



Page 41066

1 Wednesday, 3 June 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Prlic and Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 2.15 p.m.

7 JUDGE ANTONETTI: [Interpretation] Registrar, kindly call the
8 case, please.

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

12 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar.

13 Today is Wednesday, the 3rd of June, 2009. Good afternoon,
14 Mr. Pusic, Mr. Petkovic and Mr. Stojic, and good afternoon to you,
15 Witness. Good afternoon to the Defence counsel, Mr. Stringer and his
16 associates, and let me also greet all the people assisting us.

17 We are going to move to private session for a few moments.

18 [Private session]

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 41067

1 (redacted)

2 (redacted)

3 (redacted)

4 [Open session]

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

6 Thank you.

7 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Karnavas,

8 I think you have something to tell us.

9 MR. KARNAVAS: Yes. Good afternoon, Mr. President. Good

10 afternoon, Your Honours. Good afternoon to everyone in and around the

11 courtroom.

12 I was absent yesterday, although I did have a chance to look at

13 the transcript. First, let me begin by thanking Mr. Stringer for his

14 comments, and I appreciate those comments. Secondly, to the extent that

15 my conduct contributed to the events that occurred after the hearing on

16 last Thursday, I truly apologise. There was no intention on my part for

17 things to escalate. Obviously, I will take full responsibility for the

18 temperature in the room rising to the extent that some steam obviously

19 was let off after the Judges left the Bench, and again I want to

20 apologise both to the public but also to Mr. Stringer for any comments

21 that I may have made that obviously caused the incident to occur.

22 And if there is nothing further from -- I also understand that
23 I'm being asked to provide further clarification as to other matters. I
24 will do so. I believe the dead-line is set tomorrow.

25 We are in the process of preparing a rather complicated motion

Page 41068

1 that will be filed tomorrow, and given that, unless there's something
2 else from the Bench, I would like to be excused for the rest of the
3 session.

4 JUDGE ANTONETTI: [Interpretation] Very well. Yes, what you have
5 just said has now been recorded, as we recorded yesterday Mr. Stringer's
6 comments. You are right, yes, the temperature may rise, and it's
7 important to make it drop. And I do invite everybody to cool down, which
8 is far from being easy at times, the main thing being that international
9 justice may prevail and unfold in the best climate possible in which
10 everybody can express their views to defend their respective cases, be it
11 the Prosecution or the Defence case. So this is what I wanted to convey
12 to you.

13 Besides this, Mr. Karnavas, your client, Mr. Prlic, is not in the
14 courtroom, and please do forward to him our condolences because his
15 father has passed away, unfortunately. That happened last week, and you
16 know that we made everything possible for Mr. Prlic to be able to attend
17 the funeral. Of course, some documents had to be obtained, which took
18 some time, and he was able to fly on Saturday morning to attend his

19 father's funeral. I think it took place on Sunday. So do convey to him
20 all our condolences for this tragedy.

21 MR. KARNAVAS: I will do that, Mr. President. I did fail to
22 mention that I did speak with Dr. Prlic earlier, and he wanted me to
23 convey his gratitude and appreciation for everyone that was involved in
24 making it possible for him to attend his father's funeral. Thank you.

25 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you asked whether

Page 41069

1 you could be excused for the rest of the hearing. No problem. You
2 decide whenever you want to attend or not. Inasmuch as you have a
3 co-counsel, she can stay. We know that you have a lot of work. The two
4 counsel don't have to be in the court all the time.

5 Ms. Pinter, once again a very good afternoon to you. You may
6 proceed for the remainder of the examination-in-chief.

7 WITNESS: SLOBODAN PRALJAK [Resumed]

8 [The witness answered through interpreter]

9 MS. PINTER: [Interpretation] Good afternoon, Your Honours. Thank
10 you very much. Good afternoon to all.

11 Examination by Ms. Pinter: [Continued]

12 Q. [Interpretation] Good afternoon, General. Before we press on
13 with our documents, there is something that we forgot to say yesterday.
14 3D02448, the e-court translation has been corrected in relation to
15 Horvatincic Brigade.

16 Can you now please go to document 3D01100, the Main Staff. We're

17 still on the same binder, right, the Main Staff?

18 A. Yes.

19 Q. 3D01100, that document is to be found towards the end of the
20 binder. There is no date. However, it refers to the period on or about
21 the 30th of August. Binder number 1, Main Staff.

22 A. I have probably mislaid that one. I don't have the document.

23 Q. But you can look at the e-court copy.

24 A. Yes, that is indeed my signature. The topic is the same, submit
25 the written statement. I think we look --

Page 41070

1 THE INTERPRETER: Interpreter's note, can the speakers please not
2 overlap. Thank you.

3 MS. PINTER: [Interpretation]

4 Q. All right. 3D0 --

5 MR. STRINGER: I apologise for the interruption. There was some
6 overlapping, and we did not get a translation or interpretation of the
7 last answer from the general.

8 THE WITNESS: [Interpretation] This is my document. I signed it.
9 The topic is the same. Over and over again, we unconditionally request
10 that orders be carried out. This is the established practice in
11 documents such as this one. Once you have to do a thing like this, take
12 a step like this, it can only mean one thing: The structure is not what
13 it should be, speaking of commander's responsibility. Disciplinary
14 measures are always proposed, time and again, and you will see when we

15 come to that, when we come to disciplinary measures and the police, we
16 punished hundreds of people. And disciplinary measures were taken
17 against hundreds of people who spent time in prison.

18 MS. PINTER: [Interpretation]

19 Q. Sir, 3D02758. General, please keep looking at the screen. This
20 is binder number 1, Main Staff.

21 A. I have that document in front of me. It's my document. I signed
22 it. This document talks about the fact that some HVO soldiers who,
23 following the BH Army attack on Bugojno, failed to leave via
24 Gornji Vakuf, rather they had to cross Serb-held territory, territory
25 under the control of the Army of Republika Srpska. Having spent some

Page 41071

1 time in a camp or a prison somewhere, the Serbs allowed them to head for
2 Zepce. It was convenient for them that the HVO was fighting the BH Army
3 in Zepce and defending Zepce from the BH Army. This gave rise to the
4 revolt of the part of those men's wives who at one point laid siege to
5 the Main Staff. I, myself, was physically unable to leave the building
6 because they wanted their men, their husbands back. For that reason, I
7 here request that a list of those fighters from Zepce be forwarded to me,
8 as well as their bills of health.

9 The women's strike was a large-scale one, but then
10 General Petkovic managed to deal with this in a peaceful manner, and this
11 was something that he was better at than I was.

12 Q. Thank you very much. Can we now please go to 3D03036. Again

13 it's going to appear on your screen.

14 A. The 31st of August. I relieve Vucica of duty. He was the
15 commander of the professional battalion. Kresimir the IV was the name of
16 that battalion. I here invoke the decree on the armed forces, although
17 the question of legality of a document like this is open to challenge.
18 Nevertheless, the reason for this was that it was no longer possible to
19 work with this person.

20 Could you now please call P03821, call up that document in
21 e-court? It's not here.

22 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, a technical
23 question that should, by the way, have been asked of you a long time ago.
24 I mean, there are so many questions to be asked, sometimes it's better
25 not to ask anything because it can bring about further questions.

Page 41072

1 Paragraph 1 of this order, it says it is the commander of a
2 professional battalion. I'm somewhat surprised, because by definition, a
3 military unit is a professional unit with soldiers, and here it's been
4 stated as a professional battalion. Were there non-professional
5 battalions? Why did you use the word "professional" in order to qualify
6 this battalion?

