

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

**CASE NO: IT-01-47**

**THE PROSECUTOR OF THE TRIBUNAL**

**AGAINST**

**ENVER HADZIHASANOVIC  
MEHMED ALAGIC  
AMIR KUBURA**

**INDICTMENT**

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia, pursuant to her authority under Article 18 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (hereafter: Statute of the Tribunal) charges:

**ENVER HADZIHASANOVIC, MEHMED ALAGIC,  
and AMIR KUBURA**

with **VIOLATIONS OF THE LAWS OR CUSTOMS OF WAR** and **GRAVE BREACHES OF THE GENEVA CONVENTIONS**, as set forth below:

**THE ACCUSED:**

1. Enver HADZIHASANOVIC, son of Besim and Refija (née SARAJLIC), was born on 7 July 1950 in Zvornik, municipality of Zvornik, Republic of Bosnia and Herzegovina (hereafter: Bosnia and Herzegovina).
2. Enver HADZIHASANOVIC is a former professional military officer of the Yugoslav People's Army (hereafter: JNA). He graduated from the Belgrade Land Forces Military Academy in 1973 and was thereafter assigned to JNA posts in Tuzla and Sarajevo. With the rank of Captain First Class he attended the Staff Officer's College in Belgrade. After completion, he was promoted to the rank of Major and was assigned as the Commander of a Military Police battalion within the Military Police of the 7th Army. In 1988, Enver HADZIHASANOVIC was transferred to the post of Chief of Staff of the 49th Motorised Brigade. Subsequently, this brigade was transformed into a mechanised brigade and in late 1989, he was appointed as its commander. Whilst in this position, Enver HADZIHASANOVIC achieved the rank of Lieutenant Colonel.
3. In early April 1992, the JNA placed Enver HADZIHASANOVIC under house arrest in Sarajevo. On 8 April 1992, he managed to escape, and subsequently deserted from the JNA. Immediately after leaving the JNA, Enver HADZIHASANOVIC joined the Territorial Defence (hereafter: TO) of Bosnia and Herzegovina. On 14 November 1992, Enver HADZIHASANOVIC was made the Commander of the 3rd Corps of the Army of Bosnia and Herzegovina (hereafter: ABiH). He retained this position until 1 November 1993, when he was promoted to Chief of the Supreme

Command Staff of the ABiH. In December 1993, Enver HADZIHASANOVIC got his promotion to the rank of Brigadier General. As such, he became a member of the Joint Command of the Army of the Federation of Bosnia and Herzegovina. In May 1997, Enver HADZIHASANOVIC achieved the rank of Division General. He was subsequently promoted to the rank of Major General. Enver HADZIHASANOVIC retired in April 2000.

4. Mehmed ALAGIC, son of Redzo and Ferhana (née CERIC), was born on 8 July 1947 in Fajtovci, municipality of Sanski Most, Bosnia and Herzegovina.

5. Mehmed ALAGIC is a former professional military officer of the JNA. In 1970, he graduated from the Military Academy in Banja Luka, and later taught at, and was Chief of, the School for Reserve Officers, also located in Banja Luka. In 1986, after graduation from the Senior Military Officer Academy (Staff College), Mehmed ALAGIC became the Operations Officer of the 36th Mechanised Brigade. In December 1989, he was appointed Chief of Staff in an infantry brigade in Zrenjanin, which formed part of the Novi Sad Corps. Mehmed ALAGIC left the JNA on 27 February 1991 with the rank of Lieutenant Colonel.

6. On 13 January 1993, as a soldier, Mehmed ALAGIC joined the 17th Krajina Brigade of the ABiH 3rd Corps. Based on an order of the ABiH 3rd Corps Command of 8 March 1993, he was appointed as the Commander of the ABiH 3rd Corps Operational Group (hereafter: OG) "Bosanska Krajina". On 1 November 1993, Mehmed ALAGIC was named as the Commander of the ABiH 3rd Corps. With the creation of the ABiH 7th Corps on 26 February 1994, he was appointed as its Commander. Mehmed ALAGIC achieved the rank of Brigadier General in April 1994. In March 1996, as a member of the Main Committee of the Party of Democratic Action (SDA), Mehmed ALAGIC was elected President of the municipality of Sanski Most, and in September 1996, he was elected as deputy in the Federation of Bosnia and Herzegovina Chamber of Representatives. Mehmed ALAGIC was later discharged from his position as President of the municipality of Sanski Most by the Office of the High Representative. On 16 April 2001, he was sentenced to four years in prison by the Cantonal Court in Bihac, Bosnia and Herzegovina, for abuse of authority and office. Mehmed ALAGIC has appealed the judgement.

mir KUBURA, son of Nazif, was born on 4 March 1964 in Kakanj, municipality of Kakanj, Bosnia and Herzegovina.

7. Amir KUBURA is a former professional military officer of the JNA. After completion of the Academy for Ground Forces, he served for five years as an active military officer of the JNA in Dakovica. In 1992, Amir KUBURA left the JNA with the rank of Captain.

8. In 1992, Amir KUBURA joined the ABiH whilst it was being formed as the Deputy Commander of a detachment in Kakanj. Later on, he was assigned as the commander of an ABiH Mountain Battalion in the same area. On 11 December 1992, Amir KUBURA was posted as Assistant Chief of Staff for Operations and Instruction Matters of the ABiH 3rd Corps 7th Muslim Mountain Brigade. He became the ABiH 3rd Corps 7th Muslim Mountain Brigade Chief of Staff on 1 January 1993. From 1 April 1993 to 20 July 1993, Amir KUBURA acted as the substitute for Asim KORICIC, the then assigned ABiH 3rd Corps 7th Muslim Mountain Brigade Commander who was absent during this period. On 21 July 1993, he was appointed Commander of the ABiH 3rd Corps 7th Muslim Mountain Brigade. On 16 March 1994, holding the rank of Colonel, Amir KUBURA was made ABiH 1st Corps 1st Muslim Mountain Brigade Commander. He was named as the ABiH 4th Corps 443rd Brigade Commander on 16 December 1995. In June 1999, Amir KUBURA served in the Command of the ABiH 1st Corps.

