

## **EXCERPTS FROM PRLIĆ et al TRIAL CHAMBER JUDGMENT**

**29 May 2013**

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### **V. Alleged Destruction of the Old Bridge**

1281. The Prosecution alleges in paragraph 116 that "on 9 November 1993, the HercegBosna/HVO forces destroyed the Stari Most ("Old Bridge"), an international landmark that crossed the Neretva River between East and West Mostar". None of the parties disputed or debated the remarkable unique character of the Old Bridge.

1282. The Chamber recognises the exceptional character of this monument – built by architect Hairudin and almost 500 years old – as well as its historical and symbolic nature. All the evidence confirms the importance of the bridge both for the inhabitants of the town of Mostar to which it gave its name and for the BiH and the Balkan region. The Old Bridge also symbolised the link between the communities, despite their religious differences. Lastly, the Chamber notes that although the Old Bridge was one of the major symbols of the Balkan region, it was of particular value to the Muslim community.

1283. Before recounting (A) the history of the destruction of the Old Bridge as alleged in the Indictment, the Chamber will first (B) recall the purpose served by the Old Bridge before its destruction, particularly as of 9 May 1993, the date on which the conflict between the Croats and Muslims in Mostar began. The Chamber will then (C) present its general findings regarding the destruction of the Old Bridge.

#### **A. Use of the Old Bridge from 9 May 1993 Onwards**

1284. Between May and November 1993 the Old Bridge was one of the last structures that enabled the crossing of the Neretva: the evidence indicates that all the other bridges were destroyed between May and June 1992. Apart from the Old Bridge, between March and November 1993 it was also possible to use the Kamenica Bridge, a makeshift construction erected by the ABiH on 21 March 1993. These two bridges were controlled by the ABiH. Enes Delalić added that the HCR had installed a "prefab" bridge where the old Tito bridge had been and that it was also possible to cross via the Tenzin bridge but did not specify the date as of which it was possible to use these bridges.

1285. Between 9 May and 9 November 1993, the date of the alleged destruction of the Old Bridge, both (1) the ABiH and (2) the inhabitants of East Mostar used the Old Bridge as a travelling and supply route.

#### **1. Use of the Old Bridge by the ABiH**

1286. In its Final Trial Brief, the Prosecution did not concern itself with determining how the Old Bridge was used during the conflict between the BiH Croats and Muslims in Mostar. The Prosecution simply recalled, in mentioning the destruction of the Old Bridge that "it is inconceivable that sustained artillery fire would be directed at a civilian location or religious or cultural sites without clearance from the HVO command". It also reproduces the statements of Jadranko Prlić during his testimony as a suspect in 2001, according to which "no military goals or military targets that were there can justify destruction of that bridge".

1287. Only the Praljak Defence submitted arguments regarding the use of the Old Bridge during the conflict between the Croats and Muslims in Mostar. It argued, notably, that the Old Bridge was regularly used by the ABiH to transport weapons, ammunition and military materiel.

1288. All evidence and documents admitted indicate that the ABiH indeed used the Old Bridge to supply Muslim soldiers on the front line with military materiel and food and also to send reinforcements. Moreover, none of the witnesses who testified before the Chamber contested this use. The various documents issued between July and November 1993, both by the HVO armed forces and the members of the international organisations and journalists in the field, are unanimous on this point.

1289. Furthermore, the Chamber notes that the ABiH was holding positions in the immediate vicinity of the Old Bridge.

1290. As the Chamber set out previously, the Old Bridge was one of the only structures that still enabled the crossing of the Neretva after 9 May 1993. Although there were other ways of getting from one bank to the other, the Chamber considers that the Old Bridge was essential to the ABiH for the combat activities of its units on the front line, for evacuations and for sending troops, provisions and materiel and that it was used for this purpose.

## **2. Use of the Old Bridge by the Inhabitants of East Mostar**

1291. The evidence admitted shows that although the Old Bridge was used by ABiH soldiers, it was also used by the inhabitants of the left bank of the Neretva to maintain contact with those on the right bank and to get food and medicine. It appears that there were very few supply routes for the inhabitants other than the Old Bridge. As the Chamber already mentioned, between May and November 1993, other than the Old Bridge, all that was available to the inhabitants was the Kamenica Bridge or a mountain path from the Donja Mahala neighbourhood to Jablanica, which was considered very dangerous. A system of cables and pulleys was also installed to transport baskets with provisions between the left and the right banks of the Neretva. The Chamber finds, therefore, that the Old Bridge was essential for supplies to the inhabitants of the Muslim enclave on the right bank of the Neretva.

1292. Consequently, the destruction of the Old Bridge not only helped to cut off supplies to ABiH soldiers on the front line but also resulted in the almost total isolation of the inhabitants of the Muslim enclave on the right bank. The head of the Muslim community in Donja Mahala stated in an undated report that after the collapse of the Old Bridge and the destruction of the Kamenica Bridge "the local community in Donja Mahala is now in complete encirclement, without any contact with the left side of Mostar and without supplies of food or medicines". Haris Silajđić, President of the Government of BiH, stated in a letter dated 13 November 1993 to the UN Security Council that "the destruction of the Old Bridge, a monument of the most important category [...] represents not only an unprecedented act of barbarism but also a deadly situation for more than 10,000 civilians on the right bank of the Neretva River in Mostar".

1293. In light of the foregoing, the Chamber finds that although the Old Bridge was necessary to the ABiH considering the way in which it was used, its destruction had the immediate effect of preventing supplies from reaching the Muslim enclave on the right bank of the Neretva and seriously exacerbating the humanitarian situation of the people living there.

## **B. Destruction of the Old Bridge**

1294. In its Final Trial Brief, the Prosecution submits that the HVO armed forces were responsible for the destruction of the Old Bridge and argues that at the time of the events Slobodan Praljak was the chief of the Main Staff. The Praljak Defence rejects this theory for several reasons: it alleges notably that on 9 November 1993 Slobodan Praljak left the post of staff commander and that the shelling by the HVO

armed forces did not cause the collapse of the Old Bridge. It recalls that in the spring of 1992 the Old Bridge had already been considerably damaged by Serbian artillery fire.

1295. Regarding Slobodan Praljak's functions on 9 November 1993, the Chamber refers to its previous considerations and merely recalls that although Slobodan Praljak himself stated that his last order as the commander of the Main Staff was issued on 8 November 1993 at approximately 2230 hours, it appears that he was officially replaced by Ante Roso on 9 November 1993. During his witness testimony, he stated that he gave up his duties as of 0730 hours or 0740 hours that same day.

1296. After recalling that (1) the Old Bridge was indeed damaged before 8 November 1993, the Chamber will demonstrate (2) that on 8 November 1993 after the fall of Vareš, the HVO armed forces launched an offensive in Mostar during which the Old Bridge was shelled. It will (3) analyse the evidence regarding the collapse of the Old Bridge on 9 November 1993 and then (4) examine the reactions of the HVO authorities, Franjo Tuđman and the international actors following this event.

### **1. Damage to the Old Bridge before 8 November 1993**

1297. The JNA and the VRS armed forces shelled the Old Bridge during 1992 causing significant structural damage. During the operation that resulted in the liberation of the town of Mostar in June 1992, Slobodan Praljak ordered that the Old Bridge be protected from the Serbian artillery fire and combat violence due to its historical importance.

1298. Evidence indicates that at least between June 1993 and 8 November 1993, the Old Bridge was also shelled and fired at, causing significant structural damage, this time by the HVO armed forces: for example, an ECMM report dated 24 June 1993 stated that the "Old Bridge has been severely damaged during the shelling of the last days". Three Spabat reports also emphasised that the HVO opened fire on the Old Bridge in July 1993. On 19 September 1993 on orders from the artillery command of the HVO Main Staff, an H-155 positioned at Planinica fired 22 shells at the Old Bridge. It seems that between June 1993 and 8 November 1993, the HVO armed forces chiefly targeted the parapet of the Old Bridge to prevent any crossing by the Muslims between the left and the right banks.

1299. In light of the foregoing, the Chamber considers that the shelling by the JNA and the VRS armed forces as well as that of the HVO armed forces had greatly damaged the Old Bridge before 8 November 1993. However, the ABiH and the population of East Mostar were still able to use the bridge until that date.

### **2. Offensive of 8 November 1993 and Shelling of the Old Bridge**

1300. The evidence shows that (a) Milivoj Petković ordered an offensive on 8 November 1993, notably against Mostar, and that this order was indeed implemented. Moreover, it seems that (b) on this date and as part of this attack, an HVO tank fired at the Old Bridge throughout the day on 8 November 1993, and that (c) by the night of 8 November 1993, the Old Bridge could already be considered destroyed.

#### **a) Order of Milivoj Petković Dated 8 November 1993**

1301. In reaction to the fall of Vareš which came under ABiH control in early November 1993, Milivoj Petković, the deputy commander of the HVO Main Staff at the time, ordered the HVO armed forces to go on the offensive on 8 November 1993, notably in Mostar. The order stated that the town of Mostar should be shelled "selectively at various intervals", without further specifications. The Petković Defence argued

in its Final Trial Brief that Milivoj Petković could not have signed the order since he was not in Čitluk on 8 November 1993. The Chamber notes that this is not a sound argument because even if Milivoj Petković was not physically present in Čitluk on 8 November 1993, nothing prevented him from issuing the order from a distance. Moreover, the Chamber has no evidence showing that Milivoj Petković did not issue the order and notes that the order was indeed sent through the chain of command. Milivoj Petković's order was sent the same day to Miljenko Lasić, the commander of the Mostar ZP, who then transmitted it through the chain of command to Sector North, Sector South, to the Mostar Defence sector and to the 2nd Light Infantry Battalion.

1302. Upon its reception, the order was implemented in the field by HVO armed forces. The Old Bridge, although not explicitly designated as a target in either Milivoj Petković's order or Miljenko Lasić's order, was hit several times by artillery fire on 8 November 1993.

1303. In its Final Trial Brief, the Prosecution argues that the order dated 8 November 1993 issued by Milivoj Petković was the result of discussions during a meeting called the previous night by Slobodan Praljak in Tomislavgrad which brought together the highest-ranks of the HVO in Herzegovina, including Miljenko Lasić. The Prosecution adds, furthermore, that the order to launch an offensive could not have been made without the support of Slobodan Praljak.

