

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-04-74-T

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

Registrar: Mr. John Hocking

Date filed: 20 October 2010

THE PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ĆORIĆ
BERISLAV PUŠIĆ**

PUBLIC WITH CONFIDENTIAL ANNEX

**JADRANKO PRLIĆ'S MOTION TO REBUT THE EVIDENCE ADMITTED BY
THE TRIAL CHAMBER IN THE DECISION ON THE PROSECUTION'S
MOTION TO REOPEN ITS CASE**

Office of the Prosecutor:

**Mr. Kenneth Scott
Mr. Douglas Stringer**

Counsel for the Accused:

**Mr. Michael G. Karnavas and Ms. Suzana Tomanović for Jadranko Prlić
Ms. Senka Nožica and Mr. Karim A. A. Khan for Bruno Stojić
Mr. Božidar Kovačić and Ms. Nika Pinter for Slobodan Praljak
Ms. Vesna Alaburić and Mr. Nicholas Stewart for Milivoj Petković
Ms. Dijana Tomašević-Tomić and Mr. Dražen Plavec for Valentin Ćorić
Mr. Fahrudin Ibrišimović and Mr. Roger Sahota for Berislav Pušić**

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

CASE NO. IT-04-74-T

PROSECUTOR v. JADRANKO PRLIĆ ET AL

PUBLIC WITH CONFIDENTIAL ANNEX

**JADRANKO PRLIĆ'S MOTION TO REBUT THE EVIDENCE ADMITTED BY
THE TRIAL CHAMBER IN THE DECISION ON THE PROSECUTION'S
MOTION TO REOPEN ITS CASE**

Jadranko Prlić, through his Counsel, respectfully moves to rebut the evidence admitted by the Majority of the Trial Chamber (Presiding Judge Antonetti dissenting) in the Decision on the Prosecution's Motion to Reopen its Case.¹ This Motion is made necessary because of the Majority Decision granting the Defence the limited right to refute the evidence admitted for the Prosecution based on its Motion to Admit Evidence in Reopening, filed 8 July 2010.² The affixed Annexes respond, pursuant to the limitations imposed by the Majority, to the documentary evidence admitted by the Majority for the benefit of the Prosecution's case-in-chief. The filing of this Motion does not constitute a waiver of or a substitute for Dr. Prlić's right to re-open his case; a matter which is the subject of a request for certification to appeal.

WHEREFORE, for all the reasons set forth herein the Prlić Defence respectfully moves to rebut the evidence admitted in the Majority Decision by seeking the admission of the documentary evidence listed in the affixed Annexes.

Dated: 20 October 2010
The Hague, The Netherlands

Respectfully submitted,



Michael G. Karnavas
Counsel for Jadranko Prlić

Word Count: 181

¹ Issued 6 October 2010 ("Majority Decision").

² Majority's Decision, para. 64 and p. 29.

ANNEX I

ANNEX I

JADRANKO PRLIĆ'S MOTION TO REBUT THE EVIDENCE ADMITTED BY THE TRIAL CHAMBER IN THE DECISION ON THE PROSECUTION'S MOTION TO ADMIT EVIDENCE IN REOPENING/REOPEN ITS CASE

This table or chart sets out the information required by the Trial Chamber's guidelines, either by way of the paragraphs in this introductory part or in the individual sections of the chart, or in relation to Annex II. As to those items where the same information would be repeatedly stated in each "box", and in order to avoid repetition and keep the chart shorter rather than longer, these common aspects are addressed below.

Concerning Guideline 9(a)(iv) (previous evidence related to Indictment paragraphs), Annex I identifies the related Indictment paragraphs, in the indicated column. Annex II provides the information required under Guideline 9(a)(iv), by listing previous evidence on each indictment paragraph. Cross-referencing a paragraph listed in Annex I to the corresponding paragraph in Annex II provides the required guideline information..

Structure of Annex I: The first column with the heading "Exhibit No" refers to the exhibit number of the document being tendered for admission. The second column with the heading "Date" refers to the date reflected on the referenced exhibit. The third column with the heading "Description" refers to the source of the referenced exhibit. The fourth column with the heading "Indic. Para" refers to the paragraphs in the Amended Indictment. The fifth column with the heading "How this excerpt is connected with admitted excerpts and reasons why Prlić Defence considers the document important" refers to the reasoning offered by the Prlic Defence in rebutting the arguments advanced by the Prosecution for the documentary evidence admitted by the Majority of the Trial Chamber (Presiding Judge Antonetti dissenting) in the Decision on the Prosecution's Motion to Reopen its Case, issued 6 October 2010.

Under seal: None of the documents listed in Annex I have to be admitted under seal.

Alleged “ongoing cooperation with Serbs”

Exhibit No.	Date	Description	Indic. Para.	How this excerpt is connected with admitted excerpts and reasons why Plić Defence considers the document important
<p>1D03195 (all pages)</p>	<p>06/05 /1992</p>	<p>Mladic Notebook No. 39, entry for 6 May 1992</p>	<p>27</p>	<p>The OTP claims that P11376 “is significant for the determination of the case as it provides evidence of the... Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment.”</p> <p>1D03195 rebuts P11376 and is directly connected to the part of the Paragraph 27 of the indictment claiming that:</p> <p>“Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.”</p> <p><u>Context relevant to 1D03195 in rebutting P11376</u></p> <p>The so-called “Graz Agreement” has prominently featured in the Prosecution’s case; the alleged existence of this agreement is advanced by the Prosecution as proof that the Serbs and Croats had secretly met and hatched a pact to carve up BiH.</p> <p>From 1D03195 it emerges concretely that while there was a meeting - never an issue as far as the Plić Defence was concerned - no agreement was ever reached at this meeting. Mladić records on 6 May 1992 the following:</p> <p style="padding-left: 40px;"><u>Talks</u> <u>1920 hours (06 May 1992)</u> with <u>KARADŽIĆ, KRAJIŠNIK, ADŽIĆ</u> and a group of generals from BH</p> <p style="padding-left: 40px;">[...]</p>

			<p>* <u>Radovan KARADŽIĆ</u> - Europe has agreed for BH to have 3 constituent states (units). [...] Germany and the United states have agreed that we form our own state in our territories. [...] -With the Croats we cannot agree on anything. * We were very mistaken about the Yugoslav orientation of the Muslims. _ * IZETBEGOVIĆ is a religious fanatic, he is for a division of BH * The Muslims have formed green, red and black berets/units/. _ [...] * IZETBEGOVIĆ is hoping for foreign intervention (he is supported by MOCK and GENSCHER).- - If we secure the borders, They would be the aggressors. - We were in Graz today for negotiations with the Croats. – - Demarcation by 15 May. -¹</p>
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¹ This seems to be in reference to the JNA withdraw from BiH as reflected in an agreement as reported by the UN Secretary-General in his Report of 30 May 1992 (Exh. P00233). The JNA was expected to depart from BiH by 18 May 1992. In this Report in paragraph 2 it is noted that the on 13 May 1992, "authorities of the so-called 'Serbian

			<p>- It would be good to carry out the demarcation (a) in order for us to separate, b) for us to form a corridor.)- c) for the Drina not to be the border d) to reach the coast.</p> <p>The following day, 7 May 1992, Mladić records (1D03199):</p> <p><u>MEETING</u> 1600 hours (07 May 1992)</p> <p><u>KRAJIŠNIK</u> <u>Strategic goals:</u></p> <p>1.- To separate from the Croats and the Muslims forever- [...]</p> <p>4. -Neretva – a natural border with the Croats [...]</p> <p>6.- to have a passage to the sea.</p> <p>From 1D03195 and 1D03199 at least two points emerge:</p> <p>First, Karadžić notes explicitly that nothing can be reached with the Croats.</p> <p>Second, other than simply noting that there was a meeting, nothing is mentioned about anything being agreed. This in fact validates what Mate Boban published and THE ANSWER</p>
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Republic of Bosnia and Herzegovina' announced their decision to form their own army, which would be composed of units of the former JNA based in Bosnia and Herzegovina, and appointed General Ratko Mladić as Commander of that Army." It is also mentioned in paragraph 9 that "President Izetbegović has recently indicated to senior UNPROFOR officers at Sarajevo his willingness to deal with General Mladić but not with the political leadership of the 'Serbian Republic of Bosnia and Herzegovina."

² Exh. 1D00428.

³ Exh. P09853, Exh. P00187, Exh. P00192.

⁴ Transcript, pp. 28950-28954.

			<p>to the Public statement of the group of Croatsians in Diaspora.² Boban was unequivocal:</p> <p>The talks in Graz, when it concerns the Croatian side, didn't have any intention of signing any document that would contribute to splitting of BIH, or to denying rights to Muslims, the constitutive nation of BIH. Talks were held on to request of Conference on BIH of the European Union, and after the conference, they were held bilaterally. [...] Announcement for public, from what is clear that there was no secret arrangement on splitting the BIH, or "betrayal" of anyone's interests. Talks in between representatives of BIH nations, bilateral as well, and again on the request of Conference on BIH of the European Union, will continue in the future. Therefore, Croatian-Muslim, Serbian-Croatian, Muslim Serbian talks, deeply confident without any mischief of the third party, but in the interest of stopping the bloody war.</p> <p>Contributing to this assertion is the meeting between representatives of Croatian and Muslim people, which was agreed on being held, but it was not. Representatives of Muslim people didn't show up because they couldn't leave Sarajevo due to blockades. Talks with SDA representatives, who left as refugees for Croatia are set up for today and those talks need to define mutual campaign of Muslim and Croatian people against common enemy, Serbian aggressors and Units of ex – Federal Army, supported by Chetnics slaughter and defend Chetnics campaigned on the territory of Herzeg-Bosna.</p> <p>Witness 1D-AA discussed the meeting that was scheduled, as reflected by Boban in his open letter to the Diaspora. Other than producing an unsigned press release and press articles of journalist commenting on the press release,³ no credible evidence was adduced contradicting Boban's public representations concerning the meeting at Graz. 1D03195 and 1D03199 now confirm Witness 1D-AA's testimony⁴ and Boban's public representation as to what did not transpire at Graz. Karadžić's account of the meeting as recorded by Mladić is most relevant in dispelling the "Graz Agreement" myth and rebutting the Prosecution's claims regarding P11376 about the "ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadžić and Mate Boban in Graz, Austria, on 6 May 1992" as reflected in paragraph 27 of the Indictment.</p>
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1D03199			<p>1D03195 and 1D03199 directly and specifically <i>rebut</i> the Prosecution's claims that P11376 supports the allegations as set out in Paragraph 27 of the Indictment.</p>
	Mladic Notebook No. 39, entry for 7 May 1992	27	<p>The OTP claims that P11376 meeting is: This document is significant for the determination of the case as it provides evidence of the... Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment.”</p> <p>1D03199 rebuts P11376 and is directly connected to the part of the Paragraph 27 of the indictment claiming that:</p> <p>“Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.”</p> <p>In the interest of brevity, the reasoning and basis for seeking the admission of 1D03199 is provided above regarding 1D03195. The relevant text to 1D03199 is quoted and discussed in the commentary to 1D03195 since these two entries, set only a day apart, are effectively linked.</p>

Bilateral talks initiated by Internationals

Exhibit No.	Date	Description	Indic. Para.	How this excerpt is connected with admitted excerpts and reasons why Prlić Defence considers the document important
ID03159 (all pages)	22/09 /1992	Mladic Notebook No. 33, entry for 22 September 1992	15, 23, 27.	<p>ID03159 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of the Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladic, PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna.”</p> <p>The OTP claims that P11380 is “ significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatia leadership (Indictment paragraph 27) ...”</p> <p>The OTP claims that P11389 “demonstrates Boban’s and Prlić’s views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.” OTP is also connecting this document to Paragraphs 15, 16, 17.1a, 17.1b, 21 and 23.</p> <p>ID03159 rebuts P11376, P11380 and P11389 and is directly connected to the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be

