

**BOSNIA AND HERZEGOVINA
PROSECUTOR'S OFFICE OF BOSNIA AND HERZEGOVINA
SARAJEVO**

**Case No.: KT-RZ 140/06
24 April 2008**

**COURT OF BOSNIA AND HERZEGOVINA
Reference No.: X-KRN-06/241**

AGREEMENT TO ENTER PLEA OF GUILTY TO THE AMENDED INDICTMENT

**ANNEX A
ADMISSION OF FACTS**

**RELEVANT PROVISIONS OF THE CRIMINAL CODE OF BOSNIA AND
HERZEGOVINA (CC BiH)**

1. The relevant portions of Article 173, Criminal Code of Bosnia and Herzegovina (CC BiH) read as follows:

War Crimes against Civilians

Article 173

1. Whoever in violation of rules of international law in time of war, armed conflict or occupation, orders or perpetrates any of the following acts:

a. Attack on civilian population, settlement, individual civilians or persons unable to fight, which results in the death, grave bodily injuries or serious damaging of people's health;

.....

f. Forced labor, starvation of the population, property confiscation, pillaging, illegal and self-willed destruction and stealing on large scale of property that is

not justified by military needs, taking an illegal and disproportionate contribution or requisition, devaluation of domestic money or the unlawful issuance of money, shall be punished by imprisonment for a term not less than ten years or long-term imprisonment.

2. The relevant portions of Article 29 and 35 CC BiH, read as follows:

Accomplices

Article 29

If several persons who, by participating in the perpetration of a criminal offence or by taking some other act by which a decisive contribution has been made to its perpetration, have jointly perpetrated a criminal offence, each shall be punished as prescribed for the criminal offence.

Intent

Article 35

- (1) A criminal offence may be perpetrated with direct or indirect intent.
- (2) The perpetrator acts with direct intent when a perpetrator was aware of his deed but still desired its perpetration.
- (3) The perpetrator acts with indirect intent when a perpetrator was aware that a prohibited consequence might have resulted from his action or omission to act but nevertheless consented to its occurrence.

3. The relevant portions of Article 180, CC BiH, read as follows:

Individual Criminal Responsibility

Article 180

(1) A person who planned, instigated, ordered, perpetrated or otherwise aided and abetted in the planning, preparation or execution of a criminal offence referred to in Article 171 (*Genocide*), 172 (*Crimes against Humanity*), 173 (*War Crimes against Civilians*), 174 (*War Crimes against the Wounded and Sick*), 175 (*War Crimes against Prisoners of War*), 177 (*Unlawful Killing or Wounding of the Enemy*), 178 (*Marauding the Killed and Wounded at the Battlefield*) and 179 (*Violating the Laws and Practices of Warfare*) of this Code, shall be personally responsible for the criminal offence. The official position of any accused person, whether as Head of State or Government or as a responsible Government official person, shall not relieve such person of criminal responsibility nor mitigate punishment.

(2) The fact that any of the criminal offences referred to in Article 171 through 175 and Article 177 through 179 of this Code was perpetrated by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was 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.

(3) The fact that a person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the court determines that justice so requires.

ELEMENTS

4. Before the Court can be satisfied that the Defendant is GUILTY of violating Article 173 as contemplated in the Agreement and the Amended Indictment, the Defendant must admit and the Court must find facts that establish the following:

The existence of an armed conflict

That the Defendant in violation of international law, ordered or otherwise perpetrated

An attack on a civilian population, settlement, individual civilians or persons unable to fight,

That the attack resulted in death, grave bodily injuries or serious damaging of people's health;

Property confiscation, pillaging, illegal and self-willed destruction and stealing on large scale of property that is not justified by military needs.

FACTS

5. I, Paško Ljubičić, the Defendant in this matter, voluntarily, consciously, and with full understanding of the consequences of my admissions, and upon advice of counsel, and upon waiver of my right not to provide evidence against myself and to have these matters fully contested in trial, acknowledge and admit the following facts and conclusions of law, and admit and accept that they constitute sufficient evidence and sufficient grounds for the Court to find me guilty and render a verdict, including sentence, as set forth in the Agreement of which this Annex is a part.

ARMED CONFLICT

6. On 16 April 1993, there was an armed conflict between the forces of the Croatian Defense Council (HVO) and the Army of Bosnia and Herzegovina (ARBiH). Although the first clashes between the HVO and the ARBiH began in October 1992, towards the end of January 1993, there was an outbreak of open hostilities between the two forces.

7. My role as a soldier and as a commander of the Fourth Military Police Battalion of the HVO, put me in a position to know that an armed conflict existed between the HVO forces and the ARBiH. The facts of which I was aware as a consequence of my position and my experience gave me personal knowledge of the armed conflict.

