

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-95-17-PT

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

MIROSLAV BRALO

also known as “CICKO”

FACTUAL BASIS

The Prosecution and Miroslav Bralo agree that the following facts are true and are the basis for this guilty plea.

1. Miroslav Bralo also known as "Cicko" was born in Kratine in the municipality of Vitez on 13 October 1967.
2. During all times relevant to the Amended Indictment (“Indictment”), Miroslav Bralo was a member of the “Jokers”, the anti-terrorist platoon of the 4th Military Police Battalion of the HVO.
3. At all times relevant to the Indictment, a state of international armed conflict existed in the Republic of Bosnia and Herzegovina in the territory of the former Yugoslavia and Miroslav Bralo was aware of that fact.
4. All acts or omissions set forth in the Indictment as grave breaches of the Geneva Conventions of 1949 and punishable under Article 2 of the Statute of the Tribunal occurred during that armed conflict. At all times relevant to the Indictment, the victims referred to in such charges contained therein were persons protected by the Geneva Conventions of 1949.
5. At all times relevant to the Indictment, Miroslav Bralo was required to abide by all laws or customs governing the conduct of war.

6. Persecutions charged in the Indictment were part of a widespread and systematic attack on the civilian population, principally the Bosnian Muslim population of Vitez Municipality in the Republic of Bosnia and Herzegovina, and Miroslav Bralo had knowledge of the wider context in which his conduct occurred. Miroslav Bralo accepts that his own actions listed in paragraphs 7 – 17 below were committed with a discriminatory intent, and whilst aware of the discriminatory intent of others.

COUNT 1

7. After nightfall on the evening of 15 April 1993, Miroslav Bralo was released from Kaonik Prison, where he had been held as a prisoner, on condition that he agree to participate in the HVO attack of the village of Ahmići that was scheduled for the following day. He was taken to the “bungalow,” the headquarters of the “Jokers”. At that location he subordinated himself to the “Jokers”. He was given arms and a uniform.

8. Preparations for the surprise attack on Ahmići that was to occur at 0530 hours the following morning were already advanced. Miroslav Bralo joined these preparations and in the early morning hours of 16 April 1993, he and his colleagues, Stipo Krišto, Josip Jukić (“Dugi”) (Bralo’s assigned unit commander), Velimir Benić (“Ninja One”), Fabian Vujica (“Little Fabo”), and Zlatko LNU, left the “bungalow” under cover of darkness. They went on foot to the adjacent settlement of Nadioci and entered the residence of a Muslim family, that of Osman Salkić, where Stipo Krišto and Josep Jukić shot and killed Osman Salkić and his wife Rediba Salkić, using MG V guns (small calibre automatic weapons) to avoid alerting anyone that an attack was about to start. Miroslav Bralo killed their daughter, Mirnesa Salkić, using a knife because he did not have an MG V gun.

9. On 16 April 1993, from 0530 onwards Miroslav Bralo participated, with others, in the surprise attack on the village of Ahmići. The express instructions given to Miroslav Bralo and other participants, were to ethnically cleanse Ahmići, to kill all the Muslim males of military age, and others bearing arms, to burn all Muslim residences, and to forcibly expel all the Muslim residents from the village.

10. During the attack, the residences of Muslim inhabitants were systematically attacked by Miroslav Bralo and other members of the HVO.

11. Miroslav Bralo personally set fire to numerous Muslim residences in the village of Ahmići and aided and abetted others in setting fire to other Muslim residences. He personally set fire to these residences by

using incendiary materials at his disposal including incendiary bullets and assisted when others did the same.

12. During the course of the attack on Ahmići, Miroslav Bralo captured, interrogated and then shot and killed an adult male.

13. The results of the actions of Miroslav Bralo and other members of the HVO were that Muslim civilians were killed, the Muslim houses were razed or burned, Muslim religious sites were destroyed and the surviving Muslim inhabitants of Ahmići were systematically expelled by force or threat of force from their residences and driven from the village.

14. On 16 April 1993, while participating in the attack on Ahmići, Miroslav Bralo and Josep JUKIC ("Dugi"), his unit commander, planted approximately 4 kilograms of explosives in and around the lower mosque in Ahmići and detonated the same, thereby completely destroying the lower mosque.

15. On a day between 16 April and 1 May 1993, Miroslav Bralo and an HVO soldier named Nikica Šafradin ("Cico") took custody of 14 Muslim men, women and children whose identities are contained in Schedule A to the Indictment. These persons were members of the Salkić family and members of the Mehmet Čeremić family, all of whom had been interdicted in the area of Kratine after having fled their homes following the attacks on Ahmići and Nadioci. Nikica Šafradin ("Cico") and Miroslav Bralo escorted the aforementioned persons in the direction of Kaonik with the intention of delivering them to Kaonik prison.

16. The group proceeded towards Kaonik, under threat of firearms. Whilst en route through a forested area Nikica Šafradin ("Cico") expressed to Miroslav Bralo an intention to kill certain of the prisoners in revenge for certain of his own family members who Šafradin said had been killed by Bosnian Muslims.