			<p>part of the Croatian Community (and later Republic) of Herceg-Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means.... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941..."</p> <ul style="list-style-type: none"> - Paragraph 23 claiming that: "In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Plic, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina." - Paragraph 27 of the Indictment calming that: "Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993." <p>In 1D03159 Mladić records Karadžić saying on 22 September 1992 that:</p> <ul style="list-style-type: none"> -For 1.5 hours I talked to VANCE in private, VANCE is one of us and we must not be meek before him. [...] -VANCE talked me into concluding a separate peace
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				<p>with BOBAN.</p> <p>The significance of 1D03159 is that according to Karadžić, the Personal Representative of the UN Secretary General to the former Yugoslavia and Co-Chairman of the ICFY Steering Committee (1992-1993), Cyrus Vance, is encouraging Karadžić to hold talks with Boban and to conclude a separate peace. Vance was the former US Secretary of State under the Carter Administration (1977-1980), with vast diplomatic experience at the world stage, having also served in the Department of Defense and other official capacities during the Kennedy and Johnson administrations (1960-68). Vance would not have been talking Karadžić into doing something – such as trying to reach a separate agreement with Boban – without careful consideration and collegial deliberation.</p> <p>1D03159 rebuts P11376, P11380 and P11389, through which the Prosecution argues that the holding of bilateral talks shows “ongoing cooperation” between the BiH Serbs and Croats in furtherance of the alleged JCE. 1D03159 shows – to the contrary – that bilateral talks were part of the normal negotiating process which was carried out by or under the auspices of the International negotiators.</p>
P11375 (all pages)	27/09 /1992	Mladic Notebook No. 33, entry for 27 September 1992	15, 23, 27	<p>P11375 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of the Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladić, PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna.”</p> <p>The OTP claims that P11380 is “ significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatian leadership (Indictment paragraph 27) ...”</p>

			<p>The OTP claims that P11389 “demonstrates Boban’s and Pric’s views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.” OTP is also connecting this document to Paragraphs 15, 16, 17.1a, 17.1b, 21 and 23.</p> <p>P11375 rebuts P11376, P11380 and P11389 and is directly connected to the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg-Bosna, and to join these areas as part of a "Greater Croatia,"... . by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...” - Paragraph 23 claiming that: “In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Pric, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina.” - Paragraph 27 of the Indictment claiming that: “Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate
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				<p>Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.”</p> <p>In P11375, Karadžić is recorded to have said that “Vance asked if we could make peace with the Croats.” This more or less echoes what Karadžić is recorded to have said 22 September 1992 (ID03159), when he indicated that he spoke with Vance privately for 1.5 hours, and concluded that “Vance is one of us and we must not be meek before him.” What is noteworthy, though not unusual, is the fact that one of the international negotiators is meeting with Karadžić. Assuming Karadžić is accurately reporting to Mladić what was told to him by Vance - the Personal Representative of the UN Secretary General to the former Yugoslavia and Co-Chairman of the ICFY Steering Committee (1992-1993) - it is clear that Vance is privately trying to nudge the peace process by trying to get two of the three parties to come to an agreement. Presumably, the next move or one that was being carried out simultaneously, is that Vance or Owen were nudging another permutation of the parties – Muslims and Croats – to reach an agreement. Vance would not have been talking Karadžić into doing something – such as trying to reach a separate agreement with Boban – without careful consideration and collegial deliberation. If indeed Vance “talked [Karadžić] into concluding a separate peace with BOBAN”, and if there were any meetings between Karadžić and Boban then such meetings can not then be viewed as indicial of the alleged JCE, claimed by the Prosecution.</p> <p>P11375 rebuts P11376, P11380 and P11389, through which the Prosecution argues that the holding of bilateral talks shows “ongoing cooperation” between the BiH Serbs and Croats in furtherance of the alleged JCE. P11375 shows – to the contrary - that bilateral talks were part of the normal negotiating process which was carried out by or under the auspices of the International negotiators.</p> <p>ID03165 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of the Bosnian-Croats, as set out in paragraph 23 of the Indictment,</p>
ID03165 (all pages)	19/11 /1992	Mladić Notebook No. 46, entry for 9 November 1992	15, 23, 27	

			<p>and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladić, PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna.”</p> <p>The OTP claims that P11380 is “significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatian leadership (Indictment paragraph 27) ...”</p> <p>The OTP claims that P11389 “demonstrates Boban’s and Pric’s views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.” OTP is also connecting this document to Paragraphs 15, 16, 17.1a, 17.1b, 21 and 23.</p> <p>ID03165 is directly connected to the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...” - Paragraph 23 claiming that: “In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Pric, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an
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			<p>independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina.”</p> <p>- Paragraph 27 of the Indictment claiming that: “Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.”</p> <p>In ID03165 Mladić records a meeting with UN General Morillon on 19 November 1992. From what is recorded, it is evident that more bilateral meetings are expected to be held, as UN General Morillon was arranging. This can be gleaned from the following exchange. As recorded by Mladić:</p> <p>MORILLON: 2.- * TUDJMAN has agreed that you meet General BOBETKO. - it can be at a/SA /?Sarajevo airport/ - BOBETKO, Bruno STOJIC, PETKOVIC - There is no information about a meeting with Sefer HALILOVIC.- * My reply → they can only talk. * Proposal: meeting between MLADIC – TUS on Thursday 26 November 1992 – 1200 hours * Meeting BOBETKO – GRUBAC Sunday - Saturday in Stolac → Sunday</p>
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				<p>Trebinje → 1200 hours 22 November 1992</p> <p>* Meeting with:</p> <p>a) STOJIC – PETKOVIC (Sunday 29 November) 1200 hours</p> <p>b) HALILOVIC - (Saturday 28 November) 1200 hours</p> <p>...</p> <p>M /?MORILLON/: I'll try to bring TUS, but I'm not sure. – My advice is that you accept an authorized person instead of TUS.</p> <p>ID03165 rebuts P11376, P11380 and P11389, through which the Prosecution argues that the holding of bilateral talks shows “ongoing cooperation” between the BiH Serbs and Croats in furtherance of the alleged JCE. ID03165 shows – to the contrary – that bilateral talks were part of the normal negotiating process which was carried out by or under the auspices of the International negotiators.</p>
<p>ID03164 (all pages)</p>	<p>27/11 /1992</p>	<p>Mladic Notebook No. 46, entry for 27 November 1992</p>	<p>15, 23, 27</p>	<p>ID03164 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of the Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladic. PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna.”</p> <p>The OTP claims that P11380 is “ significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatian leadership (Indictment paragraph 27) ...”</p> <p>The OTP claims that P11389 “demonstrates Boban’s and Prlic’s views (in full agreement)</p>

concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH's legitimacy." The OTP is also connecting this document to Paragraphs 15, 16, 17.1a, 17.1b, 21 and 23.

ID03164 is directly connected to the following Paragraphs in the Indictment:

- Paragraph 15 claiming that: "From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg-Bosna, and to join these areas as part of a "Greater Croatia,"... . by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941..."
- Paragraph 23 claiming that: "In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Prlic, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina."
- Paragraph 27 of the Indictment claiming that: "Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions,

				<p>through the end of 1993.”</p> <p>In ID03164 Morillon is promoting bilateral talks and agreements between the Serbs and Croats. This is relevant given the Prosecution’s assertions that any sort to bilateral talks between the Serbs and Croats is indicative of the alleged JCE. The Defence has maintained that bilateral talks were part of the normal negotiating process which was carried out by the Internationals.</p> <p>In ID03164 records a meeting with General Morillon and Andreev; both are with the UN. Karadžić is recorded to have said:</p> <p>“- If we were going in the direction of a final political solution we would accept many things, but if the war were to continue then we have to be cautious.</p> <p>- It is good that there has been a change in the time limit; a cease-fire gives them the opportunity to hit at us again while a cessation of hostilities leads to peace.</p> <p>[...]</p> <p>-As for the cessation of hostilities with the Croats, this is a good thing because 2/3 of the front is with the Croats.”</p> <p>From ID03164 it is clear that the negotiation process - which included bilateral talks with the encouragement of or facilitation with the Internationals – was obvious to all and generally done in an open fashion.</p> <p>ID03164 rebuts P11376, P11380 and P11389, through which the Prosecution argues that the holding of bilateral talks shows “ongoing cooperation” between the BiH Serbs and Croats in furtherance of the alleged JCE. ID03164 shows – to the contrary - that bilateral talks were part</p>
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ID03171 (all pages)	12/01 /1993	Mladic Notebook No. 30, entry for 12 January 1993	15, 23, 27	<p>of the normal negotiating process which was carried out by or under the auspices of the International negotiators.</p> <p>ID03171 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of the Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladic. PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna.”</p> <p>The OTP claims that P11380 is “ significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatian leadership (Indictment paragraph 27) ...”</p> <p>The OTP claims that P11389 “demonstrates Boban’s and Prlic’s views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.” The OTP is also connecting this document to Paragraphs 15, 16, 17.1a, Par17.1b, 21 and 23.</p> <p>ID03171 rebuts P11376, P11380 and P11389 and is directly connected to the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia,"... . by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation,
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		<p>appropriation and destruction of property and other means... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...”</p> <ul style="list-style-type: none"> - Paragraph 23 claiming that: “In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Prlic, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter “BiH Government”) and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina.” - Paragraph 27 of the Indictment claiming that: “Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.” <p>In 1D03171 Mladić records the plenary session at the Geneva negotiating talks held on 12 January 1993. Mladić records Lord Owen (Vance’s ICFY Co-Chairman) as saying:</p> <p style="padding-left: 40px;">“lets us not leave Geneva until bilateral talks are held,”</p> <p>and</p> <p style="padding-left: 40px;">“No other business is more important than bilateral relations between your peoples. They would like bilateral relations.”</p> <p>This is further proof of the parties being encouraged to hold bilateral talks. If Boban is meeting with Karadžić at the insistence of the ICFY Co-chairmen Vance and Owen, and if the purpose of any meetings is for the Bosnian Serbs and Croats of the HZ HB is to reach a separate peace</p>	
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<p>ID03174 (all pages)</p>	<p>15/05 /1993</p>	<p>Mladic Notebook No. 46, entry for 15 May 1993</p>	<p>agreement, then it stands to reason that such meetings can not <i>ipso facto</i> be viewed or considered as evidence of alleged JCE.</p> <p>ID03171 rebuts P11376, P11380 and P11389, through which the Prosecution argues that the holding of bilateral talks shows “ongoing cooperation” between the BiH Serbs and Croats in furtherance of the alleged JCE. ID03171 shows – to the contrary – that bilateral talks were part of the normal negotiating process which was carried out by or under the auspices of the International negotiators.</p> <p>ID03174 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of the Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladić, PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna.”</p> <p>The OTP claims that P11380 is “significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatian leadership (Indictment paragraph 27) ...”</p> <p>The OTP claims that P11389 “demonstrates Boban’s and Prlic’s views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.” The OTP is also connecting this document to Paragraphs 15, 16, 17.1a, Par17.1b, 21 and 23.</p> <p>ID03174 rebuts P11376, P11380 and P11389 and is directly connected to the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint
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			<p>criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg-Bosna, and to join these areas as part of a "Greater Croatia,"... . by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941..."</p> <ul style="list-style-type: none"> - Paragraph 23 claiming that: "In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Prlic, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina." - Paragraph 27 of the Indictment claiming that: "Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993." <p>In ID03174 Mladic records two meetings. The first meeting is held at 1100 hours, with General Morillon informing Mladić that: "The idea is to solve the problem between you, AI [Alija Izetbegović], Boban, with the UNPROFOR support."</p> <p>A second meeting is held at 1350 hours, with General Petković joining General Morillon and</p>
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			<p>Mladic. Petković is recorded to have made the following observations:</p> <ul style="list-style-type: none"> - After the MLADIĆ – HALILOVIĆ agreement was signed, I wondered why we, too, shouldn't participate in it.⁵ - As there are 2x2 agreements, it would be better if there were 3x2 agreements. - Our side is ready to sign the agreement in the areas where HVO forces are, especially in the Neretva river valley, Livno, Tomislavgrad and Posavina. – - As up to now we haven't had any significant activities since the already signed agreement, I believe that we've been adhering, and after today's agreements we'll wait for a political solution, rather than wage war. - We're negotiating an exchange of prisoners and I would like to accelerate it through today's agreement. - Some time in the future, it would be good if you invited HALILOVIĆ, too, but I don't want him today, for the following reason: until he abides by the signed agreement,⁶ I wouldn't like to talk to him. 	<p>ID03174 demonstrates how the negotiating process worked and how bilateral meetings were</p>
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⁵ Petković is referring to **Exh. 4D01344, CEASE FIRE AGREEMENT ON THE TERRITORY OF BOSNIA AND HERZEGOVINA CONCLUDED BETWEEN LIEUTENANT-GENERAL RATKO MLADIC AND GENERAL SEFER HALILOVIĆ 8 MAY 1993 IN THE PRESENCE OF LIEUTENANT –GENERAL PHILIPPE MORILLON.**

⁶ To fully appreciate what Petković is referring to, it is necessary to first consider **Exh. P02088, the Joint Statement**, signed 25 April 1993 in Zagreb by Izetbegović and Halilović for the Muslim side, with Boban and Petković for the Croats. Paragraph 1 makes reference to an Agreement “concluded” between Izetbegović, Silajdžić, Boban and Akmadžić on 3 March 1993. Paragraph 2 discusses the agreement reached concerning an immediate cease fire:

In connection with the renewal of the conflicts between the two armies (the army of Bosnia and Herzegovina and the Croatian Defence Council) in Central Bosnia and some other parts of the Republic of Bosnia and Herzegovina, which have caused many casualties and serious violations of international humanitarian law, thus posing the threat of far-reaching political consequences, the signatories of this Joint Statement hereby order all military units of the Army of Bosnia and Herzegovina and the Croatian Defence Council (HVO) to immediately cease fire and all hostilities in all areas where such military units are in contact.

