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1 Thursday, 28 May 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Prlic, Pusic, and Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 9.02 a.m.

7 JUDGE ANTONETTI: [Interpretation] [No interpretation]

8 THE REGISTRAR: Good morning, Your Honours. Good morning,
9 everyone in and around the courtroom. This is case number IT-04-74-T,
10 the Prosecutor versus Prlic et al. Thank you, Your Honours.

11 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar, this is
12 Thursday, May 28, 2009, and I welcome Mr. Petkovic, I also greet
13 Mr. Stojic and Mr. Praljak. I wish the best to Mr. Pusic, who is not
14 with us today. I also greet the counsels for Defence, as well as
15 Mr. Stringer and his associates and everyone helping us.

16 I would like our usher to please move to closed session if
17 possible.

18 [Private session]

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

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11 Pages 40872-40878 redacted. Private session.

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1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

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6 (redacted)

7 [Open session]

8 THE REGISTRAR: Your Honours, we're back in open session.

9 JUDGE ANTONETTI: [Interpretation] Very well. Mrs. Pinter, have
10 you found any trace of the documents that I was asking for?

11 MS. PINTER: [Interpretation] Your Honour, I looked for them
12 yesterday, looked for the traces; and I'll be able to provide you with a
13 definite answer on Tuesday after I've carried out some additional checks.

14 JUDGE ANTONETTI: [Interpretation] Very well. You have the floor.

15 MS. PINTER: [Interpretation] You will receive my answer on
16 Tuesday.

17 JUDGE ANTONETTI: [Interpretation] You have the floor.

18 MS. PINTER: [Interpretation] Thank you, Your Honour. Good
19 morning to you and everybody else in the courtroom.

20 WITNESS: SLOBODAN PRALJAK [Resumed]

21 [Witness answered through interpreter]

22 Examination by Ms. Pinter: [Continued]

23 Q. [Interpretation] Good morning, General. We left off yesterday
24 dealing with page 164 of the book or page 3D33-1027, and 3D33-1028,
25 3D33-1029, 3D33-1030, and 3D33-1031; which in the English version is

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1 3D40-0864 to 3D40-0868 of document 3D02648.

2 Go ahead, General.

3 A. Thank you. I, too, noticed that because of the time, I suppose
4 that I omit to say good morning to everybody in the courtroom and to the
5 Judges. So I'd like to put that right and say good morning.

6 This is the last document that we're going to look at from this
7 book, and it is, "The tasks of the Republican Supreme Staff, Supreme
8 Command Staff," as Mr. Sefer Halilovic calls it.

9 In spite of the fact that the Presidency of the Republic of
10 Bosnia-Herzegovina and the government of the Republic of
11 Bosnia-Herzegovina did not prepare for a war that was quite obviously
12 burgeoning from everything that we have seen and every -- and -- but,
13 however, Alija Izetbegovic didn't think that a war would actually break
14 out.

15 But as you see here, and this is something that we've seen from
16 the previous documents, the Patriotic League in Bosnia-Herzegovina had
17 already been formed, and at the head of the military section of the
18 Patriotic League was Sefer Halilovic. And here he speaks about how the
19 preparations had started for the meeting at which the tasks were set out.

20 It began at the end of 1991, the preparation for the meeting, and the
21 meeting at which these plans were put forward was held on the 7th and 8th
22 of February, 1992, in a place called Mehurici near Travnik. And it is
23 the Mehurici which was one of the main bases of the Mujahedin later on.
24 And there he mentions that the conclusions they made there -- well, they
25 rounded off their opinions and made their conclusions in Sarajevo in

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1 February, and -- on the 25th of February, and he says that Rifat Bilajac
2 and Zicro Suljevic helped his advisors, but it remains unclear as to why
3 he says that the task of the Republican Supreme Staff, that that's what
4 they were when it was the Patriotic League, because nobody officially, at
5 that time, had appointed any Republican Supreme Staff, but be that as it
6 may.

7 Now, in point 1 what is interesting is that he's doing -- well,
8 he's doing something that's militarily quite clear, but he says that on
9 the maps, the ethnic structures should be marked for all the settlements,
10 villages, local communities and so on. And he says also how Serb and
11 Croat villages ought to be marked and how Muslim villages ought to be
12 marked. Of course the SDS units and their possible way of -- modus
13 operandi should be indicated as well, and he says where sabotage should
14 be carried out.

15 And the most important point is perhaps that he foresees planning
16 for the areas and villages and local communities, the Muslim people will
17 be pulling out, and the withdrawal route, as he says, to see who secures
18 that, and the location for their reception and accommodation.

19 So we're dealing with the beginning of 1992 when it became quite
20 clear to this group of people that there would be expulsions, and they
21 are planning this in advance; but they are planning it for the Muslim
22 population because it was a Muslim organisation.

23 And further on in point 5, he confirms this and says that
24 regional plans need to be harmonised, and the plan of defence of
25 Bosnia-Herzegovina, and also this should apply to the Muslim people.

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1 Although on page 166, for instance, in the directive for the
2 defence of sovereignty, which is a component part of all this, he goes on
3 to say that the main be points of support, the forces of disintegration
4 in the Banja Luka region, and in Eastern and Western Herzegovina; and the
5 protagonists are the SDA with the Yugoslav People's Army and the
6 extremist wing of the HDZ.

7 So at a time when the HDZ and the SDA party were acting jointly
8 in the parliament of Bosnia-Herzegovina, they were sitting in the
9 Presidency together, the Croats and the Muslims, the Croats appointed by
10 the HDZ and the Presidency of Bosnia-Herzegovina, in the government of
11 Bosnia-Herzegovina, and as far as Mr. Sefer Halilovic is concerned, already
12 then in Western Herzegovina you had the extremist wing of the HDZ, the basic
13 element together with the SDA, SDS, was the fact -- main factor of
14 Bosnia-Herzegovina's disintegration. So as far as he's concerned, the
15 Yugoslav Army troops which arrived --

16 JUDGE ANTONETTI: [Interpretation] Please, sir, you have to try
17 and focus on the essential. If you hadn't dealt with this page, I would

18 have asked some comments with you because I've been reading this since
19 4.00 in the morning, and I had a question in mind for you.

20 He is taking stock of enemy forces, of the JNA, the 6th Army
21 Corps, the SDS forces, and then something extremely strange to me, HDZ,
22 extreme forces, one to two battalions. I'm really surprised.

23 When he's taking stock of the enemy forces, Croats only have one
24 or two battalions?

25 THE WITNESS: [Interpretation] I don't know what the translation

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1 is, but what he says is one to two brigades.

2 Your Honours, I don't know what exactly happened in February
3 1992, but I do know that in -- but I do know that in April 1992, the HVO,
4 which he would call extremist HDZ forces, were much stronger by that
5 time.

6 JUDGE ANTONETTI: [Interpretation] Put aside the semantics,
7 please. Just talk about facts, military facts.

8 There are two HVO brigades. Could you tell us how many troops
9 that would amount to?

10 THE WITNESS: [Interpretation] Between 2 and 2.500.

11 JUDGE ANTONETTI: [Interpretation] If I understood you correctly
12 then, on the ground there are six army corps, six JNA army corps. That's
13 thousands of men. And in front of that, the Croats only have 2 to 3.000
14 people?

15 THE WITNESS: [Interpretation] In February 1992, yes. Later this
16 number significantly increased.

17 JUDGE ANTONETTI: [Interpretation] Very well. Now I understand.

18 Thank you.

19 THE WITNESS: [Interpretation] Thank you, Your Honour

20 Judge Antonetti. I believe that it is essential for me to reiterate what
21 the opinion of Sefer Halilovic in 1992 was.

22 First of all, they should have the Patriotic League to defend the
23 Muslims only and that the HDZ party they cooperated with, which won the
24 elections, he spoke about that party in the way he spoke about the Serbs.
25 Such an opinion is the cause of everything that followed.

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1 Be that as it may, in item 2, in point 2, he says that already
2 then the Patriotic League already had 120.000 people, and that number
3 would increase to 150.000 men when the volunteers arrived from the JNA
4 and when forces of the Muslim people outside B and H territories came.
5 So he was expecting them to come.

6 This is in point 3 of the document where he says that once the
7 actions, the operations start, the people of Sandzak, Kosovo, and
8 Macedonia should be called to add to solidarity with their just trouble
9 and to launch combat actions themselves, so that war should be also
10 launched in Kosovo, Sandzak, Macedonia, in order for them to tie down the
11 enemy's forces.

12 There is nothing to be said for such an idea except that it is
13 totally divorced from reality.

14 At the same time, he also says the contacts should be established
15 against -- with the Croatian people in Bosnia-Herzegovina against the

16 common enemy. It is unclear with which Croats in B and H he was going to
17 establish contacts when he says that the main political party which won
18 the elections with over 70 percent of the votes of the Croatian people
19 was an extremist party and viewed it at the same level as the SDS and the
20 Yugoslav People's Army.

21 JUDGE ANTONETTI: [Interpretation] I'm trying to help you focus.
22 What we have above point 2, we -- you did not say anything about that.
23 General Halilovic developed his political theory on how things would take
24 place, and he says that there are two phases.

25 The first phase, you have without Bosnia-Herzegovina. There is

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1 some sort of confederation. So what he sees in his mind is a
2 confederation with Serbia and Croatia. And the second phase is the
3 achievement with the Greater Serbia and Greater Croatia, and to achieve
4 that, he describes how this would take place with bomb tents, people
5 being kidnapped, et cetera, et cetera. And this is his analysis.

6 This analysis, in 1992, according to you, was that his personal
7 assessment of the situation, or was this something he -- that was in the
8 mind of the former Communist Yugoslavs, or was it something that was in
9 the mind of some Muslim people who thought this was the way things would
10 take place?

11 THE WITNESS: [Interpretation] The doctrine of those people, and
12 as far as I know, and I know that from Croatia, included assassinations,
13 kidnappings, something which in their minds they thought allowable,
14 permissible, and normal.

15 Thank you very much for your assistance, Your Honours. It is
16 very difficult for me to actually determine what is essential, and I am
17 begging for your assistance in this regard. I'm trying to answer all
18 questions but also skipping over some things for the sake of time.

19 Well, at any rate, they expected that action would be taken as
20 you saw in the previously adduced example when he asked how some Serbs
21 could have left Sarajevo. Because in his conception of war, it was quite
22 normal that people could be kidnapped as was the case with the brother of
23 Nikola Koljevic, who was in the leadership of the SDS, and I stress this
24 in particular. And that is confirmed here.

25 This was a normal form in their book, a normal form of combat.

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1 JUDGE ANTONETTI: [Interpretation] The problem I personally have
2 with these two notions of Greater Serbia and Greater Croatia, if what
3 Mr. Halilovic says is true, and I repeat "if," how could he, at his own
4 level, solve the problem of the Serbian Krajina in Croatia? Does that
5 mean that for Greater Serbia, Croatia will be losing all its territories
6 where there are Serbs but in Croatia? How can he solve this problem?

7 THE WITNESS: [Interpretation] I have no idea, Your Honour. This
8 kind of thinking is a total enigma to me on a logical plane. To me this
9 is a "contradictio n subiecto." It is illogical thinking, and I cannot
10 work it out. I cannot figure it out. I don't know how can a Greater
11 Croatia and a Greater Serbia exist at the same time. That is unclear.

12 JUDGE ANTONETTI: [Interpretation] Okay.

13 MS. PINTER: [Interpretation] Thank you, Your Honours.

14 Q. General, we are through with this book you say.

15 JUDGE TRECHSEL: Excuse me. I still have a question with regard
16 to this book, and we -- the part we are dealing with, and it refers to
17 what is numbered page 3D40-0869. It is the speech Sefer Halilovic gave
18 to the Assembly of the Republic of Bosnia and Herzegovina at their first
19 session.

20 He does not, it appears to me, but perhaps you can show the
21 opposite to me. He does not refer in this speech - as I have rapidly
22 read it - to Croats as an enemy, unless, unless; but it would be for you
23 to explain what it means, he means Croats when he speaks of the local
24 Nazis.

25 MS. PINTER: [Interpretation]

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1 Q. General, it is on page 177.

2 A. Yes, yes. Here he refers to -- he again speaks about some things
3 from history. The Greater Serbian idea with starts with Garasanin. He
4 says Moljkovic. It is not Moljkovic. It is Moljevic. Obviously, he
5 prepared himself or have heard about it, some things at the very last
6 minute. It is not Slaven Moljkovic, but it is Stevan Moljevic.
7 Obviously, he was ignorant of that fact; and prepared in haste and was
8 told by someone about that quickly beforehand.

9 I can see in this document it says that they started a defensive
10 war and stopped the strategic advance of the enemy and put in a new
11 offensive, liberated new territory, et cetera.

12 Your Honours, you can see that he's just telling a story. There

13 is no strategic stopping of the advance of the enemy, except that by the
14 HVO where there were also Muslims. And they did succeed in that and
15 there was some action of that kind around Sarajevo.

16 Of course when he speaks to the Assembly, he has to mention the
17 Croats, but in documents -- in the documents which he prepares outside
18 that, he speaks in item 1 about the sovereign, unified, and indivisible
19 Republic of Bosnia and Herzegovina. So please understand this. The
20 concept of unified, single, sovereign Bosnia-Herzegovina was never
21 contested. It was never disputable. That is what every country can be
22 once it is sovereign; indivisible, meaning that it might be divided by
23 Serbs who would pull chunks of it into Serbia.

24 JUDGE TRECHSEL: You are talking, Mr. Praljak, but you are not
25 referring to what I was intent on asking you.

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1 If you go on page 179, you have two bullet points that belong to
2 the previous list of objectives. And then you have a sentence, at the
3 end of which he refers to -- I'll try to pronounce it so you can identify
4 it, "domacim nacistima."

5 What does he mean with that? Can you -- can you give an answer?

6 THE WITNESS: [Interpretation] I -- Your Honours, I have -- cannot
7 know what he thought; but before that, he said Nazis are the enemies:
8 The SDS, the SDA, and the extremist wing of the HDZ. What the extremist
9 wing of the HDZ is, he never explained. The HDZ is a legitimately
10 elected political party. And if Sefer Halilovic says that the HDZ had --
11 had an extremist wing, he should say who those people were. These are

12 just platitudes of a petty Communist mind.

13 JUDGE TRECHSEL: Mr. Praljak, in this speech, unless I have been
14 mistaken, he does not refer to HDZ extremists.

15 THE WITNESS: [Interpretation] That is correct, Your Honour, but I
16 cannot know whom he means when he says Nazis. We have to link it up with
17 the previous document. I can only explain it in that way.

18 JUDGE TRECHSEL: That's perfectly okay. I don't want to ask you
19 to speculate. I was just wondering perhaps you knew that. Thank you.

20 JUDGE ANTONETTI: [Interpretation] General Praljak, since we will
21 put this book aside, and I have no intention to go back to the book
22 later, I have three questions I would like to ask. And I would like to
23 give you the page number for the English version, 1D290300. 3D40-0876,
24 that's the English version.