1304. The Chamber notes that the order of 8 November 1993 refers to the meeting of 7 November 1993. Item 3 of this order states that "sector commanders shall organise meetings with units up to the level of battalions (...) and issue tasks proceeding from (...) the order of the HVO GS commander issued at the meeting in Tomislavgrad on 7 November 1993".

1305. The transcript of the meeting on 7 November 199 shows that the subjects discussed by Slobodan Praljak and the main commanders of the HVO units in Herzegovina were general and chiefly concerned mobilisation, the structure of the chain of command and the general organisation of the armed forces. However, the Chamber considers it can find that the offensive of 8 November 1993 was also discussed the evening before the attack amongst the highest-ranking commanders of the HVO armed forces.

#### **b) Attack on the Old Bridge by an HVO Tank on 8 November 1993**

1306. Enes Delalić confirmed that a tank positioned on Stotina hill opened fire several times on the Old Bridge on 8 November 1993. He was able to film a tank firing in the direction of the Old Bridge. The tank fired between 10 and 15 shells at the Old Bridge while Enes Delalić was filming the scene with a video camera and the firing stopped at approximately 1700 hours. Furthermore, Enes Delalić stated that only the tank he was filming was firing.

1307. However, the Chamber notes that Enes Delalić did not see the Old Bridge hit by the shells of the tank he was filming but did say that the tank was pointed towards the structure and that, while he was filming, he heard on the radio that the "foundations" of the Old Bridge were being targeted. Since Enes Delalić was not able to see the Old Bridge at the moment of the events, the Chamber considers that he could not know whether the tank was in fact the only vehicle firing at the Old Bridge.

1308. Nevertheless, the Chamber notes that the Prosecution demonstrated that the tank shells filmed by Enes Delalić were simultaneous with the impacts sustained by the Old Bridge on 8 November 1993. In this respect, during the testimony of Enes Delalić, the Prosecution showed clip 1 of another recording with the number P 01040. The Chamber notes that the video recorded by Enes Delalić shows a shot fired at 1553 hours, another at 1554 hours and another at 1555 hours; that two subsequent shots were filmed at

1556 hours and two shots were filmed at 1557 hours. Clip 1 of Exhibit P 01040 showing the impacts sustained by the Old Bridge on 8 November 1993 within a short period of time depicts the bridge being hit by a shot at 1552 hours, then by another at 1553 hours and a last one at 1555 hours. The Chamber notes, in view of the two recordings, that the shots and impacts of the firing at 1553 hours and 1555 hours were synchronised. Although the Chamber cannot find solely on the basis of this observation that the tank filmed by Enes Delalić was indeed targeting the Old Bridge, it does consider that this evidence corroborates other similar evidence such as the barrel pointing in the direction of the structure, the radio broadcast Enes Delalić heard while he was filming, the location of the impacts on the Old Bridge as shown in clip 1 of Exhibit P 01040, and the other evidence the Chamber will analyse below.

1309. Miro Salčin stated that on 8 November 1993, he heard a tank fire several times and went to a makeshift observation post in an apartment at 118 Gojka Vukovića Street. From there, he was able to see the shells hitting the Old Bridge: according to him, the Old Bridge was shelled four times in two-hour intervals. He stated that the first salvo occurred at 0800 hours, the second at approximately 1000 hours, the third sometime around noon and the fourth between 1500 and 1600 hours and that, in total, the Old Bridge was hit by 60 or 70 shells. Miro Salčin stated that he did not see the tank shelling the Old Bridge but did see a tank barrel on Čekrk hill in Hum regularly changing positions.

1310. The Chamber notes that Miro Salčin and Enes Delalić disagree about the name of the hill where on 8 November 1993 they were able to see a tank barrel pointed towards the Old Bridge. Nevertheless, Miro Salčin annotated two maps during his testimony showing what he believed to be the tank position on 8 November 1993. The positions thus marked correspond to Stotina hill and even if the witnesses do not use the same name to designate the location, they are referring to the same location. The Chamber recalls here that, as has already been determined, on 8 November 1993 Stotina hill was held by the HVO armed forces.

1311. The Chamber also notes that the statements of Miro Salčin corroborate those of Enes Delalić and clip 1 of Exhibit P 01040, inasmuch as he said that the Old Bridge was hit by a salvo between 1500 and 1600 hours on 8 November 1993. The Chamber also considers that clip 1 of Exhibit P 01040 shows that the Old Bridge was specifically targeted and that the shells that hit it were not the result of random shelling. Furthermore, the Chamber deems that the type of shelling to which the Old Bridge was subjected on 8 November 1993 "in regular intervals" – the salvos of the tank on Stotina hill being fired, as indicated by Miro Salčin, not continuously but at 0800 hours, around 1000 hours, sometime after noon and between 1500 and 1600 hours – correspond to the orders issued by Milivoj Petković and Miljenko Lasić. The Chamber recalls that the two orders indicated that the town of Mostar was to be shelled "selectively at various intervals"

1312. The Chamber also notes that on the evening of 8 November 1993 at 1900 hours, Miljenko Lasić sent a report to the Main Staff concerning the combat operations conducted that day which was received at Main Staff headquarters at 2045 hours. With regard to the zone of Mostar, the report indicates that "from 0810 in the morning our HVO tank was opening fire from Stotina during the whole day" and that "it fired 50 projectiles on Stari Grad /the Old Town/". The report added that "our HVO MB also fired two projectiles on Stari Grad at around 1400 hours".

1313. Three conclusions that can be drawn from the report: (1) the document confirms the existence of a tank positioned on Stotina hill and corroborates the statements of witnesses Miro Salčin and Enes Delalić on this issue as well as their allegations about the number of shells fired and the period during which the tank opened fire; (2) the Old Town neighbourhood of which the Old Bridge was an integral part was

deliberately targeted on 8 November 1993 and (3) as of the evening of 8 November 1993, the Main Staff had official knowledge of the locations shelled by the HVO artillery.

1314. The Chamber has also reviewed two dispatches from Reuters news agency and the New York Times dated 10 November 1993, according to which Veso Vegar stated at the time that 10 shells were fired at the Old Bridge on 8 November 1993. During his testimony, Veso Vegar denied having said this at the time. However, the Chamber considers the statements of Veso Vegar only moderately credible, because, for example, he stated during cross-examination that he did not meet with any journalists on or around 8 and 9 November 1993 and then went on to retract that statement. The Chamber deems therefore that it can reasonably take into account the comments of Veso Vegar reported by Reuters news agency and the New York Times as they relate to the Old Bridge on 8 November 1993 since the statement is corroborated by the aforementioned evidence.

1315. In light of the foregoing, the Chamber finds that on 8 November 1993, an HVO tank positioned on Stotina hill opened fire throughout the day at the Old Bridge as part of the offensive ordered by Milivoj Petković and implemented by Miljenko Lasić that same day.

### **c) Destruction of the Old Bridge as of the Evening of 8 November 1993**

1316. On the night of 8 to 9 November 1993, Miro Salčin approached the Old Bridge to check the state it was in; he stated that he attempted to cross it but that he had to turn back. The right side of the structure was completely destroyed and had a "big hole". The railing of the Old Bridge had also fallen. One of the protective barriers on the monument had three holes in it measuring half a metre in diameter. He testified that he was surprised to see the bridge still standing.

1317. A Spabat report dated 8 November 1993 regarding the situation at 2355 hours stated that "according to the ABiH sources, the Old Bridge was put out of operation after today's shelling". Another report from the ECMM noted that the structure had sustained several heavy hits but specified that the information was unconfirmed. A second Spabat report dated 9 November 1993 specified that the Old Bridge had been "partially destroyed by shelling yesterday". Furthermore, the final report of the UN Commission of Experts on the destruction of cultural property dated 27 May 1994 indicated that the shelling of 8 November 1993 was clearly aimed at destroying the bridge. Lastly, the Chamber noted in clips 1 and 2 of Exhibit P 01040 the extremely dilapidated state of the Old Bridge right before its collapse on 9 November 1993.

1318. In view of this evidence and the evidence related to the repeated shelling on 8 November 1993, the Chamber is satisfied that the Old Bridge was in fact destroyed as of the evening of 8 November 1993. The Chamber considers that the destruction of the Old Bridge is not limited solely to its collapse and that, as of the evening of 8 November 1993, the structure could be considered completely unusable.

### **3. Collapse of the Old Bridge on 9 November 1993**

1319. After having analysed the two possibilities presented to the Chamber by the Prosecution and the Praljak Defence respectively on the cause of the collapse of the Old Bridge on 9 November 1993 between 1015 and 1030 hours, the Chamber will present its findings about the causes of the collapse in view of the evidence analysed.

#### **a) Hypothesis 1: Collapse Caused by Renewed HVO Shelling on the Morning of 9 November 1993**

1320. The Prosecution argues in particular that the HVO armed forces resumed shelling on 9 November 1993 and that "it was approximately the sixth shell that finally sent the centuries-old symbol of Mostar into the Neretva River".

1321. The Chamber is satisfied that shelling from an HVO tank positioned on Stotina hill resumed on the morning of 9 November 1993 and that it targeted the Old Bridge: this was confirmed notably by Enes Delalić, by an ECMM report and by Miro Salčin, who said that the Old Bridge collapsed after being hit by the 6th shell. The Chamber also notes that in a report issued on 9 November 1993 at 1900 hours addressed to the Main Staff, Miljenko Lasić indicated that "at around 1000 hours, our tank fired [a] few projectiles at a target which was determined earlier. At around 1015 hours our reconnaissance people from Hum reported that Stari Most /the Old Bridge/ was [destroyed] and they could not say anything about the cause of its destruction". In light of the testimony of Enes Delalić and the report from Miljenko Lasić dated 9 November 1993, the Chamber considers that the tank mentioned by Miljenko Lasić in his report corresponds to the tank positioned on Stotina hill. Moreover, although Lasić remained vague about the "target which was determined earlier" and indicated that he did not receive information about the cause of the destruction of the Old Bridge from the reconnaissance units, the Chamber deems that the "target" he mentions is the Old Bridge. In respect to this, the Chamber notes the similarity between the statements of Miro Salčin regarding the number of shells that hit the structure before its collapse (6th shell) and the report by Miljenko Lasić indicating that "our tank fired [a] few projectiles".