Despite this agreement, according to **Exh. 3D02873**, a report from the operations of Central Bosnia Military-intelligence services, the following information was learned: While staying in the 3rd corps, Halilović, among others stated:

“The third corps must reinforce offensive and informative activities on Travnik and Lasva Valley, Busovaca, Vitez and Novi Travnik. The third corps will receive reinforcements when UN works off the demilitarized zones in eastern Bosnia; that will be the moment of final reckoning w/ Ustahas in this area and paths to Croatia or under the black ground.

Thus, when Petković is saying that he is disinclined to meet with Halilović until he abides by the agreements he has concluded (such as **Exh. P02088**), there is evidence to suggest that Petković was not speaking in the abstract and without any discernable reasons.

				<p>held, often leading to bilateral agreements at the insistence of and encouragement by the internationals.</p> <p>ID03174 rebuts P11376, P11380 and P11389, through which the Prosecution argues that the holding of bilateral talks shows “ongoing cooperation” between the BiH Serbs and Croats in furtherance of the alleged JCE. ID03174 shows – to the contrary – that bilateral talks were part of the normal negotiating process which was carried out by or under the auspices of the International negotiators.</p>
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Croats did not have territorial ambitions to restore Banovina 1939

Exhibit No	Date	Description	Indic. Para	How this excerpt is connected with admitted excerpts and reasons why Plić Defence considers the document important
1D03167 (all pages)	02/01/1993	Mladic Notebook No. 30, entry for 2 January 1993	15, 17.1a, 17.1b.	<p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment.”</p> <p>The OTP claims that P11380 is significant for the determination of the case as it shows the alleged desire of the Croatian Defence Council leadership to divide Bosnia and Herzegovina, including the desire to create Greater Croatia with a border within Bosnia and Herzegovina, and that this document shows that Plić, as an attendee, was allegedly a key player in Herceg-Bosna and the Croatian Defence Council. The OTP claims that this entry is relevant to the alleged JCE as set out in the Indictment paragraphs 15, 16, 16(1), 17(b), 17.1(a), 17.1(b), 17.2(a), 17.2(b), 17.2(c), 17.3 (a), 17.3 (c), 17.3 (f), 23, 24, and 27.</p> <p>1D03167 rebuts P11376 and P11380 and is directly connected to the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...” - Paragraph 17.1(a) claiming that: “as President and then Prime Minister of Herceg-Bosna's supreme executive, administrative and defence body, JADRANKO PRLIĆ was a key

			<p>and integral figure in the Herceg-Bosna/HVO leadership, in establishing, instigating, facilitating and carrying out Herceg- Bosna/HVO policies, strategies and practices...”</p> <p>Paragraph 17.1(b) claiming that: “Jadranko Prlic organised, participated in and often led high-level meetings of the Herceg-Bosna/HVO leadership and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg- Bosna and pursuing the goals and objectives of the joint criminal enterprise.”</p> <p>1D03167 is highly relevant and probative in rebutting P11376, P11380 and Paragraph 15 of the Indictment showing the HZ-HB’s overall attitude in searching for and agreeing to a negotiated peace agreement for an indivisible BiH state. Mladić records Boban’s, Petkovic’s and Tudjman’s words in expressing the views and aspirations of the Croats of BiH and the HZ HB.</p> <p>Mr. VANCE</p> <p>...</p> <ul style="list-style-type: none"> - Peace – war are in the hands of you gathered around the table, the decision to decide is up to you. – - It is your historic chance to decide on peace. <p>...</p> <ul style="list-style-type: none"> * Constitutional framework: 10 principles (Annex) * We will distribute the map to you. – * Designating Sarajevo as an open city (idea) <p>....</p> <p><u>Mate BOBAN:</u></p> <ul style="list-style-type: none"> -The principles presented by Mr. VANCE are the principles that the Croats in BH have been continuously proposing to the other peoples. -We accept this way of working, goals,
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			<p>methods._</p> <p>...</p> <p>TUDJMAN:</p> <ul style="list-style-type: none"> - Croatia, after it suffered aggression itself, has been pos. /?particularly/ affected by the aggression against BH, Croatia has been attacked from BH territory, 500,000 refugees from BH. - War in BH threatens to escalate internationally, we have reached a degree of international danger. - Entanglement in BH is very specific, - It is time for representatives of all the 3 peoples, and the MZ /international community/, Europe, to find solutions that will prevent war in that area. - Croatia will do everything not only to stop the war but also to avoid any crisis in this area in future. – <p>...</p> <p>General NAMBIAR</p> <p>...</p> <p>1. * A cessation of hostilities was agreed at the political level this morning. -</p> <p>...</p> <p>General PETKOVIC:</p> <ul style="list-style-type: none"> - Croatia has come to achieve peace. <p>...</p> <p>* General MLADIC:</p> <p>...</p> <ul style="list-style-type: none"> * Prevent the arming of HM /Croatian-Muslim/ coalition 8. – Abrogation of the T.-I. /?TUDJMAN-IZETBEGOVIC/ agreement <p>NAMBIAR:</p>

				<p>...</p> <p>1. – Establish a ceasefire and make it effective. Within 72 hours after the signing of the document there should be a total cessation of war in BH</p> <p>2. – Establishment of monitoring measures and control measures</p> <ul style="list-style-type: none"> - establishment of communications (hot line)... in selected areas and staffs. Communications will be introduced with the help of the UN and observers. – - Establishment of joint teams for crisis control ... <p>...</p> <p>* Our goal is the separation of forces...</p> <p>...</p> <p>OWEN:</p> <p>* Sarajevo:</p> <ul style="list-style-type: none"> - railway _ how we are to establish a company _ railway goes through Croatia... - EE /?electricity/– goes outside the borders... - Have intergovernmental contacts in this regard. – <p>It is clear from 1D03167 that Jadranko Prljic was neither invited nor present during most important meetings at which the destiny of the BiH was discussed and decided upon. This is in direct contradiction to the Paragraphs 17.1(a) and 17.1(b), and proves that Jadranko Prljic was not a “key figure” the in Herceg-Bosna/HVO leadership.</p>
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1D03168 (all pages)	03/01 /1993	Mladic Notebook No. 30, entry for 3 January 1993	15, 17.1a, 17.1b.	<p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment.”</p> <p>The OTP claims that P11380 is significant for the determination of the case as it shows the alleged desire of the Croatian Defence Council leadership to divide Bosnia and Herzegovina, including the desire to create Greater Croatia with a border within Bosnia and Herzegovina, and that this document shows that Prlic, as an attendee, was allegedly a key player in Herceg-Bosna and the Croatian Defence Council. The OTP claims that this entry is relevant to the alleged JCE as set out in the Indictment paragraphs 15, 16, 16(1), 17(b), 17.1(a), 17.1(b), 17.2(a), 17.2(b), 17.2(c), 17.3 (a), 17.3 (c), 17.3 (f), 23, 24, and 27.</p> <p>1D03168 rebuts P11376 and P11380 and is directly connected to the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...” - Paragraph 17.1(a) claiming that: “as President and then Prime Minister of Herceg-Bosna's supreme executive, administrative and defence body, JADRANKO PRLIC was a key and integral figure in the Herceg-Bosna/HVO leadership, in establishing, instigating, facilitating and carrying out Herceg-Bosna/HVO policies, strategies and practices...” - Paragraph 17.1(b) claiming that: “Jadranko Prlic organised, participated in and often led high-level meetings of the Herceg-Bosna/HVO leadership and with leaders of the
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<p>Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg-Bosna and pursuing the goals and objectives of the joint criminal enterprise.”</p>	<p>1D03168 relates to a negotiating session held in Geneva on 3 January 1993, chaired by Mr. Vance and Lord Owen. As can be seen, aside from holding plenary sessions, there were bilateral sessions as well as sessions divided into civilian/constitutional issues (Group 1), chaired by Mr. Ahtisaari, and military issues (Group 2), chaired by General Nambiar.</p>	<p>This entry from Mladić’s diary is highly relevant and probative in rebutting P11376, P11380 and Paragraph 15 of the Indictment showing the HZ-HB’s overall attitude in searching for and agreeing to a negotiated peace agreement for an indivisible BiH state. This entry is also relevant to the so called ultimatum of 15 January 1993, alleged by the Prosecution in paragraph 17.1(l) of the Indictment.</p>	<p>Mladić records Petković’s and Halilović’s joint approach to the military issues, which is in direct contradiction to the claims made in Paragraph 15 of the Indictment that HVO/HZHB goal was to “military subjugate...Bosnian Muslims.”</p>	<p>According to Mladić, the following exchange takes place:</p>	<p>HALILOVIC: 1 - In accordance with t Resolution 752 the aggressor is to hand over heavy weapons within 5 days in Sarajevo, and within 15 days in BH –</p>	<p>... * General NAMBIAR: - Let us agree on the rules: Cessation of hostilities - I would propose that no later than 45 hours after the signing of the agreement all forces in the conflict</p>

				<p>hand over the details of r/s /?deployment of forces/ to the UN.</p> <p>... NAMBIAR: - PETKOVIC and HALILOVIC accept inspection of heavy weapons....</p> <p>... PETKOVIC: HALILOVIC agrees: - He warns that it is impossible until all heavy weapons are handed over.</p> <p>... NAMBIAR: - Lord OWEN talked about withdrawal of various forces to provinces ... * Meeting in the afternoon at 1500. -</p> <p>1D03168 is highly relevant and probative show the HZ-HB's overall attitude in searching for and agreeing to a negotiated peace agreement for an indivisible BiH state. This is particularly evident when also considering other evidence adduced thus far concerning the negotiations. Relevant entries validating the theory of the Plić Defence Case relate to Mladić's entries of Boban's words in expressing the views and aspirations of the Croats of BiH and the HZ HB.</p> <p>It is clear from 1D03168 that Jadranko Plić was neither invited nor present during most important meetings at which the destiny of the BiH was discussed and decided upon. This is in direct contradiction to the Paragraphs 17.1(a) and 17.1(b), and proves that Jadranko Plić was not a "key figure" in the Herceg-Bosna/HVO leadership.</p> <p>The OTP claims that P11376 is "significant for the determination of the case as it provides evidence of the Croat leadership's territorial ambitions such as restoration of the Banovina of 1939, the two track policy of Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment."</p>
1D03169 (all pages)	04/01 /1993	Mladic Notebook No. 30, entry for 4 January 1993	15, 17.1a, 17.1b.	