#### **CHARGES:**

9. Between January 1993 and January 1994 the ABiH was engaged in various combat activities with the Croatian Defence Council (hereafter: HVO) in central Bosnia. In particular, in April 1993 and in early summer 1993, ABiH 3<sup>rd</sup> Corps units launched a series of heavy attacks against the HVO including, but not limited to, the areas of the municipalities of Bugojno, Busovaca, Kakanj, Maglaj, Novi Travnik, Travnik, Vares, Vitez, Zavidovici, Zenica and Zepce. The ABiH operations culminated in a massive attack between 7 and 13 June 1993 within the territories of, *inter alia*, the municipalities of Kakanj, Travnik and Zenica.

10. In the course of these combat activities, the ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade, which was created and used as a light infantry manoeuvre unit, played an important role. Attached to and subordinated to the ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade were foreign Muslim fighters. These foreign fighters referred to themselves as "Mujahedin" or "Holy Warriors". The "Mujahedin", who principally came from Islamic countries, began to arrive in Bosnia and Herzegovina sometime during the middle of 1992. The "Mujahedin" were prepared to conduct a "Jihad" or "Holy War" against the enemies of the Bosnian Muslims.

11. Within the municipalities listed in Paragraph 10), ABiH 3<sup>rd</sup> Corps units attacked towns and villages mainly inhabited by Bosnian Croats. Predominately Bosnian Croat, but also Bosnian Serb civilians, including women, children, the elderly, and the infirm, were subjected to wilful killings and serious injury. In the course of, or after the attacks, at least 200 Bosnian Croat and Bosnian Serb civilians were killed and many more were wounded or harmed while attempting to hide or escape. In several instances, ABiH forces killed HVO troops after their surrender.

12. Mainly Bosnian Croats, but also Bosnian Serbs, were unlawfully imprisoned and otherwise detained in ABiH detention facilities. Imprisoned and otherwise detained Bosnian Croats and Bosnian Serbs were killed and beaten, subjected to physical and / or psychological abuse, intimidation and inhuman treatment, including being confined in overcrowded and unsanitary conditions, and suffered inhumane deprivations of basic necessities, such as adequate food, water and clothing. They were provided little or no medical attention.

13. Bosnian Croats and Bosnian Serbs who were imprisoned and otherwise detained were forced, *inter alia*, to dig trenches, to build bunkers and to collect human bodies in hostile and otherwise hazardous conditions. Some such imprisoned and otherwise detained persons were killed in the course of being forced to engage in such activities. Imprisoned and otherwise detained Bosnian Croats and Bosnian Serbs were used as both human shields and hostages.

14. ABiH forces plundered and destroyed Bosnian Croat and Bosnian Serb property with no military justification. Mainly Bosnian Croat, but also Bosnian Serb dwellings and buildings, as well as civilian personal property and livestock, were destroyed or severely damaged. In addition, Bosnian Croat buildings, sites and institutions dedicated to religion were targeted for destruction or otherwise damaged or violated.

15. The allegations contained in paragraphs 1) through 15), as well as the allegations in paragraphs 45) through 50) below, are re-alleged and incorporated in each charge.

#### **COUNTS 1-5**

**(MURDER, WILFUL KILLING, VIOLENCE TO LIFE AND PERSON, WILFULLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR HEALTH and INHUMAN TREATMENT)**

16. Several times, during the course of their combat activities with the HVO in central Bosnia between January 1993 and January 1994 ABiH 3<sup>rd</sup> Corps forces killed surrendered HVO soldiers and / or Bosnian Croat and Bosnian Serb civilians. These killings by ABiH 3<sup>rd</sup> Corps forces after attacks on towns and villages include, but are not limited to the executions and massacres in the following villages:

(a) Dusina:

(aa) The execution on 26 January 1993 of the Bosnian Serb civilian Vojislav STANISIC and the following five surrendered HVO soldiers after troops of the 7<sup>th</sup> Muslim Mountain Brigade, the 303<sup>rd</sup> Mountain Brigade, the 17<sup>th</sup> Krajina Mountain Brigade, the Visoko Motorised Brigade, and "Mujahedin" had launched the attack on Dusina - Zenica Municipality: Niko KEGELJ, Stipo KEGELJ, Vinko KEGELJ, Pero LJUBICIC, and Augustin RADOS;

(ab) The killing of the surrendered HVO soldier Zvonko RAJIC by Serif PATKOVIC, the then commander of the 2<sup>nd</sup> Battalion of the 7<sup>th</sup> Muslim Mountain Brigade, after the attack on Dusina - Zenica Municipality;

(b) Miletici:

The killing on 24 April 1993 of the following four surrendered HVO soldiers after troops of the 306<sup>th</sup> Mountain Brigade and "Mujahedin" had launched the attack on Miletici - Travnik Municipality: Franjo PAVLOVIC, Tihomir PAVLOVIC, Vlado PAVLOVIC, and Anto PETROVIC;

(c) Maline / Bikosi:

The massacre on 8 June 1993 in Bikosi - Travnik Municipality of around 30 Bosnian Croat civilians and surrendered HVO soldiers after troops of the 7<sup>th</sup> Muslim Mountain Brigade, the 306<sup>th</sup> Mountain Brigade, and "Mujahedin" had launched the attack on Maline - Travnik Municipality. Among the killed were the following persons: Anto BALTA, Ivo BALTA, Jozo BALTA, Luka BALTA, Nikica BALTA, Bojan BARAC, Davor BARAC, Goran BOBAS, Niko BOBAS, Slavko BOBAS, Sreco BOBAS, Pero BOBAS-PUPIC, Dalibor JANKOVIC, Stipo JANKOVIC, Slavko KRAMAR, Anto MATIC, Tihomir PESA, Ana PRANJES, Ljubomir PUSELJA, Predrag PUSELJA, Jakov TAVIC, Mijo TAVIC, Stipo TAVIC, and Ivo VOLIC. Wounded were Berislav MARJANOVIC, Zdravko PRANJES, Darko PUSELJA, and Zeljko PUSELJA.