1322. Admittedly, the Chamber heard the comments of Vinko Marić, the artillery commander for the South East OZ at the time of the events, about Miljenko Lasić's report, and according to him the Old Bridge was not targeted by the tank that fired on 9 November 1993 at 1000 hours; he also said that he never saw an order to this effect and that had such an order existed, he would have known about it considering his function at the time. On this point, the Chamber considers the statements of Vinko Marić not credible since it is satisfied that the "target which was determined earlier" mentioned in Miljenko Lasić's report corresponds to the Old Bridge. Moreover, the Chamber finds that Vinko Marić, as artillery commander for the South-East OZ at the time of the events, should have been informed of this order but considers that it cannot give credence to his statements on this matter, notably because of the close ties his position afforded him with Milivoj Petković and Slobodan Praljak at the time of the destruction of the Old Bridge.

1323. The Chamber also heard the testimony of Slobodan Praljak according to whom it was "strange" that a tank could open fire from Stotina hill on the Old Bridge for a day and a half without the ABiH attempting to retaliate. In this respect, the Chamber notes the statements of Miro Salčin, according to which the commander of the 1st Battalion of the ABiH, Esad Kostić, had attempted to open fire on the tank on 9 November 1993 from Kamenica Bridge. Furthermore, Miro Salčin, captain and deputy commander of the 2nd Battalion of the 441st ABiH Motorised Brigade based in Donja Mahala, geographically the closest ABiH position to Stotina hill, specified that he had no assets he could use to destroy or prevent the tank from launching that operation. The Chamber is thus not convinced by Slobodan Praljak's argument.

1324. Moreover, the Chamber notes that several items of evidence show that the collapse of the Old Bridge was the result of tank shells fired on the morning of 9 November 1993, admittedly from the south, but also from the north of the Old Bridge. Milivoj Petković told the Chamber that the north of Mostar was

held by the ABiH, and the Praljak Defence argued that it was impossible for the HVO to have fired on the Old Bridge from that direction.

1325. The Chamber recalls its previous considerations that on the morning of 9 November 1993, an HVO tank had resumed the previous night's shelling of the Old Bridge from Stotina hill, located south of the monument. However, with regard to 9 November, the Chamber does not exclude the possibility that the shelling could have also come from locations other than Stotina hill. Contrary to the allegation that it was impossible for HVO armed forces to have opened fire at the structure from the north of Mostar, the Chamber recalls as an example that on 19 September 1993, an HVO H-155 in Planinica, that is to the north of Mostar, fired 22 shells at the Old Bridge. Likewise, the Chamber notes that Miljenko Lasić's report dated 8 November 1993 mentions the presence of the M. H. Ćikota Brigade in the north sector of Mostar and indicates that it had opened fire at several targets in the town, such as the Bulevar, "just opposite to the Health Centre" and at the Razvitak building.

1326. It seems clear, therefore, that the HVO armed forces were holding positions in the north of Mostar in addition to the position on Stotina hill from where it was possible to fire artillery at the area around the Old Bridge. Although the Chamber did not receive additional evidence regarding the shots that targeted the Old Bridge from the north of Mostar on 9 November 1993, it considers that the HVO armed forces had the possibility of opening artillery fire at the town from the north of Mostar. Moreover, the Chamber is satisfied that an HVO tank positioned on Stotina hill which opened fire at the Old Bridge on 8 November 1993 resumed the shelling of this target the following morning.

#### **b) Hypothesis 2: Collapse Caused by Explosives Detonated from the Right Bank of the Neretva**

1327. The Praljak Defence does not deny that the Old Bridge may have been the target of a tank on 8 and 9 November 1993 but argues that the projectiles fired at the Old Bridge were not intended to destroy it. It bases this claim on the Janković Report and on the testimony of Slobodan Janković. Furthermore, the Praljak Defence alleges that the video recording of the destruction of the Old Bridge shows that there was something before the structure collapsed that looked like a detonating cord lit from the ABiH-held eastern bank of the Neretva which caused an explosion that resulted in the bridge's collapse. For the Praljak Defence, "the destruction of Stari Most was a propaganda coup for the ABiH, one they used to demonise Slobodan Praljak and unfairly try him in the court of public opinion".

1328. Slobodan Janković analysed two video recordings, one from the "TV ORF 2" channel and the other from the "TV Mostar" channel, showing the destruction of the Old Bridge in Mostar and the moments directly preceding its collapse. Slobodan Janković recalled that a tank allegedly belonging to the HVO armed forces of the HR H-B located south-west of the Old Bridge on the right bank of the Neretva, approximately 1,400 metres from its target, was responsible for the destruction of the structure. He added that the "video recordings" – he did not specify which ones – broadcast on several television channels showed that the Old Bridge had indeed been hit by several projectiles that, according to him, could have been fired by a tank on the morning and afternoon of 8 November 1993 (0957 hours and 1552 hours).

1329. With regard to the tank projectiles, Slobodan Janković stated that in order to destroy a structure such as the Old Bridge, several shots would have to impact the same place because the tank ammunition was not designed to pierce stone, and a tank firing at the same spot does not always succeed because of the phenomenon of "dispersion". Slobodan Janković stated that the video recordings – he did not specify which ones – showed that the Old Bridge had indeed been hit by shells but at several different places, and that he did not have the impression that the tank crew had been aiming at one and the same point.



According to Slobodan Janković, since it is unlikely that the Old Bridge was destroyed by a T-55 tank, one should consider a possibility other than a finding that the Old Bridge was destroyed by a tank belonging to the HVO armed forces of the HR H-B.

1330. Slobodan Janković noted in respect of the recordings provided by "TV ORF 2" and "TV Mostar" that just before the collapse of the Old Bridge, a water geyser appeared along the line of water linking its east pillar to the left bank of the Neretva. He also said that the geyser could not be caused by a shell falling into the river and that the bridge was not hit by any projectiles at the moment the water geyser appeared. On the basis of these observations, Slobodan Janković deduced that the water geyser could have resulted from the ignition of a detonating cord and that the black smoke visible next to the eastern pillar of the Old Bridge was due to the detonation of an explosive charge. According to Slobodan Janković, the explosion of the submerged detonating cord produced gas that in turn formed the water geyser visible on the recordings. The black smoke would be due to the explosive charge at the base of the eastern pillar of the Old Bridge which was activated by the detonating cord.

1331. Slobodan Janković then conducted an experiment designed to reproduce an explosion identical to the one on the video recordings provided by "TV ORF 2" and "TV Mostar" and, based on this experiment, considered that his theory had been confirmed, namely that the geyser immediately preceding the collapse of the Old Bridge resulted from the ignition of the detonating cord; furthermore, he also considered that the explosion at the base of the eastern pillar of the Old Bridge corresponded to the explosive charge that caused the collapse of the structure.

1332. In conclusion, based on an analysis of the two video recordings from "TV ORF 2" and "TV Mostar", Slobodan Janković stated that it was very likely that the Old Bridge collapsed as a result of the explosion of a charge placed in one of its pillars activated by a detonating cord from the left bank of the Neretva and not as a result of tank fire. Slobodan Janković stated, furthermore, that all the bridges in the former Yugoslavia were built to be destroyed in case of a conflict, and that it was possible that the explosives used to destroy the Old Bridge, as he suggested, date from that period. He explained that the strategies in Yugoslavia were to anticipate an attack by western countries, which is why the explosives placed in the bridges could be detonated from the eastern side of those structures.

1333. Concerning Slobodan Janković's methodology, the Chamber notes that, during his testimony, Slobodan Janković stated that he based himself chiefly on the footage from the "TV ORF 2" channel, since the footage provided by "TV Mostar" was too bright. Moreover, he stated that the recording from "TV ORF 2" appeared to consist of two pieces of footage, one showing the situation before the collapse and the second showing the collapse itself. Consequently, he considered that the footage from "TV Mostar" was important, despite its bad quality, because in his opinion it did not have "discontinuity".

1334. The Chamber also notes that during his testimony, Slobodan Janković stated that there were only "strong probabilities" that the Old Bridge was destroyed by explosives ignited from the east bank of the Neretva, notably because the footage provided by "TV ORF 2" consisted of two pieces of footage. It is only by comparing the footage provided by "TV ORF 2" and the footage from "TV Mostar" that Slobodan Janković came to this conclusion. According to Slobodan Janković, the footage provided by "TV Mostar" was filmed continuously.

1335. However, the Chamber notes that Slobodan Janković admitted that he did not know whether the two videos recorded the same event but believed that they did despite being unable to certify this. He also confirmed that the "timing" between the appearance of the water geyser and the collapse of the Old Bridge

was, in his opinion, essential. He conceded that if the explosion, the water geyser and the smoke had been filmed on 8 November 1993 and the collapse of the Old Bridge the following day, it would be logical to consider that the explosion was not the cause of the structure's destruction.

1336. During Slobodan Janković's cross-examination, the Prosecution asked him to view clip 2 of Exhibit P 01040 which shows the same viewing angle as the footage provided by "TV ORF 2", as well as the same water geyser and the same explosion at the base of the Old Bridge: Slobodan Janković conceded that, on this same video, the collapse of the structure did not occur immediately after the explosion of the detonating cord and the charge. He stated that had he had this document while drawing up the Janković report, the probability of his theory regarding the use of explosives to destroy the Old Bridge would have diminished. He admitted, finally, that on the basis of the video shown by the Prosecution, the collapse of the Old Bridge was not due to an explosion. However, he stated that it was possible that an initial explosion had been triggered without the Old Bridge collapsing, and then that a second one which caused the collapse occurred: in that case, the recording shown by the Prosecution and the recording provided by "TV ORF 2" would have been filmed at two different moments. Nevertheless, the Chamber has no evidence that there had been two explosions.

1337. With regard to clip 2 of Exhibit P 01040, the Praljak Defence argues that it was "edited by unknown people to make it look as though HVO firing caused the collapse", and relies on the statements of Witness Philip Watkins to corroborate this. The Chamber notes that Philip Watkins, who saw the original recording at the time of the events, after viewing clip 2 of Exhibit P 01040, did state that the recording had been edited. Nevertheless, he pointed out the differences he noted - namely that the original recording was in colour and had a wider perspective. The Chamber considers that in expressing himself this way, Philip Watkins did not cast doubt on the truth of the images filmed or the authenticity of the recording.