25 The document is dated April the 24th, 1993. It was sent by the

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1 Supreme Command and sent to the Bosnia-Herzegovina republic, and it
2 concerns the reshuffling and the reorganisation plan for the army. And
3 my attention was drawn to one point.

4 In point number 1 in his draft, he says that the Presidency, the
5 RBH Presidency, will represent the Supreme Command of the armed forces.
6 Fair enough. So far there's nothing to say, but the rest is interesting.
7 And between brackets, what -- here are the armed forces, and he mentions
8 them in the following order: The BH Army, the HVO, and the MUP.

9 Fair enough. We are in April 1993. Mr. Halilovic, in this
10 document includes the HVO in the armed forces, and you know as well as I

11 do that there has been a constitutional debate regarding the legality of
12 the HVO.

13 According to you, General Praljak, your counterpart,
14 Mr. Halilovic, did he consider that the HVO was a legal component of the
15 Army of Bosnia-Herzegovina, or that -- did he consider that you were an
16 illegal formation such as a paramilitary formation or any other
17 formation?

18 THE WITNESS: [Interpretation] Your Honours, the armed forces here
19 quite clearly, and I've been claiming this on the basis of a whole series
20 of documents, the army of Bosnia-Herzegovina and the HVO are equal, and
21 others are also included, MUP forces and all other entities. They are
22 listed in places, H-O-S, HOS, et cetera. So in all the documents which
23 Mr. Halilovic signed or Mr. Izetbegovic and Tudjman, or Halilovic and
24 Petkovic, it is extremely stated that they are equal forces which make up
25 the armed forces of Bosnia and Herzegovina in their struggle against the

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1 joint enemy.

2 JUDGE ANTONETTI: [Interpretation] I will now show you two
3 documents which, according to me, are contradictory with what Halilovic
4 says. Please have a look at the first document. The sequence is the
5 following: It's a document dated March. It goes back to March when he
6 speaks before the BH parliament, and it's document 3D40-075 -- 0875.
7 Sorry. 0875.

8 So he speaks before the parliament. He once again mentions the
9 Nazis, but this is not what --

10 MS. PINTER: [Interpretation] 209.

11 JUDGE ANTONETTI: [Interpretation] So he -- the second paragraph
12 of this page, he explains his own view about the Vance-Owen Plan. And he
13 says that:

14 "We consider that the Vance-Owen Plan considers -- contains,"
15 sorry, "a lot of dangers for Bosnia-Herzegovina."

16 This is what he says before the MPs, and then he goes on
17 developing his arguments. And I would like you to look at another
18 document when he spoke to, three weeks later, which is document 3D40 --
19 3D40-0877.

20 So there was a delegation from the Bosnia-Herzegovina republic
21 sent to Zagreb, and it seems that this is what was said. From the very
22 beginning it starts by saying:

23 "Gentlemen, the peoples and the Army of Bosnia and Herzegovina,
24 as well as the legal organs of the various authorities, have given their
25 full agreement or support to the Vance-Owen Plan ..."

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1 So a few weeks later, he says the opposite. First, he says that
2 there are dangers in the plan; and secondly, he says that everybody
3 agrees now. How can you explain this different position?

4 THE WITNESS: [Interpretation] Your Honours, I've tried to
5 demonstrate that throughout. There's a double became being played here.
6 One is when he's forced to make a public statement. It's another thing
7 when he signs five or ten agreements with Petkovic. And yet another is
8 the fact that he doesn't want to be with the HVO, nor does he recognise

9 Vance-Owen or Stoltenberg or anything else except a unitary
10 Bosnia-Herzegovina. And throughout, in looking at the excerpts from
11 these books, I have tried to demonstrate that we were on opposite sides,
12 a partnership side with the BH Army, that we were dealing with people who
13 constantly changed and shifted their positions as they saw fit.

14 The HVO would be a criminal organisation; then it would be one
15 that liberated the territory; then we're going to do this with the HVO;
16 then we're going to take the weapons; then you're the enemy; then there's
17 the right wing, the extremist wing of the HDZ, who are, in fact, Nazis;
18 and so on and so forth.

19 JUDGE ANTONETTI: [Interpretation] So looking at the same page, I
20 would like you to read paragraph three of this page, the end of this
21 paragraph three when he talks about contacts between Croats and Chetniks.
22 And what he says is the following: He has reliable information,
23 according to contacts at the highest level, between Chetniks leaders and
24 HVO commanders. And he goes on saying, "... and we also have concrete
25 evidence of this at the lowest levels ..." and he mentions the following

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1 areas: Kiseljak, Vares, Maglaj, Zavidovici, and elsewhere.

2 So here things are clear for him. He accuses you also of having
3 ties with the Serbs. So what do you respond to that?

4 THE WITNESS: [Interpretation] This is what I have to say to that:
5 The fact of the number of people who died in these places fighting the
6 Serbs. You can't have dead people and be up at the front lines and then
7 collaborate with them as well.

8 Later on, when the BH Army began attacking the HVO, I said, yes,
9 there was a certain amount of cooperation in the sense of medical
10 treatment in the Vares -- the Vares area. And to be quite frank, at my
11 insistence, express insistence, that we draw up an agreement about the
12 treatment of fighters with the Serbs and the possible defence the area,
13 because the BH Army became an aggressor. And I say that very openly and
14 publicly, but I also add only at the point in time when they began
15 attacking their allies and only in limited scope.

16 MS. TOMANOVIC: [Interpretation] I apologise, but there is -- the
17 interpreters obviously didn't understand what Mr. Praljak was saying, so
18 that on page 21, line 24, it said, listen, Mr. Praljak, the agreement on
19 the treatment of fighters with the Serbs and possible defence of the
20 area.

21 General Praljak, the interpretation was that you sort of said
22 that there was an agreement with the Serbs about the defence of the area.
23 Did you say that? Because it's important.

24 THE WITNESS: [Interpretation] No. There was never any agreement
25 about the defence of the area with the Serbs, and no joint action with

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1 the Serbs was ever planned or carried out. But here, for the area of
2 Vares, we reached an agreement with the Serbs at a very high price that
3 in the hospital at Ilidza, they would treat the wounded, because that's
4 the only place they could have been transported to, that they would sell
5 a certain number of bullets and place that at the disposal -- I think
6 they took two tanks and that this cost half a million marks. You had to

7 place a guarantee of half a million marks if something happened to the
8 tank, and so on and so forth.

9 However, as we're speaking about this text, we're discussing the
10 text now --

11 JUDGE ANTONETTI: [Interpretation] Wait a minute. I have one last
12 question, and I will conclude then -- that will conclusion my questions
13 on this book.

14 There was the last paragraph of this page which seems to
15 summarise Mr. Halilovic's position regarding the HVO. It's the paragraph
16 before the last one; and this is what he says, at least this is what is
17 written: He says that the combats which had started in, Puvo [phoen],
18 Busovaca, Novi Travnik, Konjic, Jablanica, and Mostar, and elsewhere are
19 the consequence of the creation of Herceg-Bosnia. And he says that the
20 ethnical cleansing of the Vance-Owen Plans for provinces 8 and 10.

21 So when you read that, you have the feeling that according to
22 him, all the fights and the combats that took place and which apparently
23 come from -- from your side follow dual rationale, which is, on the one
24 hand, that you have to fortify Herceg-Bosnia; and, secondly, the
25 implementation of the Vance-Owen Plan through the -- through ethnical

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1 cleansing in provinces 8 and 10. So what do you say about this
2 accusation made in this statement made in April 1993.

3 THE WITNESS: [Interpretation] First of all, in the conflict in
4 Prozor, with the planned attack by the BH Army and one man killed, well,
5 that took place a month and a half ago before the Vance-Owen Plan. So

6 that's a notorious lie.

7 The clash in Gornji Vakuf started six months before, but it was
8 developed from the 11th of January, that is to say before the
9 Vance-Owen Plan, before there were any intimations of signing a
10 Vance-Owen Plan.

11 Now, as far as Busovaca, Konjic, and Jablanica is concerned, and
12 Novi Travnik, Your Honours, there the relationship -- the ratio between
13 the BH Army and HVO soldiers was 1:6, 1:10, to the advantage of the BH
14 Army. And the number of inhabitants was -- the ratio was 1:3, to 1:4.5
15 after the refugees arrived to the advantage of the Bosniak people when
16 the Muslims arrived as opposed to the Croats. Now, how they could
17 clear up the whole area from an army like that, only Mr. Halilovic could
18 give you an answer to that. Secondly, in April 1993, Your Honours, there
19 was still no conflict in Mostar, and in the south, as you've seen and as
20 you know full well, and this speaks about the man. It's blatant
21 propaganda and lies. And, in fact, he is toppling Vance-Owen because if
22 he recognised Vance-Owen, and the Croats were more than satisfied with
23 that, why would they cleanse and clear up? I can't understand this. I
24 can say what I think about this, and I'm thinking the same thing as I
25 think about Sefer Halilovic, and that is that it's a man who had

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1 absolutely no idea -- well, he knew what he wanted, but he would say one
2 thing today and something else tomorrow. And he saw himself as a
3 liberator of Bosnia-Herzegovina in which the Croats and Serbs -- only
4 those Croats and Serbs he liked would remain. And he took over this

5 mental frame -- frame from the JNA, which means that if you don't agree
6 with me, you can be buried under the earth. You can go back to Croatia, or
7 you can go into -- go to prison. So if you fail to agree with
8 Sefer Halilovic and his political options, you had three possibilities:
9 Either move out and go to Croatia; or, I'm going to kill you and bury you
10 deep in the earth; and the third variant was send you to prison. So
11 those were his options in dealing with his opponents.

12 JUDGE ANTONETTI: [Interpretation] I no longer have any questions
13 on this book.

14 MS. ALABURIC: [Interpretation] I apologise, and I apologise to my
15 colleague, Mrs. Nika. But I think we ought to correct the transcript on
16 page 17, lines 10 and 11. I didn't get to my feet earlier on because the
17 general was expounding, but I think it will be important.

18 General Praljak, for the consistency of your testimony, on page
19 17, in the lines that I mentioned, 10 and 11 of the transcript. It says
20 as follows:

21 "That the concept of a unitary united sovereign BH was never
22 questioned."

23 I remember what your sentence was and when you placed a new
24 subject, introduced a new subject into that sentence. But could you
25 clarify what you meant? Could you tell Your Honours what you meant and

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1 what was contested and what was not contested?

2 THE WITNESS: [Interpretation] What was contested was united. It
3 was contested then, and it is contested today. None of the other terms

4 were contested, either that it was an integral area or a sovereign area,
5 but whether it was united.

6 Now, in the Serbian and Croatian languages, and, indeed, in the
7 Bosniak, too, in a political context, the word "jedinstvena", "single", has
8 always been considered to mean "one man, one vote" in a civic state. And in
9 that way, in Bosnia-Herzegovina, when we speak about unified, it is the
10 nations that are denied, when the citizens become the protagonists of
11 overall and complete sovereignty; and by that, the majority nation, the
12 majority people, in fact, takes over in the theoretical mathematical
13 model and sense. If you have 51 percent of citizens of one ethnic group,
14 you can take over all the functions in that particular state because
15 you've won. You're the majority nation, and you go ahead.

16 So this concept, and you know this full well, was completely -- a
17 completely terrible concept in Yugoslavia. Although the Communists tried
18 to improve some national -- the situation with national quotas, and so on
19 and so forth. But in that way, it was the Serbs who ruled in Yugoslavia,
20 and I was desperate with that kind of set-up for Bosnia-Herzegovina.
21 And, of course, well, wars were waged because of that because it was
22 supposed to be set up on the basis of a bourgeois state with the
23 protection of national interests, that is to say with a body where
24 nations through their electorate can call for --

25 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you must be brief.

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1 If you start talking about unifying a single people, and so on and so
2 forth. You could speak about this forever.

3 Mrs. Alaburic thought that -- noted that there was something
4 missing in your answer, and you've provided the additional information.
5 Thank you.

6 THE WITNESS: [Interpretation] [Overlapping speakers] precise.

7 JUDGE ANTONETTI: [Interpretation] Very well.

8 THE WITNESS: [Interpretation] We couldn't agree with the term
9 united, and I don't think the Croatian politics could agree. Sovereign,
10 yes. Integral, yes. And that's why the Vance-Owen Plan existed and
11 Cutileiro's plan and Stoltenberg's plan and so on and so forth. I have
12 nothing further to add.

13 MS. PINTER: [Interpretation]

14 Q. The word "unitary," can that be equated to "united"?

15 A. Yes.

16 Q. We have prepared document 3D00942 as well. The author is
17 Sefko Hodzic. And I'm going to ask you to tell us who Sefko Hodzic is
18 first and what this book is about or this document. And it is entitled
19 "An Unsealed Envelope," "Otpecaceni Koverat."

20 A. Mr. Sefko Hodzic was a journalist, and his reports were read out
21 on Radio Sarajevo. And when possible, this was on television, when you
22 would watch television in Sarajevo, and it was also published in the
23 papers.

24 Now, as far as this document is concerned, Mr. Sefko Hodzic wrote
25 every day -- well, he takes it from one day to the next and explains

1 the -- how the Operation Neretva 93 evolved. And together with

2 Halilovic, in the field, on the ground, he very precisely explains what
3 happens -- what is happening with the BH Army and its commanders; what
4 they think; what they are they are doing; which axes of attack they are
5 attacking; what forces they using in the attack; how long this went on
6 for; what the goals of the operation were; what the intention of the
7 fighting -- what the intensity of the fighting was. So an overall
8 picture, an image, of Neretva 93 was described, and, of course, broadcast
9 before that and published as the book written by this gentleman.

10 Now, why is it important for these proceedings and important to
11 me? Well, for the simple reason that Their Honours can see what the
12 opposite side was concerned about, as well as Slobodan Praljak from the
13 4th of September, 1993, up until the 10th or 12th of October, 1993, what
14 their preoccupations were over this period of a little more than one
15 month. And from that, I can actually see what actually was going on, how
16 much time was spent on what. And that's how I'll be able to answer
17 questions about some other matters that might be raised.

18 I drew a map of the Neretva 93 attack, but this gives a precise
19 explanation. And Your Honours, you'll be able to see -- well, we'll have
20 too many maps if I were to look at each of these attacks with the various
21 elevations and features. But from the text you'll see that everything is
22 quite clear. The operation went from -- stretched from Gornji Vakuf to
23 the south of Mostar, and it went on for more than one month and ten days.
24 Well, with preparations. We prepared ourselves too. And in that whole
25 story, you can see how many people were involved and the front line

1 stretched for around 200 kilometres roughly. So that would be it.

2 Q. General, have we had a witness so far who could tell us the
3 details of Neretva 93 on the opposite side and to clarify matters?