**18. Enver HADZIHASANOVIC** from about January 1993 to 31 October 1993, **Mehmed ALAGIC** from 8 March 1993 to February 1994, and **Amir KUBURA** from about April 1993 to March 1994 knew or had reason to know that ABiH forces under their command and control were about to commit such acts or had done so, in the following villages on or about the dates indicated, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof:

**Enver HADZIHASANOVIC:**

Dusina (Zenica Municipality) 26 January 1993  
Miletici (Travnik Municipality) 24 April 1993  
Maline / Bikosi (Travnik Municipality) 8 June 1993

**Mehmed ALAGIC:**

Miletici (Travnik Municipality) 24 April 1993  
Maline / Bikosi (Travnik Municipality) 8 June 1993

**Amir KUBURA:**

Dusina (Zenica Municipality) 26 January 1993  
Maline / Bikosi (Travnik Municipality) 8 June 1993

By these omissions **Enver HADZIHASANOVIC, Mehmed ALAGIC, and Amir KUBURA** committed:

**KILLINGS:**

**Count 1: MURDER, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR,** punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions.

**Count 2: WILFUL KILLING, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949,** punishable under Articles 2(a) and 7(3) of the Statute of the Tribunal.

**INJURIES:**

**Count 3: VIOLENCE TO LIFE AND PERSON, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR,** punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions.

**Count 4: WILFULLY CAUSING GREAT SUFFERING OR SERIOUS INJURY TO BODY OR HEALTH, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949,** punishable under Articles 2(c) and 7(3) of the Statute of the Tribunal.

**Count 5: INHUMAN TREATMENT, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949,** punishable under Articles 2(b) and 7(3) of the Statute of the Tribunal.

**COUNTS 6-10**

**(UNLAWFUL CONFINEMENT OF CIVILIANS, MURDER, WILFUL KILLING, CRUEL TREATMENT and INHUMAN TREATMENT)**

**19. Enver HADZIHASANOVIC** from about January 1993 to 31 October 1993, **Mehmed ALAGIC** from about April 1993 to February 1994, and **Amir KUBURA** from about April 1993 to March 1994 knew or had reason to know that ABiH forces under their command and control were

about to plan, prepare or execute the imprisonment, unlawful confinement, killing and inhuman and cruel treatment of Bosnian Croats and Bosnian Serbs at the following locations, in the territory of Bosnia and Herzegovina, or had done so, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof:

**Enver HADZIHASANOVIC:**

(a) Zenica Municipality:

Zenica Music School, in the town of Zenica, from about 26 January 1993 to at least January 1994;

(b) Travnik Municipality:

(ba) Town of Travnik:

Former JNA barracks from about May 1993 to at least 23 December 1993;

(bb) Village of Mehurici:

- Mehurici Elementary School from about 6 June 1993 to at least 24 June 1993;
- Blacksmith Shop from about 6 June 1993 to at least 13 July 1993;

(bc) Village of Orasac:

Orasac Camp from about 15 October 1993 to at least December 1993;

(c) Kakanj Municipality:

Motel Sretno from about 15 May 1993 to at least 21 June 1993;

(d) Bugojno Municipality:

(da) Gimnazija School Building from about 18 July 1993 to at least 13 October 1993;

(db) Convent Building from about 24 July 1993 to at least the beginning of August 1993;

(dc) Slavonija Furniture Salon from about 24 July 1993 to at least 18 August 1993;

(dd) FC Iskra Stadium from about 30 July 1993 to at least 19 March 1994; (de) Vojin Paleksic Elementary School from about 31 July 1993 to at least September 1993;

(df) Bank of Bosnia and Herzegovina Building from about September 1993 to at least February 1994.

**Mehmed ALAGIC:**

Travnik Municipality:

(a) Town of Travnik:

Former JNA barracks from about May 1993 to at least 23 December 1993;

(b) Village of Mehurici:

(ba) Mehurici Elementary School from about 6 June 1993 to at least 24 June 1993;

(bb) Blacksmith Shop from about 6 June 1993 to at least 13 July 1993;

(c) Village of Orasac:

Orasac Camp from about 15 October 1993 to at least December 1993.

**Amir KUBURA:**

(a) Zenica Municipality:

Zenica Music School, in the town of Zenica, from about 26 January 1993 to at least January 1994;

(b) Travnik Municipality:

(ba) Mehurici Elementary School from about 6 June 1993 to at least 24 June 1993;

(bb) Blacksmith Shop from about 6 June 1993 to at least 13 July 1993;

(c) Kakanj Municipality

Motel Sretno from about 15 May 1993 to at least 21 June 1993.

20. Imprisoned and otherwise detained Bosnian Croats and Bosnian Serbs were subjected to regular physical and / or psychological abuse. The physical abuse included beatings inflicted by a wide variety of weaponry, such as rifle butts, metal hooks, wooden sticks and handles, batons, truncheons, knuckle-dusters, wooden staves, boots, and telephone cables, resulting in a wide variety of bodily injuries. Several detainees got their ribs, noses and limbs broken. In some instances, prisoners were beaten to death. Detainees were subjected to inhuman treatment, including being confined in overcrowded and unsanitary conditions, and suffered inhumane deprivations of basic necessities, such as adequate food, water and clothing. They were provided little or no medical

attention. The psychological abuse included threats of bodily injury and death, such as prisoners being forced to dig their "own graves" and the threat of amputation of limbs while detained:

(a) In the Zenica Music School soldiers of the ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade, who were predominately members of the Military Police, and "Mujahedin" abused prisoners by beating them with a wide variety of weaponry, such as rifle butts, wooden sticks and handles, truncheons, knuckle-dusters, staves, boots and telephone cables, resulting in a wide variety of bodily injury. Members of the ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade Military Police and "Mujahedin" forced prisoners to dig their "own graves". In general, food, hygiene and living conditions were poor.

(b) In the former JNA barracks in Travnik soldiers of the ABiH 3<sup>rd</sup> Corps OG "Bosanska Krajina" 17<sup>th</sup> Krajina Brigade beat detainees on a regular basis.