			<p>The OTP claims that P11380 is significant for the determination of the case as it shows the alleged desire of the Croatian Defence Council leadership to divide Bosnia and Herzegovina, including the desire to create Greater Croatia with a border within Bosnia and Herzegovina, and that this document shows that Prlic, as an attendee, was allegedly a key player in Herceg-Bosna and the Croatian Defence Council. The OTP claims that this entry is relevant to the alleged JCE as set out in the Indictment paragraphs 15, 16, 16(1), 17(b), 17.1(a), 17.1(b), 17.2(a), 17.2(b), 17.2(c), 17.3 (a), 17.3 (b), 17.3 (c), 17.3 (f), 23, 24, and 27.</p> <p>1D3169 rebuts P11376 and P11380 and is directly connected to the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941... - Paragraph 17.1(a) claiming that: “as President and then Prime Minister of Herceg-Bosna’s supreme executive, administrative and defence body, JADRANKO PRLIC was a key and integral figure in the Herceg-Bosna/HVO leadership, in establishing, instigating, facilitating and carrying out Herceg- Bosna/HVO policies, strategies and practices... - Paragraph 17.1(b) claiming that: “Jadranko Prlic organised, participated in and often led high-level meetings of the Herceg-Bosna/HVO leadership and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg- Bosna and pursuing the goals and objectives of the joint criminal enterprise.”
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				<p>This entry from Mladić's diary is highly relevant and probative in rebutting P11376, P11380 and Paragraph 15 of the Indictment showing the HZ-HB's overall attitude in searching for and agreeing to a negotiated peace agreement for an indivisible BiH state. Mladić records Boban's and Tudjman's words in expressing the views and aspirations of the Croats of BiH and the HZ HB.</p> <p>* VANCE:</p> <ul style="list-style-type: none"> - The meeting has been going on intensively for 3 days, we want to thank you for the seriousness which will still be needed to reach peace in BH - All members of our team will continue working with you - The decision on peace or war rests with you. <p>* We are asking you to sign 2 documents:</p> <ol style="list-style-type: none"> 1. – On the ceasefire 2. – On the constitutional principles and maps of 10 provinces. <p>... * General NAMBIAR:</p> <p>... - Essentially, the position is: * After the signing of the agreement, heavy weapons are to be withdrawn beyond effective reach, and where it is not possible because of geographical circumstances, they should be collected in designated locations. Further action on the weapons would be taken in accordance with political decisions. – ...</p>
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				<p>* BOBAN: - Basic matters, peace and justice for the peoples in BH are in our hands. We do not have any right not to create peace. - Since there is a choice between war and peace, we Croats accept your package because we want peace and justice for our people. –</p> <p>* COSIC: - In this kind of war, we should distinguish between rational and irrational goals. ... * OWEN: - We will appreciate it if you and Mr TUDJMAN returned to the conference ... TUDJMAN: - The choice between peace and war is fateful, not only between the peoples of BH but also beyond, in the former Yugoslavia. I propose: Accept the package that has been prepared, sign it with an amendment that war is to be stopped and contentious issues resolved during the conference. BH is to be organised as a state of 3 constituent peoples with the decentralised authority of provinces... BOBAN will sign the package, and</p>
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				<p>General TUS the military document.</p> <p>...</p> <p>OWEN:</p> <p>- We should take into account that the highest military representatives have signed a cease fire, operations have been somewhat reduced and I hope that fire will be reduced even further until the resumption of the negotiations. We need to be patient, but we must stop the killing. –</p> <p>The best way to stop the fire is for the army to withdraw to the provincial borders.</p> <p>1D03169 is highly relevant and probative showing the HZ-HB's overall attitude in searching for and agreeing to a negotiated peace agreement for an indivisible BiH state. This is particularly evident when also considering other evidence adduced thus far concerning the negotiations. Relevant entries validating the theory of the Plić Defence Case relate to Mladić's entries of Boban's words in expressing the views and aspirations of the Croats of BiH and the HZ HB.</p> <p>It is clear from 1D03169 that Jadranko Plić was neither invited nor present during most important meetings at which destiny of the BiH was discussed and decided upon. This is in direct contradiction to the Paragraphs 17.1(a) and 17.1(b), and proves that Jadranko Plić was not a "key figure" the in Herceg-Bosna/HVO leadership.</p> <p>The OTP claims that P11376 is "significant for the determination of the case as it provides evidence of the Croat leadership's territorial ambitions such as restoration of the Banovina of 1939, the two track policy of Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment." ...</p> <p>The OTP claims that P11380 is significant for the determination of the case as it shows the alleged</p>
1D03170 (all pages)	10/01 /1993	Mladić Notebook No. 30, entry for 10 January 1993	15, 17.1a, 17.1b, 27.	

desire of the Croatian Defence Council leadership to divide Bosnia and Herzegovina, including the desire to create Greater Croatia with a boarder within Bosnia and Herzegovina, and that this document shows that Plic, as an attendee, was allegedly a key player in Herceg-Bosna and the Croatian Defence Council. The OTP claims that this entry is relevant to the alleged JCE as set out in the Indictment paragraphs 15, 16, 16(1), 17(b), 17.1(a), 17.1(b), 17.2(a), 17.2(b), 17.2(c), 17.3 (a), 17.3 (b), 17.3 (c), 17.3 (f), 23, 24, and 27.

1D03170 rebuts **P11376** and **P11380** and is directly connected to the following Paragraphs in the Indictment:

- Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...”
- Paragraph 17.1(a) claiming that: “as President and then Prime Minister of Herceg-Bosna's supreme executive, administrative and defence body, JADRANKO PRLIC was a key and integral figure in the Herceg-Bosna/HVO leadership, in establishing, instigating, facilitating and carrying out Herceg-Bosna/HVO policies, strategies and practices...”
- Paragraph 17.1(b) claiming that: “Jadranko Plic organised, participated in and often led high-level meetings of the Herceg-Bosna/HVO leadership and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg- Bosna and pursuing the goals and objectives of the joint criminal enterprise.”
- Paragraph 27 of the Indictment claiming that: “Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there

			<p>was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.”</p> <p>1D03170 is highly relevant and probative in rebutting P11376, P11380 and Paragraph 15 of the Indictment; it shows the HZ-HB’s overall attitude in searching for and agreeing to a negotiated peace agreement for an indivisible BiH state. Mladic records Boban’s and Tudjman’s words in expressing the views and aspirations of the Croats of BiH and the HZ HB.</p> <p>* Cyrus VANCE: - We expect you to put your signature to the documents on offer.</p> <p>...</p> <p>KARADZIC: A halt to hostilities is seriously harmed by: a) presence of Croatia’s OS /Armed Forces/ b) The Agreement between TUDJMAN and AI /Alija IZETBEGOVIC/ c) Declaration of war by AI d) Violation of embargo on import of weapons e) Presence and influx of mercenaries</p> <p>...</p> <p>BOBAN: - The crime of the war in BH has reached such a degree that nothing can justify it. - I call on the other 2 sides to sign the document. - I would like to ask the Co-Presidents to take measures to stop the war.</p> <p>...</p> <p>TUDJMAN: - Croatia is interested in bringing about a rapid end to the war. - To the statement by Mr K. that the withdrawal</p>
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<p>1D03172 (all pages)</p>	<p>23/01 /1993</p>	<p>Mladic Notebook No. 30, entry for 23 January 1993</p>	<p>15, 17.1a, 17.1b.</p>	<p>of the army of the RH /Republic of Croatia/ is necessary, there is no Army except in the border areas. –</p> <p>... * AHTISAARI: - When we speak of a state, a state exists of the sort that exists. – - Principle no. 2 has not been accepted. We have said for a long time already that BH has international subjectivity and that the provinces cannot sign international treaties, but they can sign arrangements between themselves and with other</p> <p>Karadžić’s remarks as recorded by Mladic that a halt to hostilities is seriously harmed by the Agreement between TUJMAN and Alija IZETBEGOVIC, directly contradicts the Prosecution’s claims concerning P11376 and Paragraph 27 of the Indictment that Serbs and Croats are “co-operating against BiH”.</p> <p>1D03170 is highly relevant and probative show the HZ-HB’s overall attitude in searching for and agreeing to a negotiated peace agreement for an indivisible BiH state. This is particularly evident when also considering other evidence adduced thus far concerning the negotiations. Relevant entries validating the theory of the Plić Defence Case relate to Mladic’s entries of Boban’s words in expressing the views and aspirations of the Croats of BiH and the HZ HB.</p> <p>It is clear from 1D03170 that Jadranko Prljic was neither invited nor present during most important meetings at which the destiny of the BiH was discussed and decided upon. This is in direct contradiction to the Paragraphs 17.1(a) and 17.1(b), and proves that Jadranko Prljic was not a “key figure” in the Herceg-Bosna/HVO leadership.</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of the Croat leadership’s territorial ambitions such as restoration of the Banovina of 1939, the two track policy of Bosnian-Croats, as set out in paragraph 23 of the Indictment, and Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment.” ...</p>
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The OTP claims that **P11380** is significant for the determination of the case as it shows the alleged desire of the Croatian Defence Council leadership to divide Bosnia and Herzegovina, including the desire to create Greater Croatia with a border within Bosnia and Herzegovina, and that this document shows that Pric, as an attendee, was allegedly a key player in Herceg-Bosna and the Croatian Defence Council. The OTP claims that this entry is relevant to the alleged JCE as set out in the Indictment paragraphs 15, 16, 16(1), 17(b), 17.1(a), 17.1(b), 17.2(a), 17.2(b), 17.2(c), 17.3 (a), 17.3 (b), 17.3 (c), 17.3 (f), 23, 24, and 27.

1D03172 rebuts **P11376** and **P11380** and is directly connected to the following Paragraphs in the Indictment:

- Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...”
- Paragraph 17.1(a) claiming that: “as President and then Prime Minister of Herceg-Bosna's supreme executive, administrative and defence body, JADRANKO PRLIC was a key and integral figure in the Herceg-Bosna/HVO leadership, in establishing, instigating, facilitating and carrying out Herceg- Bosna/HVO policies, strategies and practices...”
- Paragraph 17.1(b) claiming that: “Jadranko Pric organised, participated in and often led high-level meetings of the Herceg-Bosna/HVO leadership and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg- Bosna and pursuing the goals and objectives of the joint criminal enterprise.”

				<p>1D03172 is highly relevant and probative in rebutting P11376, P11380 and Paragraph 15 of the Indictment; it shows the HZ-HB's overall attitude in searching for and agreeing to a negotiated peace agreement for an indivisible BiH state. Mladić records Boban's words in expressing the views and aspirations of the Croats of BiH and the HZ HB.</p> <p>VANCE:</p> <ul style="list-style-type: none"> - The co-chairmen submitted two documents: <ol style="list-style-type: none"> 1. - An agreement on the constitutional order of BH 2. - An agreement on cessation of hostilities * In order to accept the first agreement, we must discuss the map. It will be changed if there is /?a tripartite/ solution to change the borders... * BOBAN signed, while IZETBEGOVIĆ accepted the second agreement. -- * BOBAN: I signed the map within the envisaged borders, there is nothing to add, except that we will cooperate on the outstanding issues. <p>...</p> <ul style="list-style-type: none"> * OWEN: <ul style="list-style-type: none"> * The Security Council has asked for assistance for UNPROFOR - for this to stop. * The submitted documents are the best and perhaps the last chance for peace. * I want us to discuss the Sarajevo Province. -- That the 3 representatives try to reach an agreement about governing Sarajevo. * BOBAN: We accepted the Sarajevo Province -- as equal for all 3 peoples... <p>To appreciate the significance of 1D03172, and how it does not support the Prosecution claims, particularly relating to the various permutations of the alleged JCE, it merits considering the</p>
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following:

First: On 4 January 1993, Izetbegović accepted the constitutional principles with the exception of the map as reflected in P11381. Izetbegović did not express any objections as to the 10 provinces *per se*. The actual borders of the provinces was the sticking point. Much of the disputed territory had fallen into the hands of the Bosnian Serbs as a result of military aggression in their quest to secure the territory they believed should belong to their desired future state.

Second: Izetbegović's bone of contention is with the Serbian side and not the Croat side. This is evident from his remarks: "as long as the conference continues, the aggression against BH will continue and intensify. – yesterday again bombed SA/Sarajevo, MO/Mostar ... areas near the Drina river were bombed by artillery from the territory of Serbia..." The Serbian side is the one that is engaged in this bombing; not the Croats / HVO. The evidence before the Trial Chamber supports these facts.⁷

Third: Čosić's and Milošević's attempt to derail or deflect the discussion by claiming that Tudićman is acting contrary to the Vance Plan. Owen, disregarding these claims, focuses the discussion to the matters on the agenda: "I want us to discuss the Sarajevo Province – that the 3 representatives try to reach an agreement about governing Sarajevo."⁸

Fourth: Boban is clear and unequivocal: "We accepted the Sarajevo Province- as equal for all 3 peoples."⁹

Fifth: Izetbegović responds by saying: "that SA is discussed like other provinces – That the buildings of the BH government be extraterritorial." From this response it is evident that Izetbegović accepted the VOPP concept and constitutional principles of a BiH of 3 constituent peoples with a decentralized authority of 10 provinces, Sarajevo being one of them.