4 A. No, Mrs. Pinter. Unfortunately, the Prosecutor brought not a
5 single person from any military structures, whether from the BH Army or
6 the HVO. And all the documents that we received and looked through,
7 there were discussions with Siljeg for hours and hours, with Mico Lasic
8 for hours, and with other people, but nobody either from the BH Army,
9 except the fire brigade or whatever, the firefighters.

10 So during my examination of witnesses -- or Prosecution
11 witnesses, I didn't have a valid collocutor. I didn't have anybody to
12 talk about to the conflict and the army and so on and so forth.

13 Q. General, I will ask you that as you go through the book and when
14 some people are mentioned, could you provide us some details about them;
15 for instance, who Muderiz is. Okay. We talked about Cibo.

16 A. Well, Ms. Pinter, almost all the relevant names have already been
17 mentioned here. As I went through -- well, all the names: Delic,
18 Pasalic, Cibo, Muderiz. We spoke about him. He's the commander of the
19 Jablanica -- brigade in Jablanica. We saw a video-clip of the line-up of
20 this brigade, which was completely fundamentalists and Islamic in its
21 tone. But the others are not so important. Pasalic, Delic, we know all
22 about them.

23 Q. Could we please have -- do we need the map right now?

24 A. No, no, no.

25 Q. Then could we please have -- could you please tell us what

1 portion of the book would you like to discuss first so that I can give a
2 reference.

3 A. 161, 62, 63. That's the pages that I want to discuss.

4 Your Honours, I will very briefly say -- if I could have 165,
5 page 1 -- 161 through 165.

6 Q. So in Croatian that's 3D25-0414 through 3D25-0418. And the
7 English text is 3D25-0480 through 3D25-0486.

8 A. May I proceed?

9 Q. Yes.

10 A. Well, here this begins with the 4th of September, 1993. They
11 gathered in the house or in front of Dr. Safet Cibo's house in Jablanica.
12 These are the then-commander of the BH Army Main Staff, Halilovic, then
13 Bilajac, Suljevic, and so on. Of course, the preparations of such an
14 operation, first of all require that the other side be accused of
15 preparing an attack. And Halilovic is saying that the HVO is preparing
16 an attack on Mostar, an all-out attack that is expected to take place
17 within days. This is just the pretext. You can see that they are always
18 laugh -- they're already laughing about what they're saying. It's always
19 the HVO that's attacking. And, unfortunately, the -- most of the
20 international community, without checking in the field, accepted the
21 statements made by the BH Army that the HVO was preparing attacks. And I
22 am saying that we did not prepare any attacks or anything.

23 At that time, we defended against their attacks from Vakuf and
24 Prozor, which lasted from the fall of Bugojno until the very beginning --
25 well, there was no let-off in this offensive that was launched in

1 Bugojno.

2 And now they're saying that the Chetniks were amassing forces at Igman
3 and Bjelasnica. And at the next page, they are talking about the fact that
4 Delic's arrival really upset Sefer because they really didn't like each
5 other. They couldn't stand each other. And then Sefer says to Cibo,
6 Please tell Delic to go away, because he didn't need him there. And then
7 mention is made of the units that would take part in Neretva 93
8 operation: Zulfikar, Akrepi, Silver Fox, Handzarci, and so on. That
9 they would be under the commander of Zulfikar. There is a problem with a
10 man called Dzeki, who is obviously an Albanian Muslim because he says, I
11 fought in Croatia, and now I have come with my unit to Bosnia and
12 Herzegovina. But he's waiting for the real war in Kosovo.

13 And then on the next page, it says Delic and Sefer sat side by
14 side in pleasant chitchat, and a few days before Commander Delic had a
15 tete-a-tete with Mladic, and there was some speculation as to what they
16 were talking about. And when asked what they were talking about, Delic
17 says that Mladic -- Mladic's position was one of force, and he's saying
18 that he is much more important than Karadzic. And they spoke about
19 whether the negotiations that are propelling Bosnia towards peace would
20 real little result in peace or whether this is just the usual
21 ornamentation of the war. And Delic, of course, said, I think it's just
22 the ornamental elements of the war, and I think that the war will go on.

23 And then they asked Sefer about his statement that he would reach
24 Ploce; of course, Ploce, it's a port in Croatia. It's at the mouth of

25 the Neretva River. And then he explains how and why he said that. He

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1 said it at a rally of the people from Podrinje, Muslims who live in the
2 Drina River basin. And he said that at that rally, he said that he would
3 liberate every inch of Bosnia and Herzegovina and would reach the borders
4 of Bosnia, including Neum, and some man said, Well, Ploce too; and then
5 he said, Okay, Ploce too.

6 I don't know what Delic spoke about with Karadzic, but you have
7 to bear in mind that some ten days after that, the agreement on -- the
8 agreement between Alija Izetbegovic and the Serb side was signed, and the
9 military agreement on -- that the fact that there would be no attacks
10 with the red lines [as interpreted] was also signed.

11 And they say that a journalist wanted to have a joint interview
12 with Sefer and Delic, but Sefer resolutely refused. He said that he
13 didn't want to.

14 Then there's talk about meetings with the unit commanders and
15 they talk about units that should be ready. And in the end, at page 165,
16 we learn that the Laste, which would reach Mostar and would fight in the
17 offensive down there, that he met Bakir Alispahic there. And that's a
18 respond to Judge Antonetti whether the BH Army units were able to enter
19 Mostar. Yes, Your Honour. This unit, Laste, came to Mostar together
20 with some other units, and they participated in Neretva 93 operation from
21 Mostar.

22 Q. Okay. Thank you. Now, on this page there is mention about the
23 offensive on the Prozor axis.

24 A. Yes, that's what I said, Mrs. Nika. This offensive along the
25 Prozor axis went on for the whole of the second part of the -- second

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1 part. It started in late July, and it never stopped. It abated a little
2 bit around the 25th of August, 1993, and then it resumed again as part of
3 this. So that's what I said right at the beginning.

4 Q. And Laste, who are they?

5 A. It's a unit commanded by Alispahic. I think -- well, I think
6 they were MUP units or something, or MUP unit. Well, Mrs. Nika, I can't
7 really explain who Laste are. We don't have time. Your Honours, this is
8 my time. All you need is here. We talked about Laste, Muderiz. This is
9 all about the offensive, and I want to show the intensity, the
10 time-frame, and the forces that were involved on the part of the BH Army
11 and what the objective was.

12 Q. General, I asked you about -- I asked you about that because of
13 the record because then you would think that these are birds. Laste
14 means "swallows" in English. Please don't get mad.

15 A. Well, I'm sorry, I really have to go through this. Let us move
16 on to page 166, 7, 8, and 9.

17 Q. That's from 3D25-0420 in Croatian through 3D25-0423, and in the
18 English version that's 3D25-0487 through 3D25-0490. And the title of the
19 book is "Why did Caco get" -- or, rather, the chapter is "Why did Caco
20 get angry?"

21 A. Well, this is the continuation of the story about Caco. It says
22 here how he first agreed to come, then refused to come. And they were

23 trying to persuade him to take part in the operation, but why did they
24 fight? They fought over the theft of sheep because the fighters were
25 stealing sheep from the refugees, and then one guy prohibited the theft,

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1 and the other one wanted to have all the loot for himself. And this
2 really tells us all we need to know about that. And Caco changed his
3 mind, and then they say that Caco tells -- Caco tells a reporter that he
4 did take people out to dig and that it was better for them in his -- at
5 his place than at their own homes. And then he says that he enrolled the
6 children of his fighters to the university. And when he was refused at
7 one point, Caco wrote a letter. We don't know what was in the letter,
8 but we do know that all the children were enrolled, probably after the
9 dean of the faculty read the letter from a commander of the BH Army, the
10 Caco brigade.

11 Sefer says well, Caco is waging his own war, and there's nothing
12 we can do here. So this tells us what this looks like.

13 And could we please have page 178.

14 Q. 3D25-0425. The English version is 3D25-0492 through 3D25-0498.
15 I don't know why that's -- it's that way.

16 A. Well, it's probably continuing on to that page.

17 Well, here I can only say that they're talking about Grabovica,
18 the massacre of Croats in Grabovica.

19 Q. The time-frame?

20 A. Well -- well, I don't know. We'll see later. I'll just skip the
21 dates now.

22 At first, of course, they thought it was just some persons --
23 personal revenge against Croats, but it will turn out later that -- well,
24 the investigation probably never yielded any results, although dozens of
25 people were killed there.

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1 Okay. We'll talk about Grabovica. It's page 179, 80, 81, and
2 82, 83.

3 Q. That's 3D25-0426 through 3D25-0430. That's the Croatian version.
4 And the English version is 3D25-0492 through 3D25-0498.

5 Please go ahead.

6 A. Here it's Friday, the 10th of September, 1993, and everybody was
7 unhappy when they heard about the murder of Croats in Grabovica, and we
8 can believe that because we cannot really assume that the commanders of
9 the BH Army would engender such a crime. I don't really think so that
10 Sefer or Zulfikar would do that. Of course, I can't say anything about
11 Caco, but one can assume that regardless of their political opinions and
12 their views of what the state should look like, there's no reason to
13 believe - that's what I think personally - that they would order, or in
14 any way allow or aid, or that they wouldn't investigate a crime of this
15 kind. And they say that those people in Grabovica were modest people and
16 that the -- they provided the BH Army soldiers with whatever they needed.
17 But they think that some fighters had come in from Sarajevo, probably
18 Celo's men. He is a guy similar to Caco. And then they took about two
19 boys who -- whom Zuka took under his wing, and, of course, we can accept
20 that unreservedly.

20 --- On resuming at 10.54 a.m.

21 JUDGE ANTONETTI: [Interpretation] [No interpretation]. We can
22 resume. I repeat what I said.

23 THE INTERPRETER: Sorry, the interpreter was on the wrong
24 channel. Sorry.

25 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, the Chamber has

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1 listened with attention your answer to the question put to you, but for
2 the time being, we do not see what you're trying to demonstrate. So
3 please really go to the essentials, because here there was a military
4 operation in September that we see very clearly. It's on the BiH army
5 side. What is it that you want to demonstrate here?

6 THE WITNESS: [Interpretation] What is it that I wish to
7 demonstrate? Your Honours, I wish to demonstrate precisely what I said;
8 namely, on the basis of this entire document, I can only demonstrate what
9 seems to me to be the most important; namely, that the Army of Bosnia and
10 Herzegovina, and I shall confine myself to just one axis, attack,
11 Bugojno, the HVO in Bugojno in July, and the attack went on. And on the
12 24th of July when I came as commander of the Main Staff, it culminated
13 along the axis of Gornji Vakuf in the direction of Prozor. It culminated
14 on the southern side, namely from Jablanica, also directed at Prozor,
15 that this lasted up -- intensively up until the 20th of August, 1993;
16 that on the 13th of August, the Army of Bosnia and Herzegovina attacked
17 strongly the southern part of Mostar towards Capljina, and then this
18 offensive 1993 up to Neum, as they put it, was, according to the words of

19 Sefer Halilovic, their biggest operation up to that time.

20 This is, namely, what I consider important: The fact that this
21 was their biggest operation; that they had engaged two corps, the 6th and
22 the 4th, in this operation; that they attached units from Sarajevo and
23 partly units of the 1st and 3rd Corps of the Army of Bosnia and
24 Herzegovina as well; that this operation was finished around the 10th
25 despite the signed truce which was on the 20th of September, 1993. The

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1 operation, nevertheless, continued up to some time in October 1993. The
2 brunt of the operation had been repelled, but it continued in segments.

3 Then it also says that they had a helicopter which had over 500
4 sorties of a flight, which means that it transported oil which came from
5 Croatia over the -- through the HZ HB.

6 Also of importance is the fact that the reporter says here that
7 always the -- after the HVO attack -- I mean, this was their general
8 position. They would always say, "After the HVO attack, we would
9 respond." And they are always laughing at this propaganda ruse.

10 Then that in Sarajevo a member of the -- a representative of the
11 international community said that on the 20th of September, we bombed
12 Mostar, an artillery regiment in Mostar; whereas I wish to demonstrate
13 that it was them who very heavily shelled Western Mostar and carried out
14 an attack in the direction of Hum, and that they were given artillery
15 support by the Army of Republika Srpska in that attack.

16 It is, namely, quite certain that you, too, Your Honours, you as
17 well as the Prosecution, will be asking me question about events in

18 Mostar and things which happened there such as the expelling of certain
19 families to the other side. And you will be asking me, Praljak, did you
20 know about that? Were you aware of it? If you were, where -- why did
21 you not take any measures?

22 I should like to say to that that I and my staff, in that period,
23 were, at least I, myself, on the hill at least 90 percent of the time,
24 moving from one position to another, from one trig point to another; and
25 that the scope of this operation, and the relatively weak forces that we

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1 had on the other side, demanded a formidable engagement on our part at a
2 time and with this passionate desire to defend the place as well as
3 courage on our part.

4 That is why I wish these documents to be presented, exhibited,
5 and read, because if the inclinations of anyone coming from the West - do
6 not misunderstand me - to the effect that a general sitting in his office
7 with the maps that he's perusing and that he's receiving correct reports
8 at all times, which is, of course, not true, I just want to portray the
9 reality of the time for you.

10 JUDGE ANTONETTI: [Interpretation] Just to make sure there's no
11 confusion, you know that military have to obey the law and the internal
12 rules. You know that the Bosnia-Herzegovina republic and Herceg-Bosna
13 have published certain texts. That is one thing. And secondly, you know
14 that there is a humanitarian international law as well as the protection
15 of prisoners and civils in -- and civilians, sorry. So all the questions
16 I ask are the questions my colleagues may put to you, the Prosecution, or

17 the counsels put to you. You have to remember that there's always this
18 filter underlying the questions. The fact that a high-ranking officer is
19 lost in the hills does not mean that he does not have obey the law, his
20 national law, and the international law. But with our questions, we will
21 have the opportunity to come back to this issue.

22 Ms. Pinter, Mr. Praljak told us what the purpose of the book was.
23 He explained that. So I give you the floor, and you may go on. You may
24 proceed.

25 MS. PINTER: [Interpretation] Thank you, Your Honour. I believe

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1 that the purpose of the book is also to show and to respond to the
2 Prosecution's claims. And as we have had no people to talk to, we have
3 to use the participants and hearsay.

4 So using this book, we shall talk about the siege of Mostar, and
5 we shall be able to obtain information about the number of the wounded
6 who were admitted to Mostar hospital during the period in question. And
7 this book also will refute partly the statements of Madam Tabeau, the
8 expert witness. And as we had no other options, we just resorted to what
9 we had at our disposal. And in addition to that, the general is also
10 giving his own information which he -- as supplementary information to
11 explain the statements in the book.

