</sup>

24. Moreover, the Chamber will not take judicial notice of facts that are not conclusive, regardless of whether they are the subject of a request for appeal or review (condition 4). Naturally, this should not impede the Chamber from taking judicial notice of a fact which has been taken from an appeal judgement or is under review but which is not itself the subject of this appeal or of the review proceedings.<sup>50</sup>

25. As the Appeals Chamber emphasised in *Karemera et al.* Decision, adjudicated facts should not relate to the acts, conduct and mental state of (one or several) Accused<sup>51</sup> (condition 5). In other words, the Chamber may, in theory, take judicial notice of a fact related to the responsibility of (one or several) Accused providing this fact does not relate to their acts, conduct or mental state. This refers, for example, to facts relating to the conduct of persons, other than the accused, who have participated in a joint criminal enterprise cited in the indictment or to facts relating to the acts and conduct of subordinates of (one or several) Accused.<sup>52</sup> Nevertheless, given that the

---

<sup>43</sup> *Ibid.*

<sup>44</sup> *Karemera et al.* Decision, para 55.

<sup>45</sup> *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005, para. 14.

<sup>46</sup> Rule 89(C) of the Rules, applicable herein, provides that “a Chamber may admit any *relevant* evidence which it deems to have probative value” (emphasis added).

<sup>47</sup> *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005, para. 15.

<sup>48</sup> A similar definition of the term “facts” was given in the *Karemera et al.* Decision (para. 29) for “facts of common knowledge”. The Chamber holds that there is no reason why the notion of “facts” should be defined differently depending on whether they are common knowledge (Rule 94(A) of the Rules) or have simply been admitted in another case before the Tribunal (Rule 94(B) of the Rules).

<sup>49</sup> *Karemera et al.* Decision, para. 29; *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005, para. 15.

<sup>50</sup> See *Prosecutor v. Momčilo Krajišnik*, case IT-00-39-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 *bis*, 28 February 2003, para. 15.

<sup>51</sup> *Karemera et al.* Decision, para. 50.

<sup>52</sup> *Ibid.*, para 52. In this regard, the Appeals Chamber adopts the distinction established in the *Galić* Decision, pursuant to Rule 92 *bis* of the Rules, between “the acts and conduct of those others who commit the crimes for which the indictment alleges that the accused is individually responsible” and “the acts and conduct of the accused as charged in the indictment which establish his responsibility for



Chamber must respect the right to a fair trial and in particular the basic right to the presumption of innocence, it should not take judicial notice of such facts when they are crucial for the case and when they concern people proximate to (one or several) Accused.<sup>53</sup>

26. Finally, the Chamber would note that once it has taken judicial notice of adjudicated facts, it will still have to consider the weight it will attribute to them in light of all the evidence presented in the case.

### **B. Consideration of the merits**

27. The Chamber has reviewed all the facts taken from the *Naletilić and Martinović* and *Blaškić* cases, which the Prosecution wishes to be taken as judicial notice, in the light of the arguments of the parties, the six conditions cited above and related information.

28. The Chamber first observes that certain facts proposed by the Prosecution have already been analysed and rejected on their merits in the Decision of 14 March 2006. They are facts taken from the *Naletilić and Martinović* case designated in the Motion of 14 June 2006 with the following numbers: 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, 19, 25, 39, 49, 51, 53, 57, 67, 69, 70, 74, 75, 76, 77, 78, 120, 143, 144, 146, 153, 154, 157, 159, 160, 161, 163, 170, 171, 182, 188, 192, 194, 195, 196, 208 and 219. Despite the fact that the composition of the Chamber has changed since the Decision of 14 March 2006 and that the Decision was rendered at an early stage of the case, the judges deem that in line with the principle of *res judicata*, these circumstances do not in and of themselves a review of the conclusions of this Decision. Only the details provided in the meantime by the *Karemera et al.* Decision, concerning the judicial notice of facts that relate to the responsibility of the accused or contain legal elements, move the Chamber to admit the following facts that have previously been rejected: 7, 10, 53, 57, 74, 146 and 163.

29. As regards other facts mentioned in the Motion of 14 June 2006, the Chamber has reached the following conclusions:

- fact numbered 6 cannot be the subject of judicial notice because it is not sufficiently clear, concrete, distinct or identifiable;
- the following facts cannot be the subject of judicial notice because they contain legal characterisations: 55, 62, 63, 71, 72, 73, 108, 119, 121, 123,

---

the acts and conduct of those others". According to this jurisprudence, the former can be accepted pursuant to Rule 92 *bis* of the Rules but the latter must be excluded.

<sup>53</sup> As indicated in the footnote of page 52, the Appeals Chamber referred to the *Galić* case concerning the admission of documents pursuant to Rule 92 *bis* of the Rules when determining to which extent the acts and conduct of the subordinates of the (one or several) accused may be the subject of judicial notice (*Karemera et al* Decision., para 52). In the same spirit, this Chamber also based its decision on the same *Galić* Decision (more specifically, regarding the conditions it established to determine to what extent, pursuant to Rule 92 *bis* of the Rules, the author of an admitted document must be subject to cross-examination) when it affirmed that the facts that are crucial for the case and which concern persons proximate to the (one or several) accused should not be the subject of judicial notice (*Galić* Decision, para. 13).

124, 139, 140, 141, 142, 162, 166, 173, 178, 197, 198, 203, 204, 209, 220;  
and

- the following facts cannot be the subject of judicial notice because they refer to the acts, conduct or mental state of (one or several) Accused: 184, 207.

30. As regards the facts cited in the Motion of 12 June 2006, the Chamber has reached the following conclusions:

- fact numbered 13 cannot be the subject of judicial notice because it is not sufficiently clear, concrete, distinct or identifiable;

- the following facts cannot be the subject of judicial notice because they contain legal characterisations: 7, 16, 26, 40, 43, 45, and

- the following facts cannot be the subject of judicial notice because they refer to the acts, conduct or mental state of (one or several) Accused: 11, 12, 14.

31. Furthermore, the Chamber rejects the following facts taken from the *Naletilić and Martinović* case because they reproduce to the letter facts that have already been treated: 147, 148, 149, 156, 193.

32. Finally, the Chamber takes judicial notice of all the other facts presented in the two tables (Table I from the Motion of 14 June 2006 and Table II from the Motion of 23 June 2006) given in the Attachment. All these facts fulfil the six conditions cited above.

## V. DISPOSITION

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rule 94(B) of the Rules,

**GRANTS** partially the Motions of 14 and 23 June 2006 and takes judicial notice of the facts listed in the Attachment,

**REJECTS** the Motions of 14 and 23 June in the remaining part.

Done in French and in English, the French version being authoritative.