1338. The Chamber appointed, proprio motu, expert Heinrich Pichler to verify the authenticity of the video recordings provided by "TV Mostar" and "TV ORF 2", and notably to determine whether the images on the recordings were continuous or discontinuous. Heinrich Pichler stated that only television channel "ORF 2" was able to provide him with videotapes that could be used for the purposes of an analysis and that he could not determine the authenticity of the recording from "TV Mostar". With regard to the new videotapes sent by "TV ORF 2", Heinrich Pichler found that they contained an undetermined time gap in the sequence of images showing the water geyser and the collapse of the structure, whereas in the video from "TV ORF 2", which served as a basis for the Janković Report, these images were consecutive and did not have a time gap between them. Thus, according to Heinrich Pichler, the video sequence provided by television station "TV ORF 2" cannot be used to determine the chronological order of the demolition process.

1339. In light of the foregoing, the Chamber finds that Heinrich Pichler confirmed the statements made by Slobodan Janković during his testimony regarding the integrity of the recording provided by "TV ORF 2". Heinrich Pichler stated that the sequence did not make it possible to establish the chronology of the process of demolition, as recalled above. Slobodan Janković explained to the Chamber that because of this, he used the video recording broadcast by "TV Mostar" at the same time. The recording, which was of a "poor visual quality" had the advantage, in his opinion, of having been filmed continuously. The Chamber notes that Heinrich Pichler was not able to provide his expert opinion on the video recording broadcast by "TV Mostar". Consequently, the Chamber cannot rule on the chronological continuity and authenticity of the video recording broadcast by "TV Mostar". However, like Slobodan Janković and Heinrich Pichler, it considers that the recording provided by "TV ORF 2" was edited using at least two

different sequences, and thus cannot establish the chronology of the events immediately preceding the collapse of the Old Bridge.

1340. The Chamber notes, furthermore, that Slobodan Janković retracted the findings in the Janković Report during his cross-examination, notably after having viewed clip 2 of Exhibit P 01040 shown by the Prosecution, which depicts an explosion of the Old Bridge that did not lead to it collapsing. Cross-examination also revealed uncertainty as to the methodology used to compile the report: for example, Slobodan Janković, stated that he had started from the premise that the recordings broadcast by "TV ORF 2" and "TV Mostar" had filmed the same event on the same date, but although he could believe this, he could not certify it.

1341. The Chamber considers that Slobodan Janković's statements during his testimony allow for some doubt about the fact that the Old Bridge collapsed because of an explosion triggered from the right bank of the Neretva, which was the conclusion established in the Janković Report.

1342. However, the Chamber deems that the video recordings from "TV Mostar" and "TV ORF 2", like the experiment conducted in order to compile the Janković Report, demonstrate that there could have been at least one attempt to blow up the Old Bridge with explosives set off from the right bank of the Neretva. The Chamber considers that the black smoke rising from the eastern pillar of the Old Bridge and the water geyser that rose up practically simultaneously could be characteristic of an explosion set off by a detonating cord. Moreover, there is evidence that refers to this type of operation. Nevertheless, even if the Chamber assumes that the explosion indeed contributed to the destruction of the Old Bridge, it does not have any evidence about the possible perpetrators of the explosion.

1343. The Chamber is satisfied that the shelling of the Old Bridge by an HVO tank positioned on Stotina hill resumed on the morning of 9 November 1993. Furthermore, the Chamber does not exclude the possibility that there may have been at least one attempt to blow up the Old Bridge by explosives triggered from the right bank of the Neretva. Nevertheless, even if it accepted that the video recording provided by "TV Mostar" was filmed continuously and without editing on 9 November 1993 – the date on which all the sources agree the Old Bridge collapsed – the Chamber recalls that it previously found that the Old Bridge could already be considered destroyed as of the evening of 8 November 1993 as a result of shelling by an HVO tank positioned on Stotina hill. The Chamber also recalls its findings that the attack occurred as part of an offensive ordered by Milivoj Petković and implemented by Miljenko Lasić.

1344. Furthermore, the Chamber heard the statements of Slobodan Janković that a T-55 tank could not have destroyed the Old Bridge, as well as the statements of Slobodan Praljak regarding the effectiveness of the attack. Slobodan Praljak stated during his testimony that, had he decided to reduce the Old Bridge to "ashes", he could have done so by firing only three shells from Hum mountain. The Chamber finds that both Slobodan Janković's and Slobodan Praljak's statements are relevant in this case since, even if a tank was not the most efficient weapon with which to destroy the Old Bridge, using such a weapon to shell the structure could have caused its collapse because of the state it was in on the morning of 8 November 1993 before the shelling started.

1345. In light of the foregoing, the Chamber finds that shelling of the Old Bridge by an HVO tank positioned on Stotina hill resumed on the morning of 9 November 1993, and that there was at least one explosion on the bridge triggered from the right bank of the Neretva. However, the Chamber considers that the Old Bridge had been destroyed and was on the verge of collapse by the evening of 8 November

1993 after being shelled by a tank positioned on Stotina hill throughout the day of 8 November 1993, as part of the offensive launched by Milivoj Petković and implemented by Miljenko Lasić.

#### **4. Reaction of the HVO Political Authorities and Armed Forces to the Unanimous Condemnation of the International Actors**

1346. It appears that following the collapse of the Old Bridge, the reactions by the HVO political and military authorities showed (a) their wish to minimise or conceal their responsibility in this event. Despite these reactions, (b) the majority of the international actors quickly moved to place responsibility for the destruction of the Old Bridge on the HVO armed forces, notably because (c) the destruction of the bridge resulted in the total isolation of the ABiH soldiers and the inhabitants of the Muslim enclave on the right bank. The HVO authorities (d) then accused the tank crew of having acted on its own initiative.

##### **a) Attempt by the HVO Authorities to Minimise or Conceal their Responsibility for the Destruction of the Old Bridge**

1347. During a meeting at the presidential palace in Zagreb on 10 November 1993 – attended by Franjo Tuđman, Mate Boban, Jadranko Prlić, Mate Granić and Perica Jukić – Franjo Tuđman asked who was responsible for the destruction of the Old Bridge. Mate Boban replied that the Old Bridge had already been "fired on so much" before it collapsed, without specifying who the perpetrators were, and that the Old Bridge had collapsed on its own due to torrential rains. The Chamber notes that, instead of determining responsibility for the destruction of the Old Bridge, the discussion among the above-named five individuals quickly turned to the reasons that could be given to prevent the HVO armed forces from being held responsible by the international public. The Chamber notes that Franjo Tuđman asked the other people at this meeting about who would gain a military advantage from the destruction of the Old Bridge. Mate Boban explicitly stated that its destruction benefited the HVO armed forces.

1348. Once the participants had made this observation, they proposed several possibilities: Perica Jukić suggested that the torrential rains, and more generally the "war events" be given as reasons to explain the collapse of the Old Bridge. Jadranko Prlić recalled that the situation was completely beyond the HVO's control, that the front line was 300 metres from the bridge and that it was not possible for the HVO armed forces to reach the Old Bridge. Mate Granić had previously advocated trying to influence Spabat, which he deemed to have the highest authority, to make a favourable statement about the HVO to the media.

1349. On the same day as the meeting, Miljenko Lasić sent a report to the government of the HR H-B, to the HVO Main Staff and to the Ministry of Defence setting out the available information regarding the collapse of the Old Bridge. In the report, he stated that the Old Bridge had been damaged by the ravages of time, even before the war, and that a plan should be made for its restoration, which had begun to a certain extent. He also stressed the fact that the "Serbian aggressor" had already seriously damaged the bridge with its shelling and that the Old Bridge was in the immediate vicinity of the separation line held by the ABiH. Lastly, he emphasised that the ABiH had not marked the bridge as a structure enjoying "special protection", because in that case the ABiH could not have used it to transport military materiel and troops to the other bank. He concluded his report by insisting that the HVO units had never opened fire on the Old Bridge and that its collapse was due to violent combat in the zone of the Old Bridge since the beginning of the conflict.

1350. Although the Chamber acknowledges that some of the information contained in Miljenko Lasić's report is accurate, such as the damage to the Old Bridge before 8 and 9 November 1993, the proximity of

the front line and the ABiH's use of the Old Bridge to transport troops and military materiel, the Chamber considers that the reference that the HVO units never targeted the monument is wrong. As it previously recalled, during the conflict between the Croats and the Muslims in Mostar, the Old Bridge was shelled on orders from the highest-ranking HVO authorities, as evidenced by the report from the Široki Brijeg artillery regiment dated 19 September 1993 according to which the Old Bridge was targeted pursuant to orders from the Main Staff. The Chamber also recalls its previous findings that between June 1993 and 9 November 1993, the Old Bridge was shelled and shot at from the HVO positions.

1351. The Chamber finds that Miljenko Lasić's report conveys a wish on the part of the HVO authorities to minimise or conceal the responsibility of the HVO armed forces in the destruction of the Old Bridge and what was said during the aforementioned meeting at the presidential palace in Zagreb on 10 November 1993. Moreover, statements such as the ones made by Jadranko Prlić during an interview in November 1993 with Belinda Giles, according to which the destruction of the Old Bridge began in May 1992 and ended in November 1993, corroborate this conclusion as they implicitly confirm that the collapse of the bridge was the result of combat operations since the beginning of the conflict. The same holds for Veso Vegar's statements reported by Reuters and the New York Times on 10 November 1993, according to which the collapse of the Old Bridge was caused by constant shelling because of its strategically important location, namely in the vicinity of Muslim positions.

#### **b) Reaction of the International Actors Holding the HVO Armed Forces Responsible for the Destruction of the Old Bridge**

1352. Despite the position taken by the HVO authorities and their reaction, the majority of the international organisations, their members in the field, and a journalist, placed responsibility for the collapse of the Old Bridge on the HVO tank and artillery fire on 8 and 9 November 1993. Witness DW stated that he believed that the only belligerents with something to gain from the destruction of the Old Bridge were the Croats and that they had fired at the bridge with a tank. In an ECMM report dated 9 November 1993, the collapse of the Old Bridge is presented as a consequence of sustained shelling, notably by a tank, ordered by the "HVO" as "retaliation" in the wake of the fall of Vareš. Another report from that same organisation dated 18 April 1994 attributes the destruction of the Old Bridge to HVO tank fire. Without being as affirmative, the final report of the UN Commission of Experts on the destruction of cultural property indicates the same. According to a dispatch from Reuters dated 10 November 1993, UN military spokesperson Bill Alkman stated that the "coup de grace" was dealt from HVO positions.