12 Q. General, we are on page 184.

13 A. To 188.

14 Q. Yes. So the pages are 3D25-0432 to 3D25-0436. And in English
15 3D25-0500 to 3D25-0505.

16 A. Yes. Sefer is asserting that --

17 Q. Please, can we call up in e-court the map of operation Neretva
18 3 -- 93, which is 3D00885.

19 A. So Sefer claims that this is their biggest operation, and that
20 that operation would completely change the strategic situation in Bosnia
21 and Herzegovina, and that Mr. Izetbegovic will then have a strong trump
22 card for the first time in his negotiations. This latches on to what I
23 said before that he wished to conquer territory and that the
24 international community would then confirm the situation in the field.

25 It is incredible that in 1993, the Army of Bosnia and Herzegovina

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1 launched against the HVO against -- according to the words of
2 Sefer Halilovic, the first and biggest operation.

3 That is my -- what I meant when I asked my question: What about
4 their fighting against the Army of Republika Srpska?

5 Then he goes on to say that the Croats would be moving out
6 Muslims from Kostajnica according to some documents, and there was not a
7 single Croat there because I was there on the 9th and 10th of -- no, in
8 July. I was there in July 1993 after all the Croats had departed
9 Kostajnica: Men, women, children, the elderly.

10 It goes on to say -- to talk about the operation, saying that the
11 war will be waged for ten years, and there will be no division of Bosnia;
12 referring, of course, to the proposals of the international community
13 tabled up to that point.

14 It goes on towards the end to refer to the fact that there had

15 been no bigger operation since the beginning the war. And Sefer says
16 that this was their first offensive, which is also testified -- which
17 also confirms my own statements that they had launched no offensives
18 against the Serbs.

19 He then says that Cibo was imitating war reports because tomorrow
20 they will be listening to how the Ustashas are attacking in full force
21 and our people are courageously fighting against them; of course he is
22 joking because this is how they began their reports. So he is imitating
23 the style of the journalist's reporting. To illustrate the war
24 propaganda of Bosnia and Herzegovina, he is always saying how the
25 Ustashas are attacking and calling on the NATO Alliance to come in.

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1 Can we move to pages 189 to 192.

2 Q. 3D25-0438 to 3D25-00441 [as interpreted], and the English,
3 3D25-0507 to 3D25-0510.

4 Yes, General.

5 A. This refers to fighting at Prozor, Makljen, how fierce the
6 fighting was; how they did not -- that they were not exactly successful;
7 how they were pushed back after initial successes; also, how possibly the
8 scope of the operation could be restricted, but Sefer refuses; and about
9 the problem of a certain Buza having failed to set out on time, so that
10 this also contributed to the unfavourable outcome.

11 Could we now go to 193 in Uzdol up to 196.

12 Q. 3D25-0442 to 3D25-0445. English, 3D25-0511 to 3D25-0514. Yes.

13 A. So on the 14th of September, 1993, there was a massacre in Uzdol

14 where about 40 Croats were killed, some of them soldiers. The report
15 which they have says that they surprised the Ustashas in the school, that
16 they found them in their pyjamas and killed a very many of them. They
17 say nothing about the crime. It was only realised later. And I was
18 there. And in a counter strike, we managed to prevent further massacre.
19 Thereafter, we had this problem which was mentioned by Their Honours,
20 about how of the -- such a crime in a very small place where they
21 actually killed half of its population, how to prevent retaliation.

22 I should like to say that I'm perfectly acquainted with war law,
23 et cetera. But between the law of war and human psychology, there is in
24 peacetime and in wartime, there exists the same phenomena. And the
25 prevention of such phenomena, including for the commander of the Main

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1 Staff and for Slobodan Praljak and for the minister of the police of any
2 state, they are all confronted with the same problem. In other words,
3 how to ensure that those who are under him, and the people of some
4 country, a country - whether it be the USA or France - be permitted from
5 committing any crimes.

6 Of course there exists a law, and I explained at length the
7 provisions of the law to my troops; but the moral decompensations of a
8 war of this type are explained by social psychology so that I will answer
9 questions to that effect within the limits of my knowledge.

10 I have nothing more to say about Uzdol. Everything else is known
11 or -- I can only add that in Rama, thanks to me, myself, and two other
12 people whom I managed to motivate, there was no retaliation at all. And

13 this is also established by the international community. And their
14 representatives say that they are surprised at the fact, and I quote as
15 far as I can remember from a report, that they are surprised by the fact
16 that the Croats peacefully, calmly, reacted and comported themselves
17 after such a crime.

18 We can skip over this Sena's [phoen] last battle, 202. Let's go
19 to 205, 206, 207, 208, up to 210, please.

20 Q. 3D25-0450 to 3D25-0455. English, 3D25-0518 to 3D25-0523.

21 Yes, General.

22 A. Here he's talking about Saturday, the 18th of September, 1993,
23 the battles for alleged elevation points, which are of no consequence for
24 us at this point. He says that the reporter states that he had sent a
25 report via radio ham operators about the successes of the Neretva. It

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1 says that the length of the front line was 200 kilometres. And also, it
2 further refers to the fact that in the afternoon on the 18th of
3 September, battles continued in the direction of Mostar and then how
4 Mount Medved was taken which is some 12 kilometres away from Siroki
5 Brijeg or 8 kilometres as the crow flies.

6 And the reporter is expecting them to very quickly march into
7 Mostar and resolve this in a military way. He refers to a
8 misunderstanding between Sefer Halilovic and how Sefer Halilovic had
9 given the commander of the 1st Mostar brigade between 300 and 600 German
10 marks, how Pasalic never knew anything about it, about some shady deals,
11 some underhanded transactions that were going on. And amongst those

12 people, there were some large sums of money being exchanged that nobody
13 knew where they came from.

14 They said that they had liberated Hum. I really don't know about
15 that myself, but anyway, I do know they attacked with force.

16 And that on page 209, the Laste, which arrived in Mostar,
17 mentioned again, Swallows. And I said -- I told Judge Antonetti that
18 those units were able peacefully to enter something that the Prosecutor
19 called the siege of Mostar. And fatigue is mentioned, the fatigue of the
20 operation.

21 We can now move on to pages 211 to 214 -- or, rather, 211 to 214.
22 We'll go through that quickly.

23 MR. STRINGER: Just apologise for the interruption. Could we get
24 a reference to the English page, because I've not been able to follow
25 along here with the reference to the Swallows that the general just made.

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1 English page reference for the Swallows.

2 THE WITNESS: [Interpretation] I'll give you the Croatian page and
3 then Mrs. Nika can find it. In Croatian, it is 209.

4 MS. PINTER: [Interpretation] And the English should be 3D25-0520
5 or 0521. I read that out at the beginning, but I seem to have omitted
6 that.

7 THE WITNESS: [Interpretation] Anyway, Pasalic says there that he
8 asked that units come into Mostar, that were parts of the 7th Muslim
9 Brigade with Halil Brzina as reinforcement and in the psychological sense
10 as well. But he observes that the unit was not actually sent to Mostar

11 and says only the Laste or Swallows arrived led by Alispahic. So that's
12 only the Laste arrived led by Bakir Alispahic. That's in the Croatian
13 version. So his request for part of the of 7th Muslim to come in was not
14 acted on.

15 MS. PINTER: [Interpretation]

16 Q. Now, it is 3D25-0522 in the English version. And you've reached
17 page 211; is that right?

18 A. Yes.

19 Q. And that is 3D25-0457 to 3D25-0460. And for the English it is
20 3D25-0525 to 0528 -- no, 29. 3D25-0529 is the correct number.

21 A. I just want to say, and I'll come back to this later on dealing
22 with another book, that Eichmann, Eichmann, who was the UNPROFOR
23 spokesman, William Eichmann, at a press conference in Sarajevo, informed
24 the public about the events at the Herzegovina battle-field. And he said
25 that on the 20th, Eichmann said that there was fighting along the axis of

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1 Vrđi-Dreznica. And he also said that the entire area of Dreznica towards
2 Mostar was now in the hands of BH Army, and that the HVO units were under
3 siege by the BH Army. And most probably because of that the HVO, almost
4 throughout the whole day, which was a Monday, the 20th, shelled Mostar
5 and Jablanica during the whole day on Monday. So would you remember that
6 date, please, because when we come to look at the next book by the
7 commander of Sector South in Mostar, Sejtanic, we'll come back to that to
8 see who shelled whom in actual fact.

9 He goes on to say here that on that day, the journalist met

10 Dr. Safet Cibo, who was on his way to see Sefer, and that Cibo told him
11 that Mr. Izetbegovic was fairly belligerent. The president was
12 belligerent, he said. And as he said, that is, Izetbegovic said to Cibo,
13 and I quote, "Liberate Stolac as soon as possible." And he added, "Hurry
14 up with that. Hurry up." Because, of course, already at that time, the
15 truces had already been signed officially. And so this was done
16 covertly, and he was conscious that this should be done as soon as
17 possible, before anybody thinks differently.

18 Then he goes on to speak about some misunderstanding, perhaps --
19 probably in Sarajevo and Delic, well they understood that nothing much
20 would come from all these offensives. And they go on to say that on
21 Radio Mostar there were broadcasts all the time about the battle for
22 Medved, and that in Western Mostar all -- there was general panic with
23 people fleeing. So that's what I have to say about that.

24 Now may we have page 215, please, to page 218.

25 JUDGE TRECHSEL: May I just briefly refer to page 3D25-0530. On

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1 the second -- the third paragraph, there is a reference to detainees from
2 Dretelj camp who were just released and who were swinging like skeletons.

3 Would you like to comment on that, Mr. Praljak?

4 MS. PINTER: [Interpretation]

5 Q. Page 218 of the book.

6 A. Your Honour Judge Trechsel, I had absolutely no idea at that time
7 about --

8 JUDGE TRECHSEL: I heard that. I hope you -- remind that you are

9 speaking under oath.

10 You may continue, Ms. Pinter, please.

11 MS. PINTER: [Interpretation] Thank you, Your Honour.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, in while
13 preparing my questions, it was my intention to ask you this question.

14 But since the question has already been put to you, I will continue along
15 the same line, which will save us time.

16 I do not have the video number, but I have it in -- I remember it
17 very clearly. You have seen, as well as I did, the detainees who had
18 been freed, and they had lost a lot of weight, and they were very thin.
19 You could see their bones.

20 When you saw that, what was your reaction? What did you tell
21 yourself at the time?

22 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour, would
23 you please allow me to state what the situation was? On the 1st of
24 September, 1993, just by chance, I happened to be in Grude, and from
25 Capljina a lady contacted me. Her name was Mrs. Ivanisevic;

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1 Mira Ivanisevic. That's right. She called me up on the phone and
2 said -- she's from Croatia, from Split. And said that she was taking a
3 CDF German television crew -- ZDF, and that they were going to either
4 Dretelj or Gabela to do some filming. I don't remember which exactly.
5 Anyway, that they weren't being allowed to enter and what could I do
6 about it. I said I could not do anything about it except to write an
7 order to let them in. I could do that, I said.

8 So I sent a fax with that order, and quite obviously, it was on
9 the basis of that order, although there was no official validity, but you
10 write it, and if it -- it passes, it passes. Anyway, as far as I was
11 concerned, in my head, I considered it to be a prison, because that's
12 what it actually was. And that's it, nothing more. And in an offensive
13 like that, I sent that out and went into battle.

14 I did not see what was broadcast over there. There was nowhere
15 where I could see this. But anyway, on the 6th of September, 1993, a
16 journalist came to see me of the then-paper "Globus," and his name was.

17 Q. Rogosic?

18 A. Yes, Zeljko Rogosic. He was as slim as the other one. This one
19 was Zeljko Rogosic. And I assume he saw what the ZDF broadcast because
20 it was broadcast to the world. And I wrote him out a permit allowing him
21 to enter the detention centre. However, at the door, at the entrance
22 they said to him, We couldn't care less about you or Praljak, and he's
23 not authorised to write you a permit to allow you to enter. So he came
24 back. He returned. I wasn't in the same place any more, so he repeated
25 his request to the Chief of Staff Tole, that is the number-three man in

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1 the hierarchy. Tole, just like me, had absolutely no idea. So Tole
2 wrote him the same chit that I had written him.

3 Now, since the guard at the entrance had probably changed, so he
4 wasn't able to enter with my permit, but with Tole's permit, he did
5 manage to enter and then filmed what he saw there and reported on it.

6 Now, how many days later I saw this appear in the journal, I

7 don't know, with the photograph. Perhaps it was six, seven days later or
8 ten days later. Somebody brought in the papers, and I saw what they
9 contain. But anyway, in the article, I read it quickly, speed-read it.
10 Anyway, in that article, it didn't seem to me to be as dramatic as what
11 we found out later, because the people that he filmed, yes, they were
12 thin, but no mention was made except for that, of anything else.

13 And to be quite frank, I didn't see. Well, of course the
14 situation I was in with 20 or 30 dead every day and 30 or 40 wounded,
15 because the war was being fought in Central Bosnia and so on. On the 9th
16 I happened to meet this journalist, Vulliamy, who testified here. I
17 don't think it was in confidential session, so I can say that. And I
18 wrote him too, permit to enter. I would have written him a permit to
19 enter anyway because I was of the opinion that everyone should see
20 everything. It was quite -- I had a simple stand that I took: You have
21 the right to see. So I signed this permit for him, and that was the
22 beginning of September. And that's when the offensive started. And then
23 right up until -- well, I think at one point, when I saw the article
24 appear in "Globus," I think it said that they slept on the floor there.

25 At one point, I called the barracks up in Capljina and asked

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1 someone to send them some mattresses if they had any available, send them
2 some mattresses because according to the information that I just read,
3 the worst thing was that they had nowhere to sleep.

4 So that is the exact information about all that.

5 Now, the video footage was something I saw only once I'd left the

6 territory, left the area. But while I was down there I hadn't seen them,
7 hadn't seen this footage.

8 JUDGE ANTONETTI: [Interpretation] Very well, so we record under
9 oath that you say that you did not know anything about the situation as
10 it might have occurred later on. This is now noted down on the
11 transcript, and we'll see later on.

12 I put this question to you, because, you know, Mr. Praljak, I'm
13 very transparent and candid. I'm not here to trap you, to trick you.
14 I'm just saying things as they come. Earlier you talked about Uzdol.
15 You know that Sefer Halilovic was indicted for Uzdol in this Tribunal,
16 and he was acquitted. And you know exactly why he was acquitted because
17 I'm sure you read the judgement. He was acquitted because the
18 Prosecution could not prove that he was in command of the units who
19 perpetrated the crimes in Uzdol and Grabovica.

20 And secondly, this is also in the judgement and I'm sure -- and
21 you should read it because it's a public judgement, and everyone can
22 discuss it. Well, in this judgement, Judges also noted down that
23 Mr. Halilovic, as soon that he found himself in Uzdol and found out what
24 happened, required an investigation to be carried out. According to
25 Rule 7(3) of the Rules, you know, he did what he was supposed to do,

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1 which was why I put this question to you regarding the detainees in
2 Dretelj as they are mentioned in the document that we have on the screen
3 now.