IN VIOLATION OF INTERNATIONAL LAW

8. Article 4 of Additional Protocol II to the Geneva Conventions of 12 August 1949, which was binding insofar as conduct occurring in and around Ahmići in April 1993 was concerned, and which applied to my conduct, prohibited acts against all persons who did not take a direct part or who had ceased to take part in hostilities which, among other things, at any time and in any place, amounted to violence to life, health and physical or mental well-being of persons, in particular murder, and including pillage.

9. The attack on Ahmići on 16 April 1993 was a violation of Article 4 of Additional Protocol II to the Geneva Conventions of 12 August 1949.

10. Article 13 of Additional Protocol II to the Geneva Conventions of 12 August 1949, which was binding insofar as conduct occurring in and around Ahmići in April 1993 was concerned, and which applied to my conduct, made it a violation of international law to make a civilian population the object of attack in armed conflict. This prohibition extended to attack on individual civilians.

11. The attack on Ahmići on 16 April 1993 was a violation of Article 13 of Additional Protocol II to the Geneva Conventions of 12 August 1949.

12. Article 14 of Additional Protocol II to the Geneva Conventions of 12 August 1949, which was binding insofar as conduct occurring in and around Ahmići in April 1993 was concerned, and which applied to my conduct, made it a violation of international law to fail to protect objects indispensable to the survival of the civilian population.

13. The attack on Ahmići on 16 April 1993 was a violation of Article 14 of Additional Protocol II to the Geneva Conventions of 12 August 1949.

DEFENDANT ORDERED OR OTHERWISE PERPETRATED

14. I was made the Commander of the Fourth Military Police Battalion in January 1993. As Commander, I was the most senior officer in all of the units of the HVO military police in the operations zone of central Bosnia.

15. In my position as Commander of the Fourth Military Police Battalion, I was responsible for both implementing and executing the decisions and orders handed down by my senior commanders.

16. As Commander of the Fourth Military Police Battalion, I had the authority to pass orders and instructions from my superiors to the members of my battalion, including the Jokers, an anti-terrorist platoon within the First Active-Service Company of the Fourth Military Police Battalion.

16a. On the afternoon of 15 April 1993, Tihomir Blaškić, Commander of the Central Bosnia Operations Zone, held a meeting with Croat political leaders in Vitez, and informed them of the intention to attack ARBiH units and Muslim settlements in the Municipality of Vitez.

17. After the meeting with Croat political leaders in Vitez, on that same day, Colonel Blaškić had a meeting with commanders of military units at the Hotel Vitez. During the meeting, the attack on some parts of the town of Vitez controlled by the ARBiH, as well as on Ahmići and other villages of the Lašva Valley was ordered. In that meeting, held between 17:30 and 19:30 hours, the order to attack was issued. Along with all others who attended the meeting, I received the order to attack from my superior officer, Tihomir Blaškić, and I was instructed to pass it on to my subordinates.

18. The order I was given involved the attack on Ahmići and the surrounding villages, and it was ordered to commence on 16 April 1993, at 0530 that morning. The order was to attack and take control of certain villages including Ahmići, to burn the houses and property belonging to the Muslim inhabitants of the villages, to kill Muslim men able to carry a weapon, but not to touch women and children. Anyone who was left alive was to be expelled. I knew that the order was an illegal order, but felt I had no alternative but to pass it on to my subordinates.

18a. The commanders of the subordinate units who attended the meeting held on 15 April 1993, between 17:30 and 19:30 hours, warned Blaškić of the content of the given order and insisted it be issued in writing. Conjuring up the drama of

the situation, Blaškić promised he would issue the order in writing, but that never happened.

18b. The Croat political leadership of Vitez Municipality, specifically, Željko TOPALOVIĆ, Franjo ALILOVIĆ, Stipo KRIŽANAC, Blaž KESIĆ, Vlado ALILOVIĆ, Marijan SKOPLJAK, Pero SKOPLJAK, Josip MARIĆ, Marko KNEZOVIĆ, Ivan ŠANTIĆ, Bruno BUZUK and Dragan RADOŠ, opposed Blaškić's order, first verbally, and then in writing as well, and requested that it be revoked or altered, warning him that this order, if executed, would have catastrophic consequences for the population of Vitez Municipality and for the relations between Croats and Muslims.

18c. By his order, the Commander of the Central Bosnia Operations Zone, Colonel Blaškić, put all the units subordinate to him (the *Vitezovi* Special Purpose Unit, the *Tvrtko* Special Purpose Unit, the Fourth Military Police Battalion, the *Žuti* Special Purpose Unit) at the disposal of the Viteška Brigade to assist local units of that brigade that covered the territory of the Vitez Municipality. Accordingly, parts of the Fourth Military Police Battalion were also engaged in the attack in the area of the village of Ahmići, on 16 April 1993.