17. Miroslav Bralo assisted Šafradin to take the group to a clearing, Šafradin shot and killed all 14 persons being escorted. Miroslav Bralo did not shoot any of victims. Nevertheless Bralo was present and stood guard whilst these killings took place, preventing any possibility of flight. He was unaware of Šafradin's full intentions, and, although armed himself, he did not intervene. In these ways Bralo aided and assisted the actions of Šafradin. The bodies of the victims were left in the forest.

COUNT 2

18. Between 21 April 1993 and 10 May 1993, in the area of the village of Kratine, Miroslav Bralo was responsible for the construction of defensive earthworks. The effect was to create a line of defence to separate HVO controlled territory from ABiH controlled territory.
19. On one day during this period HVO soldiers arrested three unarmed Muslim men (Fuad Kermo, a person who the accused believed to be Ibrahim Pezer and another person whose identity is unknown) who were apparently making their way away from the villages of Jelinak, Lončari and Travnik.
20. In due course Miroslav Bralo and others took the three Muslim men into a nearby barn, where they and others beat the three men. Several hours later, Miroslav Bralo took the same three Muslim males into a wooded area and killed them.
21. The Accused asserts, and the Prosecutor does not seek to deny, that:
 - a. During this period Miroslav Bralo had instructions to restrict the passage of potential enemy combatants in this area by, *inter alia*, constructing earthworks and interdicting any persons seeking to cross through the line of the earthworks, or attempting to circumvent them.
 - b. The three Muslim males had been arrested in a small valley which passed through the line of trenches, and where there was a gap in the earthworks. The men were dressed in civilian clothes, but nearby to the scene of arrest were found military uniforms. The HVO soldiers who had arrested the males brought them to where Miroslav Bralo and others were working.
 - c. Miroslav Bralo believed the men to be soldiers seeking either to gain intelligence about the HVO lines or seeking to join up with other military units. He and others took the three Muslim men into a nearby barn and beat them. The three men refused to accept responsibility for the military uniforms, denied being soldiers and denied seeking to join up with ABiH forces.
 - d. After their interrogation, Miroslav Bralo took the same three Muslim males into a wooded area and killed them.

COUNTS 3-6

22. On or about 15 May 1993, members of the “Jokers” took Witness A, a Bosnian Muslim woman, to the “bungalow” where she was interrogated by Anto Furundžija and others.

23. During the period of time Witness A remained in the “bungalow” on 15 May 1993, she was repeatedly raped and sexually assaulted by Miroslav Bralo.

24. At one stage during her protracted interrogation by Anto Furundžija, Anto Furundžija suggested that Witness A and a Bosnian Croat soldier (Victim B) had collaborated. Victim B, who had been beaten by Miroslav Bralo, was brought into the room where Witness A was being interrogated.

25. In the context of her interrogation, and in order to obtain information from Witness A, Miroslav Bralo, *inter alia*, beat Victim B in Witness A’s presence, threatened to kill Witness A, and, in front of other soldiers, raped Witness A (penetrating her vagina with his penis). Whilst abusing Witness A, Miroslav Bralo ejaculated repeatedly over her body. This conduct continued over a number of hours and involved repeated rapes and sexual assaults upon Witness A by Miroslav Bralo, during which time Witness A was overwhelmed by fear and completely traumatised.

26. Whilst raping Witness A, Miroslav Bralo bit Witness A about the body, including her nipples, and repeatedly threatened to kill her.

27. The actions set out in paragraphs 23 – 26 above all took place in the context of interrogation by Anto Furundžija. He was present during this entire incident, and indicated his full understanding that the actions were taking place and his apparently full approval of them. Anto Furundžija did nothing to stop or curtail Miroslav Bralo’s actions.

28. On or about 16 May 1993, and following the acts described above, Witness A was taken from the “bungalow” to a weekend house in the Nadioci area where she was confined against her will by Miroslav Bralo and other members of the “Jokers” until a date unknown in July 1993. At that location, Witness A was raped on many occasions by members of the “Jokers” with the knowledge of Miroslav Bralo. Miroslav Bralo was aware of Witness A’s ongoing suffering and was in a position to effect the release of Witness A, if only informally, but failed to do so.

COUNTS 7 AND 8

29. Between 21 April 1993 and 10 May 1993, Miroslav Bralo was assigned to trench digging operations in and around the village of Kratine. The trenches were defensive positions around the village of his birth, defending against attack by ABiH forces on higher ground to the north. Bosnian Muslim civilians who had been arrested elsewhere were transported to Kratine and directed to work to the orders of Miroslav Bralo and others.

30. All civilian prisoners were under threat of physical harm and death at all times. Miroslav Bralo and other “Jokers” were armed. The areas on each side of the trenches were mined. Prisoners were told that if they tried to escape they would be shot. Miroslav Bralo forced Muslim prisoners to practice a ritual of the Catholic religion before work on the trenches began. Prisoners worked under adverse weather conditions with limited food and rest.

31. Civilian prisoners were also at risk of injury or death from incoming ABiH sniper fire which occurred intermittently throughout the period. As well as being used to dig defensive structures, prisoners were also used as ‘human shields’ to protect the lines from ABiH sniper fire which would otherwise increase during wet weather.

32. Miroslav Bralo was aware that civilian prisoners under his control who were forced to work at frontline positions were at risk of physical harm or death.

Dated this 18th day of July 2005

At The Hague

The Netherlands