4 Mrs. Pinter, you may proceed.

5 MS. PINTER: [Interpretation] Thank you very much, Your Honour.

6 Q. General, you want to speak now about this new trick at Neretva.

7 A. Yes, 215 to 218.

8 Q. And then we'll go back to the Main Staff. 3D25-0461 through
9 3D25-0464. And in the English version we have only the page 218 that has
10 been translated, and that's 3D25-0530.

11 So if you are talking about that, please do it slowly so that it
12 can be recorded in the transcript.

13 A. Well, there's no need. It says here that the commander of the
14 6th Corps, as early as on the 29th of September, 1993, and according to a
15 peace agreement that had been signed before, ordered his units to
16 implement that document on peace on -- as of the 30th of September, 1993,
17 at 1800 hours, but that simply did not affect Sefer in any way.

18 Now he is cooking up this famous trick, the ruse. He says that
19 he's going to attack the Salvation Route between Rama and Tomislavgrad -
20 the one that we talked about so much - and then the HVO units would have
21 to regroup towards that axis, and then he would attack Mostar. And it
22 says also that 150 soldiers arrived from Sarajevo, from the 1st Mountain
23 Brigade, as reinforcements to assist them. And now we go on to what you
24 said has been translated.

25 They say that they have a helicopter, and that it had 500

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1 sorties - and that's what I'm saying - and all 500 sorties used the fuel
2 that came from Croatia. And Sefer says here that the offensive would be
3 relaunched to the Salvation route, and when the reporter tells him that

4 there's a cease-fire in effect and that orders had come in to cease
5 hostilities, Sefer says, Well, I don't know anything about that. I
6 didn't get anything.

7 So that's it. We don't need to go into that at all. So now we
8 go to the last portion, if I remember correctly.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, I take this
10 opportunity -- Mr. Halilovic had a helicopter, which is why earlier you
11 were surprised when I asked you whether you were able to fly back to
12 Jablanica with a helicopter. Do you now understand my question?

13 THE WITNESS: [Interpretation] No. Who could go back to Jablanica
14 by helicopter? You asked me whether I could go back from Zagreb to
15 Mostar by helicopter. Well, Your Honour, yes, I could go that way by
16 helicopter, but I did not go there by helicopter. I never, ever, at that
17 time, road on a helicopter - that the HVO had one - for a very simple
18 reason: Those two helicopters were use, A, to fly to Central Bosnia and
19 to evacuate the wounded from Central Bosnia, and those helicopters flew
20 in defiance of the no-fly zone that was in effect. And I secretly loaded
21 weapons for Blaskic in order for the Croats to be able to survive into
22 those helicopters. I will add might quite calmly to all the things that
23 I did during the war. I violated the embargo in any which way I could in
24 order to defend Central Bosnia against the BH Army.

25 These helicopters evacuated thousands of wounded from up there.

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1 I evacuated the wounded from Rama, among other places, by helicopter, but
2 I never could take my turn to ride on a helicopter, because there was

3 always a more important mission for the helicopter. The first time I
4 took the helicopter was in 1994 when I had to deal with the situation in
5 Rama. And at that time, I did not have any function at all in that area.
6 I just happened to be there, and I'll explain that later.

7 JUDGE ANTONETTI: [Interpretation] Very well. Your position is in
8 black and white and is really clear. Thank you.

9 Ms. Pinter.

10 MS. PINTER: [Interpretation] Thank you, Your Honour.

11 Q. These accusations levied by the commanders at each other, do you
12 want to tell us something about that?

13 A. It's page 219 through 225. Did you provide the numbers?

14 Q. No. That's 3D25-0466 through 3D25-0475. And in English,
15 3D25-0532 through 3D25-0539.

16 A. Well, that's the 1st of October. The cease-fire was signed, but
17 that doesn't bother Sefer at all. He is expressing the attack and then
18 there is talk about the sorties flown by the helicopter and who is being
19 transported on the helicopter.

20 At page 220, we should note that the journalist states that
21 last -- the night before, over the radio, there were constant -- constant
22 reports that the cease-fire was in effect as of that day at 1800 hours,
23 and now he says, and I quote:

24 "At that time, the rules on war reporting were in place still."

25 And now in quotation marks:

2 ourselves.'"

3 So the journalist says that this is the rule to report always
4 that the Ustashas are attacking first and they are always defending
5 themselves. And so the continuation of the offensive will also be
6 treated in this manner.

7 Well, we sign the cease-fire, but we can't stop now because the
8 HVO, the extremists, the Ustashas are attacking us.

9 And here they say again that Sefer disagrees with Delic, who
10 wanted to calm the situation down a little bit, and they were fighting
11 over Pisvir. What is important here is that he is talking about 7.000
12 people in the Neretvica valley who are not moving while Ustashas are at
13 Gasino Brdo. So we, the Ustashas, are at the Gasino Brdo and the 7.000
14 of them cannot take Gasino Brdo and Pisvir.

15 It is important further on that Mufti Smajkic, who testified
16 here, came back from Sarajevo. And the journalist testifies that
17 Mufti Smajkic had visited Izetbegovic and he told him that Arif Pasalic
18 would soon be replaced or removed from his post. And then they talk
19 about the conflicts between Sefer Halilovic and Arif Pasalic.

20 And we now move on to page 234 through 236 and that's the last
21 portion of this book, and so we will be finished soon.

22 Q. 3D25-0474 through 3D25-0476. The English version is 3D25-0541
23 through 3D25-0543.

24 Please go ahead.

25 A. This is the 4th of October, 1993. And it says here that Sefer

1 will not stop, and the journalist says that his reports about the
2 offensive are no longer published, that the papers would no longer
3 publish them. And Sefer and Haris Silajdzic, in fact Haris Silajdzic
4 speaks with Sefer using communications equipment; and he says, Sefer,
5 tone down the operations because they're not in line with the peace
6 initiative launched by President Izetbegovic, and he said that you know
7 that the president is involved in peace talks with President Tudjman.
8 And Sefer replies and I quote:

9 "But the HVO attacked us first, and we had to respond." We
10 laughed. They laughed in the face of this heinous lie, and Silajdzic
11 says again:

12 "Reduce the activities and if possible stop them, because there
13 is an chance that we might be able to sign a cease-fire agreement with
14 the Croats and that chance must be taken."

15 And then it says that the operation was stopped, once and for
16 all, at 1900 hours on the 4th of October, 1993.

17 Well, it wasn't stopped. They continued, but the intensity was
18 somewhat reduce and that's it about the book.

19 If the Judges have any questions, I will be more than happy to
20 answer them.

21 Q. Could you please -- will you be showing anything on the map?

22 A. No. The map is here on the screen.

23 Q. Oh, it's been removed. I'm sorry. I saw the map on the screen.
24 3D00885. Perhaps you might just show where Pisvir and other mountains
25 that you were talking about were located.

1 A. Well, Mrs. Pinter, we can't do it here. The map is too small
2 scale, but Vakuf is here. Well, you can't really see it. Well, I can't
3 see the upper part. Yeah, you need to lower it down. No.

4 Well, this is an attempt to take Vakuf and then towards Rama to
5 the right. Thank you very much. This part here Medved-Vrđi an attempt
6 to break through to Mostar, to South Mostar, West Mostar. So this is an
7 operation that took as long as it took, and then it was extended for a
8 couple of more days quite intensively from the 4th onwards. And at the
9 beginning we -- in the end, we were at the same positions that we were at
10 the beginning.

11 Well, that's it. And each side counted its wounded and killed,
12 and you will see the losses of the 4th and 6th Corps, the number of
13 wounded and killed in a book that I'm going to go through. I don't know
14 the exact figures for the HVO because I didn't have time to deal with
15 that, but we've explained everything. There's no need for us to revisit
16 this map.

17 Q. Well, we have two brief excerpts from two books. One is 3D00749.
18 That's Esad Sejtnanic's book. The title of the book is "Herzegovinians at
19 Fiery Gates of Bosnia."

20 General, what did you want to look at this book, and why do you
21 think that this excerpt from this book that we've prepared is important
22 for the Judges?

23 A. Well, here's why: You saw a report by Eichmann about how
24 according to him and information that he received from Army of Bosnia and
25 Herzegovina, of course, that Sarajevo, at the press conference, he says

1 that the HVO on the 20th, because he has a press conference on the 21st
2 of September, 1993, how on the 20th, the HVO shelled Mostar heavily
3 because the HVO units were encircled. And this was supposed to be a
4 desperate move on the part of the HVO commander. And could you please
5 look at pages 182 through 184, and we'll deal with it very briefly
6 because we've already discussed it.

7 Q. 3D22-0688 and 3D22-0689. That's the Croatian version. And in
8 the English version that would be 3D22-0692 and 3D22-0693.

9 Please go ahead, General.

10 A. Well, at page 182, he says that they expected a lot from the
11 cooperation with the 14th Mountain Brigade that was tasked with attacking
12 a key installation in Croatian defence, the Hum hill, which dominates
13 Mostar.

14 Mr. Sejtanic was the commander of that part of the battle-field.
15 That was called battle-field south. And then he goes on to say that on
16 the 19th of September they went through all the tasks again. They
17 analysed them all again. And they learnt about what the BH Army was
18 doing at the Dreznica-Vrdi-Goranci line. And he says that in the course
19 of the night, without any problems, the units were brought in to the town
20 of Mostar, and in the morning, they were supposed to start towards the
21 Hum hill. And he says that the combat operations began in the early
22 morning on the 20th of September, and everything went as planned, and
23 they expected that they could achieve their success and reach the very
24 heart of the city.

25 And now he says that the units in the town centre initially had

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1 some success towards the Balinovac neighbourhood. And Balinovac is deep
2 on the right bank of the Neretva River at the very entrance to the town
3 of Mostar from the direction of Siroki Brijeg. And I quote:

4 "And with fearsome Serb artillery support, the success looked to
5 be the likely outcome."

6 He continues saying that they received an order to stop and that
7 in that action, when pulling out, they had 30 dead and 100 wounded,
8 gravely or lightly. It was not on account of the pull-out that they had
9 such casualties but because simply in their action they failed.

10 However, obviously Eichmann's report to the effect that HVO was
11 shelling Mostar is incorrect, because what happened was a heavy artillery
12 cannonade from mount Srb of the Army of Republika Srpska with which they
13 had concluded an agreement. They had assistance to conquer the western
14 part of Mostar, and he spoke about that assistance earlier. And it is
15 already an exhibit, as far as I have been informed. And I have nothing
16 more to say on this subject.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, you pre-empted
18 one of my questions but not completely. This book that you're showing us
19 was written by a person from the other side. It's not a person that's on
20 your side; right?

21 THE WITNESS: [Interpretation] Yes, we agree.

22 JUDGE ANTONETTI: [Interpretation] This person who's on the other
23 side is talking about the events, and I presume that he is telling the

24 truth, because he's writing for history. We can hope that he's writing
25 the truth, but, of course, we're not sure a hundred percent. But he is

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1 stating in black and white that there was a substantial support from
2 Serbian artillery. Fair enough.

3 When he was writing this, there must have been an agreement, a
4 preliminary agreement between the BH Army and the Serbian forces.
5 Theoretically, that seems to be what is inferred.

6 Now, you are stating, and you've already started to state that -
7 and you're repeating it now - that in 1993 there were moments where the
8 Serbs and the ABiH joined forces.

9 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, Your
10 Honours, this man was the commander of that part of the front, commander
11 of the Army of Bosnia and Herzegovina. That's one thing. Secondly, he
12 writes in his book, and we have exhibited that here already, that in
13 earlier agreements between Safet Orucevic and a lady whose name eludes me
14 on behalf of the Army of Bosnia and Herzegovina, they had attained and
15 agreed contacts with the Serbian side. And that the Serb -- that they
16 gave the Serb side a new vehicle, a new automobile, a Volkswagen Golf,
17 and probably, thereby, paid for the number of shells that were going to
18 be fired.

19 So this man knows that he will be getting artillery support, and
20 I know that that artillery support was such that Mostar was ablaze. I
21 know what the magnitude of the artillery support was. I know that they
22 lost that battle. And from his book, which testifies to historical

23 events, it is obvious that they agreed, that they paid for it, and as a
24 symbol of friendship they gave this Golf car to one of their commanders.
25 And this is written on these pages in the book.

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1 JUDGE ANTONETTI: [Interpretation] For the transcript, could you
2 say what was the month exactly? You said it, but I believe you have to
3 repeat it.

4 THE WITNESS: [Interpretation] It was the 20th of -- 20th of
5 September. So it was the 20th of September, 1993.

6 JUDGE ANTONETTI: [Interpretation] Very well. Earlier -- I wanted
7 you to give us the date because you said earlier that after this
8 artillery fire, Mostar was ablaze. This is what you said in your own
9 words. So if, as you're saying on September 20th, 1993, the Serb
10 artillery actually fired, did it fire all-out on Mostar, on Mostar east
11 as well as Mostar west; or did they only target Mostar west?

12 THE WITNESS: [Interpretation] Just the western part of Mostar,
13 Your Honours. Only the west part, especially along the directions that
14 they moved along, Balinovac, Rondo, was the first strike, towards Hum,
15 Rodoc. I don't have the maps now, but those were the main axes.

16 JUDGE ANTONETTI: [Interpretation] Is it possible that while they
17 were targeting West Mostar there could have been collateral damage on
18 East Mostar because fire was not very accurate or the poor assessment of
19 the target? Militarily-wise, is it possible that you miss your target by
20 few metres or few hundred metres, you know, that the shell that was
21 supposed to target one place actually hits another place a hundred metres

22 away and that there is collateral damage because of that?

23 THE WITNESS: [Interpretation] Yes, Your Honour Judge Antonetti.

24 In the artillery, if you let us assume, a mortar shell is supposed to hit

25 this table here, and it lands 50 metres away from that table, that is

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1 considered a hit. The -- how large the distance between the target and
2 the artillery, the error margin is the greater, the possibility of making
3 a mistake. It depends on the make of the shell. The weather also
4 affects it, the pressure, whether it is raining, how the barrel has been
5 trained. There is always a mistake in artillery. After a large number
6 of shells having been fired, there will always -- there will always be a
7 shell that will be off the mark. If one is firing from a distance of,
8 say, 15 or 20 kilometres and is wide off the mark by 300 metres, that is
9 considered a bull's-eye hit; and, of course, this is affected by numerous
10 factors.

11 JUDGE ANTONETTI: [Interpretation] One last question. This
12 document should be connected with the -- with what we saw earlier on
13 Operation Neretva 93. While I'm listening to you, and I'm trying to
14 follow your logic, it seems that the BH Army launched a major offensive
15 to capture a number of settlements like Bugojno, but its final objective
16 could have been Mostar, and it eventually maybe you have an outlet on the
17 sea. As the British say, why not, after all. But there's one thing that
18 I just don't understand.