7 THE WITNESS: [Interpretation] Your Honour, unfortunately, as
8 we've heard a dozen of times already, those brigades that went to the
9 front-line were normally mobilised for a 10- or 15-day period, normally a
10 battalion based on a brigade or more sometimes, and then it would go to

11 the front-line. The entire composition or part of the brigade was
12 outside of the mobilisation structure. They were at their homes, doing
13 their jobs, working their land, performing farming tasks, and so on and
14 so forth. And then several days before they were due to replace a
15 battalion from the brigade occupying that position, they would be called
16 up, and then they would go. They would leave their homes, bring along
17 their own weapons, get on to lorries or buses, and then would be taken to
18 those positions; whereas the remaining men would, in their turn, go home.
19 That was how the HVO worked.

20 At one point, we managed to set up some less professional units,
21 which means that those men were available all the time. There were no
22 breaks, two-week or fortnight-long breaks. They were either on the
23 ground somewhere or put up in a house, in a building somewhere, or the
24 Capljina barracks. Their pay was slightly higher. I'm not sure what it
25 was exactly, but it was higher. Those were professional units. We

Page 41073

1 referred to them as professional battalions, professional units,
2 numbering 50 to 100 men or so.

3 JUDGE ANTONETTI: [Interpretation] Very well. Now I understand
4 your submissions better, what you said in your brief, where you said -
5 and I shall return to the subject, trust me on that - you said that the
6 HVO Army was not a real army. So through this example you have just
7 provided, you say that there were, quote/unquote "soldiers" in the HVO
8 that would till the land and who would at times be mobilised to go to the

9 front-line, and then they would return home to carry on working. And
10 then there were others, probably less of them, who were soldiers around
11 the clock, as it were. Is that how the situation was in the HVO,
12 militarily speaking?

13 THE WITNESS: [Interpretation] Yes, precisely so, Your Honour, but
14 there were always fewer of those. And those other people, in addition to
15 working their land, were plying other kinds of trade, whatever they used
16 to do in their civilian lives.

17 JUDGE ANTONETTI: [Interpretation] One last question that might be
18 useful to all, including the Prosecution.

19 In percentage, in your view, in the HVO, how many were the
20 100 percent professional soldiers and how many amateurish soldiers were
21 there, so those who may be in uniform sometimes and then would return to
22 their usual occupations?

23 THE WITNESS: [Interpretation] When I was there, speaking of
24 professional soldiers, all together the number would be under 1.000, not
25 even that many.

Page 41074

1 JUDGE ANTONETTI: [Interpretation] Over 1.000 out of how many all
2 together, approximately?

3 THE WITNESS: [Interpretation] Under 1.000, under 1.000.
4 Receiving their salaries from the HVO were a total of 40.000 people, and
5 then the BH Army, Tuzla, Posavina, all together, a total of that 40.000
6 men; Sarajevo, Bihac, everything that the HVO covered. Over a half of

7 those men were under the command of the BH Army or about a half.

8 JUDGE ANTONETTI: [Interpretation] Very well. So now I'm keeping
9 these important figures in mind.

10 JUDGE TRECHSEL: I have a follow-up question, Mr. Praljak.

11 What about the officers, the cadre, non-commissioned/commissioned
12 officers?

13 THE WITNESS: [Interpretation] The situation was very poor,
14 Judge Trechsel. Surely you know that the commander is the linchpin. He
15 is the center of the army, the backbone, if you like. We had few
16 commanders, no command staff to speak of at any level. Over a total of
17 the officers and NCOs that we had available to us, I think very few of
18 them actually had received any formal military training whatsoever.

19 JUDGE ANTONETTI: [Interpretation] Are we to understand that out
20 of the 1.000 professional servicemen, there were about 100 officers and
21 non-commissioned officers; is that how we should understand things?

22 THE WITNESS: [Interpretation] No. No, Your Honour, I think you
23 misunderstand me. I was talking about the total of officers and NCOs
24 throughout the HVO. In my opinion, or at least as far as I know, under
25 10 percent of those had received any sort of formal a military training.

Page 41075

1 These thousand men, there is no way there would have been 100
2 NCOs there. Those were minor units with a single commander or two
3 subsidiary ones. If there was a 40-man unit, there would be one
4 commander. If it was a professional unit, such as the Bruno Basic unit,

5 it was located in four or five different places. Its name was
6 Bruno Basic. A minor element was in Central Bosnia, another element was
7 located in the Capljina barracks, and so on and so forth. One can by no
8 means speak of any sort of quality structure, not in the sense that there
9 were platoon commanders, company commanders, and so on and so forth.
10 Those were simply people who had some merits to their names. Normally,
11 those were the bravest people, and the bravest ones became commanders.

12 JUDGE TRECHSEL: You have not actually answered my question. It
13 went to a professional -- professionalism, not as far as quality, but as
14 far as permanence is concerned. Would the commanders also go home for
15 two weeks after two weeks in the field? You certainly did not. At what
16 grades did the permanence stop? I hope I make myself understood.

17 THE WITNESS: [Interpretation] Yes, fully, and now I can answer.
18 At battalion level, he no longer -- he would go home with his men. It
19 was the brigade commander that was permanent because there would always
20 be a battalion somewhere on the ground. The brigade command was, let's
21 say, fully employed, full-time employed. The battalion commander, for
22 example, would go somewhere with his men and then go back home to deal
23 with his own business until his battalions or companies were called up
24 again, and then they would go back. There was no permanence in terms of
25 how much time he was spending in the ranks. He would be there for a week

Page 41076

1 or two as a soldier, and then the next two weeks he would go back to
2 being a civilian.

3 JUDGE TRECHSEL: Thank you.

4 JUDGE ANTONETTI: [Interpretation] One last question. It's a pity
5 that this sort of issue should be discussed three years down the track.
6 If you have 1.000 professional soldiers in the HVO, not to mention the
7 39.000 men who would come and go, depending on their professional
8 occupation, elsewhere, out of the 1.000 men how many were there who were
9 former JNA officers who had undergone military training, like
10 General Petkovic? How many were there who came from the former JNA who
11 had been career officers? How many of them did you have?

12 THE WITNESS: [Interpretation] There were 1.000 professionals.
13 And among them, I don't really know. There were very few, next to no
14 one. There was Mr. Dragan Curcic, who later became the number two man of
15 the Federation's command. Speaking of this battalion mentioned here,
16 there was no one there, very few. Your Honours, I could nearly count
17 them all myself. Blaskic, Petkovic, Siljeg, the Canadian Army
18 Glasnovic -- sorry? No, no. Obradovic. A total of under ten men
19 occupying such positions, professionals from the former JNA. I'm talking
20 about the total, between 10 and 15. I can't really say.

21 JUDGE ANTONETTI: [Interpretation] Very well. You see, once you
22 tackle a topic, there are others that would ensue. One very last -- I
23 could go on for hours, as you can imagine, but I'm discovering -- I'm not
24 speaking about other people. I'm speaking on my own behalf. I now
25 discover that within the military structure of the HVO, there's just a

1 handful of JNA officers, very few of them. You've just given a few
2 names: Siljeg, Blaskic, Petkovic, Obradovic, so maybe under ten men.

3 If that was so, and I suppose it was, it may be that the
4 Prosecutor is going to challenge that, but if it was speaking of the
5 Republic of Croatia as part of the technical, quote/unquote, "technical
6 support" provided by it, and I'm speaking in conditional terms here,
7 noting that there is basically no officer within the military HVO, would
8 it not have been normal for the Republic of Croatia to second HV officers
9 in order to support and structure the HVO.