/signed/

\_\_\_\_\_  
Judge Jean-Claude Antonetti  
Presiding Judge

Done this seventh day of September 2006  
At The Hague (The Netherlands)

/seal of the Tribunal/

## ANNEX

## JUDICIAL NOTICE OF ADJUDICATED FACTS

**Table 1 – Adjudicated facts taken from the *Naletilić and Martinović* case**

1. The context of the conflict
2. Vance-Owen Peace Plan
3. April 1993 ultimatum
4. Herzegovina – from April 1993 on
5. Sovići-Doljani (Jablanica municipality)
6. Mostar
7. The organisation and command of the HVO /Croatian Defence Council/
8. Heliodrom
9. Raštani – August and September
10. Ljubuški prison
11. International armed conflict
12. Protected persons and property

	<b>1. The context of the conflict</b>
	<b>Political context</b>
	<b>Creation of Herceg-Bosna /H-B/ and the HVO</b>
7.	“The HVO became the supreme executive and defence authority for the HZ H-B and the BH Croats. [...] This meant that in this part of Bosnia and Herzegovina, the HZ H-B had the actual authority.” <i>Naletilić</i> Trial Judgement, para. 16.
	<b>Territorial aspirations</b>
8.	“There is no doubt that the Republic of Croatia and the HZ-HB were pursuing the same ultimate goals, namely the incorporation of Croatian provinces of Bosnia and Herzegovina into a single Croatian State.” <i>Naletilić</i> Trial Judgement, para. 200.
	<b>Strong connections with Croatia</b>
	<b>2. Vance-Owen Plan</b>
10	“Despite knowing that the other parties had not signed, but filled with confidence that they had the world’s opinion behind them, the BH Croats attempted to implement the Vance-Owen Plan unilaterally.” <i>Naletilić</i> Trial Judgement. Para. 20.
	<b>3. April 1993 ultimatum</b>
	<b>4. Herzegovina from April 1993 on</b>
14	“A widespread and systematic attack /was launched/ against the Muslim part of the civilian population in the area relevant to the Indictment. [...] This campaign had a specific aim: to transform the formerly ethnically mixed area in and around Mostar into BH Croat territory, to be populated by an ethnically pure BH Croat population.” <i>Naletilić</i> Trial Judgement, para. 240.
15	“Thousands of Muslim civilians were forced to leave their homes in Sovići, Doljani and West Mostar.” <i>Naletilić</i> Trial Judgement, para. 55.
16	“The campaign against the BH Muslim population in the area reached a climax after the attack on Mostar in early May 1993, when following the hostilities, the BH Muslim civilian population was forced out of West Mostar in concerted actions.” <i>Naletilić</i> Trial Judgement, para. 239.
17	“The harassment of BH Muslims by forcing them out of their apartments and detaining them became common and widespread from 9 May throughout the autumn of 1993.” <i>Naletilić</i> Trial Judgement, para 48.
18	BH Muslim religious sites, like the mosques in [the area of Sovići and Doljani], were systematically destroyed.” <i>Naletilić</i> Trial Judgement, para. 238.
20	“Detention facilities for the BH Muslim part of the population were established all over the area.” <i>Naletilić</i> Trial Judgement, para. 238.
21	“Prisoners were moved around between places and detention centres. For example, the ABiH soldiers who surrendered or were captured in Sovići and Doljani were brought to the Ljubuški prison on 18 April 1993 and were later moved to the Heliodrom.” <i>Naletilić</i> Trial Judgement, para. 55.
22	“Detained BH Muslim civilians and BH Muslim soldiers <i>hors de combat</i> were often subjected to humiliating and brutal mistreatment by soldiers who had unfettered access to the detention facilities.” <i>Naletilić</i> Trial Judgement, para. 238.
23	“Many Muslim civilians and prisoners of war were beaten and otherwise severely mistreated in various detention facilities and [...] the soldiers who

	engaged in this came from various military units.” <i>Naletilić</i> Trial Judgement, para. 392.
	<b>5. Sovići and Doljani (Jablanica municipality)</b>
24	“Tension increased further, and by mid-April 1993, it turned into a full-scale conflict between the HVO and the ABiH /Army of Bosnia and Herzegovina/ in central Bosnia and in the area relevant to the Indictment.” ( <i>i.e. in the municipalities of Jablanica and Mostar</i> ), <i>Naletilić</i> Trial Judgement, para. 25.
26	“The attack on Sovići and Doljani was part of a larger HVO offensive aimed at taking Jablanica, the main BH Muslim dominated town in the area.” <i>Naletilić</i> Trial Judgement, para. 30.
27	“The larger HVO offensive on Jablanica had already started on 15 April 1993.” <i>Naletilić</i> Trial Judgement, para. 30.
28	“The location of Sovići was of strategic significance for the HVO as it was on the way to Jablanica. For the ABiH it was a gateway to the plateau of Risovac, which could create conditions for further progression towards the Adriatic coast.” <i>Naletilić</i> Trial Judgement, para. 30.
29	“Mladen Naletilić commanded the Sovići/Doljani operation [...] Mladen Naletilić was present in Sovići/Doljani at the time relevant to the Indictment and led the attack on Sovići/Doljani, not only heading the KB /Convicts Battalion/ Široki Brijeg and the Baja Kraljević ATG /Anti-terrorist group/, but also the other troops involved.”, <i>Naletilić</i> Trial Judgement, para. 120.
30	“Mladen Naletilić played the central command role in the Sovići/Doljani operation, which was part of the larger operation to take Jablanica.” <i>Naletilić</i> Trial Judgement, para. 132.
31	“Mladen Naletilić was present in Sovići and [...] he planned and conducted the operation in the village. [...] Soldiers of the KB were present in Sovići.” <i>Naletilić</i> Trial Judgement, para. 647.
32	“The HVO started shelling the village of Sovići early in the morning on 17 April 1993. The shelling came from the direction of Risovac, which is south of Sovići.” <i>Naletilić</i> Trial Judgement, para 27.
33	“The HVO shelling of Sovići continued uninterrupted until about five in the afternoon on 17 April 1993. The artillery destroyed the upper part of Sovići, as well as some houses.” <i>Naletilić</i> Trial Judgement, para. 31.
34	(17 April 1993) “The ABiH was fighting back, but at about five p.m. Džemal Ovnović, the ABiH commander in Sovići, surrendered.” <i>Naletilić</i> Trial Judgement. Para. 31.
35	(17 April 1993) “In total, about 170 soldiers were under the command of Ovnović and they belonged to the 4 <sup>th</sup> Corps of the ABiH. Approximately 70 to 75 ABiH soldiers surrendered.” <i>Naletilić</i> Trial Judgement, para. 31.
36	(17 April 1993) “Despite the surrender by their commander, some ABiH soldiers did not lay down their arms, but instead fled into the hills and woods, or hid in houses and continued to shoot.” <i>Naletilić</i> Trial Judgement, para. 31.
37	(17 and 18 April 1993) “The elementary school in Sovići was the main place of detention and interrogation of the captured ABiH soldiers.” <i>Naletilić</i> Trial Judgement, para. 32.
38	“In the early evening of 18 April 1993, the detained ABiH soldiers were taken out of the Sovići school and were transported to Ljubuški prison, situated in the town of Ljubuški, about 26 kilometres Southwest of Mostar.” <i>Naletilić</i> Trial Judgement, para. 32.
40	“KB soldiers Robo (Roba), Ivan Andabak and Čikota (Mario Hrkač) who were under the command responsibility of Mladen Naletilić participated in