19 At the time Sarajevo was besieged, Mr. Izetbegovic's government
20 in Sarajevo is encircled, encircled by the Serbian forces. So as far as

21 you know -- you were on the field. You -- militarily-wise, rather than
22 going to attack the HVO through Central Bosnia to get an outlet on the
23 sea, couldn't they rather go to Sarajevo, possibly joining forces with
24 the HVO to attack the Serbian forces and to unlock Sarajevo? Was it
25 technically impossible given the presence of Serb forces in Sarajevo?

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1 Was it that the BH Army militarily and technically could only go to
2 Central Bosnia to go and -- through Mostar to get to the sea? Was it the
3 only possibility at the time?

4 THE WITNESS: [Interpretation] No, Your Honour. That was the
5 political will, obviously, of certain echelons, including
6 Sefer Halilovic, because he, simply speaking, did not oppose the Serbs.
7 When people say that in 1993, when he -- somebody says that in 1993 they
8 were mounting the largest, the biggest military operation against the
9 Croats, whereas at the same time Gorazde is encircled, Srebrenica is
10 encircled, Bihac is encircled, that is folly or stupid, we can say. Or
11 perhaps it is a political decision to the effect to strike at the weaker,
12 and I claim that this is the second variant, and I'm trying to logically
13 prove that throughout this session.

14 I said so to Mr. Izetbegovic at the meeting in Mostar in October
15 1992. Had they wanted to lift the siege of Sarajevo with half of the ABH
16 forces and with half of the HVO forces, without attacking the HVO, we
17 went from the direction we -- of the south to Sarajevo, the road leading
18 from Konjic to Sarajevo via Bradina hill, and from the direction of
19 Kiseljak, we could have. So going from these directions, we could have

20 lifted the blockade of Sarajevo relatively painlessly without too much
21 effort, relatively speaking. Just as we have crossed the Neretva. It
22 was incomparably much more difficult in 1992 to cross the Neretva River
23 and liberate Eastern Mostar and deep into territory towards Stolac, than
24 to lift the blockade of the thin Serb lines around Sarajevo.

25 This was not the depth of territory. These units were exposed or

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1 were amenable to very -- to be penetrated very easily. And I claim that
2 that was so, but it is hard to say. I think, that they didn't want to do
3 that, because -- for two reasons: I believe that the people would have
4 fled, and then the army would have also seeped through the breach. And
5 it is possible that through the victims, on the basis of the victims in
6 Sarajevo, they were making political points, scoring political points.
7 That is also a difficult statement, but I believe that that also
8 accounted for their behavior. As for their wish to have Bosnia and
9 Herzegovina, an operation of this kind is contrary to all conceivable
10 logic.

11 And the consequences, Your Honours, which I will tell you under
12 double and triple oath, these helicopters came from Croatia and 90
13 percent of the shells they fired in this offensive came into the hands
14 with my great assistance and my approval. And I say on this triple oath.
15 I shall swear to it seven times.

16 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter.

17 MS. PINTER: [Interpretation] Thank you, Your Honours.

18 Q. General, we have -- I see that you have of closed your book. But

19 we have to go back. Just for the record, I'm going to read the exact
20 quotation on page 56 of the record, line 12, the quotation which the
21 general was reading from the book reads:

22 "Units in the heart of the city had initial successes along the
23 axes in the direction of Balinovac settlement, and with formidable Serb
24 artillery support, their success was likely."

25 Because it is not exactly reflected in the record.

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1 A. Madam Nika, while we are on the subject. Page 181 also I'm going
2 to read it out until you find it. That is the first page at the
3 beginning of the English text. The author says: I was present at a
4 meeting at the line of contact with Serb forces in the village of Busak.

5 Q. General, are we talking about Sejtanic?

6 A. Yes.

7 Q. I don't have this page I have 182.

8 A. Where Safet Orucevic, Fatima Leho, and Sefkija Dziho defined the
9 conditions under which the Serb side would assist our combat actions.
10 And as a token -- as a token of attention [as interpreted], of favour for
11 the cooperation provided so far, Safet Orucevic gave the commander of the
12 Nevesinje Brigade, Novica Gusic, an almost brand new car, a Golf YJX. So
13 they defined the price for this and that they were continuing their
14 theretofore successful cooperation, and that had given a Golf car to the
15 commander of Serb brigade.

16 THE INTERPRETER: Interpreter's correction. It is not a token of
17 attention but a token of appreciation.

18 MS. PINTER: [Interpretation] Thank you. This is on page 22-692,
19 what the general has just now read out. 22-0692. 3D22-0692.

20 MR. STRINGER: And for the English?

21 MS. PINTER: That's English. [Interpretation] I said that I
22 didn't have the English -- oh, that is English. That is the English
23 version.

24 Q. All right. Now we are dealing with document 3D03562. You said
25 that you would be talking about this document in order to show what the

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1 fate was of members of the units of the 6th Corps and other ones. And
2 this is in the book of General Drekovic's. Let me just finish General.
3 So the number is 3D03562. And I shall kindly ask you to refer us to the
4 portions which you considered relevant for Their Honours, and to tell us
5 who General Drekovic's was?

6 A. General Drekovic was, first of all, initially the commander in
7 Bihac of the Army of Bosnia-Herzegovina and the HVO; and then he became
8 the commander of the 4th Corps in the relevant period. So I shall just
9 like us to see pages 439 [as interpreted], 430, and 431. We shall be
10 very brief and shall deal with just bits of -- a couple of bits of
11 information.

12 Q. The page is 3D41-1095 in Croatian. In English, it is 3D41-1107.
13 Yes, General.

14 A. I should just like to illustrate the relations which prevailed in
15 the Army of Bosnia-Herzegovina. We are talking about the autumn of 19 --
16 1992 when Mr. Izetbegovic, the president of the Presidency, arrived in

17 the zone of responsibility of the 4th Corps to survey the situation in
18 Mostar. He visited -- he visited Buturovic Polje and the positions of
19 the brigade there. With him were General Delic, Bakir Alispahic, the
20 minister of the MUP, as well as Drekovic and his collaborators.

21 Before the meeting was held in the offices of the brigade --
22 brigade commander, Homeini stepped forward; and Homeini was the nickname
23 of the 45th brigade commander Hakalovic. And he said literally - so this
24 Homeini said - the commander, whatever his name was, shall have and
25 meeting with only the president. No one else can be present. So Delic,

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1 Alispahic, and Drekovic, who was the commander of that area, were not to
2 be present, could not attend the meeting.

3 JUDGE TRECHSEL: I'm sorry. Mr. Praljak, am I correct in
4 understanding that this happens in the autumn of 1994, that is to say a
5 time not covered by the indictment any more? I'm not -- I'm not
6 commenting on whether it may be relevant. I'm not saying that. I just
7 want to be sure that I understand correctly.

8 THE WITNESS: [Interpretation] Judge Trechsel, yes, you did
9 understand it correctly. It was, indeed, autumn 1994.

10 JUDGE TRECHSEL: Thank you. Thank you.

11 THE WITNESS: [Interpretation] In my introduction, I showed what a
12 review of the brigade looked like in Jablanica, and this man Homeini as
13 he's called. And here I say that the brigade was completely Islamistised
14 [as interpreted] in its manner of thinking, manner of fighting, and
15 manner of dress. And I hope that some of the Defence counsel here will

16 show us what they look like. And I also say at that President
17 Izetbegovic at the time, and I claim that this happened earlier on, quite
18 calmly, pursuant to a request from a brigade commander, without minding
19 about his Main Staff commander, Delic, and the corps commander, Drekovic,
20 within whose composition the brigade was, talks to Homeini along the
21 line -- along the lines of a religious discussion, far more religious
22 than military. And Drekovic says this in his book. He said:

23 "We looked with astonishment. Is this possible, I asked
24 General Delic. We heard that with disbelieve." And he says, "Well, as
25 you can see, it appears to be the case." And nothing more than that.

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1 Just what the military establishment was like and all the parallel lines
2 in that BH Army that existed. And Delic and Drekovic found this
3 completely incomprehensible, because after all, they had come from the
4 Yugoslav People's Army, so they at least knew what establishment meant.

5 And I just want to show Their Honours something, and that is that
6 the numerical state of the 6th Corps, as of the 19th of January, 1994,
7 that is to say at the time they were attacking the HVO as well, was 8.463
8 men, 63 strong.

9 MS. PINTER: [Interpretation]

10 Q. Just a moment, General. I have to give the page number. It is
11 3D41-1097, and in English it is 3D41-1108.

12 A. May we have page 446 now, please.

13 Q. 3D41-1099 is the Croatian version, and 3D41-1109 for the English.

14 Go ahead, please.

15 A. Here General Delic gives a review of the losses suffered by the
16 6th Corps until the 19th of January, 1994, which is when the worst
17 attacks had been completed against the HVO. And he says that in 1992,
18 there were 103 fatalities and 99 wounded.

19 Q. General, not Delic.

20 A. Yes, not Delic. I meant Drekovic. And in 1993, the number of
21 fatalities was 312; 523 were wounded. And then a total due to the attack
22 against the HVO, because at the time the lines weren't active facing the
23 Army of Republika Srpska, so the number of fighters killed was enormous,
24 312 and 523.

25 Now, would you look at page 449, please.

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1 Q. It is 3D41- -- just a moment, please. Just a moment.

2 MR. STRINGER: Excuse me, Mr. President. Could we -- I just want
3 to make sure the record reflects correctly what the witness is saying.
4 He's attributing these losses in the ABiH to operations solely against
5 the HVO, even though the -- the 6th Corps was in an area where there were
6 Serb units as well. So I think it's important to distinguish exactly
7 what's in the book that the witness is reading versus what is the
8 commentary that the witness is adding as an additional layer to that so
9 that he's not misstating what is in the book or overstating what might be
10 in the book.

11 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, the Prosecutor is
12 right. The table you have shown showing the losses of the 6th Corps, are
13 these losses all due to the conflict with the -- with the HVO, or are

14 some of these deaths also due to the Serbs?

15 THE WITNESS: [Interpretation] I'm talking about 1993, and for
16 1993, to the best of my knowledge, and I think that I have sufficiently
17 good knowledge about that, that the vast majority of those losses were
18 due to attacks against the HVO, because the lines facing the Serbs were
19 quiet.

20 Of course it could happen due to some odd shots or skirmishes
21 that somebody might have been killed, but not in 1993. They weren't
22 inflicted by the Army of Republika Srpska, nor did the BH Army undertake
23 any military operations in that area vis-a-vis and facing the Army of
24 Republika Srpska.

25 Well, look at their agreements. If you look at their agreements,

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1 and you'll see what the gentleman says about this further on.

2 May I have page 449 and 450 now, please.

3 MS. PINTER: [Interpretation]

4 Q. It is 3D41-1100, and 3D -- I've lost it.

5 JUDGE TRECHSEL: 41-1110.

6 MS. PINTER: [Interpretation] Yes. Thank you, Your Honour. I
7 thought the numbers were the same in the Croatian and the English, so I
8 just took a moment to check. Thank you.

9 THE WITNESS: [Interpretation] I think it was the Stojic Defence
10 that presented documents about this and about how the officers -- or,
11 rather, the municipal officials, Salko Gusic and members of the -- and
12 commanders of the BH Army offered the HVO, who in those three small

13 enclaves that remained in the Konjic area - Turija, Zaslivlje, and

14 Zabrdje - to give them money -- money -- they gave them money.

15 They gave them money to relinquish their weapons and to leave the
16 area and that acting as go-between was Silajdzic. Well, not to mention
17 Silajdzic -- General Drekovic didn't mention Silajdzic here, but he says
18 they were offered 350.000 German marks which they did not accept. And
19 then they were forced with their heads bowed down to leave the area that
20 he had been occupying until then. And he says ironically that they never
21 even thought of German marks.

22 And so, Your Honours, from Konjic, they were expelled. The
23 Croats, the last vestiges of the HVO, were expelled from the area within
24 the frameworks of the existing plan. So that's all I have to say on
25 that. May we now move on to page 457.

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1 MS. PINTER: [Interpretation]

2 Q. Which is 3D41-1102 and 3D40-1111.

3 A. Here we just have a table. Once again, the date is the 19th of
4 January, 1994. We're now dealing with the 4th Corps here, and the
5 4th Corps had 8.544 men, which means that the 6th and 4th Corps together
6 had -- were about 17.000 men strong according to General Drekovic, just
7 to give you an overview.

8 And then 457 next, please. Yes, 457 -- oh, 467. The next page,
9 467.

10 THE INTERPRETER: Microphone, counsel, please.

11 MS. PINTER: [Interpretation] I don't have 46. I have 457.

12 A. I think it's 475. It's a table.

13 Q. Yes, I do have 475.

14 A. Well, it probably hasn't been translated, but I'll read it out.

15 I'll read 467, and I quote. I'm reading from page 467.

16 MR. STRINGER: I object to reading from text that's not
17 translated, Mr. President.

18 MS. PINTER: [Interpretation]

19 Q. General, just tell me, please, was that while touring the units?

20 Is that what it says, because I don't have the page number, but I do have

21 the English and I'll give the English number in just a moment. The

22 Croatian text is 3D41-1103, and in English it is 3D41-1111.

23 Go ahead, please.

24 A. It's a very short paragraph, and General Drekovic, who was in

25 Bihac, and who knew the kind of fighting he had to launch with the

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1 army -- the fighting he had to go into with the Army of Republika Srpska,

2 and who knew how much and in what way he received from the Republic of

3 Croatia, he says that while visiting the units he came to understand that

4 positions facing the Serbian-Montenegrin aggressor - and he says that

5 rightly - are more guard-duty than any military action going on. That's

6 the first point.

7 He was surprised to see this, he says. And not only was it in

8 the area of responsibility of the 6th Corps, but it was especially marked

9 in the area of responsibility of the 4th Corps. And he says that in the

10 6th Corps area of responsibility, with little areas in Konjic except --

11 with the exception of this area of Konjic, the Prenj area was completely
12 uncovered. It was not covered with units, just like the broader part of
13 Treskavica.

14 Q. Where is Prenj, General? We have to say that.

15 A. Mrs. Nika, the important thing is that all this is facing the
16 Army of Republika Srpska. Whether it is Prenj or Mrenj or whatever, the
17 important thing is they had no units facing the Army of Republika Srpska
18 except for a guard-duty type in that whole area. And he goes on to say
19 it seemed that there had been an agreement on mutual non-attack. So he
20 must have been informed of something when he talked to his commanders.
21 And up until then, that was inconceivable as far as he was concerned. He
22 couldn't understand it, because up until then, he had been fighting the
23 Serbs heavily.

24 Now, that these agreements and cooperation did exist --

25 JUDGE TRECHSEL: Mr. Praljak, you speak about that "whole area."

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1 Would you be so kind and indicate where the area is? Ms. Pinter has
2 quite rightly asked you the question.