10 You know countries that send officers in order to support armies
11 that are just in the making elsewhere. Should that not have happened?
12 And if it didn't happen, why didn't it happen that way?

13 THE WITNESS: [Interpretation] As Your Honours have seen, I
14 stopped some people. Someone would sometimes arrive, but not because the
15 Croatian Army officially approved or okayed that. I used my own channels
16 to get people seconded as volunteers, actually, not officially.

17 Croatia had very few men, in relation to the overall number of
18 soldiers, who were former JNA officers. The best part of those who were
19 former JNA officers, most of those obviously did a splendid job, but some
20 wanted to remain behind in their offices. Quite many of them refused to
21 go out and fight with their units. Their reasoning was they should stay
22 at the back and send trained men forward to attack. But the soldiers
23 didn't like that, and they refused to put up with that, the simple reason
24 being the Croatian Army at the time was to a large extent an army of
25 volunteers.

1 JUDGE ANTONETTI: [Interpretation] Well, I have to put another
2 question, because otherwise I could be reproached with not having tackled
3 all the facets of the issue. I talked about the former JNA officers in
4 my questions, and you said there were less than ten men. But I have to
5 add this now: Let us imagine that JNA officers became officers in the
6 Republic of Croatia and that they are, therefore, officers of the
7 Croatian Army. Let us imagine that later on they have their private
8 motivations, and they decide to volunteer in the HVO. Therefore, they
9 leave the Croatian Army to be volunteers in the HVO. As far as you know,
10 how many officers of the Croatian Army -- how many became HVO officers?
11 I'm talking about men who had been first JNA officers or officers in
12 other armies; it's quite possible. How many of them?

13 THE WITNESS: [Interpretation] Well, Your Honour Judge Antonetti,
14 first of all this figure ten that I mentioned at first, I couldn't list
15 more than ten of them. There may have been some others there, but
16 whether it's 10 or 12, that's for the first piece of information.

17 As for the second piece of information, well, I know almost all
18 of them that we managed to win over; Petkovic came, I came, Akrap came,
19 Poljak was there for a short while, Andabak was there for a short while.
20 They stood in for me. Well, maybe ten --

21 JUDGE ANTONETTI: [Interpretation] General Praljak, could you
22 quote the numbers slowly, please, because the court reporter cannot take
23 down the names. Please give us the names of the officers in the Croatian

24 Army that volunteered. You mentioned Praljak, Petkovic, Andabak. Who
25 are the others?

Page 41079

1 THE WITNESS: [Interpretation] Praljak, Petkovic, Andabak. There
2 are several Andabaks, but he's from the Croatian Army, and he replaced
3 me. He was there in 1992, but for a very short time. Then he was
4 replaced by Poljak for a short time, Zeljko Akrap, Zeljko. Zeljko Akrap
5 was there also. And then who else? In Central Bosnia, at one point I
6 managed to get, in 1992, when I was up there trying to calm the situation
7 down -- as people were saying, I managed to get four or five officers
8 from Split using my own private channels. They agreed to go up there for
9 us for just a few days to assist in structuring the HVO but also the
10 BH Army. So they were there at their disposal, too, to teach those
11 people about artillery and also to set up the books, the records. They
12 were there for 25 days. Now -- well, Mr. Petkovic was there for the
13 longest time. Others were there for brief periods of time.

14 JUDGE ANTONETTI: [Interpretation] Very well.

15 Ms. Pinter, I'm sorry to have taken up some of your time. It
16 seemed important to me to look into these questions in greater detail.

17 THE WITNESS: [Interpretation] Just a note, Your Honour. I have
18 to remind you, at the beginning of the trial I asked that, first of all,
19 we should deal with the basic military issues and then we will all be
20 able to understand the situation. Unfortunately, this trial does not
21 allow us to do that, but you remember quite clearly this request on my

22 part that this should be the starting point. Thank you very much.

23 MS. PINTER: [Interpretation] Thank you, Your Honours. Your
24 questions never disturb or disrupt anything.

25 Q. General, I have to tell you that the document that you have

Page 41080

1 requested is prepared in the binder to be explained, which means that
2 Judges would have to skip some documents. Let us move back to the
3 Main Staff, to binder number 2, and in binder number 2 of the Main Staff
4 we should go to document 3D00929. The date is the 11th of September,
5 just to make it easier for everyone to find their way around.

6 A. Yes. Yes, this document is a report that was submitted to the
7 VOS of the Main Staff, so that's the Main Staff, and it is signed by
8 Raspudic. The document is comprehensive and exhaustive, and it describes
9 the positions of the BH Army in the town of Mostar, the disposition, and
10 I wouldn't have anything to add. But I would like to note that at page 2
11 of the Croatian text, at the very bottom of the page, there is a sentence
12 which is very important because I have been talking about those things.
13 And the sentence reads like this:

14 "As far as the political climate on the left bank is concerned,
15 our sources have told us that the people of Mostar, the locals, the local
16 population, are in favour of the cessation of the hostilities of the war.
17 They favour Mostar as an open city where they would live side by side,
18 Croats side by side with Serbs and Muslims."

19 And then it goes on to say -- well, I don't want to quote, but

20 people who have come from other municipalities, Gacko, Nevesinje,
21 advocate the policy of a Muslim Mostar all the way down to Zovnica, which
22 is on the route to Siroki Brijeg. So here a man who received this
23 information because he had some connections with East Mostar, I don't
24 know what kind of connections, but he's saying what I have been saying
25 over and over again. Unfortunately, the refugees were in such a mental

Page 41081

1 state, expelled, in many cases many of them were killed, and they did not
2 have any vision or any guarantee that they would go back to their homes;
3 and history proved them right. For the most part, they did not go back
4 to their homes, at least as far as Republika Srpska is concerned. And
5 the international community failed them there, the UN failed them, all
6 the declarations failed them. And they were looking for new areas to
7 live, and by definition, you know what it means. And I claim that the
8 conflict between Croats and Muslims would be much more difficult to
9 cause, it would have less consequences, it would have been less severe,
10 had there been no such major shifts in the ethnic composition. I called
11 it the ethnic occupation. People - well, I fully understand them - came in.
12 They lost their family members, they lost their homes, and they are
13 looking for a new place to live. And that's it, as far as this document
14 is concerned.

15 THE INTERPRETER: Microphone for the counsel.

16 MS. TOMANOVIC: [Interpretation] I apologise. I have to correct
17 the transcript at page 16, line 9. The general said: "I fully

18 understand these people," and that has not been recorded in this
19 transcript in this manner.

20 THE WITNESS: [Interpretation] Yes, that's what I said, because I
21 met those people, I saw those people, I found accommodation for those
22 people, and those were desperate people who revert back to the instinct.
23 Please do not misunderstand me; the animal force. They are just looking
24 for a place to live, so I'm not being insulting here. These are the
25 elementary forces, the instinctive forces, looking for a place to live.

Page 41082

1 And, of course, this is engenders conflict with the area where they find
2 themselves in because there are too many of them, far too many of them
3 for this situation to be bearable. And nobody ever gave them any
4 guarantees that they would be able to go back to their homes or give them
5 any hope, and we all know what it looked like.

6 Q. General, we have to go back to the first page of this document,
7 where it says where the Command of the unit in Mahala is located. This
8 is a reference to the unit of what unit?

9 A. The unit of the BH Army.

10 Q. And the sniper activities targeting Stotina?

11 A. Well, there's a lot of information in this text, but it is quite
12 clear. I'm sorry for the interruption. Of course, all the commands were
13 located among the people of Mostar. All the BH Army headquarters were
14 located among the civilians: Brigade, battalion, and corps commands.