	the mistreatment of BH Muslim detainees in the Sovići school and, in particular, on the bus ride from Sovići to Ljubuški.” <i>Naletilić</i> Trial Judgement, para. 352.
41	“Following the transfer of the captured ABiH soldiers to Ljubuški prison, the fighting continued in the hills surrounding Sovići and the HVO attitude hardened.” <i>Naletilić</i> Trial Judgement, para. 33.
42	“On 20 April 1993, Doljani was shelled and a smaller group of ABiH soldiers, who had resisted the HVO for some days were captured and brought for interrogation at the HVO headquarters, the fishfarm. These soldiers received harsher treatment.” <i>Naletilić</i> Trial Judgement, para. 33.
43	“[Mladen Naletilić] was present at the fishfarm in Doljani /on 20 April 1993/ at the time when the beatings occurred.” <i>Naletilić</i> Trial Judgement, para. 365.
44	“Mladen Naletilić did have command responsibility for beatings committed by KB soldiers, as, for instance, by witness Falk Simang.” <i>Naletilić</i> Trial Judgement, para. 370.
45	“Severe mistreatment of Muslim detainees occurred at the fishfarm in Doljani on 20 April 1993 and [...] Mladen Naletilić participated as a perpetrator in that mistreatment.” <i>Naletilić</i> Trial Judgement, para. 353.
46	“There was a widespread and systematic attack against the [...] civilian population in [...] Sovići and Doljani [...] It started with the collection and detention of Muslim civilians after the fierce fighting around Sovići and Doljani and their subsequent transfer to detention centres and, later, to territory controlled by the ABiH.” <i>Naletilić</i> Trial Judgement, para. 238.
47	“There was a plan implemented in relation to the transfer of the civilians from Sovići. An essential part of the plan was the detention of the BH Muslim civilians, to be able to transfer them subsequently. [...] Mladen Naletilić was aware of this plan and acted according to it.” <i>Naletilić</i> Trial Judgement, paras. 648 and 711.
48	“There was a plan early on in the operation to have the BH Muslim civilian population transferred from Sovići, intending to use them in exchange for BH Croat prisoners taken by the ABiH elsewhere. Evidence has been led to the fact that the plan was implemented.” <i>Naletilić</i> Trial Judgement, para. 529.
50	“Transfer of the civilian population from Sovići was part of a plan drawn up by among others, Mladen Naletilić.” <i>Naletilić</i> Trial Judgement, para 531.
52	“Starting on 18 April 1993, the civilians were forced by HVO soldiers to gather in the school in Sovići or in one of the six or seven houses in the Junuzovići hamlet, while the BH Croat civilians remained in their houses. In total, at least 400 BH Muslim civilians were detained. They were guarded by HVO soldiers - elderly men were mostly held in the school, while women and children were held in the Junuzovići houses.” <i>Naletilić</i> Trial Judgement, para. 34.
53	“The BH Muslim civilians of Sovići were forced or threatened by force by HVO soldiers to leave their homes.” <i>Naletilić</i> Trial Judgement, para. 524.
54	“Mladen Naletilić was in command of the forces which on the days following 19 April 1993, 'confined the whole of the BH Muslim civilian population of Sovići, around 450 women and children and elderly, to the hamlet Junuzovići, and forcibly transferred them subsequently to the territory of Gornji Vakuf under control of the ABiH.” <i>Naletilić</i> Trial Judgement, para. 522.
56	“A widespread or systematic attack against civilians in Sovići. [...] Civilians from Sovići were detained collectively /and they were all/ of Muslim

	ethnicity. The confinement lasted a considerable amount of time. There is no indication that it was absolutely necessary for the security of the Detaining Power or that it was justified on any other legal basis.” <i>Naletilić</i> Trial Judgement, para 646.
57	“On 3 May 1993, a Joint Commission with General Petković representing the HVO and General Halilović representing the ABiH together with international representatives and medical personnel visited Sovići and Doljani.” <i>Naletilić</i> Trial Judgement, para. 35.
58	(4 May 1993) “The next evening, the civilians held in the school and the Junuzovići houses were called out and transported to somewhere close to Gornji Vakuf, which was an area controlled by the ABiH.” <i>Naletilić</i> Trial Judgement, para. 35.
59	“The civilians were transferred from Sovići during the night between 4 and 5 May 1993.” <i>Naletilić</i> Trial Judgement, para. 526.
60	“KB was involved in the transfer of the BH Muslim civilians.” <i>Naletilić</i> Trial Judgement, para. 530.
61	“An evacuation must not involve the movement of protected person to places outside the occupied territory, unless it is physically impossible to do otherwise. The civilians were deliberately transferred to an area outside the occupied territory. [...] The BH Muslim civilian population in Sovići was not evacuated.” <i>Naletilić</i> Trial Judgement, para. 526.
64	“The deliberate destruction of houses in Doljani occurred on 21 and 22 April 1993 and, as in Sovići, only BH Muslim houses were targeted.” <i>Naletilić</i> Trial Judgement, para. 585.
65	“Most of their houses were torched after 18 April 1993.” <i>Naletilić</i> Trial Judgement, para. 526.
66	“The destruction of BH Muslim houses in Doljani occurred after the death of Mario Hrkač (Čikota). While his death may have prompted the devastation of those buildings to a certain extent, the BH Muslim buildings were not targeted randomly but on a discriminatory basis. The destruction of the houses was not a simple revenge action in the absence of discriminatory intent. [...] The destruction of the BH Muslim houses in Doljani, however, was exclusively aimed at the BH Muslim civilian population, indicating the discriminatory character of the measure.” <i>Naletilić</i> Trial Judgement, para. 706.
68	“Mladen Naletilić ordered the destruction of the houses in Doljani [...] the destruction was carried out by KB soldiers under the command of Mladen Naletilić. Mladen Naletilić knew about the destruction, since he himself had ordered it; he did not prevent it and, therefore, he is also responsible under Article 7(3) of the Statute.” <i>Naletilić</i> Trial Judgement, para. 596.
	<b>6. Mostar</b>
	<b>Mostar before the attack of 9 May 1993</b>
74	“During the first months of 1992, the situation deteriorated in Mostar and armed conflict broke out. [...] The BH Croats and BH Muslims organised a joint defence against the Serb forces.” <i>Naletilić</i> Trial Judgement, paras. 17 and 18.
79	“The Office for Displaced Persons and Refugees of the HVO and HZ H-B issued a decision setting 9 May 1993 as the deadline for people who had taken refuge in Mostar following upheavals in Eastern Bosnia and Herzegovina in abandoned apartments ( <i>i.e.</i> BH Muslims) to vacate them, without being given an alternative place to live. In addition, they would not

