

Defence Claim Cerkez Exerted Limited Influence

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The defence case is that as a commander of local HVO units in Novi Travnik and later in Vitez, Cerkez's authority did not extend across all HVO units in the area, so he should not be charged with all the crimes committed by HVO brigades operating there.

Defence witnesses claimed that the military police, special units and village police were beyond Cerkez's control. Bozo Peric, a HVO volunteer, testified that peasant-soldiers could refuse orders from a higher command with impunity. "We could refuse frontline duty and nothing would happen to us," he said.

Major Zlatko Senkic was employed in the HVO mobilisation office in Travnik during the conflict. His testimony was intended to show that a measure of chaos made it impossible to subject all military units in that area to a unified command. For example, Cerkez exerted no influence over the military police in Novi Travnik, said Major Senkic. "Stipe Bauverka, the commander of military police in Novi Travnik, could not be given orders. One had to reach agreements with him," he added.

Certain groups of soldiers in Novi Travnik started conflicts, arrested people and looted houses of both Croats and Bosniaks, he continued, commenting that "criminals have no nationality." Senkic's testimony was part of the defence's attempt to show there was no planned HVO campaign against Bosniak civilians, as described in the indictment.

To show how badly organised the HVO chain of command was, the defence pointed out that unlike the RSA or the Bosnian Armija, the HVO had hardly any former high-ranking JNA officers in its ranks. Improvisation and amateurish mistakes in the organisation and performance of the military structure were inevitable, argued the defence. By questioning the hierarchy of command, they hope to diminish accompanying command responsibility.

The defence claims that Cerkez's authority did not extend to the military police in Novi Travnik and Vitez, or the special "Jokers" unit believed to have taken part in the massacre at Ahmici. According to Cerkez's defence, the military police and special units were under the command of the Operative Zone HQ, headed by Tihomir Blaskic and

The prosecution responded with documents which clearly indicate that in other areas of the so-called Croatian Community of Herzeg Bosnia - for example, in Gornji Vakuf and Busovaca - the military police were under the authority of the local HVO brigades. Defence witnesses refused to be swayed by the documents. "I don't know how it was in Gornji Vakuf and Zenica," said Major Senkic, ". . . but Cerkez definitely had no jurisdiction over units outside the brigade he commanded."

The trial of Dario Kordic and Mario Cerkez will continue next week.

Location: [Bosnia and Herzegovina](#)

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