3 THE WITNESS: [Interpretation] Give me a map. Give me a map.

4 THE INTERPRETER: Microphone, counsel, please.

5 MS. PINTER: [Interpretation]

6 Q. 3D003544.

7 A. I'll indicate this on the map, but let me just finish what I was
8 saying. He understood at that there had been agreements like that, that
9 ammunition had been purchased along with weapons and other equipment from

10 the Chetniks and that there was even coordinated artillery action on the
11 positions -- towards the positions of the HVO on the right bank of the
12 Neretva. So that's where he agrees with Sejtanic.

13 And then, Your Honours, it's quite clear that the number of
14 fatalities in 1993, in fact, relates to the number of people killed, that
15 they suffered when attacking when the HVO, the number of fatalities they
16 suffered when attacking the HVO. But if you give me a map, I'll show
17 you.

18 Q. General, for the record, let me state the number it is 3D03544.

19 A. Turn it round, please. Thank you. Zoom in this portion here
20 under Sarajevo. So below Sarajevo zoom in, please. That's fine. Thank
21 you.

22 Number 1 -- just a moment. What did you say? No, no, that's
23 fine.

24 This is Prenj, number 1. And he says it's completely -- the area
25 is not covered at all.

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1 Number 2 is Konjic. He says that only in a narrow area is this
2 area covered facing the Army of Republika Srpska.

3 This is Jablanica, number 3. Up until Blagaj. We'll use the
4 blue marker pen for that.

5 So this would roughly be the position of the BH Army units. If
6 they wanted to confront the Serbs. So this would be the ABiH, number 4.
7 And then the units of the Army of Republika Srpska, the VRS, would follow
8 this line.

9 In this whole area of Prenj, as he said, and Podvelezje down
10 there they only had guard duty and some men around Konjic. That's what
11 he writes. Prenj. Blagaj is here, and they're the last units there,
12 Blagaj. And that would be number 4. And the HVO units were, of course,
13 on the other side. And it's as I have claimed.

14 Since they had just guards and the area was uncovered, there was
15 no siege of Mostar. The HVO units facing the BH Army units, and these
16 units attacked the HVO in the second half of 1993. And I'll put today's
17 date, which is the 28th of May, 2009, and my signature.

18 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, please give this
19 a number, and then we'll have the break.

20 THE REGISTRAR: Yes, Your Honour. The marked version of document
21 35 -- Your Honour, the marked version of document 3D3544 shall be given
22 Exhibit IC1022. Thank you, Your Honours.

23 THE WITNESS: [Interpretation] Your Honour, just one more table
24 and then we've finished with the book, Judge Antonetti. So can we do
25 that before the break? It will just take a minute.

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1 JUDGE ANTONETTI: [Interpretation] Okay. Go ahead.

2 THE WITNESS: [Interpretation] So it's page 475, and the table
3 shows the losses suffered by the 4th Corps until the 19th of January,
4 1994, when Mr. Drekovic took over duty.

5 MS. PINTER: [Interpretation]

6 Q. Just a moment, General, it is 3D41-1104, and for the English it
7 is 3D41-1113.

8 A. I'll just concentrate on those killed in 1993, 579 men; and 1.168
9 were wounded. With a great deal of certainty I can say that at that
10 time, 90 percent of those killed and wounded were killed and wounded
11 attacking the HVO. And that, Your Honours, is something you can compare
12 to the figures produced by Madam Tabeau, I believe. And she says that
13 civilians were killed over there, whereas I claim that of these 1.168
14 wounded, which the BH Army suffered, that over 90 percent in one way or
15 another were wounded across the HZ HB, ended up in either Croatia or some
16 other American or foreign hospital. Thank you.

17 I have nothing further to state.

18 MS. PINTER: [Interpretation] Your Honour, I believe you said a
19 break.

20 JUDGE ANTONETTI: [Interpretation] We'll have a 20-minute break.

21 --- Recess taken at 12.35 p.m.

22 --- On resuming at 12.56 p.m.

23 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter, you have the
24 floor.

25 MS. PINTER: [Interpretation] Thank you, Your Honour. Would you

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1 take up the binder entitled "Main Staff of the HVO," it says on the
2 binder. It's binder 1. There are two, but we're going to start off with
3 number 1.

4 Q. General, the first document is 3D02469. I'm sorry, I made a
5 mistake. I got the wrong page. 3D01272 is the number.

6 A. You read out the right number.

7 Q. But it's 1992 and not connected to the Main Staff in that
8 respect.

9 A. I see. Thank you. It's a report dated the 24th of July, 1993,
10 signed by Commander Ivica Tomic. It is TG2. And that was the line
11 facing the Army of Republika Srpska maintained by the HVO to the western
12 south of Stolac, to the -- facing the borders of the Republic of Croatia.

13 And that, Your Honours, was always what the argument was about
14 between us from the HVO and the Croatian army. We never saw eye-to-eye
15 as to who should man that line. We claimed that we weren't defending
16 Bosnia-Herzegovina there, but in actual fact, we were defending Croatia
17 there; and that it would be militarily in order if the HVO were to take
18 that over -- or, rather, the HV. But that was the problem as it was in
19 1992, which led to the UN Security Council Resolutions on the presence of
20 the Croatian army on the territory of Bosnia-Herzegovina. And then the
21 HVO, we the HVO, had to take over those lines, although, as I say, I
22 stand by my opinion that that should have been the Croatian army there
23 regardless of the fact that it was on BH territory. But if they were
24 there, they would, thereby, be defending their borders because it's
25 almost at the border, a little beyond, to be honest.

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1 But anyway, Tomic goes on to observe that the quantity of bread
2 was insufficient.

3 JUDGE TRECHSEL: Excuse me, Mr. Praljak. You have used in the
4 beginning of this speech or answer the abbreviation, TG2. And it would
5 be nice if you could explain what is hidden behind it. Perhaps the other

6 question is answered, thereafter; but I would like you to localise the
7 placement of this defence line. Where -- where is it?

8 THE WITNESS: [Interpretation] It is Tactical Group 2, TG2. And
9 if you provide me with a map, I'll be happy to show you. The map of
10 Bosnia-Herzegovina south. The southern portion.

11 MS. PINTER: [Interpretation]

12 Q. It is 3D0554 -- no, I apologise. 3D -- yes, 44.

13 A. While we're waiting for the map -- well, anyway, Tomic is
14 informing here that the anti-armoured unit, the group of people that
15 should -- that should there be a tank break-through, that they are on the
16 ready, and he says that they had gone home, and that there was general
17 laxity on the part of people up at the line, and that there were few
18 people manning the line.

19 Q. General, I have to repeat the number because the map doesn't seem
20 to be coming up. It is 3D03544.

21 A. He goes on to issue a military report saying that this armoured
22 company had left because there was no replacement, and the T12 is a
23 cannon, hundred millimetre, specially devised and constructed for
24 antitank warfare. And that tank was supposed to be up at the position,
25 up at the line. But he notes that it isn't there, and that the line

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1 wasn't properly designed, and that the problem of having too few people
2 there would arise.

3 The HVO people there, well, that was constant. And it was
4 insurmountable problem. It was a constant problem and insurmountable, as

5 far as all of us down there were concerned. And that problem was that,
6 in fact, you couldn't do anything if the people didn't respond to the
7 mobilisation call-up. You weren't able to do anything if the men left
8 the line. And you couldn't do anything either if they don't come to take
9 up their shifts.

10 And that was one of our basic problems, a problem that the
11 establishment of the HVO faced, which changed the sense and meaning the
12 word "army," because any other army that we're going to refer to here,
13 something like that just wouldn't have been possible. That is to say
14 that you can proclaim a mobilisation but couldn't put it into effect and
15 that people could leave the Republic of Bosnia and Herzegovina and go
16 when they liked, where they liked, conscripts, I mean, and when they
17 liked. They thought that you needn't come and report for duty up at the
18 lines, that you could leave the lines, and that nobody knew in actual
19 fact what steps could be taken to prevent that or what you could do to
20 punish those people. You could round them up using the military police
21 and punish them, but that was very difficult because it was difficult to
22 find them, and even if you do find them and put them in prison, then
23 they're in prison. They have somewhere to sleep and somewhere to eat,
24 and then the others complain and say, Why is such and such allowed to
25 languish, be in a prison and receive board and lodging whereas we have to

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1 go and fight?

2 So please bear that in mind when we're talking about the HVO as
3 an army, for the simple reason that the commanders are placed in this

4 difficult situation when the men don't turn up. And if you compare it --
5 well, it's practically impossible to compare it to any other army. So
6 there you have it.

7 This is Stolac --

8 Q. All right.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, on several
10 occasions you said this: You said HVO is not an army like any other.
11 But unfortunately, General Praljak, the law applies to each and every
12 one. You don't have a law that can be applied to this kind of army and
13 another law that applied to another kind of army. And the law coming
14 from Article 7(3) of the Statute, the superiority of --

15 THE INTERPRETER: The responsibility, interpreter's correction.

16 JUDGE ANTONETTI: [Interpretation] -- command is applied here.

17 So you said this over and over again. But let me remind you that
18 we can take this into account, but we also have to take the law into
19 account; and in this respect I would like to draw your attention to
20 something I just noted on this document. TG2 command, 13 officers, 3
21 couriers, 3 civilians. It's on page 3 of the English version. In your
22 document in Croatian, it's on page 2.

23 So I see mention of two civilians. Could you explain how -- what
24 civilians do in an army? Unless it's a poor translation. In your own
25 language it says "osobe."

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1 THE WITNESS: [Interpretation] I can't see that. Where does it
2 say that?

3 JUDGE ANTONETTI: [Interpretation] In this document on page 2. We
4 have a chart with figures. It's chart 19 -- we have a chart for TG2.

5 THE WITNESS: [Interpretation] Yes, two citizens.

6 JUDGE ANTONETTI: [Interpretation] Are these two citizens or two
7 civilians?

8 THE WITNESS: [Interpretation] Well, I don't know really.

9 MS. PINTER: [Interpretation]

10 Q. It says "gradjanski osobe."

11 A. That would be the citizens or civilians doing certain duties.

12 JUDGE ANTONETTI: [Interpretation] Are they civilians or are they
13 military?

14 THE WITNESS: [Interpretation] Well, civilians in the army. You
15 have civilians in the army, in every army, helping out the army. They're
16 not the soldiers establishment-wise.

17 JUDGE ANTONETTI: [Interpretation] Let's assume a situation so you
18 can understand the difficulties that we might run into. Let's imagine
19 that these two citizens climb aboard a truck, and on this truck there are
20 military, and there's these two persons. And the truck is shot at.
21 Everyone is killed. The body of these two citizens or civilians is left
22 aside, and the bodies of the military are taken away. Then international
23 observers can arrive on the spot. They'll see two civilians in blue
24 jeans with a sweatshirt or something, and they'll say civilians were shot
25 at, were killed.

1 Did you ever run into this kind of situation on the field?

2 I assume that in my example when the truck is shot at, the people
3 shooting at the truck believe there's only soldiers on board that truck.

4 THE WITNESS: [Interpretation] They had every right to shoot,
5 Your Honour. But you needn't call up somebody, some civilian, to a
6 mobilisation, but you can just take them -- use them to drive the
7 soldiers to a certain area. You don't have to promote a driver civilian
8 into a soldier.

9 When I drove the captured JNA in the bus from Capljina, I had a
10 civilian driving the bus. He was a civilian bus driver. Of course, if
11 somebody had done some bombing, or Perisic had used planes to hit and so
12 on, the person would have been killed.

13 But, anyway, to go through the entire procedure, the kind that
14 you have in mind, Your Honours, and Judge Antonetti, in particular, well,
15 but I can call up somebody and they issue a mobilisation call. That
16 would last for four days under those circumstances whereas I had to
17 resolve the problem of 30 people whose lives were under threat within
18 the space of five minutes.

19 But, Judge Antonetti and Your Honours, if you want to say,
20 Listen, we have laws. And if you want to transpose our system into your
21 system, there are rules in Africa and in South America and in
22 Scandinavia; but they're not applied in the same way. You have a
23 problems with 7(1) and 7(3). But I have the problem that that's not how
24 things worked and that I couldn't implement the law. You might want to
25 enforce the law and proclaim me and the others guilty if you like. You

1 can proclaim the ministers of the interior in France. Well, the citizens
2 of France have to respect the law, but they don't respect the law and the
3 rules, and they end up in prison. But it's not the minister who ends up
4 in prison, it's the citizens who violate those rules and laws.

5 So if you want your interpretation of the army to prevail then
6 there's nothing more we can talk about. There's nothing more I can say.
7 I can tell you that's not how things were, and faced with the situation
8 as it was, and I couldn't change it with all the efforts that I invested,
9 Your Honour Judge Antonetti. So as to your interpretation of the army,
10 and the facts that rules and laws should be expected, and the fact that
11 the situation was different where we were, and I couldn't react that way,
12 I cannot agree with that. We're saying -- we're talking about two
13 things. We're saying two things. Just as the laws after Katrina didn't
14 apply, you could call in anyone and have any wishes and desires you like,
15 but you couldn't change the situation on the ground.

16 JUDGE ANTONETTI: [Interpretation] Very well. I reminded you of
17 the applicable law, the law that is applied to armies. You explained
18 that in the case I mentioned that these two people were citizens who were
19 called. You don't really know how they were called, in what
20 circumstances they were called, but we'll see. I just wanted to ask you
21 for an explanation on this example just for illustration purposes. But,
22 Ms. Pinter, we have a great number of documents to go through, so you may
23 proceed.

24 THE WITNESS: [Interpretation] It was in the direction of
25 Trebinje, I believe. That was TG2 there; 1 is Stolac; TG2 was around

1 these parts. We asked for the Republic of Croatia to be defended there
2 and for the Croatian army to man those points. It was, in fact, the
3 international community which prevented this. There were US objections.
4 They wanted the HV units moved from there. That was disputable, and we
5 changed that twice under pressure because Croatian army was not permitted
6 to be in the territory of Bosnia-Herzegovina, but they were defending the
7 border, the border of Croatia. So we spent there the few people, the few
8 men that we did have. We posed them there.

9 MS. PINTER: [Interpretation]

10 Q. General, when to His Honour Judge Antonetti's question, you
11 replied that the HVO was not an army just like any other army. What do
12 you mean? How was it possible -- what possibility did you have to
13 control all the men that you had under you?

14 A. I have said, Madam Pinter, and I will repeat, an army is implied
15 to mean the previous existence of a state, prior to that. Prior to the
16 existence of an army, there should be a state set up with all its
17 structures; one of the structures of the state is the army.

18 First of all, it should have a long-standing tradition, regulated
19 laws, a very clear punishment system, a very clear system of what is
20 permissible, a very clear mobilisation system, and also of what penalty
21 one is to expect for failing to respect the call-up. You remember when
22 Muhammad Ali did not want to respond to the mobilisation call for
23 Vietnam. There was a trial that dragged on for 10 or 15 years --

24 JUDGE TRECHSEL: I am a bit late, but I do not really think that
25 this is a question to put to the accused as a witness. He is here as a

1 witness, and now he's giving us a lecture of explaining why he thinks,
2 what his criteria are of what an army is. That's not testimony, I'm
3 sorry. I suggest that we go on.