	be eligible for the humanitarian assistance given to refugees. This decision affected approximately 10,000 BH Muslims.” <i>Naletilić</i> Trial Judgement, para. 43.
80	“On 9 May 1993, the HVO commenced an attack on Mostar. BH Muslim civilians - women, children and the elderly - were rounded up from their houses and evicted. They were intimidated, and were forced out of their homes at gunpoint, accompanied by blows from the soldiers and rifles. These BH Muslim civilians were targeted specifically, which is evident as their BH Croat neighbours were not made to leave their houses. Many of those evicted were subsequently detained.” <i>Naletilić</i> Trial Judgement, para. 649.
81	“The HVO attacked Mostar using artillery, mortars, heavy weapons and small arms.” <i>Naletilić</i> Trial Judgement, para. 39.
82	“The HVO controlled all roads leading into Mostar and international organisations were denied access.” <i>Naletilić</i> Trial Judgement, para. 39.
83	“Radio Mostar announced that all BH Muslims should hang out a white flag from their windows.” <i>Naletilić</i> Trial Judgement, para. 39.
84	“The HVO attack had been well prepared and planned.” <i>Naletilić</i> Trial Judgement, para. 39.
85	“Mladen Naletilić was one of the leading commanders in the attacks on Mostar.” <i>Naletilić</i> Trial Judgement, para. 141.
86	“The BH Muslim civilian population of Mostar was targeted on 9 May 1993. From about five o’clock in the morning, armed HVO units surrounded apartment buildings and houses and collected and rounded up BH Muslim civilians. In certain apartment-blocks where both BH Muslims and BH Croats lived, only the BH Muslims were forced to leave. Women, children, men and elderly were forced out of their homes.” <i>Naletilić</i> Trial Judgement, para. 42.
87	“International observers noted that the HVO was pursuing ethnic cleansing.” <i>Naletilić</i> Trial Judgement, para. 44.
88	“Hundreds of people were taken to the Velež Stadium. Most of them ended up at the Heliodrom, west of Mostar in Radoč, which became the main HVO detention centre in the area. In total, between 1,500 and 2,500 Muslim civilians were rounded up and detained at the Heliodrom detention centre on that day.” <i>Naletilić</i> Trial Judgement, para. 45.
89	“/The prisoners at the Heliodrom/ had been arrested without being given a reason and did not know why they were detained.” <i>Naletilić</i> Trial Judgement, para. 46.
90	“BH Muslim civilians were transported to the Velež Stadium in Mostar and then taken to the Heliodrom. The people who were arrested and detained were not given a reason for their detention.” <i>Naletilić</i> Trial Judgement, para. 650.
91	“The arrest and detention of the civilian population in Mostar was carried out on a discriminatory basis, as the BH Muslim population was targeted specifically while their Croat neighbours were left unharmed. It was unlawful since there was no legal basis for this measure.” <i>Naletilić</i> Trial Judgement, para. 651.
92	“Vinko Martinović was personally involved in the rounding up of the BH Muslim civilian population of Mostar, ordering and aiding and abetting their detention at the Heliodrom. [...] He possessed the intent to discriminate against the BH Muslim part of the population in Mostar.” <i>Naletilić</i> Trial Judgement, para. 652.



	<b>Mostar – the Vranica building complex and mistreatment at the Tobacco Institute / the Ministry of Defence building on May 1993</b>
93	“Both the HVO and ABiH had military formations positioned in the town. Mostar was divided into a Western part, which was dominated by the HVO and an Eastern part where the ABiH was largely concentrated. However, the ABiH had its headquarters in West Mostar in the basement of a building complex referred to as Vranica.” <i>Naletilić</i> Trial Judgement, para. 39.
94	“One of the targets was the ABiH headquarters in the Vranica building, which also was residential housing for about 200 civilians.” <i>Naletilić</i> Trial Judgement, para. 40.
95	“Around midday on 10 May 1993, the [Vranica] building caught fire and both civilians and soldiers surrendered. Before leaving the building 20 to 30 ABiH soldiers changed their uniforms into civilian clothes. They were then assembled in the yard outside the School of Economics, which is situated next to the Vranica building complex. They were met by Juka Prazina, the commander of the Kruško ATG and Colonel Željko Bošnjak, who was also a member of the KB. Juka Prazina ordered the prisoners to be separated into three groups: i) BH Croat men and women, who were free to leave; ii) Muslim civilian men, women, children and elderly who were transported to the Velež stadium; and iii) surrendered ABiH soldiers, who were moved to the Tobacco Institute in Mostar.” <i>Naletilić</i> Trial Judgement, para. 40.
96	“Several units of the KB took part in the military operation in Mostar on 9 and 10 May 1993. [...] Mladen Naletilić ordered members of the KB to fire artillery at Mostar and ordered in the presence of high representatives of the military and civilian HVO that the captured BH Muslim soldiers were to be brought to Široki Brijeg. [...] Mladen Naletilić was one of the commanders in charge of the operation.” <i>Naletilić</i> Trial Judgement, para. 147.
97	“Approximately 30 to 35 Muslim men [from the Vranica building] were made to walk to the Tobacco Institute.” <i>Naletilić</i> Trial Judgement, para. 41.
98	“The Muslim men of military age were separated from the rest of the group and marched to the Ministry of Defence building.” <i>Naletilić</i> Trial Judgement, para. 377.
99	“At the Tobacco Institute, Mladen Naletilić and other high HVO and HZ H-B representatives like the Mostar operational zone commander Miljenko Lasić, his deputy Petar Zelenika, the Minister of Interior of HZ H-B Branko Kvesić, the Minister of Defence of the RBiH at the time Božo Rajić, the commander of the 4 <sup>th</sup> HVO Battalion at the time Mladen Mišić, and the commander of the 3 <sup>rd</sup> HVO Brigade, Ivan Primorac, were awaiting the BH Muslim prisoners.” <i>Naletilić</i> Trial Judgement, para. 144.
100	“[At the Tobacco Institute], witness AA was recognised by his former superior. Mladen Naletilić was also there. His former superior approached witness AA and asked him why he had left his employment without asking him. Upon witness AA’s explanation that he did not want to shoot at his own people, his former superior called over Mladen Naletilić, telling him that witness AA had formerly been with him and that he had now turned his weapon against the Croats. Mladen Naletilić approached witness AA and started hitting him with his Motorola on the left side of his forehead, swearing at his “balija” /derogatory for Muslim/ mother. After witness AA told him that his mother was a Catholic, Mladen Naletilić struck him several times more with the Motorola. Mladen Naletilić then drew a cross on witness AA’s forehead with the aerial of the Motorola and stated that he sentenced him to