19. After the meeting of the commanders of the military units with Colonel Blaškić, in the TV room of the Vitez Hotel, I passed on Blaškić's command to Vladimir Šantić, the Commander of the First Active-Service Company of the Fourth Military Police Battalion, ordering that all available personnel should gather that evening in the building called "The Bungalow". I told Vladimir Šantić and other members of the Military Police who were present there that our unit, according to Blaškić's command, was in charge of the attack operations in the direction of Ahmići and towards Pirići. The operations were to be taken in concert with local units of the Viteška Brigade, which was tasked to attack all other Muslim villages in the area and hamlets with Muslim inhabitants.

20. On 15 April 1993, shortly before midnight, I met with the members of the Fourth Military Police Battalion who were going to participate in the attack. The meeting took place in a building known as "The Bungalow" in Nadioci. At that meeting, I repeated the order I had received from Tihomir Blaškić; that is, that they were to participate in the attack on Ahmići, they were to burn the houses and property belonging to the Muslim inhabitants of the village, to kill Muslim men able to carry a weapon, but not to touch women and children. I repeated what I had been told, that is, that anyone who was left alive was to be expelled. Among others, Nikica Šafradin, Ilija Šantić, Miroslav Bralo a.k.a. Cicko and Anto Furundžija were present and they received this order from me.

20a. In the period covered by the ICTY Indictment, the District Military Prison Kaonik was under the direct authority of the Commander of the Central Bosnia Operations Zone, Colonel Tihomir Blaškić. On 15 April 1993, Colonel Blaškić issued an order to release all persons of Croat nationality detained in the Kaonik

Prison for disciplinary violations or criminal offences and to have all those persons join the Croatian Defense Council units which were supposed to take part in the attack operations the following day.

20b. Pursuant to the order issued by Tihomir Blaškić, Miroslav Bralo a.k.a. Cicko was also released from the Kaonik prison. A number of documents have shown that, in the course of 1992, Miroslav Bralo was a member of the *Alpha Forces* Special Purpose Unit, whereas in 1993/1994 he was a member of the Viteška Brigade. However, there is no doubt that he participated in the attack on Ahmići on 16 April 1993.

20c. After my meeting with the members of the Fourth Military Police Battalion, which was held shortly before the midnight of 15/16 April 1993, the Commander of the First Active-Service Company of the Fourth Military Police Battalion (Vladimir Šantić) and the Commander of the Viteška Brigade local forces (Nenad Šantić) developed an operative action plan in "The Bungalow", pursuant to which all the available persons were deployed in groups and their movement and attack directions were determined

21. On 16 April 1993, before dawn, I had another meeting with the Commander of the First Active-Service Company of the Fourth Military Police Battalion, Vladimir Šantić, who was my subordinate, and he presented the operative plan, which he had prepared a few hours earlier. I gave approval for the operative plan implementing the order I had been given by Tihomir Blaskic and passed to my subordinates. During this meeting, I repeated the order I had been given by Tihomir Blaškić and reiterated that civilians not covered by the order who would be expelled from their homes should not be killed. In this way I assisted in and made a decisive contribution, that is, aided and abetted the planning and execution of the attack that followed.

22. When this meeting finished, the Commander of the First Active-Service Company of the Fourth Military Police Battalion, Vladimir Šantić, left "The Bungalow" to join the Fourth Military Police Battalion members who participated in the attack operations in the direction of Ahmići, in order to take direct command over their actions.

23. I knew that the order I had been given by Tihomir Blaškić, the order I passed on, was an illegal order, I gave my approval to the plan that was developed to carry it out, I expected it to be carried out, and I knew that when it was that the death of non-combatants was likely to occur, that non-combatants were likely to suffer grievous bodily injury, and that protected property would be destroyed. I took no measures to prevent the plan from being carried out.

ATTACK ON CIVILIAN POPULATION, ETC.

24. Pursuant to Tihomir Blaškić's order of 15 April 1993, the attack on the village of Ahmići was conducted by the local units of the HVO Viteška Brigade and parts of the Fourth Military Police Battalion. The attack began on 16 April 1993 at approximately 0530 hours. Pursuant to the order, the HVO forces simultaneously attacked Ahmići, Nadioci, Šantići, Pirići, Novaci, Putiš and Donja Večeriska. Members of my battalion participated in the attack. The Jokers, a special anti-terrorist platoon within my battalion, were involved in the attack on the village of Ahmići.

24a. All the activities during the attack were led by the Commander of the Central Bosnia Operations Zone, Tihomir Blaškić, who coordinated the HVO operations in the area of the municipality of Vitez from his command post located in the basement of the Vitez Hotel.

25. By the end of 1992, the HVO had disarmed the Muslim forces stationed in the villages in the area which was attacked on 16 April 1993. There were, however, pockets of resistance and some firearms still in possession of members of the Territorial Defense in the area which were considered a potential source of threat to the HVO forces in the area.