(c) In the Mehurici Elementary School members of the ABiH 3<sup>rd</sup> Corps 306<sup>th</sup> Mountain Brigade and "Mujahedin" kicked prisoners while detained. During interrogation prisoners were beaten and threatened by members of the ABiH 3<sup>rd</sup> Corps 306<sup>th</sup> Mountain Brigade. The general food, hygiene and living conditions were poor.

(d) In the Blacksmith Shop Mehurici soldiers of the ABiH 3<sup>rd</sup> Corps 306<sup>th</sup> Mountain Brigade crammed prisoners in a small room, around 3x3 metres in size. They took prisoners out for interrogation, threatened, kicked and beat them. The food, hygiene and living conditions were poor.

(e) In the Orasac Camp "Mujahedin" severely beat detainees with rifle butts. The "Mujahedin" broke the nose of one of the detainees, and several ribs of another. They regularly subjected detainees to threats of bodily injury and death.

(f) In the Motel Sretno ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade 3<sup>rd</sup> Battalion soldiers physically abused detainees by beating them with batons, sticks, rifle butts, metal hooks, wooden staves and boots. They also forced them to beat each other. In addition, detainees were ordered to bang their heads against walls. Furthermore, ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade 3<sup>rd</sup> Battalion soldiers threatened detainees with the amputation of their legs whilst detained at the facility.

(g) In the detention facilities in Bugojno members of the ABiH 3<sup>rd</sup> Corps OG "Zapad" Military Police and soldiers of the ABiH 3<sup>rd</sup> Corps OG "Zapad" 307<sup>th</sup> Brigade abused prisoners by beating them with a variety of weapons, namely truncheons, police batons, rifle butts, billiard sticks, wooden staves, plastic cables, and boots. They forced detainees to hit their heads against metal bars. The physical assaults resulted in prisoners losing consciousness and broken legs. In a few instances, detainees got their teeth knocked out. On several occasions, detainees were forced to give blood. On a regular basis, ABiH 3<sup>rd</sup> Corps OG "Zapad" Military Police threatened to kill detainees. In addition, they exposed prisoners to overcrowded cells and highly unsanitary living conditions. The food conditions were very poor.



21. The killings of imprisoned and otherwise detained Bosnian Croats and Bosnian Serbs include, but are not limited to:

- (a) The killing by beating to death of a Bosnian Croat detainee in May 1993 in the former JNA barracks in Travnik - Travnik Municipality;
- (b) The killing by beating to death of the imprisoned HVO soldier Jozo MARACIC on 18 June 1993 in the Zenica Music School - Zenica Municipality;
- (c) The killing by beating to death of the imprisoned HVO soldier Mladen HAVRANEK on 5 August 1993 in the Slavonija Furniture Salon - Bugojno Municipality;
- (d) The killing by beating to death of the imprisoned HVO soldier Mario ZRNO in the beginning of August 1993 whilst taken out for forced labour from the Convent Building in Bugojno – Bugojno Municipality;
- (e) The killing by ritual beheading of the Bosnian Serb detainee Dragan POPOVIC, a civilian, on 20 October 1993 in the Orasac Camp - Travnik Municipality.

By these omissions **Enver HADZIHASANOVIC, Mehmed ALAGIC, and Amir KUBURA** committed:

#### **IMPRISONMENT:**

**Count 6: UNLAWFUL CONFINEMENT OF CIVILIANS, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949**, punishable under Articles 2(g) and 7(3) of the Statute of the Tribunal.

#### **KILLINGS:**

**Count 7: MURDER, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1) (a) of the Geneva Conventions.

**Count 8: WILFUL KILLING, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949**, punishable under Articles 2(a) and 7(3) of the Statute of the Tribunal.

#### **CRUEL AND / OR INHUMAN TREATMENT OF DETAINEES:**

**Count 9: CRUEL TREATMENT, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions.

**Count 10: INHUMAN TREATMENT, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949**, punishable under Articles 2(b) and 7(3) of the Statute of the Tribunal.

#### **COUNTS 11-13**

**(UNLAWFUL LABOUR, TAKING OF HOSTAGES and TAKING CIVILIANS AS  
HOSTAGES)**

22. **Enver HADZIHASANOVIC** from about 21 June 1993 to 31 October 1993 knew or had reason to know that ABiH forces under his command and control were about to plan, prepare or execute the use of Bosnian Croat and Bosnian Serb detainees to dig trenches, to build bunkers, and to collect wounded and dead ABiH soldiers in hostile, hazardous and combat conditions on the frontlines with both, HVO and Serb forces in the municipalities of Bugojno, Donji Vakuf, Gornji Vakuf, and Zenica, which resulted in a number of such detainees being killed or injured, or had done so, and he failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof. 23. The killings and injuries of detainees whilst digging trenches on the frontlines include, but are not limited to, the killings of Zeljko TABAKOVIC and Davor JEZIDZIC, and the injuries of, *inter alia*, Anto BARISIC, Bozo DOMINIK, "Buco" STRINIC, and Miroslav ZELIC, who were all forced to dig trenches on the frontline near Gornji Vakuf. 24. **Enver HADZIHASANOVIC** from about April 1993 to 31 October 1993 knew or had reason to know that ABiH forces under his command and control were about to plan, prepare and execute the use of Bosnian Croats, in the municipalities of Kakanj and Zenica, as hostages in order to use them in prisoner exchanges or to halt HVO military operations against the ABiH, or had done so, and he failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

By these omissions **Enver HADZIHASANOVIC** committed:

**UNLAWFUL LABOUR:**

**Count 11: UNLAWFUL LABOUR, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR,** punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by customary law, Articles 40 and 51 of the Geneva Conventions IV and Articles 49, 50 and 52 of the Geneva Conventions III.

**HOSTAGES:**

**Count 12: TAKING OF HOSTAGES, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR,** punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1)(b) of the Geneva Conventions.

**Count 13: TAKING CIVILIANS AS HOSTAGES, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949,** punishable under Articles 2(h) and 7(3) of the Statute of the Tribunal.