	death to serve as an example to others.” <i>Naletilić</i> Trial Judgement, para. 378.
101	“After Mladen Naletilić had stopped beating [witness AA], he was also beaten by Juka, Dujmović, Slezak and some others two or three times until he fell down. These beatings were carried out in the presence of Mladen Naletilić.” <i>Naletilić</i> Trial Judgement, para. 393.
102	“A soldier named Mišić began swearing at the prisoners and started shooting. An ABiH soldier was shot in the leg. In the ensuing chaos, people standing on the side began beating some of the other prisoners.” <i>Naletilić</i> Trial Judgement, para. 393.
103	“Mladen Naletilić was present when KB soldiers under his command, among them Juka Prazina, maltreated the group of prisoners who had been taken from the Vranica building to the Tobacco Institute in Mostar by swearing at them, shooting at them and beating several of them. The random beating of and shooting at the prisoners created an atmosphere of terror that caused severe physical and mental suffering to the prisoners. The mistreatment committed by the soldiers under Mladen Naletilić’s command was therefore sufficiently severe to amount to crimes under the Statute.” <i>Naletilić</i> Trial Judgement, para. 394.
	<b>Mostar – unlawful arrests and detention</b>
104	“The harassment of BH Muslims by forcing them out of their apartments and detaining them became common and widespread from 9 May throughout the autumn of 1993.” <i>Naletilić</i> Trial Judgement, para. 48.
105	“BH Muslim civilians were forced out of their apartments and detained mostly at the Heliodrom detention centre and this became a consistent pattern from 9 May 1993 until November 1994.” <i>Naletilić</i> Trial Judgement, para. 535.
106	“The women and children who were detained at the Heliodrom were released after a few days, pursuant to the cease-fire agreement entered into between the ABiH and the HVO.” <i>Naletilić</i> Trial Judgement, para. 536.
107	“Many of the persons detained at the Heliodrom who were released, were subsequently detained again.” <i>Naletilić</i> Trial Judgement, para. 536.
	<b>Mostar – unlawful transfer</b>
109	“9 May 1993 became the starting date for these kinds of transfer. An International Observer stated that first the transferred persons were mostly Muslims who were living in abandoned Serb flats, but by mid June 1993 the evictions had started to become more violent in character primarily targeting long-term BH Muslim residents of Mostar. The transfers were well orchestrated and well organized. HVO soldiers would come to a building, shouting out that all Muslims had to leave the building and they would go from flat to flat.” <i>Naletilić</i> Trial Judgement, para. 540.
110	“During the period 9 May 1993 to November 1993 unlawful transfers of BH Muslim civilians from West Mostar to East Mostar were regular and a common occurrence.” <i>Naletilić</i> Trial Judgement, para. 542.
111	“A transfer of about 300 Muslim civilians to the eastern side of Mostar occurred on 25 May 1993.” <i>Naletilić</i> Trial Judgement, para. 547.
112	“The forcing of BH Muslims civilians to the Eastern Side of Mostar escalated during the month of June 1993. On 13 and 14 June 1993, the HVO expelled witness WW together with between 88 and 100 BH Muslims from the DUM neighbourhood in West Mostar.” <i>Naletilić</i> Trial Judgement, para. 549.
113	“Vinko Martinović committed unlawful transfer by participating in the

	operation, which led to the unlawful transfer of between 88-100 civilians from the DUM area. [...] Ernest Takač and Pehar called “Dolma” participated in the operation.” <i>Naletilić</i> Trial Judgement, paras. 550 and 553.
114	“Estimations show that after 29 June 1993, when the ABiH had attacked the HVO northern barracks, the population of East Mostar increased from approximately 30,000 to 55,000. The dramatic increase is attributed to movements from West Mostar, as well as from the area of Čapljina and Stolac.” <i>Naletilić</i> Trial Judgement, para. 541.
115	“International Observers reported that during one week (29 September – 5 October 1993) approximately 600 Muslims were forced from the area Centar II in West Mostar to East Mostar and that the highest number of evictions were carried out on 30 September 1993.” <i>Naletilić</i> Trial Judgement, para. 559.
116	“Vinko Martinović and the Vinko Škrobo ATG participated in unlawful transfer on 29 September 1993.” <i>Naletilić</i> Trial Judgement, para. 566.
117	“Vinko Martinović participated in the eviction of BH Muslim civilians in the city of Mostar.” <i>Naletilić</i> Trial Judgement, para. 380.
118	“Vinko Martinović in the course of the evictions maltreated some individuals.” <i>Naletilić</i> Trial Judgement, para 380.
122	“The mental harm was inflicted on the victims on discriminatory grounds, since only the BH Muslim population of Mostar was forcibly evicted and mistreated.” <i>Naletilić</i> Trial Judgement, para. 676.
	<b>Mostar - plunder</b>
125	“A general and systematic assault against BH Muslim civilian property was being carried out in connection with the military attack on Mostar since 9 May 1993.” <i>Naletilić</i> Trial Judgement, para. 624.
126	“Many of the BH Muslims, who were taken to the Heliodrom on 9 May 1993 and subsequently released, returned and found that their apartments had been emptied of valuables and movable property.” <i>Naletilić</i> Trial Judgement, para. 48.
127	“Starting on 9 May 1993, as a consequence of the large offensive by the HVO on Mostar, the city experienced a period of lawlessness and violence.” <i>Naletilić</i> Trial Judgement, para. 618.
128	“Two reports by the Military Police in Mostar recount that, on 13 June 1993, Vinko Martinović with 40 armed soldiers was expelling BH Muslims from their apartments in the DUM area on Mladen Naletilić’s orders. During these expulsions, apartments were robbed; the looting did not stop even after the police had inquired into the situation.” <i>Naletilić</i> Trial Judgement, para. 620
129	“Witness GG was dispossessed of his car and other belongings by six HVO soldiers between the end of May and middle-June 1993 in the DUM area.” <i>Naletilić</i> Trial Judgement, para. 620.
130	“A memorandum by an international observer states that evictions of BH Muslims on 12 and 13 June 1993 took place in upper middle-class neighbourhoods where the most desirable properties were to be found. In particular, on 13 June 1993 around 5 p.m., thirty soldiers evicted BH Muslims from their apartments, and proceeded to take away the name-plates on the doors. An ECMM report of 14 June 1993 also corroborates these findings, describing expulsions and dispossession of apartments in the DUM and Vatikana areas of Mostar.” <i>Naletilić</i> Trial Judgement, para. 620.
131	“Property was chosen because of its monetary value, not its military usefulness.” <i>Naletilić</i> Trial Judgement, para. 625.