⁷ Witness Milivoj Gagro, Trial Transcript, 30 May 2006, p. 2772; Witness Borislav Puljic, Trial Transcript, 18 September 2008, pp. 32401-32403, 32410, 32415-32417; **Exh.**

⁸ P11384, URBICID MOSTAR-DONJA MAHALA.

⁹ *Id.*

				<p>It is clear from ID03172 that Jadranko Prlic was neither invited nor present during most important meetings at which the destiny of the BiH was discussed and decided upon. This is in direct contradiction to the Paragraphs 17.1(a) and 17.1(b), and proves that Jadranko Prlic was not a “key figure” in the Herceg-Bosna/HVO leadership.</p>
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Meeting in February 1994

Exhibit No.	Date	Description	Indic. Para	How this excerpt is connected with admitted excerpts and reasons why Prlić Defence considers the document important
1D03178 (all pages)	25/06 /1993	Mladic Notebook No. 36, entry for 25 June 1993	15, 17.1a, 17.1b, 23.	<p>This entry dated 25 June 1993 is directly connected to P11389 of 3 February 1994, and the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," . . . by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...” - Paragraph 17.1(a) claiming that: “as President and then Prime Minister of Herceg- Bosna's supreme executive, administrative and defence body, JADRANKO PRLIĆ was a key and integral figure in the Herceg-Bosna/HVO leadership, in establishing, instigating, facilitating and carrying out Herceg- Bosna/HVO policies, strategies and practices...” - Paragraph 17.1(b) claiming that: “Jadranko Prlić organised, participated in and often led high-level meetings of the Herceg-Bosna/HVO leadership and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg- Bosna and pursuing the goals and objectives of the joint criminal enterprise.” - Paragraph 23 claiming that: “In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Prlić, pursued a two-track policy toward the Republic of Bosnia and

			<p>Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina.”</p> <p>The OTP claims that P11389: “<i>Demonstrates Boban’s and PRLIĆ’S views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.</i>”</p> <p>To fully understand and appreciate any proposed entries from the Mladic diary which are relevant either for contextual or rebuttal purposes to P11389, it is necessary to first examine the context of this meeting of 3 February 1994 and the comments of the participants.</p> <p>The evidence adduced shows that in January / February 1994 the Muslim army (ABiH) was on the offensive against the Croats,¹⁰ hence the Muslim leadership and the Muslim army, for all intents and purposes, was the enemy to the BiH Croats.¹¹ At this point in time the Muslim leadership headed by Alia Izetbegović, was not decreasing the ABiH attacks against the Croats of BiH.</p> <p>Dr. Prlić in P11389 discusses the legitimacy of the perceived RBiH leadership, i.e. “AI (Alia Izetbegovic) and his Government ...” There is ample evidence to show that by this point in time, Alia Izetbegović (and in fact the Presidency as an institution) is effectively representing the interests of the Muslims of BiH as opposed to the interests of all three constituent peoples of BiH as expected by the President of the Presidency of BiH.¹²</p> <p>When viewed in this context, the calling into question of the legitimacy of Alia Izetbegović and his government was more than warranted. Dr. Prlić is not calling for the disintegration or de-</p>
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¹⁰ **Exh. 1D01552**, OWEN, at 262-265; **Exh. 1D01545**, Note by the President of the Security Council S/PRST/1994/1, 7 January 1994; **Exh. P07548**, UNPROFOR Fax from Stoltenberg to Annan Kofi Re. Further meeting between Tudjman Franjo and Izetbegovic-Alija, 10 January 1994.

¹¹ See e.g. **Exh. 1D02230**, HTV / U krupnom planu / Prlić, Jukic, Bender, on Declaration Tudman-Izetbegovic, 21 September 1993.

¹² Witness Okun Herbert Trila Transcript, 4 April 2007, pp. 16864 – 16865 commenting on **Exh. 1D00814**.

			<p>legitimization of RBiH. This is clear when considering that he postulates going with Fikret Abdic or for the reinstatement of the old (and lawfully elected) Presidency.</p> <p>To appreciate the suggestion of an alliance with Fikret Abdic, it merits considering ID03178 – the 25 June 1993 entry in Mladic’s diary. General Morillon makes a similar suggestion to Mladic:</p> <ul style="list-style-type: none"> -... Abdic has renounced the AI [Alia Izetbegovic] policy. - Opposition against AI is growing in Tuzla - 2. The wider wing around Abdic, who has a good image in Sarajevo. ... - I asked AI to speak clearly. On one side, he is appealing to peace, and on the other hand he wants to get weapons. *All three nations seek peace. *As far as Abdic is concerned, I will suggest that he meets you. *We have a feeling that something could start immediately, something that would have effect in and outside the country. - he is ready to do something with you in Cazinska Krajina (Kladusa, Bihac, Cazin). If /not clear who/ would withdraw forces there, it would be very useful.” <p>ID03178 demonstrates that context in which Fikret Abdic is mentioned, and the fact that several months earlier, General Morillon, the UN’s top military commander in BiH at that time, was advancing similar proposals to the Bosnian Serb military leadership. As such, ID03178 rebuts the Prosecution’s claims related to P11389.</p>
ID03193 (all pages)	19/01 /1994	Joint Statement of 19 January of Dr. Nikola Koljevic and prof. Mile Akmadzic ¹³	<p>ID03193 - the Joint Statement of 19 January of Dr. Nikola Koljevic and prof. Mile Akmadzic is directly connected to P11389 and the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal

¹³ Source of this document is The International Conference on Former Yugoslavia, Official Papers, Volume 2, Edited by B.G. Ramcharan. The Pric Defence offered for introduction into the evidence the same document under the number **ID02420** through Jadranko Pric’s Motion for Admission of Documentary Evidence dated 5 December

			<p>enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg-Bosna, and to join these areas as part of a "Greater Croatia,"... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941..."</p> <ul style="list-style-type: none"> - Paragraph 17.1(a) claiming that: "as President and then Prime Minister of Herceg-Bosna's supreme executive, administrative and defence body, JADRANKO PRLIC was a key and integral figure in the Herceg-Bosna/HVO leadership, in establishing, instigating, facilitating and carrying out Herceg-Bosna/HVO policies, strategies and practices..." - Paragraph 17.1(b) claiming that: "Jadranko Pric organised, participated in and often led high-level meetings of the Herceg-Bosna/HVO leadership and with leaders of the Republic of Croatia, concerning the goals, programs, policies, operations and strategies of the Herceg-Bosna/HVO leadership, in establishing Croat control over territories claimed to comprise Herceg-Bosna and pursuing the goals and objectives of the joint criminal enterprise." - Paragraph 23 claiming that: "In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Pric, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued
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2008, Jadranko Pric's Public Revised Version of the Motion for the Admission of Documentary Evidence dated 28 January 2009, Jadranko Pric's Motion for Reconsideration of the Decision on Pric Defence Motion for Admission of Documentary Evidence dated 8 May 2009. Trial Chamber rejected the requests because the source of the document was not revealed on time. The Pric Defence is respectfully submitting from a public source **1D03193**: a similar document as **1D02420**.

			<p>their objective of a Greater Croatia, along the lines of the Croatian Banovina.”</p> <p>The OTP claims that P11389: “<i>Demonstrates Boban’s and PRLIĆ’S views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.</i>”</p> <p>ID03193 is a Joint Statement dated 19 January 1994, issued by Nikola Koljevic on behalf of the Republica Srpska and Mile Akmadzic on behalf of the Croatian Republic of Herzeg-Bosna. This statement adds context to P11389 and further rebuts the above listed Paragraphs of the Indictment and the Prosecution’s claims / spin concerning P11389.</p> <p>The statement reveals that the two warring sides have agreed to sign a peace agreement and further invite the Muslim side to do the same. This statement publicly proclaims that:</p> <p>“They [the Republica Srpska and the Croatian Republic of Herzeg-Bosna] have decided to establish official relations in the interest of promoting political and economic links as well as in the interest of aiding humanitarian concerns. The Republic of Srpska will set up a bureau in Mostar, while the Croatian Republic of Herzeg-Bosnia will have a bureau in Sarajevo, effective from 15 February 1994.</p> <p>The Republic of Srpska and the Croatian Republic of Herzeg-Bosnia express their desire to sign, immediately, the same agreement with Muslims. They invite the Muslims to join the in the immediate establishment of peace through the territory of Bosnia and Herzegovina.”</p> <p>Through this statement, it is clear that neither the carving up of BiH is being sought nor the establishment of “autonomous” regions as the Prosecution claims when interpreting the text in P11389. Quite to the contrary, the two warring parties are seeking a means to establish “peace through the territory of Bosnia and Herzegovina.”</p> <p>To fully appreciate the significance of ID03193 and its connection to P11389 for contextual or rebuttal purposes, it is also necessary to consider it in conjunction with ID03194 (see explanation below).</p>
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1D03194 (all pages)	21/01 /1994	Letter Dated 21 January 1994 from the Secretary- General Addressed to the President of the Security Council ¹⁴	15, 23.	<p>1D03194 - Letter dated 21 January 1994 from the UN Secretary General addressed to the President of Security Council is directly connected to P11389 and the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," . . . by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...” - Paragraph 23 claiming that: “In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Prlic, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina.” <p>The OTP claims that P11389: “<i>Demonstrates Boban’s and PRLIĆ’S views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.</i>”</p>
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¹⁴ Source of this document is The International Conference on Former Yugoslavia, Official Papers, Volume 1, Edited by B.G. Ramcharan. The Pric Defence offered for introduction into the evidence the same document under number **1D02856** through Jadranko Prlic’s Motion for Admission of Documentary Evidence dated 5 December 2008, Jadranko Prlic’s Public Revised Version of the Motion for the Admission of Documentary Evidence dated 28 January 2009, Jadranko Prlic’s Motion for Reconsideration of the Decision on Prlic Defence Motion for Admission of Documentary Evidence dated 8 May 2009. Trial Chamber rejected the requests because the source of the document was not revealed on time. The Pric Defence is respectfully submitting from a public source **1D03194**: a similar document as **1D02856**.

<p>1D03194 is a letter from the UN Secretary General addressed to the President of the Security Council, dated 21 January 1994, approximately two weeks before the P11389 entry in Mladic's diary. Annexed to this letter is a Report of the Co-Chairmen of the Steering Committee of the International Conference of the Former Yugoslavia. This Report lends context and provides evidence of the ongoing efforts of the parties involved. It also shows how unaccommodating Izetbegovic was towards finding a peaceful resolution. It shows what was suggested by the Internationals, including the High Commissioner for Refugees, Mrs. S. Ogata. 1D03194 effectively contradicts the overall thesis of the Prosecution as set out in the above listed Paragraphs of the Indictment and its claims / spin concerning P11389.</p>	<p>While 1D03194 speaks for itself and its relevance to P11389 should be obvious, it merits pointing out some selective passages:</p>	<p>In Paragraph 2 it is shown that there are continuing contacts by the Co-chairmen with various European foreign ministers.</p>	<p>In paragraph 3 it is shown that on 18 and 19 January 1994 talks were held with Izetbegović representing the Muslims, Karadžić representing the BiH Serbs and Akmadzic representing the BiH Croats.</p>	<p>In paragraph 4 it is shown the “overall settlement based on the <i>HMS Invincible package</i>” called for “the three peoples having their own majority republic within an overall union but with additional features suggested in the European Union action plan,” with precise percentages of the territories allocated to the three republics. It also shows that Tudjman, on behalf of the Republic of Croatia is suggesting for the Muslim-majority republic “a tract of land on the peninsula of Peljesac[in Croatia]... and this would have a port and tourist facilities.”</p>	<p>In paragraph 5 it is shown that a map was proposed by the BiH Serbs offering the Muslim-majority republic 33.56 %(over the agreed minimum 33.3 % as reflected in para 4). It also shows that the Republic of Croatia is offering “99-year leases for the use of a port a Ploce, a prot in the Neretva River at Celevo, from which seagoing cargo boats or tourist passenger boats could link up</p>