**COUNTS 14-15  
(HUMAN SHIELDS)**

25. **Enver HADZIHASANOVIC** from about January 1993 to 31 October 1993, and **Amir KUBURA** from 1 April 1993 to March 1994 knew or had reason to know that ABiH forces under their command and control were about to plan, prepare and execute the use of Bosnian Croats and Bosnian Serbs as human shields in order to prevent HVO or Bosnian Serb forces from attacking or to force Bosnian Croats to surrender, or had done so, in the following municipalities on or about the dates indicated, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof:

**Enver HADZIHASANOVIC:**

Zenica January 1993

Kakanj June 1993 Gornji Vakuf September 1993

**Amir KUBURA:**

Zenica January 1993

Kakanj June 1993

By these omissions both, **Enver HADZIHASANOVIC** and **Amir KUBURA** committed:

**Count 14: CRUEL TREATMENT, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR,** punishable under Articles 3 and 7(3) of the Statute of the Tribunal and recognised by Article 3(1)(a) of the Geneva Conventions.

**Count 15: INHUMAN TREATMENT, a GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949,** punishable under Articles 2(b) and 7(3) of the Statute of the Tribunal.

**COUNTS 16-18  
(WANTON DESTRUCTION OF CITIES, TOWNS OR VILLAGES, NOT  
JUSTIFIED BY MILITARY NECESSITY, PLUNDER OF PUBLIC OR PRIVATE  
PROPERTY and EXTENSIVE DESTRUCTION OF PROPERTY, NOT JUSTIFIED  
BY MILITARY NECESSITY)**

26. In the course of their combat activities with the HVO in central Bosnia between January 1993 and January 1994 ABiH 3<sup>rd</sup> Corps forces in many cases either plundered or plundered and unlawfully destroyed Bosnian Croat and Bosnian Serb dwellings, buildings and civilian personal property. These incidents of plunder and unlawful and wanton destruction not justified by military necessity include, but are not limited to the following towns and villages, on or about the dates indicated:

Dusina (Zenica Municipality) January 1993

Miletici (Travnik Municipality) April 1993

Guca Gora (Travnik Municipality) June 1993

Maline (Travnik Municipality) June 1993

Cukle (Travnik Municipality) June 1993

Susanj / Ovnak / Brajkovici /

Grahovcici (Zenica Municipality) June 1993

Vares (Vares Municipality) November 1993

Buhine Kuce (Vitez Municipality) January 1994

27. **Enver HADZIHASANOVIC** from about January 1993 to 31 October 1993, **Mehmed ALAGIC** from about April 1993 to February 1994, and **Amir KUBURA** from about April 1993 to March 1994 knew or had reason to know that ABiH forces under their command and control were about to commit such acts or had done so in the following villages, on or about the dates indicated, and they failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof:

**Enver HADZIHASANOVIC:**

Dusina (Zenica Municipality) January 1993  
Miletici (Travnik Municipality) April 1993  
Guca Gora (Travnik Municipality) June 1993  
Maline (Travnik Municipality) June 1993  
Cukle (Travnik Municipality) June 1993  
Susanj / Ovnak / Brajkovici /  
Grahovcici (Zenica Municipality) June 1993

**Mehmed ALAGIC:**

Miletici (Travnik Municipality) April 1993  
Guca Gora (Travnik Municipality) June 1993  
Maline (Travnik Municipality) June 1993  
Cukle (Travnik Municipality) June 1993  
Vares (Vares Municipality) November 1993  
Buhine Kuce (Vitez Municipality) January 1994

**Amir KUBURA:**

Dusina (Zenica Municipality) January 1993  
Maline (Travnik Municipality) June 1993  
Susanj / Ovnak / Brajkovici /  
Grahovcici (Zenica Municipality) June 1993  
Vares (Vares Municipality) November 1993

By these omissions **Enver HADZIHASANOVIC**, **Mehmed ALAGIC**, and **Amir KUBURA** committed:

**Count 16:** WANTON DESTRUCTION OF CITIES, TOWNS OR VILLAGES, NOT JUSTIFIED BY MILITARY NECESSITY, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(b) and 7(3) of the Statute of the Tribunal.

**Count 17:** PLUNDER OF PUBLIC OR PRIVATE PROPERTY, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(e) and 7(3) of the Statute of the Tribunal.

**Count 18:** EXTENSIVE DESTRUCTION OF PROPERTY, NOT JUSTIFIED BY MILITARY NECESSITY, a **GRAVE BREACH OF THE GENEVA CONVENTIONS OF 1949**, punishable under Articles 2(d) and 7(3) of the Statute of the Tribunal.

**COUNT 19**  
**(DESTRUCTION OR WILFUL DAMAGE OF INSTITUTIONS DEDICATED TO RELIGION)**

28. **Enver HADZIHASANOVIC** from about June 1993 to 31 October 1993, and **Mehmed ALAGIC** from about June 1993 to February 1994, knew or had reason to know that ABiH forces under their command and control were about to plan, prepare or execute the destruction or wilful damage of Bosnian Croat institutions dedicated to religion in the following towns and villages, on or about the dates indicated, or had done so, and they failed to take the necessary and reasonable

measures to prevent such acts or to punish the perpetrators thereof:

Guca Gora (Travnik Municipality) June 1993

Travnik (Travnik Municipality) June 1993

By these omissions both, **Enver HADZIHASANOVIC** and **Mehmed ALAGIC** committed:

Count 19: DESTRUCTION OR WILFUL DAMAGE DONE TO INSTITUTIONS DEDICATED TO RELIGION, a **VIOLATION OF THE LAWS OR CUSTOMS OF WAR**, punishable under Articles 3(d) and 7(3) of the Statute of the Tribunal.

### **INDIVIDUAL CRIMINAL RESPONSIBILITY:**

#### **Enver HADZIHASANOVIC:**

29. **Enver HADZIHASANOVIC** was the ABiH 3<sup>rd</sup> Corps Commander from 14 November 1992 to 31 October 1993.