15 Q. Well, it is not amiss to repeat it once again. 3D02578.

16 A. Well, here Mr. Zarko Tole, a major general at the time, the 13th
17 of September, asks for a passage to be allowed for
18 Mr. Jakov Bienenfeld --

19 JUDGE ANTONETTI: [Interpretation] I would like to revert back to
20 the first document because I've discovered something which could be of
21 interest.

22 Seemingly, this report or document dates back to the 11th of
23 September, 1993. The people who drafted this report never imagined that
24 judges sitting in an international tribunal would have a look at these
25 documents that contain some interesting information. I have the feeling

Page 41083

1 that in addition to this document, there must have been a map on which 24
2 sites had been located, since on the last page of the caption that states
3 that in such a place there was a bunker and so on.

4 On looking at item 18, which gives us the position of a sniper,
5 number 19, where another sniper is also positioned, and number 23, where
6 a sniper is also positioned, these are snipers from the ABiH, I assume.
7 It would have been interesting to see this map to position 18, 19, and
8 23, those numbers on the map, to plot them and see what the firing angle
9 must have been. That was your job. If I had conducted an investigation,
10 that's what I would have done, but maybe you didn't notice this. Do you
11 understand me? At numbers 18 and 19, snipers have been positioned, based
12 on the information provided, as well as on number 23.

13 THE WITNESS: [Interpretation] Your Honour Judge Antonetti,

14 probably did not append the map because every man from Mostar knows
15 exactly where the restaurant Petica is, where Jagnje is, where the RTV
16 Service is. So he gave it -- well, this pertained to the command of this
17 zone, Mostar, and every person in Mostar knows exactly the precise
18 position. So there's no need to draw it. Well, I didn't think that this
19 was -- well, the time is running out, and I could talk for 200 hours
20 about every single topic in great detail, but unfortunately my time is
21 running out. So I thought that this was quite clear.

22 Of course, yes, there were snipers. And after all, Your Honours,
23 in all BH Army positions where there were snipers targeting HVO soldiers,
24 well, these were illegal soldiers.

25 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Praljak, it took me

Page 41084

1 just a few split seconds to realise this, since I am seeing the document
2 for the first time. And I realised instantly that at items 18, 19, and
3 23, snipers have been positioned. Now, if you look at number 18, maybe
4 you are able to give us an explanation. It says "7.9 millimetres,"
5 "Serbian 7.9 millimetres."

6 THE WITNESS: [Interpretation] Well, it means that the Serbs had a
7 sniper rifle, 7.9 millimetre, and that's what he calls it. So this is
8 not the position from which a sniper was being active. It's not the
9 Republika Srpska Army position, but it is a reference to a sniper rifle
10 manufactured in Kragujevac, in a Serbian factory. And that's why it was
11 called the Serbian rifle, Serbian sniper, 7.9 millimetre.

12 JUDGE ANTONETTI: [Interpretation] It says: "18. Position," we
13 understand that a sniper is there on and off and that he uses
14 7.9-millimetre rifle. Either the sniper is there from time to time, and
15 he belongs to the ABiH, and he is using a rifle, a Serbian rifle, or this
16 is a soldier from the VRS who is a sniper and who is also firing. What
17 do you have to say to that?

18 THE WITNESS: [Interpretation] Well, here it is highly likely that
19 a BH Army soldier is using a 7.9-millimetre sniper manufactured in --
20 yes, but I know for a fact that from Serb positions, positions held by
21 the Republika Srpska Army, snipers did target Mostar. I know that from
22 my own personal experience.

23 JUDGE ANTONETTI: [Interpretation] Now, these positions on the
24 map, it was for you to do this. You could have, perhaps, when you were
25 conducting the cross-examination of the Prosecution witnesses, you could

Page 41085

1 have demonstrated with this document the fact that the ABiH had
2 positioned snipers in certain locations. And from there, they could fire
3 at the victims that were mentioned on our list, but maybe you didn't
4 think of that. You can't think of everything.

5 Ms. Pinter.

6 JUDGE TRECHSEL: I want to insist on this question regarding the
7 map. I must say that I find your answer in this respect absolutely
8 unconvincing. If there is a legend with certain points, that there is no
9 way of knowing what locality they refer to; number 18 and following are

10 examples. No one can guess what that refers to, and no one writes such a
11 legend if there is not a map attached to it. Your Defence brought this
12 document. Where is the map? Where is that map, and why is it not here?

13 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, you are
14 entirely right when it comes to this. Apparently, you misunderstood me.
15 I said that I didn't have a map. We didn't have a map, but this -- these
16 terms, Petica, Jagnje, and so on, everybody knows that in Mostar.
17 Perhaps I misspoke, and I'm sorry for that. But it is true that a map
18 was appended to it, to this document, but I don't have it.

19 MS. PINTER: [Interpretation] Your Honours, we looked through the
20 archives, and a map was not appended to this document. You can see that
21 this is a document that was taken from the archives, from the Croatian
22 National Archive. And this map did not exist. Had it existed, it would
23 have been appended to this document. That's for sure.

24 JUDGE ANTONETTI: [Interpretation] As my colleague has just said,
25 I'm sure there was a map. If you look at number 9, it says the MOS

Page 41086

1 members "sleep here," so the place where the MOS soldiers are sleeping
2 have been identified. Item 10 mentions a bunker. Item 14 says there is
3 a bunker inside the store. So all of this has been positioned or plotted
4 on the map, and there must have been a map appended to this document.

5 It's a shame we don't have it.

6 MS. PINTER: [Interpretation] My learned friend, Ms. Alaburic, has
7 drawn my attention to the fact that the buildings are at Santic Street.

8 Santic Street was the confrontation line along which clashes were
9 occurring in Mostar. All these positions are at Santic Street. We can
10 make available to you a map of Mostar showing Santic Street.

11 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, I don't know
12 whether Mr. Ivica Raspudic, the author of this document, is still alive,
13 but as part of your defence, you could have met him and told him, Well,
14 we have this document which you have drafted. Together with a map I give
15 you, could you plot points 1 to 24 on this map? This is something you
16 could have done.

17 MS. PINTER: [Interpretation] If the trial entailed fewer
18 documents, if there were fewer documents that we were dealing with. But
19 given the amount of documents that we are facing, I admit we have not had
20 enough time to deal with this, which doesn't mean that we will not find
21 something before Monday.

22 Q. General, 3D02578. 3D02578. The date is the 13th of -- you
23 started talking about Bienenfeld?

24 A. Yes, about the map. Perhaps we could draw one. Nevertheless,
25 along the entire confrontation line in Mostar, there were positions on

Page 41087

1 either side of the confrontation line. That's why I did not consider
2 that to be of any particular importance. We did mark a confrontation
3 line. On either side of the line there were BH Army positions and HVO
4 positions. What this is about is Mr. Jakov Bienenfeld.

5 It is about this: Since the end of 1992, I think late November

6 or early December that year, when Mr. Bienenfeld came to see me, his
7 father was a retired JNA general, and he got actively involved again in
8 the Croatian Army. He had a PhD in Chemistry. He was a specialist in
9 chemistry. I didn't have quite enough time to introduce this. Some
10 foreign jobs were given to him. And he had to go to Bijelo Polje to see
11 if there were any chemical poisons being produced there, which during the
12 former Yugoslavia were being sold to Saddam Hussein, but I'm not going
13 into that now.