26. At the time the attack began on 16 April 1993, the majority of the Muslim inhabitants of the village of Ahmići were civilians or poorly armed members of the ARBiH.

27. During the attack on 16 April 1993, HVO soldiers, including the members of the Fourth Military Police Battalion under my command, used, among other things, grenades, explosives and incendiary ammunition to assault targets in Ahmići. The targets included military targets as well as houses, religious buildings, livestock and people.

28. The attack on Ahmići on 16 April 1993 was part of the coordinated attack on the units of the ARBiH as well as Muslim civilian population in Ahmići and in the Lašva Valley generally that occurred between 16 April and 20 April 1993.

RESULTED IN DEATH, GRAVE BODILY INJURY

29. At least 103 people were killed during the attack on Ahmići and its environs. The dead were primarily Muslim men of military age, but who were not members of any military unit or engaged in combat prior to the attack, or if they had been, were no longer engaged in active combat, when the attack occurred. A number of women and children were also killed in the attack. Some civilians were trapped

inside burning houses and died as a result. Several civilians also sustained grievous bodily injuries.

30. Civilians killed or injured in the attack on Ahmići included the following persons:

Abdulah Ahmić
Hasim Ahmić
Fahrudin Ahmić
Mustafa Puščul
Nazif Ahmić
Islam Ahmić
Šefik Ahmić
Elvedin Ahmić
Adem Siljak
Munib Heleg
Mujo Ahmić
Nedžad Džidić
Muharem Džidić
Mustafa Pezer
Šefik Pezer
Ahmed Pezer
Sakib Pezer
Mevludin Pezer
Muris Ahmić
Latifa Ahmić
Alija Ahmić
Muhamed Džidić
Ismail Ahmić
Muhamed Neslanović
Esad Ahmić
Mustafa Dedić
Mujo Dedić
Fariz Dedić
Mehmed Hrnjić
Admir Hrnjić
Munib Ribo
Smaila Ahmić
Ibrahim Pezer
Samir Mrkonja
Sabahudin Mrkonja

30a. All persons arrested or apprehended during the attack, as organized and supervised by the Viteška Brigade and units subordinated to it, were placed in detention centers in the area of the Vitez Municipality (Dubravica Elementary School, Vitez Cinema, SDK Vitez, Vet Station Vitez etc). By the time of their

exchange and release those persons were under the supervision of the Command of the Central Bosnia Operations Zone or the Viteška Brigade Command.

PROPERTY DESTROYED

31. During the attack on Ahmići on 16 April 1993, HVO soldiers, including the members of the Fourth Military Police Battalion under my command, moved through the village of Ahmići and actively participated in burning houses known to be owned by Muslims. 180 of the existing 200 Muslim houses in Ahmići were burned during the attack. According to the order, the HVO did not attack houses owned by Croat families. Soldiers under my command also participated in setting fire to the stables and killed livestock owned by Muslim families in Ahmići.

32. Those who participated in the attack also blew up the mosque in Donji Ahmići and the *matif mesjid* in Gornji Ahmići, property which belonged to the Muslim community in Ahmići.

33. Property deliberately burned or otherwise destroyed during the attack on Ahmići on 16 April 1993 included residences, outbuildings, and other real property that belonged to the following people:

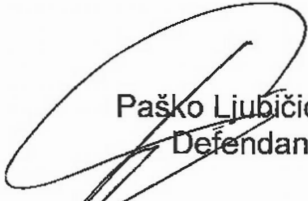
Hasim Ahmić
Rasim Ahmić
Mustafa Puščul
Nazif Ahmić
Islam Ahmić
Šefik Ahmić
Nesib Ahmić
Adem Siljak
Mustafa Ahmić
Mujo Ahmić
Mehmed Ahmić
Sabiha Džidić
Muharem Džidić
Mustafa Pezer
Šefik Pezer
Sakib Pezer
Witness B
Fahrudin Ahmić
Sulejman Ahmić

33a. Muslim-owned houses and business facilities were also set on fire in the days after 16 April 1993.

33b. Except for the role he played as a mid-ranked Commander in passing the orders issued by his superior commanders, the Defendant Paško Ljubičić did not directly participate using arms either in the attack on Ahmići or in any other military operation conducted by the HVO in Central Bosnia.

33c. An investigation of the attack on Ahmići was initiated under the pressure of the international community. Under such pressure, Tihomir Blaškić issued two orders to conduct the investigation spuriously, but those orders were fake and their only purpose was to prevent any future conduct of a proper investigation.

ATTEST



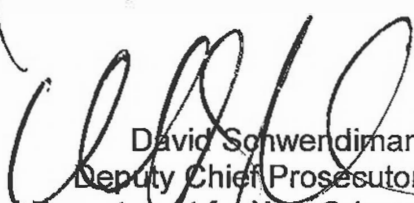
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