30. Before **Enver HADZIHASANOVIC** joined the ABiH, for many years he was a professional military officer of the JNA. At the time he took over the command of the ABiH 3<sup>rd</sup> Corps, **Enver HADZIHASANOVIC** was experienced in exercising command and control over military units. Furthermore, **Enver HADZIHASANOVIC** was specifically trained in military disciplinary procedures.

31. In following the common practice of the ABiH to use a variety of regulations and instructions of the former JNA, **Enver HADZIHASANOVIC** by virtue of his authority and duties as a commander, was, *inter alia*, responsible for the preparation of the corps for armed combat in the field, including the planning of the operations and other forms of combat actions, transmitting the decision to subordinated commands and controlling its implementation.

32. At all times relevant to the charges in this indictment, **Enver HADZIHASANOVIC**, by virtue of his position and authority as Corps commander, directly or through his Chief of Staff, his assistants, heads of branches, and other officers, commanded all units of the ABiH 3<sup>rd</sup> Corps and units that were operating within his area of command. These units include, but are not limited to the units described in paragraphs 59) to 67) below. **Enver HADZIHASANOVIC** demonstrated or exercised both, formal *de iure* and *de facto* power, by his command and control in military matters in a manner consistent with the exercise of superior authority in a variety of ways, such as: Issuing orders, instructions and directives to the units subordinated to ABiH 3<sup>rd</sup> Corps, ensuring the implementation of these orders, instructions and directives and bearing full responsibility for their completion, deploying troops, artillery and other units under his command, and planning the preparation and implementation of military operations performed by these units. Furthermore, **Enver HADZIHASANOVIC** ensured his permanent and current information on all matters that happened on the ground, including minor incidents, communicated with the ABiH Supreme Command Staff on an almost daily basis, implemented the organisational structures of the ABiH including the formation of OGs and subordination of units under OGs, appointed and relieved military commanders, and controlled both, military units subordinated to ABiH 3<sup>rd</sup> Corps and detention centres that were operating within his area of command.

33. **Enver HADZIHASANOVIC** also showed his power as a Corps commander by negotiating

both, the exchange of prisoners of war and cease-fire agreements with the HVO, appointing ABiH 3<sup>rd</sup> Corps officers for the ABiH / HVO Joint Command, and negotiating with UNPROFOR and ECMM officials.

**Mehmed ALAGIC:**

34. **Mehmed ALAGIC** was the ABiH 3<sup>rd</sup> Corps OG Commander "Bosanska Krajina" from 8 March 1993 to 31 October 1993.

35. **Mehmed ALAGIC** was the ABiH 3<sup>rd</sup> Corps Commander from 1 November 1993 to 26 February 1994.

36. **Before Mehmed ALAGIC** joined the ABiH, for many years he was a professional military officer of the JNA. At the time he took over the command of the ABiH 3<sup>rd</sup> Corps OG "Bosanska Krajina", **Mehmed ALAGIC** was experienced in exercising command and control over military units.

37. In following the common practice of the ABiH to use a variety of regulations and instructions of the former JNA, **Mehmed ALAGIC**, by virtue of his authority and duties as a commander, was, *inter alia*, responsible for the preparation of the units subordinated to his command for armed combat in the field, including the planning of the operations and other forms of combat actions, transmitting the decision to subordinated commands and controlling its implementation.

38. At all times relevant to the charges in this indictment, **Mehmed ALAGIC**, by virtue of his positions and authority described above, from 8 March 1993 to 31 October 1993, commanded all units of the ABiH 3<sup>rd</sup> Corps OG "Bosanska Krajina" including, but not limited to the units described in paragraph 65) below, and from 1 November 1993 to 26 February 1994, commanded all units that were operating within the ABiH 3<sup>rd</sup> Corps area, including but not limited to the units described in paragraphs 59) to 67) below. **Mehmed ALAGIC** demonstrated and exercised both, formal and de facto power, by his control in military matters in a manner consistent with the exercise of superior authority in a variety of ways, including but not limited to, issuing orders, instructions and directives to the units subordinated to the ABiH 3<sup>rd</sup> Corps OG "Bosanska Krajina" and respectively, to the units subordinated to ABiH 3<sup>rd</sup> Corps, deploying troops under his command, planning the preparation and implementation of military operations performed by units under his command, and controlling military units subordinated to his command and detention centres that were operating within his area of command.

39. **Mehmed ALAGIC** also showed his power as an OG commander and a Corps commander respectively by negotiating cease-fire agreements with the HVO, and negotiating with UNPROFOR and ECMM officials.

**Amir KUBURA:**

40. **Amir KUBURA** was the ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade Chief of Staff from 1 January 1993 to 20 July 1993. From 1 April 1993 to 20 July 1993, **Amir KUBURA** acted as the substitute for Asim KORICIC, the then assigned ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade Commander who was absent during this period.

41. **Amir KUBURA** was the ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade Commander from 21

July 1993 to 15 March 1994.

42. Before **Amir KUBURA** joined the ABiH, he was a professional military officer of the JNA.

43. In following the common practice of the ABiH to use a variety of regulations and instructions of the former JNA, **Amir KUBURA**, by virtue of his authority and duties as a commander, was, *inter alia*, responsible for the preparation of the units subordinated to his command for armed combat in the field, including the planning of the operations and other forms of combat actions, transmitting the decision to subordinated commands and controlling its implementation.

44. At all times relevant to the charges in this indictment, **Amir KUBURA**, by virtue of his position and authority described above, commanded all units of the ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade. **Amir KUBURA** demonstrated and exercised both, formal and de facto power, by his control in military matters in a manner consistent with the exercise of superior authority in a variety of ways, including but not limited to, issuing orders, instructions and directives to the units subordinated to the ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade, deploying troops under his command, planning the preparation and implementation of military operations performed by units under his command, and controlling military units subordinated to his command and detention centres that were operating within his area of command.

#### **GENERAL ALLEGATIONS:**

45. All acts and omissions alleged in this indictment occurred between 1 January 1993 and 31 January 1994 on the territory of Bosnia and Herzegovina.