14 Let's go back to his son. From the end of 1992 to October 1993
15 or thereabouts, Mr. Bienenfeld organised 10 or 11 convoys to Sarajevo and
16 from Sarajevo. He brought medicine and food into Sarajevo. Those were
17 Jewish organisations. Mr. Bienenfeld is a Croatian Jew. Jews were
18 leaving Sarajevo on these convoys in order to not remain behind and be
19 killed in Sarajevo, plus the women and children who managed to join the
20 convoys. And then the Jewish heirloom was taken out, if I may call it
21 that, items that had to do with their tradition and civilization. There
22 were a total of 10 or 11 convoys, I think. All of those convoys were
23 organised with the assistance of the HVO: Bruno Stojic, Petkovic. I had
24 a role to play as well. Jakov Bienenfeld described my role in his -- in
25 his statement to this Tribunal, which is available to the Chamber. He

Page 41088

1 describes how that worked, what it was like, and what exactly happened.

2 Our drivers went there. They drove across Serb-held territory.

3 There were all sorts of unpleasant situations occurring. In the process,

4 most of the technical aspects were taken care of by Zarko Keza from the
5 Main Staff. He was a military officer in the Main Staff. That's as much
6 as I can tell you about that. A total of 10 convoys were organised, and
7 that is no mean feat. That is how I feel. If we had done no more than
8 that, I think that would have been plenty to keep one busy throughout the
9 time.

10 The Chamber can refer to Jakov Bienenfeld's statement, which
11 describes exactly my role.

12 Q. General, these humanitarian convoys drove into Sarajevo?

13 A. Yes, for the most part medicine and food, to the extent that they
14 could and the amounts that they could manage. And they brought out
15 people, human beings. We tried to save the Jews from the hell hole that
16 was Sarajevo. If you take a historical perspective, they were the
17 victims of the greatest sufferings. And one is naturally sensitive to
18 that sort of thing, so we tried to give them a hand. It wasn't the Jews
19 alone, however; women and children were on those convoys leaving
20 Sarajevo, too. There were some problems with the Serbs. It's
21 complicated. Let's just move on.

22 Q. Very well. Can we please move on to P05079. The date is the
23 15th of September, 1993, the order to attack given by Arif Pasalic?

24 A. Yes, that is the document. Nevertheless, I believe this has been
25 exhibited already, or hasn't it? This is Arif Pasalic's order to carry

Page 41089

1 out an attack that was part of the Neretva-93 operation. This was

2 produced other 15th of September, 1993. And it's exactly who should go
3 where and what they should do. Based on this master plan that
4 Arif Pasalic produced, Sejtanic, being the commander of Sector South,
5 drew up his zone plan to attack whom and Mostar and so on and so forth,
6 so there you go.

7 Will you please just -- can we please go back to Uzdol, 3D02415.
8 No need, perhaps. Uzdol is something that we've done already. 3D02415.

9 This is a report, or, rather, a brigade, after they committed the
10 massacre in Uzdol on the 14th of September, killing 30 civilians and
11 capturing some soldiers and so on and so forth. And then people simply
12 asserted that we were entirely naive and insane. We were talking about
13 coexistence, and people knew that there were weapons coming in and
14 refugees being received.

15 All the while, Mr. Izetbegovic was signing away, signing false
16 declarations. That's what they believed, and that's what I believed. I
17 just want to say that I was in the area on those days, and we launched a
18 counter-offensive to prevent another massacre that would have been even
19 worse. I want to say there were no acts of retaliation whatsoever. I
20 and other people there made an enormous effort to keep anything like that
21 from happening. We expended enormous amounts of energy. This was a
22 village inhabited by a total of perhaps 150 people, yet 41 human beings
23 were killed. This can only cause an enormous disruption to the mental
24 setup of this entire area. Whoever never found themselves in a situation
25 like that would probably find it impossible to understand, no amount or

1 level of education and insight. Nevertheless, I wouldn't wish a thing
2 like this upon anyone. I do think that the understanding is insufficient
3 of how a war works, what suffering means, what misery means, what mental
4 disturbances mean that can be brought about by war situations and so on
5 and so form.

6 Be that as it may, let's move on.

7 Q. All right. I think we should have gone through this document,
8 nevertheless, because they're talking here about the axes of attack
9 through Mostar and the siege.

10 A. Sejtanic provides a very good description of this in his book.
11 I think we've covered that ground before, and I don't think there's any
12 point in --

13 Q. Fine. 3D0 --

14 JUDGE ANTONETTI: [Interpretation] General Praljak, this is an
15 order to attack, a very comprehensive document, several pages' long. And
16 that goes into detail and seems to be a draft. You will have noticed
17 that under item 17, no date or time is given. However, when it comes to
18 the degree of detail, everything is mentioned and said, and I'm sure it
19 did not escape your notice. Under item 6(d), it says that a signal for
20 attack must be received. I'm also looking at this document for the first
21 time, but I only need a few seconds to react. It doesn't take me hours
22 to understand the scope or the extent of a document.

23 If I apply this to the Mostar attack, in your case, you claim
24 that the ABiH had planned a large-scale attack on the 9th of May. As is

25 to be found here, there must have been a very detailed order to attack,

Page 41091

1 but there could have been another draft or another plan, which was to
2 attack a few locations, without going into detail. And it may be that
3 there was a massive response by the HVO so that from the outside one
4 could have been under the impression that it was an attack initiated by
5 the HVO. So the Judges will have to look into all sorts of
6 possibilities, based on the Prosecution evidence and your evidence.

7 I have a very simple question. If, indeed, there was an ABiH
8 attack on the 9th of May, should we find a similar order to this one at
9 the level of the 4th Corps Command?

10 THE WITNESS: [Interpretation] Your Honour, I believe you
11 misunderstand this. This attack occurred on the 15th of September, 1993.
12 This is part of Neretva-93. The way a plan was drawn up for
13 Sector South --

14 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I understood that
15 very well. I understood that this is an order from September. Then I
16 have some kind of inductive method. I'm saying that if there was this
17 kind of order in September, I wonder whether there was a similar order in
18 May, prior to the 9th of May. That is my question.

19 THE WITNESS: [Interpretation] Your Honour, there were orders just
20 like this one by Mr. Pasalic and the commander of the 1st Mostar Brigade,
21 from April 1993, orders to attack Mostar, with a large-scale map, with
22 all the axes drawn in. I've used these in court, and I've demonstrated

23 all of this with great degree of precision for the benefit of the
24 Trial Chamber, all the axes of attack, where exactly they were attacking
25 through the two by two-and-a-half metres map, all the axes, what the

Page 41092

1 targets were, and how they meant to go about taking those targets. The
2 attack took place on the 9th of September, 1993, or rather the 9th of
3 May, 1993. The attack was carried out, and someone was watching from a
4 hill top and arrived three hours later, so now they suddenly knew who had
5 started the attack. This is erroneous information and false reports by
6 people who misunderstood. Obviously, five or ten minutes after their
7 attack, the shooting started there.

8 JUDGE ANTONETTI: [Interpretation] Very well. We shall have a
9 look at this famous map of the 1st Mostar Brigade of April 1993.

10 MS. PINTER: [Interpretation] We have prepared something for the
11 Trial Chamber in relation to all the admitted documents in relation to
12 the BH Army, so you will have that in front of you so that you can see
13 everything, the orders for attacks and all these other elements.

14 Q. General, I was going to move on to 3D0308, the date being the
15 16th of September, 1993. That is your document?

16 A. Yes, that is my document. The 16th of September --

17 JUDGE TRECHSEL: Is it perhaps the number 3D03038?

18 MS. PINTER: [Interpretation] 3D03038.

19 JUDGE TRECHSEL: That's it. Thank you.

20 MS. PINTER: [Interpretation] Thank you.

21 THE WITNESS: [Interpretation] Nothing. The contact between me
22 and General Petkovic, who is -- Mr. Petkovic -- well, I have really no
23 idea. We in Sarajevo, in central Sarajevo, wherever. I think it was
24 Sarajevo. I got my approval for him to assume any of the form of
25 authority necessary to start negotiations, especially as regarded the

Page 41093

1 cessation of hostilities, which is what we were after, and to make sure
2 that the interests of the Croatian population and the Croatian Republic
3 of HB were best served.