<p>ID03188 (all pages)</p>	<p>24/01 /1994</p>	<p>Mladic Notebook No. 35, first entry for 24 January 1994</p>	<p>with their facilities in Ploce or the existing small port on the Peljesac peninsula.”</p> <p>In paragraph 7 it is shown that the BiH Serbs and the BiH Croats “declared their willingness to pursue discussion to settle, as between them, the delimitation of territory so as to assure the Bosnian Croats 17.5 per cent of territory.”</p> <p>In paragraph 12 it is shown that international arbitration is offered to resolve any lingering issues connected to any disputed territories to be linked to the three republics; an offer refused by Izetbegovic.</p> <p>In paragraph 12 it is shown the lengths to which the internationals were trying to coax Izetbegovic and the Muslim leadership into finding modalities to facilitate the secession of the fighting until a peace agreement could be reached. This is evidenced by the plain language in this paragraph:</p> <p>“Faced with the danger of renewed and intensified conflict and aware of the deep concern in the United Nations High Commissioner for refugees, Mrs. S. Ogata, the Co-Chairman felt that they had to find a way to keep the parties engaged in the peace process and meet again in the near future. Accordingly, they proposed that the parties establish hot lines, that they exchange representatives in one another’s headquarters in Sarajevo, Mostar, and Pale and that the Bosnian parties should meet again in Geneva on 10 February 1994 to consider the effectiveness of these arrangements on other practical confidence- building measures to reduce the level of fighting...”</p> <p>As such, when considering the context as set out herein, ID03194 supports the Pric Defence case and rebuts the Prosecution’s claims regarding the conclusions to be drawn from P11389.</p> <p>ID03188 is directly connected to P11389 and the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," by force, fear or threat of force, persecution,
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<p>imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941..."</p>	<p>- Paragraph 27 of the Indictment claiming that: "Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993."</p>	<p>The OTP claims that P11389: "<i>Demonstrates Boban's and PRLIĆ'S views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH's legitimacy.</i>"</p>	<p>ID03189 lends context and rebuts the Prosecution claims related to P11389. Again, either for contextual or rebuttal purposes to P11389, it is necessary to first examine the events leading up to the meeting of 3 February 1994, described in P11389.</p>	<p>In and around this period (January – February 1994) meetings took place between the Serbs and Croats when negotiations were taking place concerning the boundaries of the three republics in Union of Bosnia and Herzegovina as envisaged by and as part of the international negotiations on the Owen-Stoltenberg peace plan. In the letter of the UN Secretary General to the Security Council of December 28, 1993 it is stressed:</p>	<p>" The situation following the discussion held in Geneva on 21 December and at Brussels on 22 and 23 December may be summarized as follows: a) There is agreement among all three sides that Bosnia and Herzegovina</p>

			<p>should be organized as a Union of three republics,</p> <p>b) There is agreement that the Muslim-majority republic should have 33.3 per cent of the territory, and Croats should have 17, 5 per cent..."¹⁵</p> <p>Relevant to these meetings is ID03189 - the entry in Mladić's diary, dated 24 January 1994. Mladić records:</p> <p>Monday 24 January 1994 MEETING of the core Main Staff of the VRS /Army of Republika Srpska/ ... * M-T /?MILOŠEVIĆ -TUDJMAN/ and KARADŽIĆ-AKMADZIC agreement has been signed _ AKMADZIC should operationalise this. Delineate things precisely.</p> <p>This agreement (ID03194) was signed in Geneva on 19 January 1994, during the peace negotiations. On this same day, a Joint declaration signed by Mile Akmadzic and Nikola Koljevic (ID03193) and a Joint declaration of the ministers of foreign affairs of Republic of Croatia (Granic) and SR Yugoslavia (Jovanovic).</p> <p>These agreements were signed under the auspices of the International Conference in Geneva; they were not the product of clandestine meetings or nefarious endeavors. Indeed, in the Akmadžić-Koljević Declaration, the signatories "... expressed] their desire to sign, immediately, the same agreement with Moslems." As such, it is logical that the signatories of those agreements organized meetings, producing agreements which were then – transparently signed in Geneva and published in official documents of the International Conference on former Yugoslavia. It is against this backdrop that a meeting in Njivice, February 3, 1994 was hosted by the Republic of Montenegro. This meeting was part of the ongoing negotiations. During this period ABiH was attacking the HVO, in an effort to capture as much territory as possible for negotiating purposes.¹⁶</p>
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¹⁵ **Exh.** 1D02854, Letter from the UN Secretary-General addressed to the President of the Security Council / in Annex: Report of the Co-Chairmen of the Steering Committee of the Activities of the ICFY, 28 December 1993. p. 4.

¹⁶ **Exh.** 1D01553, David Owen: Balkan Odyssey, pp.270-271, February 1994.

<p>1D03190 (all pages)</p>	<p>24/01 /1994</p>	<p>Mladic Notebook No. 35, second entry for 24 January 1994</p>	<p>15, 27.</p>	<p>1D03190 is directly connected to P11389 and the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," . . . by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941....” - Paragraph 27 of the Indictment claiming that: “Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.” <p>The OTP claims that P11389: “<i>Demonstrates Boban’s and PRLIĆ’S views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.</i>”</p> <p>1D03190 lends context and rebuts the Prosecution claims related to P11389. This is yet another example of where the international were engaged in and encouraging bilateral talks. This is relevant because it demonstrates that such meetings were neither unusual nor secretive. This entry relates to a meeting held at the Sarajevo Airport on 25 January 1994. It is hosted by the UN military commander in BiH, General Pelnas. According the Mladic, Pelnas is expressing his / UN’s desire to hold bilateral talks. The following excerpts are illuminating:</p> <p>General Pelnas</p>
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				<p>“- establishing a joint military commission (Worked well between Serbs and Croats in Sector North). ... - I would like to spend some time tomorrow in bilateral talks, in order to take some places out of the war, i.e. for there to be a local ceasefire. -the final matter is for us to agree on tomorrow’s meeting.”-</p> <p>1D03190 is also connected to and is resulting from the 18 January 1994 negotiations and what was agreed upon as reflected in paragraph 12 of 1D03194 where the Co-Chairmen “proposed that the parties establish hot lines, that they exchange representatives in one another’s headquarters in Sarajevo, Mostar, and Pale ...”</p> <p>As such, when considering the context as set out herein, 1D03190 supports the Prlic Defence case and rebuts the Prosecution’s claims regarding the conclusions to be drawn from P11389.</p> <p>1D03191 is directly connected to P11389 and the following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," . . . by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...” - Paragraph 27 of the Indictment claiming that: “Notwithstanding the hostilities between
1D03191 (all pages)	25/01 /1994	Mladic Notebook No. 35, entry for 25 January 1994	15, 27.	

<p>the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.”</p>	<p>The OTP claims that P11389: “<i>Demonstrates Boban’s and PRLIĆ’S views (in full agreement) concerning Herceg-Bosna and Croat autonomy, with the Muslims being the common enemy, the need to keep them down and a strategy to destroy BiH’s legitimacy.</i>”</p> <p>ID03191 lends context and rebuts the Prosecution claims related to P11389. To fully appreciate the content and context of what Karadžić is claimed to have said, it is important to refer to ID03194, wherein the High Commissioner for Refugees, Mrs. S. Ogata expressed her concerns for the need to continue the peace process, and it was suggested that “the parties establish hot lines, that they exchange representatives in one another’s headquarters in Sarajevo, Mostar, and Pale and that the Bosnian parties should meet again in Geneva on 10 February 1994 to consider the effectiveness of these arrangements.” This meeting took place on 18 and 19 January 1994. Accordingly, it is within this context that Kardžić is claimed to have said the following:</p>	<p>Karadzic</p> <p>“- The Muslims have gained strength in recent battles. – - A powerful strike by the M /Muslims/ on Sarajevo and the Drina is coming - At the conference we were given /the task/ to help the Croats. – - tomorrow there will be a hotline and the establishment of Presidencies”</p> <p>Thus, when Karadžić is talking about establishing a hotline, it is based on the talks in Geneva a few days earlier, and more specifically, at the request or suggestion of the internationals. Thus,</p>

				bilateral meetings or bilateral efforts at keeping the lines of communications open as seen in ID03190 and ID03191 do not <i>ipso facto</i> support the Prosecution's claims. It also supports the reasoning why the proposed documents - ID03178 , ID03193 , ID03194 , ID03188 , ID03189 , ID03190 and ID03191 – are essential in rebutting the listed Paragraphs in the Indictment and P11389 .
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Mladić's / Serbs' view of Croats in BiH

Exhibit No.	Date	Description	Indic. Para	How this excerpt is connected with admitted excerpts and reasons why P11 Defence considers the document important
1D03158 (all pages)	17/09 /1992	Mladić Notebook No. 33, entry for 17 September 1992	15, 23, 27.	<p>1D03158 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is "significant for the determination of the case as it provides evidence of... Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladić, PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna."</p> <p>The OTP claims that P11380 is "significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatian leadership (Indictment paragraph 27);..."</p> <p>The OTP is connecting P11389 to Paragraphs 15, 16, 17.1a, 17.1b, 21 and 23.</p> <p>1D03158 rebuts P11376, P11380 and P11389 and is directly connected to following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: " From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941..."

			<p>- Paragraph 23 claiming that: “In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Pric, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter “BiH Government”) and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina.”</p> <p>- Paragraph 27 of the Indictment claiming that: “Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993.”</p>
			<p>Mladić’s entries reveal that Mladić and many of his close collaborators harboured deep hatred for the Croats in general, viewing them and characterizing them as “Ustashas.”</p>
			<p>In 1D03158, for example, you have Mladić recording Colonel KOVAC in a meeting on 17 September 1992 as reporting the following:</p>
			<p>-Around 4 brigades of Ustashas are constantly attacking ...</p>
			<p>While it may not be uncommon to demonize and degrade the enemy during war by using pejorative terms, the entries in Mladić’s diary reveal that Mladić and his subordinates viewed the Croats as “Ustashas.” In the entry of 18 November 1993 (1D03158; see below) Mladić also included the Muslims (or at least their political and military leadership) in that category. Given that Mladić as the highest military officer of the Bosnian Serb forces (VRS) is characterizing (just as other higher</p>

				<p>echelon officers) the Croats as Ustashas, he sets, in the words of OTP military expert Andrew Pringle,¹⁷ a certain “command climate” which infects and affects officers and soldiers alike. As such, the Croats are not just demonized, but degraded to represent and personify the terrifying bane of the Serb existence during WWII, thus making it convenient if not necessary to treat the Croats as enemies – even while pretending to <i>make nice</i> with them.</p> <p>1D03158, as well as the below listed documents being tendered in this segment of the Annex rebuts the Prosecutions claims and conclusions it argues in relation to P11376, P11380 and P11389, about the alleged Serb-Croat ongoing cooperation against BiH.</p> <p>1D03160 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03160 is provided above regarding 1D03158.</p> <p>Specific to 1D03160, the following entries show how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as “ustashas” and considered the enemy.</p> <ul style="list-style-type: none"> -The Ustasha forces are running away ... -In Jajce, the Ustashas are surrounded ... -The Ustasha forces are building near Orašje -In Herzegovina– the Ustashas inserted a sabotage ... -The Ustashas from Maljeвина ...
1D03160 (all pages)	06/10 /1992	Mladic Notebook No. 46, entry for 6 October 1992	15, 23, 27.	
1D03161 (all pages)	12/10 /1992	Mladic Notebook No. 46, entry for 12 October 1992	15, 23, 27.	<p>1D03161 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03161 is provided above regarding 1D03158.</p> <p>Specific to 1D03161, the following entry shows how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as “ustashas” and considered the enemy.</p>

¹⁷ Trial Transcript, 6 November 2007, pp. 24083-24085. See also **Exh. P09549**, Aspects of Military Command and Control. Expert witness statement presented, in the case before the ICTY of the *Prosecutor v. Prlić, Jadžranko et al.*, 26 March 2006, paras. 37-48.