46. At all times relevant to this indictment, a state of international armed conflict and partial occupation existed in Bosnia and Herzegovina.

47. At all times relevant to this indictment, the victims of Grave Breaches of the Geneva Conventions of 1949 were persons protected under the provisions of the relevant Geneva Conventions.

48. All acts and omissions charged as Grave Breaches of the Geneva Conventions of 1949 occurred during the armed conflict and partial occupation of Bosnia and Herzegovina.

49. At all times relevant to this indictment, **Enver HADZIHASANOVIC, Mehmed ALAGIC, and Amir KUBURA** were required to abide by the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 1949 and the Additional Protocols thereto. Furthermore, **Enver HADZIHASANOVIC, Mehmed ALAGIC, and Amir KUBURA** were responsible for ensuring that military units under their command and control respected and applied these rules of international law. Moreover, **Enver HADZIHASANOVIC, Mehmed ALAGIC, and Amir KUBURA** were obliged by superior order to initiate proceedings for legal sanctions against individuals under their command and control who had violated the international law of war.

50. **Enver HADZIHASANOVIC, Mehmed ALAGIC, and Amir KUBURA**, while holding the positions set out in the preceding paragraphs, are criminally responsible for the acts of their subordinates, pursuant to Article 7(3) of the Statute of the Tribunal. A superior is responsible for the acts of his subordinate(s) if he knew or had reason to know that his subordinate(s) were about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

## **ADDITIONAL FACTS:**

51. The events alleged in this indictment took place against the background of the break-up of the former Socialist Federal Republic of Yugoslavia (hereafter: SFRY).

52. The Republic of Croatia (hereafter: Croatia) declared its independence on 25 June 1991, the implementation of which was suspended until 8 October 1991. The European Community recognised Croatia on 15 January 1992, followed by the admittance by the United Nations as a member State on 22 May 1992.

53. The Republic of Bosnia and Herzegovina declared its independence on 3 March 1992, and was recognised by the European Community on 6 April 1992, and by Croatia on 7 April 1992. On 22 May 1992, the United Nations admitted Bosnia and Herzegovina as a member State.

54. With the disintegration of the SFRY, a cadre staff consisting of former JNA officers began to prepare for the defence of Bosnia and Herzegovina. On 8 April 1992, the Presidency of Bosnia and Herzegovina abolished the SFRY TO and established a new TO Staff of Bosnia and Herzegovina. On 15 April 1992, the new TO Staff ordered the creation of the Main TO Headquarters, which acquired full command over existing units and essentially became the Headquarters of the Army. On 20 May 1992, the Presidency of Bosnia and Herzegovina passed the Decree on the Armed Forces of Bosnia and Herzegovina, which formally established the ABiH.

55. On 23 August 1992, the Presidency of the Republic of Bosnia and Herzegovina issued an order on the adoption of the "Rules of the International Laws of War by the Armed Forces of Bosnia and Herzegovina". This order came into force on 5 September 1992. The order stipulated the following:

(a) All unit commanders and individual members of the Armed Forces were responsible for putting the rules into practice;

(b) Senior officers were to take steps prescribed in the rules against anyone who breached the laws; (c) All members of the Armed Forces were to undergo training in order to familiarise themselves with the rules; (d) The planning and preparation of military actions by the Armed Forces were to comply with the rules and laws.

56. On 1 August 1992, a law on service in the ABiH was introduced via Presidential Decree. Under the law, non-Bosnian citizens were allowed to join the ABiH and be promoted during times of war. On 14 April 1993, again by Presidential Decree, amendments were made to the law on Service in the ABiH allowing Non-Bosnian citizens to be promoted to Superior Officer ranks during times of war.

57. On 18 August 1992, the President of the Presidency of Bosnia and Herzegovina made a "Decision on the establishment of the ABiH Corps". The document outlines the division of Bosnia and Herzegovina into five military areas of responsibility known as Corps and defines the municipalities, which fall within each Corps. Based on this decision the ABiH 3<sup>rd</sup> Corps with its Headquarters was established in Banja Luka, however Zenica was listed and used as temporary ABiH 3<sup>rd</sup> Corps Headquarters.

58. The following municipalities were listed under the ABiH 3<sup>rd</sup> Corps area of responsibility: Banja



Luka, Bosanska Dubica, Bosanska Gradiska, Bugojno, Busovaca, Celinac, Donji Vakuf, Gornji Vakuf, Jajce, Kakanj, Kotor Varos, Kupres, Laktasi, Mrkonjic Grad, Novi Travnik, Prnjavor, Skender Vakuf, Srbac, Sipovo, Travnik, Vitez, Zavidovici, Zenica, and Zepce.

59. On 9 November 1992, the ABiH Chief of the General Staff issued an order for the creation of specific types of units within ABiH 3<sup>rd</sup> Corps allowing for the various TO units and headquarters to merge.

60. On 19 November 1992, the 7<sup>th</sup> Muslim Mountain Brigade was formed with its Brigade Headquarters located in Zenica. The 7<sup>th</sup> Muslim Mountain Brigade was created as a Light Infantry Manoeuvre unit, consisting of three battalions which were located in Travnik (1<sup>st</sup> Battalion), Zenica (2<sup>nd</sup> Battalion) and Kakanj (3<sup>rd</sup> Battalion).

61. The ABiH 3<sup>rd</sup> Corps 7<sup>th</sup> Muslim Mountain Brigade was an all-Muslim unit. Soldiers within this unit were required to strictly adhere to Islamic beliefs. Recruits had to swear an oath, which included that they would follow the example of a proper Muslim soldier as set out in the booklet titled "Instructions to the Muslim Fighter". The "Instructions to the Muslim Fighter" was initially published in 1993 and subsequently distributed within the ABiH 3<sup>rd</sup> Corps area of responsibility in 20,000 copies. Further publications of the booklet were made in 1994. The booklet contains the following headings and commentary:

(a) Subordination: "A Muslim fighter primarily takes orders from the supreme commander, and only then from his superior officer."