132	“With regard to the incidents occurring in the DUM area on 13 June 1993, it has been established that a large-scale operation of plunder, in connection with evictions, was carried out by soldiers acting under the supervision of Vinko Martinović.” <i>Naletilić</i> Trial Judgement, para. 627.
133	“Plunder was carried out by HVO soldiers directly or forcing prisoners to do it for them.” <i>Naletilić</i> Trial Judgement, para. 630.
134	“Witness Sulejman Hadžisalihović, after being captured by the HVO on 25 June 1993, was forced by HVO soldiers to loot apartments in Mostar together with other prisoners, mostly at night.” <i>Naletilić</i> Trial Judgement, para. 622.
135	“Witness F was forced to loot apartments after June 1993, loading the booty on trucks that soldiers would drive away.” <i>Naletilić</i> Trial Judgement, para. 622.
136	“Vinko Martinović ordered the prisoners to empty the apartment. [...] Štela had previously divided the prisoners into two groups, one of them being sent to the frontline, and [...] he remained in the house while the furniture was being taken away.” <i>Naletilić</i> Trial Judgement, para. 313.
137	“Between the end of July and 17 September 1993, Witness OO was repeatedly forced by the Vinko Škrobo ATG, under the overall authority of Vinko Martinović, to carry looted household appliances in areas of Mostar far away from the combat zones of the Bulevar.” <i>Naletilić</i> Trial Judgement, para. 621.
138	“Witness II was frequently ordered by soldiers from the Vinko Škrobo ATG to loot abandoned apartments between the end of July and December 1993.” <i>Naletilić</i> Trial Judgement, para. 622.
	<b>7. HVO organisation and command – Mostar area, May and August 1993</b>
145	“The Samir Kafedžić Kruško ATG was first stationed at the Heliodrom and from October 1993 in Mostar. It was an ATG with about 90 members including all ethnic groups that was commanded by Jusuf Prazina, a Muslim, called “Juka”. When Jusuf Prazina disappeared in October 1993, his deputy commander Božo Šain replaced him. [...] The Kruško ATG was also a sub-unit of the KB.” <i>Naletilić</i> Trial Judgement, paras. 113 and 114.
	<b>8. Heliodrom</b>
	<b>Heliodrom – general observations</b>
146	“In total, between 1,500 and 2,500 Muslim civilians were rounded up [in Mostar] and detained at the Heliodrom detention centre on [9 May].” <i>Naletilić</i> Trial Judgement, para. 45.
150	“The position of the BH Croatian authorities was that people had been moved there for their own security. [...] The majority of the detainees were of BH Muslim ethnicity, and since no BH Croats were detained, it could not be justified on security grounds.” <i>Naletilić</i> Trial Judgement, para. 46.
151	“There were old men and underage boys in the Heliodrom.” <i>Naletilić</i> Trial Judgement, para. 46.
152	“Prisoners in the Heliodrom were not only kept in the prison building but also in the school and the two gymnasiums.” <i>Naletilić</i> Trial Judgement, para. 429.
155	“Prisoners were moved around between places and detention centres. For example, the ABiH soldiers who surrendered or were captured in Sovići and Doljani were brought to the Ljubuški prison on 18 April 1993 and were later moved to the Heliodrom.” <i>Naletilić</i> Trial Judgement, para. 55.
158	“In July or August 1993, Semir (Sema) Bošnjčić, a soldier under Vinko Martinović’s command, participated in the beating of a prisoner. The

	Chamber is further satisfied that soldiers under Vinko Martinović's command participated in the beating of the professor that took place sometime after 25 July 1993 [...] Vinko Martinović was present while his soldiers mistreated the persons and [...] he had the material ability to prevent those crimes from being committed. However, he wilfully decided not to do so.' <i>Naletilić Trial Judgement, para. 439.</i>
	<b>Heliodrom – mistreatment and beating</b>
163	"The Chamber is satisfied that the mistreatment and beating of BH Muslim prisoners was a common practice in the Heliodrom." <i>Naletilić Trial Judgement, para. 429.</i>
164	"Mladen Naletilić was physically present when prisoners were mistreated by soldiers who accompanied him and personally participated in the mistreatment of the Heliodrom prisoners. [...] Witness FF, an ABiH member from Mostar, and witness Z, a prominent SDA member, were mistreated by Mladen Naletilić while being detained at the Heliodrom prison. Both witnesses were interrogated by Mladen Naletilić in the Heliodrom and physically and mentally maltreated in the course of their interrogation." <i>Naletilić Trial Judgement, para. 435.</i>
165	"Although the Heliodrom was under the authority of the military police, soldiers of the KB and other units had unfettered access to the Heliodrom and to the prisoners' cells where they mistreated the prisoners at random." <i>Naletilić Trial Judgement, para. 436.</i>
	<b>Heliodrom – forced labour and human shields</b>
167	"Prisoners from the Heliodrom were taken to perform labour in different locations, but mainly on the frontline in Mostar." <i>Naletilić Trial Judgement, para. 56</i>
168	"From July 1993 onwards, the HVO units deployed in the Sector Mostar Town Defence were the Vinko Škrobo ATG, the Benko Penavić ATG, the 4 <sup>th</sup> and 9 <sup>th</sup> Battalion of the 3 <sup>rd</sup> HVO Brigade, commanded by Ivan Primorac from October 1992 until 20 July 1993, and the 2 <sup>nd</sup> Battalion of the 2 <sup>nd</sup> HVO Brigade." <i>Naletilić Trial Judgement, para. 137.</i>
169	"Prisoners were taken from the Heliodrom to perform labour in the Šantićeva street. [...] The labour involved included military related tasks, such as building bunkers, repairing trenches, filling sandbags and carrying them to the confrontation line, and was performed in extremely dangerous conditions, the prisoners finding themselves constantly in crossfire. [...] Prisoners /were/ used as human shields and injured while working in the Šantićeva street." <i>Naletilić Trial Judgement, para. 295.</i>
172	"Vinko Škrobo ATG regularly, and at times daily, requested the HVO military police, in charge of the Heliodrom detention centre, to provide detainees to perform labour for the unit, and [...] these requests were mostly granted by the commander of the first light assault battalion of the military police. [...] The prisoners of war were sent on the request and for the discretionary needs of the individual units." <i>Naletilić Trial Judgement, para. 264.</i>
174	"Upon arrival at the headquarters, Vinko Martinović gave orders and assigned labour." <i>Naletilić Trial Judgement, para. 266.</i>
175	"/Numerous/ prisoners [...] were forced to perform military support tasks in extremely dangerous conditions, such as digging trenches near the confrontation line, sealing exposed windows or areas with sandbags, or other forms of fortification labour. [...] Detainees were made to carry explosives

	across the confrontation line, or to retrieve bodies of wounded or killed HVO soldiers. [...] The prisoners were often in direct exposure to fire from the other side of the front-line, as a result of which some were injured." <i>Naletilić Trial Judgement</i> , para. 268.
176	"Prisoners were under constant guard and regularly mistreated while working for the Vinko Škrobo ATG. The atmosphere prevailing in and around the confrontation line was one of fear and threats. The nature of the work itself is also indicative of the fact that the prisoners did not have a real choice." <i>Naletilić Trial Judgement</i> , para. 270.
177	"The opportunity to volunteer was never given to the prisoners who performed the forms of labour described above and [...] were forced to do so. First, it appears clearly that with the exception of those prisoners who enjoyed a privileged treatment, the Heliodrom detainees did not come forward, but were selected by the member of the unit who came to the Heliodrom to pick them up. [...] The circumstances under which the detainees were put and the nature of the labour interfered with their capacity to make a real choice." <i>Naletilić Trial Judgement</i> , para. 270.
179	"the frequent beatings of prisoners by Vinko Martinović as established for the incident in July or August 1993 involving several prisoners, the incident with the "Professor". [...] The beatings administered by /the accused/ in those incidents caused serious physical suffering to the victims who were protected persons." <i>Naletilić Trial Judgement</i> , para. 389.
180	"The injuries sustained by some of the prisoners in the course of their work caused serious mental harm or physical suffering." <i>Naletilić Trial Judgement</i> , para. 271.
181	"Soldiers of the KB and the Vinko Škrobo ATG under the command of Mladen Naletilić and Vinko Martinović, namely Romeo Blažević, Ernest Takač, Robo and Ivan Hrkač, the brother of Čikota, participated in those severe beatings of the helpless prisoners." <i>Naletilić Trial Judgement</i> , para. 428.
183	"On 17 September 1993, at 12 pm, the HVO launched an offensive operation against the ABiH on the right bank of the Neretva river, which did not succeed in taking any grounds, and led to many casualties among the HVO soldiers." <i>Naletilić Trial Judgement</i> , para. 275.
185	"In the morning of 17 September 1993, Dinko Knežović came to fetch approximately 30 prisoners from the Heliodrom to take them to the headquarters of the Vinko Škrobo ATG. Upon their arrival, Vinko Martinović ordered Ernest Takač to select four prisoners, who were taken down to the basement of the headquarters. There, Štela ordered them to wear camouflage uniforms. The prisoners also received wooden rifles." <i>Naletilić Trial Judgement</i> , para. 276.
186	"Vinko Martinovic was in command on the frontline in the area of the Health centre on 17 September 1993, [...] The four prisoners in question were signed out to the Vinko Skrobo ATG. [...] The prisoners involved in the wooden rifle incident all testified that Vinko Martinovic himself issued the instructions to them. [...] On 17 September 1993, he directly ordered that the four selected prisoners be used as human shields." <i>Naletilić Trial Judgement</i> , para. 290.
187	"The labour of prisoners of war at the frontline in Raštani is dangerous by its very nature. The detainees were exposed to shelling and gun fire in the