1353. In light of the foregoing, the Chamber notes that numerous actors present in the field at the time of the events, as well as several international organisations, reported the destruction of the Old Bridge and placed responsibility on the HVO armed forces. It seems that the destruction of the Old Bridge was advantageous to the HVO armed forces.

#### **c) Consequences of the Destruction of the Old Bridge for ABiH Soldiers and Inhabitants of the Muslim Enclave on the Right Bank of the Neretva**

1354. From a military point of view, the collapse of the Old Bridge on 9 November 1993 cut off the remaining main supply route for the ABiH soldiers in the Muslim enclave of the right bank. Furthermore, it seems that at the time of the events, the HVO command was aware that the ABiH was using the bridge for this purpose. For example, Witness CB stated that as of 9 May 1993, sustained firing targeted the bridges linking the two sides of the town and that "via reports and conversations with the Croatian defence forces for the development of the operations from a military point of view, we arrived at the conclusion

that the Croatian defence forces were attempting to isolate the Muslim part of the city, which was basically on the right riverbank". Moreover, the Chamber notes that when Slobodan Praljak testified as a witness, he stated that at the time of the events, he was aware that the ABiH was using the bridge to supply the Muslim enclave on the right bank of the Neretva. He stated that despite this use of the Old Bridge by the ABiH, he forbid the HVO units from targeting this monument.

1355. The Chamber notes furthermore, that the destruction of the Kamenica Bridge by the HVO armed forces on 10, 11 and 17 November 1993, that is, a few days after the destruction of the Old Bridge, completely barred access from one bank of the Neretva to the other in Mostar. The Chamber finds that by continuing its bombings once the Old Bridge had been destroyed and the Kamenica Bridge was the only structure making it possible to cross the Neretva, the HVO armed forces knowingly risked isolating the population of the Muslim enclave on the right bank of the Neretva.

1356. The Chamber notes furthermore that the destruction of the Old Bridge had a significant psychological impact on the Muslim population in Mostar. The Chamber recalls here its previous considerations regarding the symbolic importance of the Old Bridge, particularly for the Bosnian Muslim community. Some sources also state that the destruction of the Old Bridge had a bigger political impact than a military one.

1357. In light of its previous considerations, the Chamber considers that the HVO armed forces were aware that the ABiH was using the Old Bridge for military purposes and that its destruction was a strategic advantage because it completely isolated the Muslim enclave on the right bank and prevented the ABiH from supplying the front line. Furthermore, the Chamber finds that the destruction of the Old Bridge had a serious effect on the morale of the population in Mostar, particularly on the Muslims residing in East Mostar, and that the HVO was well aware of this fact.

#### **d) Proceedings Brought Against the Tank Crew by the HVO**

1358. After unsuccessfully suggesting to the international actors that the destruction of the Old Bridge was nothing more than a "tragic consequence" of the conflict and the generally dilapidated state of the bridge, while at the same time denying the military advantage that this event constituted for the HVO armed forces, the HVO authorities accused three of its soldiers, members of a tank crew, of having targeted the Old Bridge without authorisation.

1359. During another meeting at the presidential palace in Zagreb on 23 November 1993, Franjo Tučman again asked, this time speaking directly to Croatia's Minister of Defence Gojko Šušak, who was responsible for the destruction of the Old Bridge. Although the transcript of the statements made during this meeting does not show what the minister replied, Franjo Tučman stated that it was necessary to determine who ordered the destruction of the Old Bridge and the underlying reasons of such an order. He added that this person had to be relieved of his duties and tried by court martial.

1360. It appears that proceedings were initiated that same day, 23 November 1993, by the prosecutor of ZP Mostar who requested that there be an investigation of Tomo Topić, Dražen Rezić and Senaid Čavčić. These three people, members of the HVO armed forces and of a tank crew, were accused of having opened fire at the Old Bridge in Mostar on their own initiative without having received any orders from their superior. They were suspected of being responsible for the destruction of the Old Bridge.

1361. The Chamber has evidence showing that the proceedings were followed up, although the evidence remains mute as to the content of the said proceedings. The proceedings were mentioned by Philip

Watkins during his testimony, in a letter sent on 4 December 1993 by Jadranko Prlić to General Cot, the commander of UNPROFOR and in Annex XI of the final report from the UN Commission of Experts on the destruction of cultural property dated 27 May 1994. Milivoj Petković also stated during his testimony that the investigation was still underway in August 1994.

1362. Nevertheless, the Chamber does not have any information regarding the results of the alleged investigation of the three men. The Chamber notes, however, that through these proceedings the HVO authorities implicitly acknowledged that an HVO tank had opened fire on the Old Bridge. In this respect, the Chamber recalls that it had previously established that an HVO tank positioned on Stotina hill had opened fire throughout the day of 8 November 1993 and the following morning as part of the offensive launched pursuant on orders from Milivoj Petković. Even if the Chamber considers that the tank mentioned in the proceedings launched by the HVO was the one positioned on Stotina hill and that a crew consisting of "rebel" HVO soldiers decided on its own initiative to target the Old Bridge, it also considers that nothing prevented the HVO military authorities from stopping the shelling which had been going on for two days.

1363. In light of the foregoing, the Chamber finds that the reaction of the international actors and the HVO authorities after the fall of the Old Bridge corroborates its previous findings that an HVO tank positioned on Stotina hill targeted the Old Bridge on 8 and 9 November 1993. Moreover, the Chamber deems that the HVO's strategic interest in destroying the Old Bridge only reinforces its conviction that the Old Bridge was a target to be destroyed.

### **C. General Findings of the Chamber on the Destruction of the Old Bridge**

1364. The Chamber is satisfied that before 8 November 1993, the Old Bridge, although significantly damaged, was still in use not only by the ABiH in Mostar to supply its troops and bring in military materiel to the front line but also by the inhabitants of East Mostar to maintain contact between the two banks and bring in food and medical supplies. Moreover, the Chamber is satisfied that the bridge had great symbolic importance, primarily for the Muslims.

1365. The HVO armed forces had a military interest in destroying the structure since that would cut off practically all possibilities for the ABiH to continue its supply operations. However, the collapse of the Old Bridge also condemned the residents of the Muslim enclave on the right bank of the Neretva to almost complete isolation.

1366. The Chamber considers that on 8 November 1993 as part of an offensive launched by Milivoj Petković and implemented by Miljenko Lasić, an HVO tank opened fire on the Old Bridge throughout the day, making it unusable and on the point of collapse as of the evening of 8 November 1993. The following day, the Old Bridge collapsed between 1015 and 1030 hours after the tank shelling resumed, and also possibly due to explosives set off by a detonating cord from the left bank of the Neretva. From 10 November 1993 onwards, the armed forces and the political authorities of the HVO denied being responsible for the destruction of the Old Bridge, but despite this reaction, they were unanimously held responsible by the international community and the actors present in the field. After attempting to explain the collapse of the monument, notably by citing the overall dilapidation of the structure and its position in the midst of the clashes, the HVO authorities launched an investigation into a tank crew accused of having acted without authorisation. The Chamber deems that the reactions of the political and military authorities

of the HVO expressed their wish to minimise or conceal their responsibility and corroborate the evidence concerning the attack of 8 November 1993 during which the Old Bridge was targeted by an HVO tank.

## **VI. Alleged Destruction of Religious Institutions in East Mostar**

1367. In paragraph 116 of the Indictment, the Prosecution alleges that as part of and during the siege of East Mostar, the HVO deliberately destroyed or significantly damaged the following mosques or religious property: (1) the Sultan Selim Javuz Mosque, (2) the Hadži Mehmed-Beg Karadžoz Mosque, (3) the Koski Mehmed-Paša mosque, (4) the Nesuh Aga Vučjaković Mosque, (5) the Čejvan Čehaja Mosque, (6) the Hadži Ahmed Aga Lakišić Mosque, (7) the Roznamedžija Ibrahim Efendija Mosque, (8) the Ćosa Jahja Hodža Mosque, (9) the Hadži Kurto or Tabačica Mosque, (10) and the Hadži Memija Cernica Mosque.

1368. The Praljak Defence submits that all the mosques listed in paragraph 116 of the Indictment were destroyed before the conflict between the Muslims and the Croats in the Mostar sector began, namely by the JNA and/or the VRS in early 1992. The Petković Defence submits that the great majority of these mosques were heavily damaged by the Serbs in 1992. The Praljak and Petković Defence teams claim that no evidence shows that the HVO deliberately destroyed any of the mosques or religious property listed in paragraph 116 of the Indictment.

1369. The Chamber notes that the evidence attests to the fact that of the ten mosques mentioned in the Indictment, eight were damaged or partially destroyed by the armed forces of the JNA and/or the VRS in 1992 and two were still intact in January 1993, and probably until 9 May 1993, the date when the conflict in Mostar broke out between the HVO and the ABiH.

1370. Consequently, the Chamber finds that the (1) Sultan Selim Javuz, (2) Hadži Mehmed-Beg Karadžoz, (3) Koski Mehmed-Paša, (4) Nesuh Aga Vučjaković, (6) Hadži Ahmed Aga Lakišić, (8) Ćosa Jahja Hodža and (9) Hadži Kurto or Tabačica mosques sustained significant damage or were partially destroyed during the previous conflict in Mostar in 1992. The Chamber notes that the minaret of the (4) Nesuh Aga Vučjaković Mosque remained intact however. The (10) Hadži Memija Cernica Mosque suffered minor damage.

1371. Only the (5) Čejvan Čehaja and (7) Roznamedžija Ibrahim Efendija mosques did not sustain any damage and were still intact in January 1993, and probably until 9 May 1993.

1372. Some evidence indicates generally and without specifying names that mosques in East Mostar were damaged or destroyed essentially by artillery fire between June 1993 and December 1993. Seid Smajkić, the Mufti of Mostar from 1992 to 1994, specified that in 1994, there were no mosques left in the town of Mostar where believers could go to pray because they had all been destroyed.

1373. More particularly, the Chamber notes that two mosques in the centre of East Mostar which were not damaged in 1992 were hit. The (5) Čejvan Čehaja Mosque, dating from 1552, was razed to the ground by artillery projectiles, and the (7) Roznamedžija Ibrahim Efendija Mosque, dating from 1620, was destroyed by artillery fire or shelling.