4 Nevertheless, this was at a time when the secret agreement
5 between Tudjman and Milosevic was reached on the federation and the
6 confederation with Croatia. Confederation with Croatia, that is one
7 thing that no one seems to be keeping in mind, just as though it was
8 never signed.

9 On that same day, an agreement was signed between
10 Alija Izetbegovic, Karadzic and everyone else, the famous agreement with
11 the Serbs about cessation. There was a dual policy in terms of both
12 politics and military policy being informed. There was a dual policy at
13 work, a double strategy, if you like. They agreed on a partition with
14 the Serbs. They said, Okay, there would be a referendum after a while.
15 And they said the armies would no longer continue fighting, and yet at
16 the same time -- or by this time for two months already, Sefer Halilovic
17 and his army had been attacking the HVO.

18 We can keep at this for another 500 years, and this will always

19 be true. It will always be the only unambiguous truth.

20 MS. ALABURIC: [Interpretation] Page 27, line 23, General Praljak
21 was talking about a secret agreement on confederation with Croatia. What
22 was recorded was a secret agreement between Tudjman and Milosevic. I
23 don't know what exactly you said, General.

24 THE WITNESS: [Interpretation] Tudjman and Izetbegovic. I am
25 sorry. They were the ones who signed the secret agreement whereby the

Page 41094

1 Croats and the Muslims would share a state in Bosnia and Herzegovina,
2 because Mr. Izetbegovic, by this time, had understood that he had nothing
3 on the Serbs and that the international community would not give him a
4 hand, in terms of beginning to be on an equal footing with the Serbs and
5 being able to fight them. And then he signed this agreement on a
6 federation with two components in Bosnia and Herzegovina, and that this
7 federation would become part of a confederation with the Republic of
8 Croatia.

9 On that same day, or thereabouts, he sat down with Karadzic and
10 Milosevic and signed an agreement to divide Bosnia and Herzegovina into
11 two parts in which the Muslims, as the agreement reads, would constitute
12 a majority in one part. And then what was envisaged was that those two
13 parts would be separated following a referendum. And the part containing
14 the Muslim majority would remain an independent state, with all the
15 implications that this had in terms of any international documents and
16 agreements that were signed, the UN and so on and so forth, and the other

17 part would then join Serbia. That's what it says. That's with the army.

18 They stopped all the clashes immediately, and they turned on the
19 HVO in their entirety in a bid to make up for the territory that had been
20 lost. This was an act of aggression, a pure act of aggression, and
21 nothing else. And it had been like that for at least three months.

22 We can stay here for another 500 years and try to talk about
23 this, but it will always stay what it is; an act of treason, an act of
24 trickery, and a disingenuous policy that was being implemented.

25 We made a huge effort to reach an agreement, to have a joint

Page 41095

1 army, to remain on an equal footing. Each and all of us, we can say
2 whatever we like, but my opinion is crystal clear. I have seen so many
3 documents. There is no one who can change my opinion in that respect.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, what you've
5 just said comes in support of your defence case. As far as you know, did
6 Croatian political analysts or Bosnian political analysts share your
7 view? Do they say that there was an agreement between Karadzic and
8 Izetbegovic which would account for the fact that an attack was launched
9 against you? Do politicians and political analysts write about this? Do
10 we have any articles about it or is this the outcome of your thinking?

11 THE WITNESS: [Interpretation] Well, Your Honour, these are
12 historical facts. This document was made public. It's a public
13 document. That's not something that Praljak invented. It's a signed
14 document, a public document. It's not a figment of Praljak's fantasy.

15 You saw the text where the people from Rama say, We are naive fools.
16 Well, every soldier down there knew that. People are smart, and if it's
17 about their survival, they get even more smart. You can -- they see
18 everything. You can see everything.

19 Hundreds of texts have been written on this topic, but only --
20 well, those who wanted the talks to be resolved in this manner, people
21 from the international community, the great powers who wanted that.
22 Because of our problems in the information part, they were saying the HVO
23 is attacking, the HVO is attacking. Well, we've seen hundreds of
24 documents here. We did not attack anyone anywhere. Well, taking an
25 elevation or a tactical point that I had lost before, yes; that, yes.

Page 41096

1 JUDGE ANTONETTI: [Interpretation] Very well. One last follow-up
2 question. Assuming what you see as a real fact, but as a Judge I've got
3 to be cautious, I can only have assumptions that I put to witnesses that
4 confirm or disagree with it. At this stage I am not supposed to have any
5 opinion. So based on this assumption that you are telling the truth, in
6 such a case there was a general attack against you, against the HVO, in
7 full agreement with the Serbs. In taking this political and military
8 risk, did Izetbegovic not run the risk of having the Republic of
9 Croatia - it had, after all, military means - the risk of the Republic
10 intervening, not in an underground way by financing this score of
11 officers that came from its own ranks, but would have its brigade
12 intervened to face the ABiH? Was there not such a possible military and

13 political reaction coming from the Republic of Croatia?

14 THE WITNESS: [Interpretation] No, Your Honour Judge Antonetti.

15 There was no such reaction for a very simple reason; because Izetbegovic
16 knew full well that Croatia, in this [indiscernible], would be labelled
17 an aggressor, the party that attacked Bosnia-Herzegovina, and nobody
18 dared even dream of something like that.

19 You'll see a document here - we'll exhibit it here today or
20 tomorrow - that on the 24th, the day I arrived, I sent a request or a
21 demand to Franjo Tudjman and to Gojko Susak for two battalions of the
22 Croatian Army because there was an attack on Vakuf which was very fierce.
23 Bugojno had already fallen. I didn't get anything. I asked for two
24 battalions to cover the TG-2 line - this is what Judge Trechsel asked,
25 what TG-2 was down there - for the HV to at least take that part and

Page 41097

1 to -- so that I could get a certain number of people for other tasks.
2 You will see where I am asking for two cannon barrels to be replaced.
3 I'm asking Gojko Susak to arrange it in the repairs facility in Sibenik,
4 and that was supposed to be financed by our people in Croatia who had
5 contributed. Well, I am talking to him, cap in hand, asking for two
6 cannon barrels and for 30 people. I don't know. There was an agreement
7 signed between Muslims and Serbs. That was not a secret agreement. They
8 made it public. And there are signatures, I think, of some major figures
9 from the international communities, and what is --

10 JUDGE ANTONETTI: [Interpretation] General Praljak, when you

11 became aware of this, you asked for two battalions. They were not given
12 to you. Did you then call your friend, Mr. Susak? Why didn't you call
13 him?

14 THE WITNESS: [Interpretation] Well, I did call him.

15 JUDGE ANTONETTI: [Interpretation] I see.

16 JUDGE TRECHSEL: Between -- after the question, Mr. Praljak said,
17 Yes -- no. He said, No, I think. But it was not translated.

18 THE WITNESS: [Interpretation] No, no, it had to do with something
19 earlier, something that was said earlier. I wanted to comment.

20 So I called Susak, and he told me quite clearly the same thing
21 that I -- Your Honours, well, when I was in Croatia, and if I had been in
22 Croatia, I would have presented the same position.