				<p>-The Ustashas are carrying out preparations to open the corridor to Sarajevo...</p>
1D03163 (all pages)	17/11 /1992	Mladic Notebook No. 46, entry for 17 November 1992	15, 23, 27.	<p>1D03163 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03163 is provided above regarding 1D03158.</p> <p>Specific to 1D03163, the following entries show how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as "ustashas" and considered the enemy.</p> <p>-The enemy is carrying out a general mobilization ...</p> <p>-The Ustashas are preparing an operation ...</p>
1D03166 (all pages)	01/12 /1992	Mladic Notebook No. 46, entry for 1 December 1992	15, 23, 27.	<p>1D03166 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03166 is provided above regarding 1D03158.</p> <p>Specific to 1D03166, the following entry shows how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as "ustashas" and considered the enemy.</p> <p>- The Ustashas are panning an offensive on 5 December 1992...</p>
1D03175 (all pages)	27/05 /1993	Mladic Notebook No. 36, entry for 27 May 1993	15, 23, 27.	<p>1D03175 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03175 is provided above regarding 1D03158.</p> <p>Specific to 1D03175, the following entries show how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as "ustashas" and considered the enemy.</p>

<p>1D03176 (all pages)</p>	<p>15/06 /1993</p>	<p>Mladic Notebook No. 36, entry for 15 June 1993</p>	<p>15, 23, 27.</p>	<p>-... for the successful protection of the people in the RSK from the Ustasha monster ... -... it is my duty to duly pay homage to you and our pilots who fell in the fight with the Ustasha hordes. -This injustice went so far that some contingents of the peacekeepers turned into logistics, medical or utilities services of the H-M coalition while at the same time turning their heads away from the far more complex problem of the people of RS caused by operations of the Ustasha ...</p> <p>1D03176 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03176 is provided above regarding 1D03158.</p> <p>Specific to 1D03176, the following entry shows how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as “ustashas” and considered the enemy.</p> <p>-<u>MEETING</u> with the Ustashas</p>
<p>1D03179 (all pages)</p>	<p>04/08 /1993</p>	<p>Mladic Notebook No. 36, entry for 4 August 1993</p>	<p>15, 23, 27.</p>	<p>1D03179 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03179 is provided above regarding 1D03158.</p> <p>Specific to 1D03179, the following entry shows how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as “ustashas” and considered the enemy.</p> <p>-<u>THE USTASHAS HAVE BUCKLED</u></p>

1D03181 (all pages)	24/09 /1993	Mladic Notebook No. 36, entry for 24 September 1993	15, 23, 27.	<p>1D03181 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03181 is provided above regarding 1D03158.</p> <p>Specific to 1D03181, the following entry shows how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as “ustashas” and considered the enemy.</p> <p>They should pose a sufficient threat to the Ustasha forces ...</p>
1D03185 (all pages)	18/11 /1993	Mladic Notebook No. 44, entry for 18 November 1993	15, 23, 27.	<p>1D03185 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03185 is provided above regarding 1D03158.</p> <p>Specific to 1D03185, the following entry shows how within the BiH Serb military and/or political leadership, the BiH Croats were referred to as “ustashas” and considered the enemy.</p> <p><u>-Negotiations</u> with the Ustahas with the help of Mrs. OGATA Our delegation: Dr. KARADŽIĆ, KRAJIŠNIK, MLADIĆ KALINIĆ, PLAVŠIĆ and Sveto. The Ustahas: BOBAN, PETKOVIĆ and two others, and Mrs. OGATA. Muslim Ustahas: SILAJDŽIĆ, SIBER and another man.</p> <p>It is Mladic himself who makes these entries, as he lists in his diary the participants during the negotiations in Geneva on 18 November 1993, hosted by the international negotiators. As noted in the reasoning provided for 1D03158, Mladic, as the highest military officer of the Bosnian Serb forces, sets a “command climate” of demonizing and degrading Croats; infecting and affecting BiH Serb officers and soldiers alike to consider and treat the BiH Croats as the enemy.</p>

Muslim/Croat Coalition

Exhibit No	Date	Description	Indic. Para	How this excerpt is connected with admitted excerpts and reasons why Plić Defence considers the document important
<p>1D03157 (all pages)</p>	<p>03/09 /1992</p>	<p>Mladic Notebook No. 37, entry for 3 September 1993</p>	<p>17, 23, 27.</p>	<p>1D03157 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of... Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladić. PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna.”</p> <p>The OTP claims that P11380 is “ significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatian leadership (Indictment paragraph 27);...”</p> <p>The OTP is connecting P11389 to Paragraphs 15, 16, 17.1a, Par17.1b, 21 and 23.</p> <p>This entry dated 17 September 1992 is directly connected to following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a

				<p>Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941...</p> <ul style="list-style-type: none"> - Paragraph 23 claiming that: In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Prlic, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina. - Paragraph 27 of the Indictment claiming that: "Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993." <p>Similar to the entries characterizing the Croats as "Ustashes" are the entries which characterize the relations between the Muslims and Croats. As can be seen from various entries, the Bosnian Serb military and political leadership were of the opinion – much of it formed through intelligence¹⁸ – that the Muslims and Croats, despite the situational conflicts, were in a <i>coalition</i>.</p> <p>The following entry serves as a good example:</p> <p>–The M/Z international community/ will do everything to strengthen the HM/Croat-Muslim/coalition, which will seek to limit our advantage.</p>
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¹⁸ For instance see Mladic's Notebook No. 37, entry of 03 September 1992, pp. 100-101, where Zdravko TOLIMIR, Assistant Commander for Intelligence and Security of the Main Staff of the VRS (perhaps the most powerful officer of the VRS next to Mladic) is talking about the HM/Croat-Muslim/coalition.

1D03161 (all pages)	12/10 /1992	Mladic Notebook No. 46, entry for 12 October 1993	17, 23, 27.	<p>1D03161 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03161 is provided above regarding 1D03157.</p> <p>Specific to 1D03161, the following entry serves as an example:</p> <p>-The Croats and Muslims are undergoing training in Hungary</p> <p>1D03162 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03162 is provided above regarding 1D03157.</p> <p>Specific to 1D03162, the following entry serves as an example:</p> <p>–In view of the fact that we’re fewer in number and the M-H/Muslim-Croat/ coalition, they are putting us in a situation ...</p>
1D03162 (all pages)	31/10 /1992	Mladic Notebook No. 46, entry for 31 October 1993	17, 23, 27.	<p>1D03162 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03162 is provided above regarding 1D03157.</p> <p>Specific to 1D03162, the following entry serves as an example:</p> <p>–In view of the fact that we’re fewer in number and the M-H/Muslim-Croat/ coalition, they are putting us in a situation ...</p>
1D03175 (all pages)	27/05 /1993	Mladic Notebook No. 36, entry for 27 May 1993	17, 23, 27.	<p>1D03175 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03175 is provided above regarding 1D03157.</p> <p>Specific to 1D03175, the following entries serve as an example:</p> <ul style="list-style-type: none"> ○ ... under a blockade in parts of the former ○ BH that were under the control ○ of the H-M/Croatian-Muslim/coalition. <p>... with what we have at our disposal while at the same time putting their own assets at the disposal</p>

<p>1D03180 (all pages)</p>	<p>17/08 /1993</p>	<p>Mladic Notebook No. 36, entry for 17 August 1993</p>	<p>17, 23, 27.</p>	<p>of the H-M coalition in order to conduct the war successfully as possible and from misusing humanitarian convoys to air force operations for the supply of the M-H /Muslim-Croatian/ formations ...</p> <p>... This injustice went so far that some contingents of the peacekeepers turned into logistics, medical or utilities services of the H-M coalition..</p> <p>1D03180 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03180 is provided above regarding 1D03157.</p> <p>Specific to 1D03180, the following entry serves as an example:</p> <p>-Geneva will not bring peace Which will be respected by the m/h/Muslim-Croat/ coalition</p>
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<p>1D03173 (all pages)</p>	<p>03/05 /1993</p>	<p>Mladic Notebook No. 36, entry for 3 May 1993</p>	<p>17, 23, 27.</p>	<p>1D03173 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice).</p> <p>The OTP claims that P11376 is “significant for the determination of the case as it provides evidence of... Serb-Croat ongoing cooperation against BiH as alleged in paragraph 27 of the Indictment. Given the scale of crimes committed by the Bosnian Serbs as of October, 1992, collaboration among Mladić, PRLIĆ, PRALJAK, STOJIĆ shows that they intended or anticipated that crimes would be committed in furtherance of their own goal to establish Herceg-Bosna.”</p> <p>The OTP claims that P11380 is “ significant for the determination of the case as it shows (A) Ongoing cooperation between the Serbs and the Croats including at the highest levels of the HZ HB and Republic of Croatian leadership (Indictment paragraph 27);...”</p> <p>The OTP is connecting P11389 to Paragraphs 15, 16, 17.1a, 17.1b, 21 and 23.</p> <p>This entry dated 17 September 1992 is directly connected to following Paragraphs in the Indictment:</p> <ul style="list-style-type: none"> - Paragraph 15 claiming that: “ From on or before 18 November 1991 to about April 1994 and thereafter, various persons established and participated in a joint criminal enterprise to politically and militarily subjugate, permanently remove and ethnically cleanse Bosnian Muslims and other non-Croats who lived in areas on the territory of the Republic of Bosnia and Herzegovina which were claimed to be part of the Croatian Community (and later Republic) of Herceg- Bosna, and to join these areas as part of a "Greater Croatia," ... by force, fear or threat of force, persecution, imprisonment and detention, forcible transfer and deportation, appropriation and destruction of property and other means,... The territorial ambition of the joint criminal enterprise was to establish a Croatian territory with the borders of the Croatian Banovina, a territorial entity that existed from 1939 to 1941... - Paragraph 23 claiming that: In the course of and as part of the joint criminal enterprise, the leaders and other members of the enterprise, including Franjo Tudjman, Mate Boban and Jadranko Prlic, pursued a two-track policy toward the Republic of Bosnia and Herzegovina and its territory. On the one hand, the leaders and various members of the joint criminal enterprise often claimed publicly to support the Government of Bosnia and
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<p>1D03182 (all pages)</p>	<p>24/10 /1993</p>	<p>Mladic Notebook No. 36, entry for 24 October 1993</p>	<p>17, 23, 27.</p>	<p>Herzegovina (sometimes hereafter "BiH Government") and an independent and sovereign Bosnia and Herzegovina. On the other hand, and less publicly but more substantially, the leaders and other members of the enterprise pursued their objective of a Greater Croatia, along the lines of the Croatian Banovina.</p> <p>- Paragraph 27 of the Indictment claiming that: "Notwithstanding the hostilities between the Herceg-Bosna/HVO forces and Bosnian Serb forces in the spring and summer of 1992, there was substantial ongoing co-operation between the Bosnian Croats and Bosnian Serbs following a meeting between Radovan Karadzic and Mate Boban in Graz, Austria, on 6 May 1992, which co-operation continued in the parts of Bosnia and Herzegovina most relevant to this indictment, with minor exceptions, through the end of 1993."</p> <p>From various entries in Mladic's diary, the Bosnian Serb military and political leadership considered the Muslims and Croats to be a coalition that needed to be weakened, if not destroyed. As such, Mladic records various discussions which reveal the thoughts and efforts of the BiH Serb leadership, to disrupt this coalition. Causing strife and being divisive were some of the methods discussed and deployed.</p> <p>The following entry serves as a good example of the BiH Serb agenda to intensify the conflict between Muslims and Croats:</p> <p>-do the forces of the coalition have the capacity to ...</p> <p>-What do you suggest for intensifying conflict within the coalition?</p> <p>-The enemy's state of morale is rather poor, particularly since the conflict in the coalition.</p> <p>1D03182 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03182 is provided above regarding 1D03173.</p> <p>Specific to 1D03182, the following entries serve as a good example of the BiH Serb agenda to intensify the conflict between Muslims and Croats:</p>
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				<p>f) Neretva and the sea should be dealt with in the 89th minute of the game, 19 just before the end of the war.</p> <p>h) To give it /as printed/ and opt for a dual game with the M/Muslims/ and the H/Croats in the Neretva valley.</p>
1D03183 (all pages)	30/10 /1993	Mladic Notebook No. 44, entry for 30 October 1993	17, 23, 27.	<p>1D03183 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03183 is provided above regarding 1D03173.</p> <p>Specific to 1D03183, the following entries serve as a good example of the BiH Serb agenda to intensify the conflict between Muslims and Croats:</p> <p>“ * SB /?/Security Service/ to work out a system of secret contacts in order to incite a war between Croats and Muslims, while we achieve our goals as they fight it out - they should be pushed to the right bank of the Neretva with a promise of autonomy and the capture of Mostar, at least the part that is ours, and the Neretva valley. -</p>
1D03184 (all pages)	08/11 /1993	Mladic Notebook No. 44, entry for 8 November 1993	17, 23, 27.	<p>1D03184 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03184 is provided above regarding 1D03173.</p> <p>Specific to 1D03184, the following entries serve as a good example of the BiH Serb agenda to intensify the conflict between Muslims and Croats:</p> <p>Milošević: “We have been working for weeks trying to set up a meeting with the Muslims ... Try to organise a secret Serbian-Muslim meeting in Thessalonica; PAPANDREOU has already undertaken specific steps in this regard.”</p>

¹⁹ Obviously the reference is to football, since the matches last 90 minutes.