1374. Regarding the eight other mosques, namely: (1) Sultan Selim Javuz, (2) Hadži Mehmed-Beg Karadžoz, (3) Koski Mehmed-Paša, (4) Nesuh Aga Vučjaković, (6) Hadži Ahmed Aga Lakišić, (8) Ćosa Jahja Hodža (9) Hadži Kurto or Tabačica and (10) Hadži Memija Cernica, which had already been damaged by the JNA and/or VRS forces in 1992, the Chamber notes that some were again damaged while others were completely demolished, mainly by artillery fire. More precisely, the (3) Koski Mehmed-Paša



Mosque was again significantly damaged while the (9) Hadži Kurto or Tabačica Mosque was destroyed, both by fire from a tank located on Stotina hill. The Chamber notes that the tank positioned on Stotina hill opened fire on the foundations of the (9) Hadži Kurto or Tabačica Mosque. Moreover, the minaret of the (4) Nesuh Aga Vučjaković Mosque was destroyed by months of anti-aircraft artillery fire from an anti-aircraft gun located on Hum mountain. The (8) Ćosa Jahja Hodža Mosque was destroyed by tyres filled with explosives launched from Hum mountain.

1375. The Chamber heard testimony and admitted documents specifically indicating that the HVO was responsible for the destruction of or damage to mosques in East Mostar in 1993. The Chamber finds that because of the constant shooting on and shelling of East Mostar by the HVO from the direction of West Mostar, Hum mountain and Stotina hill, there is no doubt that the HVO further damaged or destroyed the ten mosques.

1376. Certain evidence attests to the fact that the HVO knowingly attacked and even destroyed mosques and other Muslim religious property in the east part of the town of Mostar in 1993. Seid Smajić stated that the HVO had destroyed religious property "in a systematic way" and deliberately, by adopting a modus operandi necessarily aimed at destroying the mosques targeted. Two ECMM reports dated 4 June 1993 and 4 August 1993, respectively, also emphasised that the mosques located in East Mostar were being attacked "systematically" and "intentionally".

1377. In light of the foregoing, the Chamber finds that the ten mosques listed in paragraph 116 of the Indictment were destroyed or significantly damaged by the constant shooting and shelling of East Mostar by the HVO. The Chamber is satisfied that the HVO deliberately targeted the ten mosques.

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## **Heading 19: Wanton Destruction of Cities, Towns or Villages, or Devastation Not Justified by Military Necessity (Count 20)**

### **IV. Municipality of Mostar**

1579. The Chamber established that between June and December 1993, because of the constant HVO firing and shelling of East Mostar from West Mostar, Mount Hum and Stotina Hill, the armed forces of the HVO seriously damaged or destroyed ten mosques in East Mostar: the Sultan Selim Javuz Mosque, the Hadži Mehmed-Beg Karadžoz Mosque, the Koski Mehmed-Paša Mosque, the Nesuh Aga Vučjaković Mosque, the Ćejvan Ćehaja Mosque, the Hadži Ahmed Aga Lakišić Mosque, the Roznamedžija Ibrahim Efendija Mosque, the Ćosa Jahja Hodža Mosque, the Hadži Kurto or Tabačica Mosque and the Hadži Memija Cernica Mosque. The Chamber finds that the HVO armed forces destroyed the ten mosques or damaged them to an extent equivalent to destruction and that nothing indicates that the destruction was justified by military necessity. In light of the number of mosques destroyed in East Mostar, the cultural and religious significance of such buildings and the impact their destruction might have had on the Muslim population of the town of Mostar, the Chamber considers that the destruction of these institutions dedicated to religion in the town of Mostar was extensive. The Chamber also established that the armed forces of the HVO deliberately targeted the ten mosques, and therefore intended to destroy them.

1580. The Chamber finds that between June and December 1993, the armed forces of the HVO destroyed ten mosques in East Mostar, thereby committing the crime of wanton destruction of cities, towns or villages, or devastation not justified by military necessity, a crime recognised by Article 3 of the Statute.

1581. The Chamber also established that on 8 November 1993, as part of the offensive on Mostar ordered by Milivoj Petković and carried out by Miljenko Lasić, an HVO tank positioned on Stotina Hill fired on the Old Bridge of Mostar all day long. It noted that on the evening of 8 November 1993, the Old Bridge could be considered destroyed since it was on the point of collapse.

1582. The Chamber established that the Old Bridge, real property normally used by civilians, was used by both the ABiH and the inhabitants of the right and left banks of the Neretva between May and November 1993 as a means of communication and supply. In this respect, it considers that the Old Bridge was essential to the ABiH for combat activities of its units on the front line, for evacuations, for the sending of troops, food and material, and that it was indeed utilised to this end. Furthermore, the ABiH was holding positions in the immediate vicinity of the Old Bridge. For this reason, the armed forces of the HVO had a military interest in destroying this structure since its destruction cut off practically all possibilities for the ABiH to continue its supply operations. Consequently, at the time of the attack, the Old Bridge was a military target.

1583. The Chamber, however, also noted that the destruction of the Old Bridge put the residents of Donja Mahala, the Muslim enclave on the right bank of the Neretva, in virtually total isolation, making it impossible for them to get food and medical supplies resulting in a serious deterioration of the humanitarian situation for the population living there. The Chamber determined that there were very few supply routes available to the inhabitants, other than the Old Bridge; that between May and November 1993, in addition to the Old Bridge, they could only use the Kamenica bridge, a makeshift bridge constructed by the ABiH in March 1993 and used until November 1993, or a path over the mountain from the neighbourhood of Donja Mahala to Jablanica, which was considered very dangerous; and that, as such, the destruction of the Kamenica bridge by the armed forces of the HVO on 10, 11 or 17 November 1993, that is, only a few days after the destruction of the Old Bridge, cut off all access across the Neretva River in Mostar definitively. The Chamber also determined that the destruction of the Old Bridge had a very significant psychological impact on the Muslim population of Mostar.

1584. The Chamber therefore holds that although the destruction of the Old Bridge by the HVO may have been justified by military necessity, the damage to the civilian population was indisputable and substantial. It therefore holds by a majority, with Judge Antonetti dissenting, that the impact on the Muslim civilian population of Mostar was disproportionate to the concrete and direct military advantage expected by the destruction of the Old Bridge.

1585. The Chamber also holds that the destruction of the Old Bridge, in view of its immense cultural, historical and symbolic value for the Muslims in particular, was extensive.

1586. Finally, the Chamber recalls that it already established that the HVO command knew that the ABiH was using the structure for military purposes; that it was perfectly aware of the major consequences the destruction of the Old Bridge would have on the morale of the population of Mostar; that despite this, the HVO continued to shell the Old Bridge between June and 9 November 1993 and more specifically fired on the Old Bridge with a tank for two days until the bridge collapsed on 9 November 1993. The Chamber therefore finds that the HVO command intended to destroy the Old Bridge of Mostar, thereby sapping the morale of the Muslim population of Mostar.

1587. The Chamber finds by a majority, with Judge Antonetti dissenting, that the armed forces of the HVO destroyed the Old Bridge of the town of Mostar, thereby committing the crime of wanton

destruction of cities, towns or villages, or devastation not justified by military necessity, a crime recognised by Article 3 of the Statute.

## **Heading 20: Destruction or Willful Damage to Institutions Dedicated to Religion or Education (Count 21)**

### **IV. Municipality of Mostar**

1608. The Chamber established that the HVO blew up the Baba Besir Mosque in West Mostar around 10 May 1993. It was, however, unable to establish whether and how the Hadži Ali-Beg Lafo Mosque was destroyed around 11 May 1993. The Chamber finds that the HVO destroyed the Baba Besir Mosque and nothing indicates that the mosque was a military target. The Chamber is satisfied that by blowing up the mosque, the HVO intended to destroy it. The Chamber therefore finds that around 10 May 1993, the HVO destroyed the Baba Besir Mosque, although this was not justified by military necessity, thereby committing the crime of wilful destruction of an institution dedicated to religion, recognised by Article 3 of the Statute.

1609. The Chamber established that between June and December 1993, because of the constant HVO firing and shelling of East Mostar from West Mostar, Mount Hum and Stotina Hill, the armed forces of the HVO seriously damaged or destroyed ten mosques in East Mostar: the Sultan Selim Javuz Mosque, the Hadži Mehmed-Beg Karadžoz Mosque, the Koski Mehmed-Paša Mosque, the Nesuh Aga Vučjaković Mosque, the Čejvan Čehaja Mosque, the Hadži Ahmed Aga Lakišić Mosque, the Roznamedžija Ibrahim Efendija Mosque, the Čosa Jahja Hodža Mosque, the Hadži Kurto or Tabačica Mosque and the Hadži Memija Cernica Mosque. The Chamber finds that the HVO armed forces destroyed the ten mosques or damaged them to an extent equivalent to destruction, and nothing indicates that the mosques were military targets. The Chamber also established that the armed forces of the HVO deliberately targeted the ten mosques and, as such, they intended to destroy them.

1610. The Chamber finds that between June and December 1993, the armed forces of the HVO destroyed ten mosques in East Mostar, although this was not justified by military necessity, thereby committing the crime of wilful destruction of an institution dedicated to religion, recognised by Article 3 of the Statute.

1611. The Chamber notes that the destruction of the Old Bridge of Mostar is referred to in paragraph 116 of the Indictment and is alleged in particular under Count 21. The Chamber notes, however, that in Count 21 the Prosecution chose to keep only "destruction or wilful damage to institutions dedicated to religion or education". It notes that the Prosecution did not mention the destruction of "historic monuments" as provided for in Article 3 (d) of the Statute. The Chamber notes that the Praljak Defence submits that the Accused Praljak was charged with the destruction of the Old Bridge under Count 19 (extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly) and under Count 20 (wanton destruction of cities, towns or villages, or devastation, not justified by military necessity), but makes no mention of Count 21. The Chamber therefore considers that the Defence teams were not sufficiently informed that the destruction of the Old Bridge of Mostar could be alleged under Count 21. As such, the Chamber holds that it is unable to take into account the destruction of the Old Bridge of Mostar – an historic monument of major historical and symbolic value, in particular for the Muslim community – under Count 21 which deals only with the destruction or wilful damage to institutions dedicated to religion or education.