23 At that time, Croatia was not in a position to give the troop,
24 because it would be labelled an aggressor, and it would endanger its very
25 survival. The international community was not in favour of having a

Page 41098

1 Croatian state. The English were not in favour of that, neither were
2 your French, Your Honour, and other people were not in favour of that for
3 various historical reasons. But as an HVO commander, who is aware of the
4 fact that he can lose the war, be defeated and to be routed, to be really
5 well defeated; so I am asking for two battalions with a different hat on
6 my head. And we will find the document and the TG-2. I didn't get
7 anything. He told me, Praljak -- or, rather, he used my nickname. He
8 didn't say "Praljak." He said, I can't give you that.

9 JUDGE ANTONETTI: [Interpretation] For this to be on the record,
10 I'm asking you this: What did Mr. Susak tell you over the phone?
11 THE WITNESS: [Interpretation] He told me that I couldn't get it,
12 that he can't give it to me, that he won't give it to me, and that if I
13 could find some volunteers, that I could go. And then I asked, Well,
14 there are some people from the 5th Brigade. So I used my private
15 channels. There were maybe 50 or 60 people from the 1st Guards Brigade,
16 30 people from some other brigade, and so I called the commanders using
17 my private channels, people I knew; and I begged and, Come on, man, get
18 at least 30 or 40 people together so that you could cover some of the
19 positions I have to hold because otherwise we will be routed. And that's
20 how I managed to get the 130 people from the 5th Brigade, the
21 5th Guards Brigade. Those were fighters from Vukovar who had managed to
22 break through the siege of Vukovar, and they joined and fought in this
23 war, and maybe some hundred people from two other brigades that covered
24 some position near Mostar at Hum and so on. Officially, I did not get
25 anything, and officially I couldn't get anything.

Page 41099

1 JUDGE ANTONETTI: [Interpretation] You have another ten minutes
2 before the break, Ms. Pinter.

3 MS. PINTER: [Interpretation] Thank you. I would just like to
4 tell the Trial Chamber -- you asked whether there were any documents
5 pertaining to this agreement between Izetbegovic and Krajisnik. Well,
6 there is a document. It's contained in 3D00320. That's a compendium of

7 all the agreements between 1991 and the end of the war. When we started
8 the Defence case, we went through this document, and the same document --
9 well, my colleague Ms. Alaburic helped me. It's under 5D1040 [as
10 interpreted].

11 THE WITNESS: [Interpretation] Who co-signed it, Ms. Pinter?

12 MS. PINTER: [Interpretation] Well, it's signed by Krajisnik and
13 Izetbegovic. And I have the pages here, but only in Croatian, not in
14 English. But this is agreement 151. In the book, it will facilitate you
15 finding that.

16 THE INTERPRETER: Interpreter's note, could the speakers please
17 not overlap. Microphone for the counsel.

18 MS. ALABURIC: [Interpretation] I apologise. If I may just
19 correct the number of the document. Page 34, line 3, the document number
20 is 4D1040, if you want to look at it immediately, and it is an exhibit.

21 JUDGE ANTONETTI: [Interpretation] We have this document. I
22 haven't got it here with me, but it has, indeed, been tendered into
23 evidence.

24 MS. PINTER: [Interpretation] Your Honour, it's behind your back
25 in the binder entitled "The Truth about Bosnia and Herzegovina."

Page 41100

1 Q. General, we've discussed this document. This document, which is
2 3D03038. Could you please look at 3D03039. The date is the 29th. This
3 should make it easier for you to find it. The number again, 3D03039.

4 A. Well, Brigadier Zarko Tole now sends a notes to UNPROFOR because

5 a truce was signed between the HVO because obviously this offensive lost
6 its momentum, and they realised they had not achieved anything. But you
7 have seen in the book -- in Hodzic's book and Sejtanic's book, that Mr.
8 Izetbegovic says, Well try to take Stolac, because taking Stolac would
9 mean that they could proceed down to Neum. And in spite of this truce
10 that was signed, they go on attacking. And it goes on for days and days,
11 and that's it.

12 THE INTERPRETER: Microphone, please.

13 MS. PINTER: [Interpretation] Oh, I'm sorry.

14 Q. General, I'm sorry. 3D02322. The microphone was not on.

15 A. Yes. The International Red Cross addressed me, asking me to
16 organise -- well, it's the 20th of September. Well, the fighting -- war
17 fighting. I don't know how else to say it. You have seen the number of
18 shells and what it all looked like. To organise again, this lady
19 Carla von Flue, to organise a new round of lectures on international
20 humanitarian law; and since from the IPD in Croatia, they knew that I had
21 done that, this is why she officially addressed me, and I responded, of
22 course, quite promptly. We will see - I don't know - the document.

23 THE INTERPRETER: Microphone is not on.

24 MS. PINTER: [Interpretation]

25 Q. 3D2673. The date is the 26th of September.

Page 41101

1 A. Well, six days later. Of course, I didn't manage to do it sooner
2 because we were still fighting. So six days later, I told her that I

3 agreed fully, that I considered this to be a reasonable request, and I
4 asked her to suggest a time slot for this to actually be done. So this
5 is something that I have to repeat all over again.

6 From the very first time when I started working in the ministry,
7 a primary concern in the Croatian Army and the HVO, to the extent that
8 circumstances actually allowed it, each soldier, each officer, each NCO,
9 was informed about the International Laws of War. Of course, we did not
10 deal with the naval war or neutral countries, but all the basic things
11 when it comes to wartime. Everybody knew that. When I say everybody, I
12 mean 98 percent of the people had to have known that.

13 Q. General, the number is wrong.

14 JUDGE ANTONETTI: [Interpretation] General Praljak, I don't know
15 how the Red Cross operates from within, but I'm looking at this official
16 document because it's got a stamp on it. And I note the following: This
17 letter was sent to you, General Praljak, Commander-In-Chief of the HVO,
18 Republic -- Croatian Republic of Herceg-Bosna. So you're given a title.
19 And Herceg-Bosna is, for the Red Cross, a republic. And they are asking
20 you to organise seminars for officers to be trained based on the model of
21 what was done in the Croatian Army in April 1993, so four hours, a group
22 of no more than 30 officers. Very well.

23 It would be interesting, for instance, to know whether the --
24 not the HVO, whether the Red Cross does the same today with fighters in
25 Iraq, Afghanistan, in Darfur. It would be very interesting to know

1 whether this is a general practice on the part of the Red Cross or
2 whether the Red Cross operates in this way only with organs and
3 institutions the Red Cross recognises as being legal; in which case you
4 were part of the Republic of Herceg-Bosna, and you were a
5 commander-in-chief.

6 So how is it that you are being sent this mail, this letter,
7 whilst we've heard many witnesses who did not seem to know you? In fact,
8 you didn't seem to be very well known, although here you are known within
9 the Red Cross because we can see your surname. We can't see your first
10 name. We can't see "Slobodan," but we see your surname. So how do you
11 account for the fact that the Red Cross knows you that well?

12 THE WITNESS: [Interpretation] First of all, I worked a lot with
13 the International Red Cross while I served in the IPD in the Croatian
14 Army, a lot. We published 100.000 booklets twice. They knew that I was
15 sending those booklets to the HVO, and witnesses testified to that here,
16 that this was being distributed down there too.