	conflict, and participated in tasks involving transporting food and ammunition, collecting bodies as well as search operations. Furthermore, this labour was not undertaken voluntarily. [...] The circumstances in which the detainees were used and the nature of the work they were forced to perform caused them a serious mental suffering." <i>Naletilić</i> Trial Judgement, paras. 302 and 303.
	<b>9. Raštani – August 1993</b>
189	"As a professional unit, the KB had to report to Milan Štampar as the commander of the particular area of the frontline, who would then task the KB. [...] Thus, while the commander of the area was responsible for the execution of the task given by the HVO Main Staff to the area, Mladen Naletilić as the commander of the KB professional unit was responsible for the execution of the specific task given to him." <i>Naletilić</i> Trial Judgement, para. 167.
190	"Documentary evidence shows that the KB was involved in an operation in Raštani in mid-August 1993. Pursuant to an order of the Southeast Herzegovina operational zone, the Commander of the Sector North Miro Andrić ordered on 24 August 1993 that the "Tuta professional unit" be relieved from the Raštani area." <i>Naletilić</i> Trial Judgement, para. 167.
	Raštani – September 1993
191	"The KB commanded by Mladen Naletilić took part in the operation in Raštani on 22 and 23 September 1993." <i>Naletilić</i> Trial Judgement, para. 166.
	<b>10. Ljubuški prison</b>
199	"Mladen <i>Naletilić</i> was present on some occasions in Ljubuški prison and he even used some prisoners from this detention centre as labour force for construction works. A hand-written letter attached to exhibit PP 314.2 shows a request by Mladen Naletilić to release a certain Feriz Januzović and his father from Ljubuški." <i>Naletilić</i> Trial Judgement, para. 658.
200	"The KB could force some prisoners to work for them on certain occasions and [...] could access Ljubuški prison and beat the prisoners held there." <i>Naletilić</i> Trial Judgement, para. 659.
	<b>11. Armed conflict – international armed conflict</b>
201	"The acts with which Mladen Naletilić and Vinko Martinović are charged were committed in the course, and as a consequence, of the armed conflict between the HVO and the ABiH. The victims of this conflict were living within the relevant territory in the relevant period. Further, both accused were members of the armed forces taking part in the hostilities. [...] The nexus requirement has been met in the present case." <i>Naletilić</i> Trial Judgement, para. 180.
202	"An armed conflict existed during the time relevant to the Indictment, <i>i.e.</i> at least between 17 April 1993 and the end of February 1994." <i>Naletilić</i> Trial Judgement, para. 179.
	<b>Croatia's control and role: general observations</b>
205	"There is no doubt that the Republic of Croatia enjoyed a strong connection with the Croats of Bosnia and Herzegovina." <i>Naletilić</i> Trial Judgement, para 198.
206	(22 September 1993) "While it is clear from the evidence that HV /Croatian Army/ troops were directly involved in the conflict in and around Mostar, this is not the case as far as the HVO attacks on Sovići/Doljani and Raštani are concerned. This finding does not have the effect that the Geneva Conventions were not applicable in Sovići/Doljani and Raštani." <i>Naletilić</i>

	Trial Judgement, para. 194.
	<b>Croatia's role in the HVO and HZ H-B</b>
210	"The Republic of Croatia took part in the organisation, planning or co-ordination of military operations conducted in the context of the conflict between the HVO and the ABiH." <i>Naletilić</i> Trial Judgement, para. 200.
211	"In spite of the denial of political officials from the Republic of Croatia and HZ H-B, personnel from the ECMM and UNPROFOR witnessed the presence and direct intervention of HV troops in Bosnia and Herzegovina in general, and in the area of Mostar in particular, throughout 1993." <i>Naletilić</i> Trial Judgement, para. 192.
212	"Many eyewitnesses [...] saw HV troops in several relevant locations. Those [...] soldiers belonged to different units and were based in different locations and at times took part in the crimes committed against the Muslim population." <i>Naletilić</i> Trial Judgement, para. 193.
213	"While volunteer defenders may have accounted for some of the HV troops present in Bosnia and Herzegovina, it is the Republic of Croatia that did in fact organise the sending of the vast majority of them, while attempting to conceal their presence by asking them, for example, to replace their uniforms and insignia for those of the HVO." <i>Naletilić</i> Trial Judgement, para. 195.
214	"HV troops in Bosnia and Herzegovina maintained their rights as members of the HV, including the right to a monthly salary." <i>Naletilić</i> Trial Judgement, para. 195.
215	"Numerous United Nations documents /condemned/ the presence of HV troops in the region." <i>Naletilić</i> Trial Judgement, para. 192.
216	"In early 1994, while declaring that it 'had no moral right to prevent the Croatian volunteers from helping the imperilled BH Croat community', the Government of the Republic of Croatia admitted the presence of regular HV units, albeit limited to the border areas, and stated that it would organise their withdrawal." <i>Naletilić</i> Trial Judgement, para. 195.
	<b>Other forms of support provided by Croatia to HZ H-B / the HVO</b>
217	"The Republic of Croatia financed and provided military equipment to the HVO in the course of its conflict with the ABiH. [...] The provision of assistance in terms of military equipment was considerable. [...] The presence of large numbers of HV vehicles and weaponry was reported on many occasions." <i>Naletilić</i> Trial Judgement, para. 199.
218	"Members of the HVO were paid directly by the government of the Republic of Croatia." <i>Naletilić</i> Trial Judgement, para. 199.
	<b><u>2. Adjudicated facts taken from the case <i>Prosecutor v. Blaškić</i></u></b>
	<b>International armed conflict</b>
1	"President Tudjman aspired to partitioning this neighbouring country [Bosnia and Herzegovina]." <i>Blaškić</i> Trial Judgement, para. 103.
2	"Franjo Tudjman's nationalism and his desire to annex a part of BH were apparent to Lord David Owen to whom President Tudjman staked his claim that 17.5% of Bosnian territory should revert to a republic with a Croatian majority." <i>Blaškić</i> Trial Judgement, para. 104.
3	"These aspirations for a partition were furthermore displayed during the confidential talks between Franjo Tudjman and Slobodan Milošević in Karadjordjevo on 30 March 1991 on the division of Bosnia-Herzegovina." <i>Blaškić</i> Trial Judgement, para. 105.