1D03197 (all pages)	27/11 /1993	Mladic Notebook No. 44, entry for 27 November 1993	17, 23, 27.	<p>Krajšnik, in furtherance of this strategy remarks: “Bosnia could be divided into two parts – between us and the Muslims. The Croats are no force whatsoever and should be given 2-3 municipalities in Western Herzegovina.”</p> <p>1D03197 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03197 is provided above regarding 1D03173.</p> <p>Specific to 1D03197, the following entry serves as a good example of the BiH Serb agenda to intensify the conflict between Muslims and Croats:</p> <p>“it is good to ensure continued fighting between the Croats and Muslims and between the Muslims and other Muslims.”</p> <p>1D03198 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03198 is provided above regarding 1D03173.</p> <p>Specific to 1D03198, the following entry serves as a good examples of the BiH Serb agenda to intensify the conflict between Muslims and Croats. Mladic records a high level meeting in Belgrade on 13 December 1993, hosted by Milošević. Karadžić is present along with other well known BiH political and military VIPs. Milosevic is recorded to have said while making a list of conclusions:</p> <p>“Let the Muslims trample the Croats near Vitez, Busovača, Gornji Vakuf, and Kiseljak and Kreševo.”</p> <p>Here is yet one more indication, negating the Prosecution’s assertions that the Serbs and Croats were working together or had formed some sort of an alliance concerning Central Bosnia.</p> <p>1D03187 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03187 is provided above regarding</p>
1D03198 (all pages)	13/12 /1993	Mladic Notebook No. 44, entry for 13 December 1993	17, 23, 27.	
1D03187 (all pages)	21/12 /1993	Mladic Notebook No. 44, entry for 21 December 1993	17, 23, 27.	

			<p>1D03173.</p> <p>Specific to 1D03187, the following entries serve as a good example of the BiH Serb agenda to intensify the conflict between Muslims and Croats, the context of which is provided below:</p> <ul style="list-style-type: none"> - "A meeting should be organised between Garo, ORUČEVIĆ and SALAPURA... - ORUČEVIĆ would disclose his intentions over dinner and a bottle of wine, they are: <ul style="list-style-type: none"> - To regionalize the Neretva from Bratina to Grbavica with the municipalities of Jablanica, Konjic, Prozor, Mostar, (temporary municipalities Nevesinje, Gacko, Bileća, Stolac and Trebinje). He would be at the head of the region. (He is at the head already, the Corps Commander serves merely as a mask). <p>[...]</p> <ul style="list-style-type: none"> - ORUČEVIĆ is pointing out that a large part of the Tuzla region is bordering with Serbian territory, and the Zenica one can be expected to be the same soon, and he is trying to do the same with the Mostar one but he is having problems with solving the political situation in Konjic which has a hard-line Muslim faction led by Dr. ČIBO. <p>He is planning to do all this and is waiting for a response from our side, to peacefully take over the Muslim position near Konjic.</p> <p><u>Relevant Context to fully appreciate the significance of 1D03187</u> Safet Orucević is a Muslim from Mostar with close connections to Izetbegović and the Bosnian Serb military leadership. Orucević's name first surfaced through documents related to Special Purpose Council of the Mostar Municipal Staff, to which he was a member.²⁰ The Trial Chamber then came</p>
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²⁰ See **Exh. 1D03051**, Report on the engagement of the special Purpose council in the past period, 6 June 1992, p. 1; he is listed as an absent member.

			<p>across Orucević's name in a document reflecting a meeting of 8 January 1993 where an agreement was reached concerning the delivery of certain trucks and material.²¹ Orucević is listed as "Logistics coordinator for President Alija Izetbegović", though at the time he was also the designated SDA Mayor of Mostar.²²</p> <p>Moreover, and relevant to the Mladić entries below, during the cross examination of witness Miro Salcin, Praljak confronted Salcin with excerpts from a book authored by written by Esad Sejtanic, wherein Sejtanic describes:²³</p> <p>Within the framework for the preparations for planned operations, it – the possibility was openly raised of the Serb side helping us in a direct artillery support and in providing us with the critical resources and materiel, and first and foremost, selling large number of artillery projectiles of different calibres.</p> <p>I attended one of the meetings up at the line facing the Serb forces in the village of Busek, where Safet Orucević, Fatima Leho, and Sefkija Džiho defined the conditions under which the Serb side would assist our combat operations.</p> <p>"We all expected a great deal from the agreement that had been reached, and perhaps this led us to be more forward in planning our future combat operations, which objectively speaking, given our force and strength and conditions in the area could not give any significant result. But be things as it may, my unit [Sejtanic's] in cooperation with the 48th Mountain Brigade was given the assignment of attacking key facilities in the HVO defence, that is Hum hill."</p> <p>The Mladić entries support and validate much of what was quoted from Sejtanic's account in his book "Herzegovinians at igneous gate of Bosnia." Moreover, 1D03187 is further proof that the Serbs were courting influential Muslim leaders or Muslims with connections to influential Muslim</p>
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²¹ **Exh. 2D00809**, Agreement signed by Bruno Stojic, Ivica Dzinovic, Dzevad Hadzihuseinovic, Safet Prucevic, Dzevdet Tinjic, Mato Nadjelic and Srecko Rebensten on 1993/01/08; transport of materials from Igman to Konjic.

²² Witness Amor Masović, Trial Transcript, 26 November 2007, p. 25058.

²³ See Witness Miro Salcin, Trial Transcript, 19 February 2007, pp. 14285- 14287, quoting from **Exh. 3D00749, ESAD SEJTANIC, EXCERPT FROM THE BOOK THE HERZEGOVINIANS AT IGNEOUS GATE OF BOSNIA**, pp. 180- 182 (emphasis added).

				<p>leaders, in order to further their agenda. It also shows that the Muslims were engaging in activities with the Serbs in order to attack the Croats.</p> <p>All of this is relevant because it rebuts the Prosecution's claims that there was a Serb-Croat alliance, that the so called "Graz agreement" had been reached by the Serbs and Croats, that there was reverse ethnic cleansing in Central Bosnia being carried out with the close cooperation of the Serbs, etc.</p> <p>1D03187 shows that Oručević, Izetbegović's key man for logistics in Mostar – a not inconsequential position by any means – was closely working with the Bosnian Serb military leadership, which, presumably, is occurring with the acquiescence and support of none other than Izetbegović himself and his close political and military collaborators.</p> <p>For all of the above reasons, 1D03187 directly and specifically <i>rebuts</i> the Prosecution claims it makes concerning the relevance and importance of admitted Mladic Diary entries P11376, P11380 and P11389.</p> <p>1D03191 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of 1D03191 is provided above regarding 1D03173.</p> <p>Specific to 1D03191, the following entry serves as a good example of the BiH Serb agenda to intensify the conflict between Muslims and Croats:</p> <p>Salapura ... - They are preparing militarily and politically for a long-lasting war. - They believe that they will soon defeat the HVO. - Further Islamisation of the population, and especially the army. – <input type="checkbox"/> They have around 210,000 men under</p>
1D03191 (all pages)	29/01 /1994	Mladic Notebook No. 44, entry for 29 January 1994	17, 23, 27.	

				<p>arms.</p> <p>... *3. – Commander of the 2nd KK, General BORIC:</p> <p>... - Muslim 5th K /Corps/ has around 15,000 armed Ustashas. –</p> <p>... - The longest possible inter-Muslim conflict suits us... <input type="checkbox"/> HVO offensive operations can be expected with victory over the M or within a new coalition with them...</p> <p>... 6. – Commander of the HK /Herzegovina Corps/ – General GRUBAĆ:</p> <p>... <ul style="list-style-type: none"> • The HVO has rather weakened, their combat morale is low and they cannot be made to mount an attack – • The M have 4 brigades in Mostar, and 4 in Konjic. – They are making efforts to unify command. – </p> <p>... 14. * General MILOVANOVIC:</p> <p>... - President KARADZIC must tell us how to deal with the HVO /Croatian Defence Council/ in some areas... - The M/uslim/ leadership is preparing an autumn offensive in the sp/ring/ autumn, while the military promises one in the spring of '94.– - There are two key points /on the map/: Brcko and Olovo... - Their morale was boosted following success(es) against the HVO...</p>
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				<p>- The M/uslims/ are rganizing quickly, they have brought in young men to the positions ...</p> <ul style="list-style-type: none"> - The M/uslims/ have armed themselves well... <p>...</p> <ul style="list-style-type: none"> * We must choose: (Gen. MLADIJ) <p>- Take a position regarding allies – We have two, the RSK /Republic of Serbian Krajina/ and the FRY, which is not at war.</p> <ul style="list-style-type: none"> - determine our overall position regarding the HVO and Croatia... <p>...</p> <ul style="list-style-type: none"> - our strategy must be to create an abyss between the M/uslims/ and C/roats/... <p>15. * President KARADZIC:</p> <p>...</p> <p>We have the following plan:</p> <ul style="list-style-type: none"> • Do everything to maintain the C/roat/-M/uslim/ schism. Postponing a victory by the first or the second is very important to us. The C/roats/ and M/uslims/ are wearing each other down in terms of both manpower and materiel... * Our objective is to separate from them, it is not our objective to stay with them... * If the M/uslims/ don't want to stay in Yugoslavia, then let the boundaries of their republic be clearly detained, and we would have a policy of /?immigration/... * Our objective is to put M(uslims) and C(roats) into confrontation everywhere; if we can do that in Tuzla as well...²⁴ * It is good to stir up the hopes of the M/uslims/ for Neum and the sea... * Stir up among the Croats that it will be dangerous if Konjic falls should falling because a M/uslim/ avalanche will come down upon them. • The Croats should not be trusted, if they stand fast in C/entral/ Bosnia, they will not reconcile <p>....</p>
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²⁴ This sentence is wrongly translated as: "Our objective is to be in conflict everywhere with the M/uslims/ and C/roats/, if we can we ought to achieve this in Tuzla as well...". ID Defence team is offering the correct translation and requesting correction of official translation.

ID03192 25	28/12 /1995	Mladic Notebook No. 54, Meeting of the Commander of the Main Staff of the Army of Republika Srpska with political and military leaders of SR Yugoslavia on 28 December 1995	17, 23, 27.	<p>ID03187 is directly connected with P11376 (meeting 5 October 1992 in Pecui), P11380 (meeting 26 October 1992 Njivice) and P11389 (meeting 3 February 1994 Njivice). In the interest of brevity, the reasoning and basis for seeking the admission of ID03187 is provided above regarding ID03173.</p> <p>Throughout the relevant period of the Indictment, using only Mladić's diary it is visible that Croats were treated by the Serbs as the enemy. Mladić and others continually refer to the Croats as "ustashas." The HVO was engaged in armed conflict with the Bosnian Serb armed forces for approximately three years. Indeed, in Mladić's own diary he records how the HVO, as part of the armed forces of Bosnia Herzegovina (i.e. along with the Muslim forces) were in the process of defeating the Bosnian Serb army, and capturing Banja Luka, all of which would have meant the dissolution of the Republika Srpska. This would have occurred had it not been for the international community to prevent it. Indeed, Mladić in his entry of December 28, 1995 records Milosevic as saying as much:</p> <p>- Milošević spoke to Serbian leadership from Bosnia and Herzegovina:</p> <p>"We started from the most banal things: we stopped bombarding, prevent fall of Banja Luka, when only Americans helped us. When Banja Luka was in front of fall, I met Holbruk, and then he flew to Zareb and Sarajevo to convey Clinton's order to Tudman and Izetbegovića to stop the offensive..."</p> <p>Here is an exquisite example showing the complete opposite of what the Prosecution claims that the BiH Serbs and BiH Croats were part of the alleged JCE. This entry, as well as all other entries referenced in this Annex go to rebut not the Prosecution's claims, but the fanciful conclusions it wishes the Trial Chamber to reach from the admitted Mladić diary exhibits - P11376, P11380 and P11389.</p>
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²⁵ The Pric Defence is submitting for admission only the English pp. ID65-0913 – ID65-0914 which is translation of the BCS p. ID65-0815.