**c) Jadranko Prlić's Role in the Siege of East Mostar**

**i. Acceptance of the HVO Campaign of Fire and Shelling of East Mostar**

172. According to the Prosecution, Jadranko Prlić knew full well about the destruction of mosques and property belonging to Muslims who were being expelled from their homes and did nothing to prevent or punish those crimes. According to the Prlić Defence, there is no evidence that Jadranko Prlić engaged, either directly or indirectly, in any activity resulting in the destruction of cultural, religious or private property. The destruction of property by individuals, whether civilians or members of a military unit, did not occur under the direction, control or authority of Jadranko Prlić or the HVO HZ(R) H-B.

173. The Chamber recalls its finding that from June 1993 to March 1994, East Mostar, a cramped and densely-populated residential area, was subjected to intense and continuous HVO fire and shelling, including sniper fire. The consequence of the prolonged attack was that many inhabitants of East Mostar lived in a climate of terror and some were killed or wounded by the shooting; the HVO severely damaged or destroyed ten mosques in East Mostar; and that the HVO authorities minimised or concealed their responsibility for the destruction of the Old Bridge.

174. The Chamber recalls that Jadranko Prlić was constantly kept informed of the military situation, not only by the HVO, but also by members of international organisations. In fact, while exercising his functions, he was kept abreast of the HVO campaign of fire and shelling against East Mostar. Witness DZ, a member of an international organisation, stated that during his stay in Mostar between May 1993 and April 1994, he met Jadranko Prlić, Bruno Stojić and Milivoj Petković on several occasions and that they were well aware of the shelling and sniping in East Mostar, particularly against civilians and members of international organisations. Witness DZ in particular mentioned the reaction of Jadranko Prlić who "smiled" when the issues were raised and made it clear he thought that such were "the rules of the game", that shooting and shelling in a war zone was normal and that things like that did happen on the ground - that was "just part of the routine for the HVO".

175. Regarding the destruction of the Old Bridge, the Chamber notes that during his testimony as a suspect in 2001, Jadranko Prlić stated that no civilian or military goals could justify the destruction of the Old Bridge. The Chamber recalls that the old town quarter of Mostar, of which the Old Bridge was an integral part, was deliberately targeted on 8 November 1993 by an HVO tank. The HVO armed forces had a military interest in destroying the Old Bridge, but its destruction also put the residents of the Muslim enclave on the right bank of the Neretva in virtually total isolation. The Chamber therefore found that the Old Bridge indeed constituted a military target for the HVO, but that the impact of its destruction on the Muslim civilian population of Mostar was disproportionate to the concrete military advantage to be gained by its destruction. Furthermore, it recalls its observations that on 10 November 1993 Jadranko Prlić took part in discussions with Franjo Tućman which did not focus on determining the responsibility for the destruction of the Old Bridge but on finding the reasons that could be given to prevent international public opinion from attributing the responsibility to the HVO armed forces. The Chamber finds that by attempting to conceal the responsibility of the HVO for the destruction of the Old Bridge, Jadranko Prlić in fact accepted its destruction.

176. The Chamber thus considers that Jadranko Prlić knew about the HVO crimes committed during the HVO campaign of fire and shelling against East Mostar - that is, the murders and destruction of property,

including mosques and the Old Bridge - and that by minimising them or attempting to deny them, he accepted and encouraged them. The Chamber finds that Jadranko Prlić thus supported the HVO campaign of fire and shelling against East Mostar as well as its impact on the population of East Mostar.

### **C. Slobodan Praljak's Responsibility Under JCE 1**

#### **i. HVO Military Operations Between 24 July and 9 November 1993**

579. Generally speaking, Slobodan Praljak played an important role in planning and directing the military operations in the Municipality of Mostar between 24 July 1993 and 9 November 1993. On 28 July 1993, he ordered the brigades of the OZ to prepare for combat. On 6 August 1993, Tarko Tole issued an order specifying that the Main Staff would take over the command of the defence of Mostar. On 12 August 1993, Slobodan Praljak mobilised all the manpower and materiel of the HVO armed forces, including the Military Police of the 1st sector of the South-East OZ to eliminate Muslim "terrorists" from Mostar. On 25 August 1993, Slobodan Praljak appointed Colonel Milan Štampar as commander of the Raštani combat operations, specifying that all units should subordinate to him. On 1 September 1993, Slobodan Praljak issued an order organising the command structure and military operations in the Mostar sector. On 24 September 1993, he sent a message to all the HVO troops giving them an overview of the situation in Mostar and congratulating them for the actions they carried out. Lastly, on 7 October 1993, Slobodan Praljak issued an order for the defence of the Mostar region with the instruction to "inflict as many losses on them as possible".

580. Lastly, the Chamber recalls that the offensive launched pursuant to an order from Milivoj Petković on 8 November 1993 on the old town of Mostar, which led, inter alia, to the destruction of the Old Bridge, had been discussed at a meeting attended by Slobodan Praljak and senior HVO commanders, including Miljenko Lasić, commander of the Mostar ZP.

581. From the aforementioned, the Chamber infers that Slobodan Praljak participated in directing and planning the HVO operations in the Municipality of Mostar between July and early November 1993.

582. The Chamber recalls that between early June 1993 and early March 1994, East Mostar was under intense shelling and firing by the HVO, notably from the direction of Hum mountain and Stotina hill; that the shooting and shelling by the HVO killed and wounded many people amongst the population of East Mostar; that HVO snipers, located in West Mostar, opened fire at Muslims in East Mostar between May 1993 and February 1994; that the HVO was responsible for destroying and damaging mosques in East Mostar in 1993 because of the constant firing and shelling of East Mostar from the direction of West Mostar, Hum mountain and Stotina hill; and lastly, that the members of the international organisations present in Mostar between May 1993 and April 1994 were deliberately targeted by HVO snipers and by HVO artillery and mortars killing or wounding some of them as a result.

583. The Chamber also found that the old town quarter, of which the Old Bridge was an integral part, was deliberately targeted on 8 November 1993 by an HVO tank; that from the evening of 8 November 1993, the Main Staff had official knowledge about which locations had been shelled by the HVO artillery and that the Old Bridge had in fact been destroyed by the evening of 8 November 1993. The Chamber considered that the destruction of the Old Bridge was not limited only to its collapse and found that, as of the evening of 8 November 1993, the bridge could be considered completely unusable.

584. The Chamber recalls that during HVO operations in the village of Raštani around 24 August 1993, four Muslim men were killed by HVO soldiers; the HVO soldiers inflicted physical and mental abuse on

the women and children who were in the area around Mirsad Tuškić's house in Raštani village; and, due to the particularly coercive atmosphere, the Muslim women and children who had taken refuge in a village house had no other choice but to flee Raštani village, occupied by the HVO soldiers, and cross the river to reach the territory under ABiH control.

585. The Chamber also notes that on 31 August 1993, Gojko Šušak promised Peter Galbraith that he would contact Slobodan Praljak directly to ask him to stop the heavy shelling of East Mostar by the HVO launched that day.

586. It is clear to the Chamber that the crimes described above which accompanied HVO military operations and were committed systematically and/or over a period of time were not random acts or the actions of undisciplined soldiers but rather operations orchestrated by the HZ(R) H-B leadership. Insofar as Slobodan Praljak directed the HVO military operations in the Municipality of Mostar during a part of this period, the only conclusion that the Chamber can reasonably draw is that Slobodan Praljak knew that these crimes would be committed during the operations in Raštani and Mostar. The Chamber finds, therefore, that he intended to have buildings in East Mostar destroyed, including mosques and the Old Bridge, to deliberately target civilians, to have murders, wounding, physical and psychological abuse and attacks on members of international organisations committed and lastly, to have women and children removed.

### **C. Milivoj Petković's Responsibility Under JCE 1**

#### **d) Siege of East Mostar**

739. The Prosecution contends that Milivoj Petković directly contributed to the siege of East Mostar by issuing orders. The Petković Defence argues that none of the crimes that occurred during the siege of East Mostar could be attributed to Milivoj Petković on the grounds that the ABiH and the HVO had been continuously fighting in the town of Mostar and that the actual powers and responsibilities of Milivoj Petković during the limited time when he held the position of Chief of Main Staff would not have enabled him to act to prevent the crimes that were committed during the siege.

740. The Chamber recalls its finding that East Mostar was besieged by the HVO from June 1993 to April 1994. On 2 July 1993, further to an order from Milivoj Petković, Miljenko Lasić, commander of the South-East OZ, divided the defence zone of the town of Mostar into three sectors and appointed Zlatan Mijo Jelić commander of the sector that comprised the town of Mostar. Furthermore, on 6 August 1993, the Main Staff took over the command of the defence of Mostar.

741. The Chamber will analyse the evidence it has regarding the involvement of Milivoj Petković in (i) the shelling, (ii) obstructing the delivery of humanitarian aid and access by international organisations, and (iii) the destruction of the Old Bridge.

#### **i. Shelling**

742. The Prosecution submits that Milivoj Petković could not have been unaware of the HVO shelling and sniping as it was taking place just outside his office in West Mostar until 18 July 1993, and that he was in charge of the shelling of the town of Mostar. The Petković Defence argues that between 30 June and 24 July 1993, Milivoj Petković did not receive any complaints about the shelling; that nothing in the reports he received indicated that the shelling was unlawful or that the decisions of the commanders were a breach of the law; that the artillery in the South-East OZ was subordinated to the commander of the OZ and that,

consequently, Milivoj Petković was not in charge of selecting targets or determining the duration of shelling activities, or assessing their effect.

743. The Chamber recalls that East Mostar sustained intense and continuous firing and shelling from June 1993 to March 1994 and that the HVO's shooting and shelling were not limited to specific targets, possibly military ones, but were also carried out in residential areas and that the population was directly affected. The Chamber found that the HVO intensively and wantonly shelled and fired at East Mostar, thereby directly affecting the population living there.

744. The Chamber recalls that the HVO artillery was under the control of the Main Staff and that the Široki Brijeg artillery regiment was under the direct command of the Main Staff between 12 August 1993 and 1 December 1993.

745. The Chamber notes that as of 27 March 1993, Milivoj Petković issued an order to Miljenko Lasić, commander of the South-East OZ, indicating that "for firing at the populated areas it is obligatory to seek approval of the [the Main Staff]"; Lasić then forwarded this order to the units under his command.