4 MS. ALABURIC: [Interpretation] Your Honours, with your permission
5 to would be important to clarify. I must admit that I understood
6 differently the statement of Mr. Praljak's. He wanted to indicate to an
7 element which is very important to establish whether there existed or did
8 not exist effective control. And that is one of the most important
9 criteria according to which responsibility is determined according to
10 7(3) Rules, command responsibility, in other words. So I believe that
11 General Praljak wanted to point precisely to facts which will be of
12 relevance to you when you consider the issue of the existence versus the
13 nonexistence of effective control.

14 JUDGE TRECHSEL: The Chamber -- the Chamber, Ms. Alaburic, has
15 heard quite a lot on that. We have heard that. We've heard what
16 Mr. Praljak has said now. I don't think there was one word that we have
17 not heard before from his mouth and from others here.

18 THE WITNESS: [Interpretation] All right. If men who were
19 supposed to be by the weapons in order prevent a possible tank
20 penetration to TG2, in those positions then I claim that nobody knew what
21 is to be done nor was there any possible punishment for that. What was
22 possible to do? A, report the case to the military police, then the
23 military police, according to the order of Mr. Stojic would go to catch
24 those people, then apprehend them. They would not find them at home if

25 they had gone to another country. So there you are. Nothing would

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1 happen. If they were found in some place, you could sentence them to a
2 certain term of imprisonment and nobody would care. They would sit in
3 gaol for a while, and that would be it. And you keep him in gaol for 15
4 days, and then what do you have? You have no one manning the positions.
5 That is that in a nutshell.

6 The same thing happened with Mr. Izetbegovic in Sarajevo. He had
7 the same situation. If he punished Caco prematurely then he has lost
8 Sarajevo, and then what?

9 MS. PINTER: [Interpretation]

10 Q. Please look at document 3D01527.

11 JUDGE ANTONETTI: [Interpretation] We need an IC number for this
12 map, Registrar.

13 MS. PINTER: [Interpretation] The date is the 28th of July.

14 THE WITNESS: [Interpretation] What was the number?

15 THE INTERPRETER: Microphone for counsel, please.

16 THE REGISTRAR: Excuse me, counsel. Do you still require an IC
17 number for the map that is marked on the screen? Okay.

18 Your Honours, the map marked on the screen, which is document
19 3544, shall be given Exhibit IC1023. Thank you, Your Honours.

20 MS. PINTER: [Interpretation]

21 Q. Sorry, I skipped some pages. Actually, the number is 3D01460.
22 And this is a document, a request to resolve problems which is signed by
23 Zeljko Siljeg.

24 A. This is the 24th of July when I became commander. Obviously
25 Mr. Siljeg had not been informed of that yet, and he says that he met

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1 with a number of people and that he had problems. Namely, nothing had
2 been organised to receive the men. He is obviously referring to men from
3 Bugojno of whom there were above 15.000, over 15.000. He said that the
4 men -- people were not replying, responding to calls to join the army.
5 He said that people were fleeing, especially those from Travnik and
6 Novi Travnik.

7 As for Delic, I don't know. No one is leading the people. This
8 is a mass of a crowd which was completely out of any conceivable control.
9 Conscripts from Central Bosnia, military conscripts, are freely roaming
10 around Croatia.

11 He tried to address representatives of the Central Bosnia office
12 Croats in Split, but obviously that was like throwing salt into the sea.
13 It was futile.

14 He then proposes that the people should organise in Rama. I was
15 up there, and I immediately went there. And I arrived there in the
16 evening of that same day.

17 We had a formidable problem of having 15.000 men in this --
18 billeted in a small place and then taking them on towards Herzegovina on
19 hundreds of buses and on to Croatia from there.

20 MS. ALABURIC: [Interpretation] I apologise, General. Can we see
21 this document on the screen in the e-court system, because the accused
22 are unable to follow it.

23 THE INTERPRETER: Interpreters note: And the interpreters don't
24 have it either.

25 THE WITNESS: [Interpretation] He speaks about all the things that

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1 I have been talking about throughout. Siljeg is desperate, in other
2 words.

3 I arrived there in the evening of that same day. There were
4 between 15.000 and 20.000 broken men, desperate, humiliated, wretched.
5 There were about a thousand, 1.200 combatants who no longer were
6 fighters, who were completely desperate, utterly desperate. Their eyes
7 were hollow. You could not order those people. It was only a humane
8 word that helped.

9 This is something that I said also in respect of other wars, but
10 I leave it to Their Honours to see what happens when the shell is broken,
11 when Humpty Dumpty is broken. When there is no other option but just to
12 talk to someone as a human being.

13 Then Siljeg refers to Cildanac. I know this lad. They were
14 expelled from Sebesici. This was one of the first strikes of the Army of
15 Bosnia-Herzegovina. And I have mentioned the banishment of Croats from
16 Sebesici in my book. Excuse me? It was mentioned in the book of this
17 general from the Central Bosnia.

18 Q. Alagic?

19 A. Yes, Alagic. He talks about the Croats were expelled from
20 Central Bosnia. Then Alagic goes on to say that these units should be
21 removed and transferred from Tomislavgrad because Bugojno had been

22 falling for a number of days by that time already. But nobody was able
23 to make those units comply with orders.

24 He also asked the Republic of Croatia for military conscripts to
25 be deported from Dalmatia, which of course was an absurd request because

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1 nobody had the right to do that nor did anybody want to do it. It was,
2 in fact, impossible. It was impossible both legally and technically.
3 And --

4 Q. But asking for persons from the area of Bosnia and Herzegovina.

5 A. Yes, of course, but what comes here, what matters is point 6. He
6 asks that matters should be regulated with the main HVO staff, that --
7 that soldiers from Central Bosnia should be sent to protect their own
8 homes. And he indicates the brigade in question. And he believes that
9 he knows some 30 experienced fighters from the Republic of Bosnia and
10 Herzegovina in the 4th Guards Brigade of the HVO, and that these men
11 should be let go and told to go and -- and protect and defend their own
12 homes and retain a status in Croatia.

13 The last one can be taken hypothetically as His Honour
14 Judge Antonetti says. But if there existed several brigades of the
15 Croatian army that fought on the side of the HVO, why would he have
16 placed this request for 30 men? And the Prosecutor is claiming that I
17 don't know how many brigades are fighting within the HVO. If he had at
18 his disposal HV brigades, he would not have asked for 30 men, which, by
19 the way, he did not get.

20 And secondly -- what else do we have here? Well, nothing. This

21 is enough. This would be it as far as this text is concerned. It
22 basically deals with the same problems that every HVO commander is
23 confronted with.

24 MR. STRINGER: Excuse me, could we clarify the transcript.

25 Because I'm looking at point 6 of the document, which in the English and

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1 I think in the B/C/S, both refer to HV, which I understand to be Croatian
2 army. Now, I'm looking at the transcript, page 84, line 19, where the
3 general refers to point 6, but in that transcript he indicates that these
4 are -- he makes reference to a 4th Guards Brigade of the HVO. And I
5 don't know whether he said HVO or there was an interpretation error, but
6 could we clarify, first of all, whether the document mentions HV and
7 whether that was the general's intention, to refer also to the HV?

8 MS. PINTER: [Interpretation] Thank you. Thank you, learned
9 colleague.

10 THE WITNESS: [Interpretation] Siljeg, understanding the people
11 from the HZ HB were leaving to Croatia, departing for Croatia at will; of
12 course, soldiers and civilians from Bugojno, from Travnik, those
13 defeated, Novi Travnik, et cetera. So he knew that 30 experienced
14 fighters from the area of Bosnia and Herzegovina were in the 4th. He
15 says brigade, but it is the 4th HV Brigade, Guards Brigade, from Split.
16 And he asks, Could it at all be arranged for these 30 fighters to return,
17 to be sent back to fight for their own homes; and, of course, he did not
18 get them because that could not be arranged unless they wanted to go
19 voluntarily, and obviously voluntarily they didn't go. They didn't

20 report to voluntarily go.

21 But he also says that it was incredible that someone would ask for
22 30 men, beg and implore, while having at his disposal in that area these
23 brigades of the HV that were supposed to fight, as is often referred to.

24 MS. PINTER: [Interpretation]

25 Q. Please open document 3D00660.

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1 JUDGE TRECHSEL: While we're trying to improve the transcript, at
2 page 85, line 5 following, we read the following:

3 "And the Prosecutor is claiming that don't know how many brigades
4 are fighting within the HVO. If he had his disposal HV brigades, he
5 would not have asked for 30 men, which by the way he did not get." This
6 reads as if the Prosecutor asked for 30 men, and that is certainly not
7 the case. So it should probably -- the word, "Siljeg," I think ought to
8 be inserted, instead of "he" in the second sentence on line 7.

9 THE WITNESS: [Interpretation] Siljeg. Yes. Thank you,
10 Your Honour Judge Trechsel. Siljeg asked to get 30 men, and the rest of
11 it I've explain.

12 MS. PINTER: [Interpretation]

13 Q. I'll repeat the number. 3D00640. The document is already an
14 exhibit. However, General, I'd like to ask you to explain the reason
15 this document came into being in the first place.

16 A. Well, on the 25th of July, in the Vakuf area, you had hell,
17 militarily speaking, after the fall of Bugojno. Just to paint a picture
18 in your heads of what it looked like when 15 .000 and more people were

19 expelled and left without anything. They didn't know where their nearest
20 and dearest were. And then they heard tales of bad things happening in
21 Bugojno going round.

22 So anyway, militarily speaking and humanitarianly -- and in
23 humanitarian terms and organisational terms, there was almost a complete
24 catastrophe. And I'm writing this letter to General Petkovic because
25 these units from Kostajnica that we talked about, because the people had

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1 pulled out and some soldiers had escaped earlier on from the area, and
2 those who followed the people out also went God knows where, probably
3 somewhere in Herzegovina, I assume from this. And then I say that this
4 Commander Sagolj and his unit should prepare to go to Rama and Prozor, to
5 the forward command post there where I was. And all my lines were down.
6 There were terribly few soldiers, and of course, as the commander, I say,
7 "Petkovic, if they don't carry out this order, strip them. Take off
8 their HVO clothes. Arrest them. Keep them without food or water until I
9 get back." And that's the truth of it.

10 Well, in different armies -- in real armies I saw orders of this
11 type issued, because these actually were deserters. But I can do nothing
12 to these deserters except arrest them, to round them up. And this is an
13 attempt to bring law and order.

14 Of course, in a well-ordered army there are rules and regulations
15 and other soldiers to replace these. They will be court-martialed.
16 Legal proceedings would be taken against them, and that's how they'd end
17 up. But I had no choice. The main access of defence, Vakuf-Rama, would

18 have fallen. And that's what any military strategist would tell you,
19 that if that line to fall, our chances to stop the attack by the BH Army,
20 well, the likelihood of that was very poor. And the Croats would have to
21 ultimately leave the whole area if that were to happen.

22 Now, I stand by this order today. It is what it is. But I'm
23 testifying that the situation at the battle-front was critical and that
24 they should keep them without food and water until I came back to see if
25 they would see reason or not and whether they would become a proper army

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1 or not, Your Honours.

2 So those were, of course, gestures and steps which I took in
3 faced with that kind of situation, and I'm sure that faced with the same
4 situation you'd do the same because there was no other way.

5 Q. All right. Thank you. Now turn to document --

6 JUDGE ANTONETTI: [Interpretation] We have to stop now because
7 Mr. Stojic Defence has some things to tell us. So it's almost the end of
8 our session, and we have to deal with the few various issues we have to
9 deal with and which are still pending. And we will continue on Tuesday
10 next week, because as you know Monday is a Bank Holiday, so we'll
11 continue next week on Tuesday.

12 Ms. Nozica, there was something you wanted to say.

13 MS. NOZICA: [Interpretation] Thank you, Your Honour. I'd like to
14 say good afternoon to everyone in the courtroom.

15 According to your instructions or, rather, the dead-line given --
16 you gave to the Prosecution to provide a response to the documents filed

17 by the Stojic Defence for adoption, that is something that the Prosecutor
18 has done. And we received the response today. I would like to ask the
19 Trial Chamber for position -- for permission to -- for us to respond to
20 the Prosecution motion. And I'm saying this because we're not working on
21 Monday. And also at the same time, if possible, if you agree to our
22 request and allow us to respond that we be allowed to do so up until the
23 11th of June, that the dead-line be the 11th of June of this year. I
24 talked to Mr. Stringer about this, and I have his permission. If he
25 wants to add something, he will do so, I'm sure.

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1 MR. STRINGER: Excuse me, Mr. President. Sorry.

2 [Trial Chamber confers]

3 MR. STRINGER: I apologise. Just to clarify for the record, the
4 Prosecution has today filed its response to document motions filed by the
5 Stojic Defence. So what -- what's being proposed now is that the reply
6 be filed by June 11. So just that clarification. It's not a response of
7 the Stojic Defence but, rather, the reply.

8 [Trial Chamber confers]

9 JUDGE ANTONETTI: [Interpretation] The Chamber has conferred and
10 believes that the Stojic Defence can reply to this request at the latest
11 on June the 11th.

12 JUDGE TRECHSEL: I'm sorry. I hope we're not going too fast. We
13 allow the extension of the dead-line, but we can only allow the reply
14 when we see the reasons for it, of course.

15 JUDGE ANTONETTI: [Interpretation] Mrs. Nozica, this reply, what

16 are the reasons for this reply?

17 MS. NOZICA: [Interpretation] Your Honour, it was only today in
18 court that I managed to see what the Prosecutor's objection was to
19 certain documents. Now, I feel that we would need more time -- is that
20 the Prosecutor's objections relate to the source of the documents, and
21 for that we'll need a little more time to reply. So that is why I
22 requested this. That will be the reason for our response and the reason
23 for the dead-line that we asked.

24 JUDGE TRECHSEL: I would propose that we -- we extent the
25 dead-line and you -- you file. If you find that you have to, the

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1 request, and then we decide on the request and on the merits at the same
2 time as we have taken the habit of doing, especially with the number of
3 motions by the Prlic Defence.

4 MS. NOZICA: [Interpretation] Yes. Thank you, Your Honour.
5 That's what I meant. You will decide upon the merits once you receive
6 it, of course. You can't do that without.

7 JUDGE ANTONETTI: [Interpretation] Let's move into closed session,
8 Registrar.

9 [Private session]

10 (redacted)

11 (redacted)

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13 (redacted)

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11 Pages 40964-40967 redacted. Private session.

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1 (redacted)
2 (redacted)
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9 (redacted)

10 [Open session]

11 THE REGISTRAR: Your Honour, we're back in open session.

12 JUDGE ANTONETTI: [Interpretation] Very well. The -- today's

13 hearing is adjourned.

14 --- Whereupon the hearing adjourned at 1.51 p.m.

15 to be reconvened on Tuesday, the 2nd day

16 of June, 2009, at 2.15 p.m.

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