(b) War Booty: "... it is clear that a fifth of war booty shall fall to the State treasury, and the other four-fifth belong to the soldiers. However, in situations where the soldiers receive pay and in which the State has assumed the obligation to care for the soldiers and their families, ..., all war booty shall be placed at the disposal of the State. ... . Because of this the most proper way for the State to dispose of war booty is through its army officers."

(c) Prisoners of war: "..., the killing of women, children and priests who do not participate at all in the war and who do not directly or indirectly assist the enemy, is forbidden; ... . Islam likewise forbids the torture and brutalisation of prisoners of war and the mutilation of enemy wounded and dead. ... . These are general rules which are binding for our soldiers. However, if the commanding officer assesses that the situation and the general interest demand a different course of action, then the soldiers are duty-bound to obey their commanding officer. For instance, if their officer or a higher commander assesses that in the interests of defence, the protection of his own people or higher goals it is best to set fire to certain buildings, crops or woods, then this is permitted, ... . It is also left to the military command's discretion to decide whether it is more useful or in the general interest to free, exchange or liquidate enemy prisoners of war."

62. With the creation of the ABiH 3<sup>rd</sup> Corps area of command the "Mujahedin" were attached to and subordinated to the 7<sup>th</sup> Muslim Mountain Brigade. Subsequently, the "Mujahedin" were heavily involved in combat activities with the 7<sup>th</sup> Muslim Mountain Brigade. As principally an offensive unit, the "Mujahedin" frequently spearheaded operations.

63. By order of Enver HADZIHASANOVIC on 8 March 1993, the following four OGs were created

within ABiH 3<sup>rd</sup> Corps: OG "Lasva" with its Headquarters in Kakanj, OG "Zapad" with its Headquarters in Bugojno, OG "Bosna" with its Headquarters in Zavidovici, and OG "Bosanska Krajina" with its Headquarters in Travnik.

64. With its formation, Mehmed ALAGIC was appointed as the commander of the OG "Bosanska Krajina".

65. Under the command of the OG "Bosanska Krajina" were initially placed the 7<sup>th</sup> Muslim Mountain Brigade as were the 17<sup>th</sup> Krajina Mountain Brigade, the 305<sup>th</sup> Mountain Brigade Jajce, the 27<sup>th</sup> Motorised Brigade, and the Municipal Defence Headquarter Jajce with its units. On or around 16 April 1993, also the 306<sup>th</sup> Mountain Brigade, the 308<sup>th</sup> Mountain Brigade, and the 312<sup>th</sup> Mountain Brigade were attached to the OG "Bosanska Krajina".

66. On or around 15 April 1993, elements of the 7<sup>th</sup> Muslim Mountain Brigade were transferred and put under direct command of the ABiH 3<sup>rd</sup> Corps, which already exercised immediate command of the 301<sup>st</sup> Mountain Brigade Zenica, the 303<sup>rd</sup> Brigade Zenica, the 314<sup>th</sup> Mountain Brigade Zenica, the Municipal Defence Headquarters Zenica with its units, and all staff units of the Corps.

67. On 13 August 1993, the "El Mujahed" unit was created and placed under command of ABiH 3<sup>rd</sup> Corps.

68. The Croatian Community of Herzeg-Bosna (hereafter: HZ H-B) proclaimed its existence on 18 November 1991, and claimed to be a separate or distinct "political, cultural, economic and territorial whole" in the territory of Bosnia and Herzegovina. Its purposes included, *inter alia*, the establishment of closer ties with Croatia as evidenced by the HZ H-B's use of Croatian currency and the Croatian language. These aspirations were supported by Croatia, which granted Croatian citizenship to Bosnian Croats.

69. The Constitutional Court of Bosnia and Herzegovina declared the HZ H-B illegal on 14 September 1992. Neither the self-proclaimed HZ H-B, nor the later, on 28 August 1993, self-proclaimed Croatian Republic of Herzeg-Bosna (hereafter: HR H-B) were ever internationally recognised.

70. On 24 October 1991, a Bosnian Serb Assembly was founded as the highest representative and legislative organ of Serbs in Bosnia and Herzegovina. On 9 January 1992, the Bosnian Serb Assembly proclaimed the "Serbian Republic of Bosnia and Herzegovina". The territory of that republic was declared to include "the territories of the Serbian Autonomous Regions and Districts and of other Serbian ethnic entities in Bosnia and Herzegovina, including the regions in which the Serbian people remained in the minority due to the genocide conducted against it in World War Two", and it was declared to be part of the Yugoslav federal state.

71. From late March 1992, Bosnian Serb forces began to seize physical control of municipalities that had been declared part of the Serbian State.

72. On 12 May 1992, the Bosnian Serb Assembly voted to create the Army of the Serbian Republic of Bosnia and Herzegovina (hereafter: VRS), effectively transforming the JNA units remaining in Bosnia and Herzegovina into commands of the new army. The JNA, which had been re-named the Yugoslav Army during the SFRY's reconstitution as the Federal Republic of Yugoslavia in April 1992, continued to have strong links with the VRS. It provided critical combat, financial and

logistical support to military operations carried out by the VRS against the non-Serb population in Bosnia and Herzegovina.

73. In January 1993, after peace talks in Geneva on 2 January 1993 and from 23 to 30 January 1993, the so-called Vance-Owen Peace Plan was put forward. The Vance-Owen Peace Plan involved the establishment of 10 Cantons in Bosnia and Herzegovina, each containing a provincial government headed by the representatives of the ethnic majority in the Canton. Central Bosnia would form Canton 10 and would include the municipalities of Travnik, Novi Travnik, Vitez, Busovaca, Fojnica, Gornji Vakuf and part of Kiseljak. The Bosnian Croats would be in the majority in Canton 10.

74. Subsequently, the ABiH participated in an armed conflict with the HVO and the HV until at least the end of January 1994. On 18 March 1994 the Washington Agreement was signed by the President of the Presidency of Bosnia and Herzegovina and the President of Croatia. The Muslim-Croat Federation of Bosnia and Herzegovina was founded.

Dated this 5<sup>th</sup> day of July 2001

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At The Hague Carla Del Ponte  
The Netherlands Prosecutor