746. On 8 November 1993, Milivoj Petković expressly ordered the Mostar ZP to launch offensive operations in the towns of Bijelo Polje, Blagaj and Mostar: "[...] carry out offensive operations [...]. Shell the town of Mostar selectively at various intervals [...]. The HVO Main Staff will take the most stringent measures against all levels of command that fail to fulfil this order". This order was transmitted by Miljenko Lasić to his troops that same day.

747. In light of this evidence, the Chamber finds that Milivoj Petković planned the shelling during the siege of East Mostar.

748. The Chamber heard the testimony of several international witnesses who stated that they regularly alerted the HVO political and military leadership, including Milivoj Petković, to the shelling of East Mostar. Witness DZ thus discussed the shelling of Mostar and the injuries sustained by civilians with Jadranko Prlić, Bruno Stojić and Milivoj Petković and stated that they were informed about the HVO's opening fire on members of international organisations.

749. Witness DW stated that the Spabat leadership spoke directly to Slobodan Praljak, Milivoj Petković and Bruno Stojić and they had addressed them about the unlawful shelling, attacks on the civilian population, attacks on Spabat and all other problems related to the Spabat mission. Witness DW specified that during a meeting, which was attended by Milivoj Petković, Spabat raised several issues, notably the HVO attacks on civilian targets, the HVO attacks on Spabat personnel and military materiel, and the blocking and delays caused to Spabat patrols at HVO checkpoints. Spabat notified the HVO authorities on several occasions, notably Milivoj Petković in person on 14 October 1993, that its vehicles, personnel and civilian buildings were being targeted by HVO shelling and HVO snipers.

750. In light of this evidence, the Chamber finds that Milivoj Petković knew that the HVO forces were shelling and firing on East Mostar, a densely-populated urban zone, causing deaths, injuries and the destruction of property, including mosques. He also knew that the members of the international organisations were also affected by the HVO shelling. Furthermore, under these circumstances and bearing in mind the long period during which East Mostar was regularly the target of HVO shooting, Milivoj Petković must have been aware of the terror under which the Muslim population of East Mostar was living. Insofar as he ordered and contributed to planning this shelling, while knowing that it would

lead to murder, injuries and the destruction of property, including mosques, the Chamber infers that Milivoj Petković intended to have these crimes committed.

## **ii. Humanitarian Aid and Access by International Organisations to East Mostar**

751. The Prosecution contends that Milivoj Petković was aware that the Muslims in East Mostar were living in inhumane conditions caused by the HVO, that he prevented humanitarian aid convoys from reaching them, and when he granted access to such convoys, it was under pressure from the international community. The Petković Defence argues that humanitarian aid was not under Milivoj Petković's competence.

752. The Chamber notes that Milivoj Petković had the power to allow humanitarian convoys to pass and to grant international organisations access to East Mostar.

753. The Chamber notes that following a meeting attended inter alia by Milivoj Petković and Bruno Stojić, a humanitarian convoy carrying medical supplies was organised to go to East Mostar on 21 August 1993 and that it was Milivoj Petković's responsibility to organise the technical details that would enable the convoy to pass unobstructed. The Chamber established that 21 August 1993, was the first time in two months that a humanitarian convoy had access to East Mostar.

754. Furthermore, Milivoj Petković was kept regularly informed by the international organisations of the "situation" in East Mostar. Also, as of 18 May 1993, during a meeting held under the auspices of Lord Owen, attended by Mate Boban, Alija Izetbegović, Franjo Tučman and Milivoj Petković, Sefer Halilović insisted on the need to resolve the problem of humanitarian convoys passing through BiH because the lives of about three million people were at stake unless they received food aid.

755. The Chamber recalls that Milivoj Petković had the power to allow humanitarian convoys to pass through and reach East Mostar and occasionally facilitated access of the humanitarian convoys in Mostar. Therefore, the Chamber finds that when he failed to do so it was because he intended to facilitate the hindering of the humanitarian convoys from reaching the Muslim population of East Mostar, thereby contributing to the continuation of the harsh living conditions of the Muslim population in East Mostar.

## **iii. Destruction of the Old Bridge**

756. The Chamber recalls that it found that Milivoj Petković ordered an offensive on Mostar, which was carried out by Miljenko Lasić and that as part of the offensive, an HVO tank fired throughout the day of 8 November 1993 at the Old Bridge, rendering it unusable and on the point of collapse by the evening of 8 November 1993 and leading to its collapse on 9 November 1993. Consequently, the Chamber can therefore find that Milivoj Petković planned the military offensive on the Old Town of Mostar and thereby intended to destroy the Old Bridge.

## **CHAPTER 10: DISPOSITION**

For these reasons, pursuant to Articles 23 and 24 of the Statute and Rules 98 ter, 101, 102 and 103 of the Rules, and in view of all the evidence and the submissions of the Parties, the Chamber decides as follows.

The Chamber recalls that it found that it would not be appropriate to consider Count 26 of the Indictment insofar as the crime of "cruel treatment (Siege of Mostar)" is not provided for under the Statute or in Tribunal case-law.



The Chamber unanimously FINDS Jadranko Prlić GUILTY, under Article 7(1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 19, and 21 to 25 of the Indictment. The Chamber, by a majority with Judge Antonetti dissenting, FINDS Jadranko Prlić GUILTY, under Article 7(1) of the Statute, of Counts 2 to 5 of the Indictment. Pursuant to the principles relating to cumulative convictions, the Chamber does not enter a conviction for Counts 14, 17 and 20 of the Indictment. Consequently, the Chamber unanimously sentences Jadranko Prlić to a single sentence of 25 years' imprisonment to run as of today, subject to credit being given under Rule 101(C) of the Rules for the period that Jadranko Prlić has already spent in detention pending and during trial.

The Chamber unanimously FINDS Bruno Stojić GUILTY, under Article 7(1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 24 and 25 of the Indictment. The Chamber, by a majority with Judge Antonetti dissenting, FINDS Bruno Stojić GUILTY, under Article 7(1) of the Statute, of Counts 2, to 5, 19 and 21 to 23 of the Indictment. Pursuant to the principles relating to cumulative convictions, the Chamber does not enter a conviction for Counts 14, 17 and 20 of the Indictment. Consequently, the Chamber unanimously sentences Bruno Stojić to a single sentence of 20 years' imprisonment to run as of today, subject to credit being given under Rule 101(C) of the Rules for the period that Bruno Stojić has already spent in detention pending and during trial.

The Chamber unanimously FINDS Slobodan Praljak GUILTY, under Article 7(1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 19, 21, 24 and 25 of the Indictment. The Chamber, by a majority with Judge Antonetti dissenting, FINDS Slobodan Praljak GUILTY, under Article 7(1) of the Statute, of Counts 2, 3, 22 and 23 and ACQUITS him by a majority, with Judge Antonetti dissenting, of Counts 4 and 5 of the Indictment. Pursuant to the principles relating to cumulative convictions, the Chamber does not enter a conviction for Counts 14, 17 and 20 of the Indictment. Consequently, the Chamber unanimously sentences Slobodan Praljak to a single sentence of 20 years' imprisonment to run as of today, subject to credit being given under Rule 101(C) of the Rules for the period that Slobodan Praljak has already spent in detention pending and during trial.

The Chamber unanimously FINDS Milivoj Petković GUILTY, under Article 7(1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 19, 21, 24 and 25 of the Indictment. The Chamber, by a majority with Judge Antonetti dissenting, FINDS Milivoj Petković GUILTY, under Article 7(1) of the Statute, of Counts 2 to 5, 22 and 23 of the Indictment. Pursuant to the principles relating to cumulative convictions, the Chamber does not enter a conviction for Counts 14, 17 and 20 of the Indictment. Consequently, the Chamber unanimously sentences Milivoj Petković to a single sentence of 20 years' imprisonment to run as of today, subject to credit being given under Rule 101(C) of the Rules for the period that Milivoj Petković has already spent in detention pending and during trial.

The Chamber unanimously FINDS Valentin Ćorić GUILTY, under Article 7(1) of the Statute, of Counts 1, 6 to 13, 15, 16, 18, 24 and 25 of the Indictment. The Chamber, by a majority with Judge Antonetti dissenting, FINDS Valentin Ćorić GUILTY, under Article 7(1) of the Statute, of Counts 2 to 5, 19, and 21 to 23 of the Indictment. The Chamber, by a majority with Judge Antonetti dissenting, FINDS Valentin Ćorić GUILTY, under Article 7(3) of the Statute, of Counts 15, 16, 19 and 23 of the Indictment for the crimes that occurred in the Municipality of Prozor in October 1992. Pursuant to the principles relating to cumulative convictions, the Chamber does not enter a conviction for Counts 14, 17 and 20 of the Indictment. Consequently, the Chamber unanimously sentences Valentin Ćorić to a single sentence of 16

years' imprisonment to run as of today, subject to credit being given under Rule 101(C) of the Rules for the period that Valentin Ćorić has already spent in detention pending and during trial.

The Chamber unanimously FINDS Berislav Pušić GUILTY, under Article 7(1) of the Statute, of Counts 6 to 13, 15, 16 and 18 of the Indictment. The Chamber, by a majority with Judge Antonetti dissenting, FINDS Berislav Pušić GUILTY, under Article 7(1) of the Statute, of Counts 1 to 3, 19, 21, 24 and 25 and ACQUITS him unanimously of Counts 4, 5, 22 and 23 of the Indictment. Pursuant to the principles relating to cumulative convictions, the Chamber does not enter a conviction for Counts 14, 17 and 20 of the Indictment. Consequently, the Chamber unanimously sentences Berislav Pušić to a single sentence of 10 years' imprisonment to run as of today, subject to credit being given under Rule 101(C) of the Rules for the period that Berislav Pušić has already spent in detention pending and during trial.

Pursuant to Rule 103 of the Rules, pending an agreement for their transfer to a State where they must serve their sentences, Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić shall remain in the custody of the Tribunal.

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

Judge Jean-Claude Antonetti attaches a separate and partially dissenting opinion to the Judgement and Judge Stefan Trechsel attaches a separate opinion and a partially dissenting opinion.

Done this twenty-ninth day of May 2013 At The Hague, The Netherlands

[Seal of the Tribunal]