4	“No Muslim representative participated in these talks which were held bilaterally between the Serbs and Croats.” <i>Blaškić</i> Trial Judgement, para. 105.
5	“Following Karadjordjevo, Franjo Tudjman opined that it would be very difficult for Bosnia to survive and that the Croats were going to take over the Banovina plus Cazin, Kladaša and Bihać.” <i>Blaškić</i> Trial Judgement, para 105.
6	“The aspirations of Franjo Tudjman to annex 'Croatian' regions of Bosnia persisted throughout the conflict.” <i>Blaškić</i> Trial Judgement, para. 106.
8	“For /Mate Boban/, the HDZ was the Bosnian branch of the party founded by Franjo Tudjman.” <i>Blaškić</i> Trial Judgement, para. 108.
9	“Delegations from the Bosnian HDZ /Croatian Democratic Union/ regularly went to consult President Tudjman.” <i>Blaškić</i> Trial Judgement, para. 116.
10	“There were regular meetings with President Tudjman, and the Bosnian Croat leaders, appointed by Croatia or with its consent, continued to direct the HZ H-B and the HVO well after June 1992.” <i>Blaškić</i> Trial Judgement, para. 119.
15	“According to Mate Boban, Herceg-Bosna was culturally, spiritually and economically part of Croatia and had only been separated from it for regrettable reasons.” <i>Blaškić</i> Trial Judgement, para. 108.
17	“[Franjo Tudjman] also said that there would no longer be a Muslim region within the former Yugoslavia, that it would constitute only a 'small element of the Croat State’”. <i>Blaškić</i> Trial Judgement, para. 106.
18	“A provision adopted by the Republic of Croatia gave to all members of the Croatian nation the right to citizenship.” <i>Blaškić</i> Trial Judgement, para 130.
19	“Another law authorised all Croats to vote in the elections in Croatia, thus allowing the Bosnian Croats with Bosnian nationality to vote in the parliamentary elections in the Republic of Croatia.” <i>Blaškić</i> Trial Judgement, para. 130.
20	“The agreement entered into by the Serbs and Croats on the partition of Bosnia was reportedly confirmed at a meeting between the Bosnian Serb and Bosnian Croat political leaders, Radovan Karadžić and Mate Boban, in Graz in Austria on 6 May 1992.” <i>Blaškić</i> Trial Judgement, para. 105.
21	“On 10 April 1992, President Tudjman appointed General Bobetko of the HV as commander of the 'Southern Front’.” <i>Blaškić</i> Trial Judgement, para. 112.
22	“[General Bobetko’s] duties [as commander of the 'Southern front'] included commanding HV and HVO units in Croatia and Bosnia-Herzegovina.” <i>Blaškić</i> Trial Judgement, para. 112.
23	“By 19 May, General Bobetko had already established a forward command post in Gornji Vakuf in BH.” <i>Blaškić</i> Trial Judgement, para. 112.
24	“On 14 June 1992, General Bobetko ordered offensive activities to commence, HVO forces to manoeuvre in a certain direction and specific operations to be launched as part of a military campaign.” <i>Blaškić</i> Trial Judgement, para 112.
25	“Croatia was thus directly involved in the control of the HVO forces which were created on 8 April by the HZHB presidency.” <i>Blaškić</i> Trial Judgement, 112.
27	“The involvement of the HV and Croatia may appear more clear-cut at the start of the period under consideration [March to June 1992] but [...] it persisted throughout the conflict.” <i>Blaškić</i> Trial Judgement, para. 102.
28	“The presence of HV soldiers or units in Bosnia-Herzegovina [...] has been amply demonstrated.” <i>Blaškić</i> Trial Judgement, para. 84.
29	“Although the HV soldiers were primarily in the Mostar, Prozor and Gornji Vakuf regions and in a region to the east of Čapljina, there is also proof of

	HV presence in the Lašva Valley.” <i>Blaškić</i> Trial Judgement, para. 94.
30	“Croatia thus always denied that its troops were in the territory of Bosnia-Herzegovina, which the Security Council had nonetheless noted and deplored.”, <i>Blaškić</i> Trial Judgement para. 140.
31	“In the [Central Bosnia Operations Zone], several orders were given to the members of the HV serving in the HVO to remove their HV insignia so that observers would not detect their presence in BH.”, <i>Blaškić</i> Trial Judgement, para. 93.
32	“Aside from the direct intervention by HV forces, the Trial Chamber observes that Croatia exercised indirect control over the HVO and Croatian Community of Herceg-Bosna.” <i>Blaškić</i> Trial Judgement, para. 95.
33	“Before becoming HVO Chief-of-Staff, General Milivoj Petković was a senior officer in the army of the Republic of Croatia.” <i>Blaškić</i> Trial Judgement, para 115.
34	“General Petković was replaced in his post as Chief-of-Staff by General Praljak, the former Croatian national Deputy Minister of Defence in Zagreb.” <i>Blaškić</i> Trial Judgement, para. 112.
35	“In October 1993, General Praljak was replaced by General Roso.” <i>Blaškić</i> Trial Judgement, para. 112.
36	“It was only on 15 October 1993 that General Roso resigned from the HV to ‘leave for Bosnia-Herzegovina’ and become the HVO Chief-of-Staff. On 23 February 1995, he requested to be taken back into the HV, a request which was granted.” <i>Blaškić</i> Trial Judgement, para. 115.
37	“Apart from providing manpower, Croatia also lent substantial material assistance to the HVO in the form of financial and logistical support.” <i>Blaškić</i> Trial Judgement, para. 120.
38	“Croatia supplied the HVO with large quantities of arms and materiel in 1992, 1993 and 1994.” <i>Blaškić</i> Trial Judgement, para. 120.
39	“HVO troops were trained in Croatia.” <i>Blaškić</i> Trial Judgement, para. 120.
41	“On 6 May 1995, during a dinner at which he was sitting beside Mr. Paddy Ashdown, leader of the Liberal Democrat Party in the United Kingdom, who was called as a witness by the Prosecutor, President Tudjman clearly confirmed that Croatia had aspirations to territory in Bosnia.” <i>Blaškić</i> Trial Judgement, para. 106.
42	“Having sketched on the back of a menu a rough map of the former Yugoslavia showing the situation in ten years time, Franjo Tudjman explained to Mr. Ashdown that one part of Bosnia would belong to Croatia and the other part to Serbia.” <i>Blaškić</i> Trial Judgement, para. 106.
44	With reference to paragraph 94 of the <i>Blaškić</i> Trial Judgement, “the Appeals Chamber notes that the Trial Chamber found that Croatia was a Party to the conflict in question.”, <i>Blaškić</i> Appeal Judgement, para. 175.