17 Secondly, in 1992 and when I was in Central Bosnia, precisely
18 because I was there as somebody who was serving in the Croatian Army, I
19 didn't really tell everyone, shout it from the rooftops that I was there.
20 I tried to do my job as quietly as possible. I would always say,
21 "General," not "General Praljak," while I was doing what I was doing in
22 Mostar. I didn't want to --

23 THE INTERPRETER: Interpreter's note, the speaker is kindly asked
24 to slow down.

25 THE WITNESS: [Interpretation] And why the Croatian Republic of

1 Herceg-Bosna? Because it was signed by the international community.
2 Bosniaks and Croats signed that Bosnia and Herzegovina would be set up as
3 a confederation of three republics, and one of them was the Croatian
4 Republic of Herceg-Bosna. That was its name. And as far as the
5 Red Cross is concerned, that was an internationally-recognised legal
6 agreement. And the only thing is that I was not the commander-in-chief,
7 that was supposed to be Mate Boban. But probably she thought -- well,
8 she meant to say the commander of the Main Staff, but it's the kind of
9 error that those people in the Red Cross, well, for them the supreme
10 commander of an army, they use those terms interchangeably.

11 JUDGE ANTONETTI: [Interpretation] How is it, then, that the
12 Red Cross had your fax number, 058-723-729?

13 THE WITNESS: [Interpretation] Your Honour Judge Antonetti,
14 Your Honours, it's not about the Red Cross. I think anyone had the fax
15 number, anyone who wanted to have it, it was available. We never kept
16 anything secret from the journalists or anyone else. Everyone got it.
17 Everybody got passes from the Main Staff to go wherever they pleased to
18 see whatever they pleased.

19 It was just that once there was this BBC reporter who had
20 produced an entirely false report from Konjic. I remained angry with
21 this journalist for about two hours. I said, You won't set foot in
22 Mostar. You go wherever else you like. Two hours later, however, I
23 realised already that my anger made no sense, so I just said, Well, just

24 come on over, if you like.

25 JUDGE ANTONETTI: [Interpretation] One last question and then

Page 41104

1 we'll have the break.

2 Isn't there a contradiction between the fact that in the eyes of
3 the Red Cross, you are an army, and they wanted to train your officers;
4 whereas you spent your time telling us that your army was a bunch of
5 untrained soldiers? Isn't there a contradiction here?

6 THE WITNESS: [Interpretation] No contradiction, nor indeed did I
7 term it the way you just phrased it, Your Honour. Any social
8 organisation or structure, such as an army, has all manner and shape of
9 crystallisations within it. The HVO, the part that responded to the
10 call-up, was brave, went out and fought. Many of them were killed. They
11 had within them a sense of justice. So they stood up to things such as
12 smuggling and smugglers, or whenever they saw some municipal officials
13 giving jobs to their relatives instead of soldiers. It was for a sense
14 of justice. Why would I go out to get myself killed? You stay at the
15 back, home and dry. You do whatever you please. I'll take your place in
16 the municipal office, and you go out and get killed. These are different
17 crystallisations. I'm not talking about the HVO like that, but it wasn't
18 structured the way a professional army would have been, with long
19 traditions, 100- 200-year traditions. There was no legal system in
20 place, no judges, no telephones, no offices to go around. But there was
21 this ferment. It wasn't just a crowd. I never said that. I'm not

22 talking about those problems. I'm not talking about the positives. I'm
23 just talking about the number of problems created by certain disruptive
24 groups, which leaves the impression that everyone was like that. But
25 that just isn't true.

Page 41105

1 Those men fought bravely and honorably. They fought the Serbs
2 and fought the BH Army with equal bravery and honour. Nevertheless,
3 certain things happened that were inappropriate and should not have
4 happened under the rules of the International Law of War. But each
5 individual must be made responsible for their own actions.

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

7 --- Recess taken at 3.51 p.m.

8 --- On resuming at 4.12 p.m.

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

10 For the record, when I called the number 3D02763, the number
11 pertains to a document that constitutes a response of General Praljak to
12 3D02322. We may as well just move on to that document so that we see the
13 whole picture.

14 THE WITNESS: [Interpretation] My signature, my response. I fully
15 accept this. We are asking to know what the terms would be -- or,
16 rather, what the date would be, and there is nothing further to add.

17 MS. PINTER: [Interpretation]

18 Q. 3D02761?

19 THE INTERPRETER: Interpreter's note, could all the other

20 microphones be switched off, please. Thank you.

21 THE WITNESS: [Interpretation] This is my signature, one of my
22 documents. It's about Tihomir Blaskic, Colonel Tihomir Blaskic. He
23 obviously submitted some information on how chemical agents were being
24 used. There were no chemical agents being used. Those were irritants
25 being used, not chemical agents. So I'm asking him to provide some

Page 41106

1 accurate information, an organised list, and what exactly was used, what
2 this was about, any medical findings in relation to that, and whether the
3 UN ever established that -- they did establish that irritants were used,
4 but not chemical agents. This was a case of exaggeration.

5 MS. PINTER: [Interpretation]

6 Q. 2329 [as interpreted]. The document was produced by
7 Operative Zeljko Akrap. 3D02390.

8 JUDGE TRECHSEL: Excuse me, Ms. Pinter, but if I look at the
9 record, I see line 20 does not make sense, frankly. I haven't found the
10 document either, because I haven't found the previous one either.

11 MS. PINTER: [Interpretation] The transcript, line 22, reflects
12 3D02390.

13 JUDGE TRECHSEL: Yes, and I asked about line 20.

14 MS. PINTER: [Interpretation] Obviously, what I said was not
15 properly understood. I probably mis-articulated and the number that
16 appeared was erroneous.

17 JUDGE TRECHSEL: Okay, thank you.

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

19 THE WITNESS: [Interpretation] Zeljko Akrap is an operative of the
20 Main Staff, one of those who came from Croatia as a volunteer. Nothing
21 much, really. He says that the HVO forces are tired, exhausted. The
22 most critical situation was over in Ljubuski. The brigade, some of them
23 had abandoned their positions without being replaced. And goes on to
24 discuss the fighting at Zepce, where the Muslim forces had made an effort
25 to take back some positions. There was an attempted infantry attack at

Page 41107

1 Santic Street, and there was fierce fighting in the Podhum area. This
2 was a new attack in an attempt to pierce through defence lines at Mostar.
3 This is a textbook combat report by an operative. He received some
4 information on that day, and he summed this information up in order to
5 produce a collective report and the goings-on along the front-line on
6 that particular day. Nothing to add.

7 JUDGE TRECHSEL: Could I please be helped in finding the date of
8 this document?

9 THE WITNESS: [Interpretation] I think the 24th of September,
10 1993. The legibility is poor, but I think it should be the 24th of
11 September or thereabouts.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, so that we
13 don't have to get back to this: This operative agent or officer at the
14 Main Staff, who is Mr. Akrap? How long is his tenure? Is it three times
15 eight, is that the kind of shift they have? Or does he come in the

16 morning and leave in the afternoon? Or is there always someone at the

17 Main Staff 24 hours a day, an officer or an operative officer?

18 THE WITNESS: [Interpretation] There was always an operative

19 officer who was there. The links were always operating at the

20 Main Staff. There were always sufficient officers there to take charge.

21 General Matic, the former JNA officer, his replacement had already

22 retired. He was an elderly gentleman, in relative terms, but then joined

23 the HVO. He was in charge of this. He spent his time drawing maps.

24 JUDGE ANTONETTI: [Interpretation] You're not answering my

25 question. This operative officer, is he on duty 24 hours a day?

Page 41108

1 THE WITNESS: [Interpretation] We have the schedule here. I used

2 to work with them, drawing up these schedules. I think there were

3 12-hour schedules, so they took turns every 12 hours.

4 JUDGE ANTONETTI: [Interpretation] Which means that you, as a

5 commander of the HVO, at 3.00 in the morning, for instance, you could

6 call up this officer who was on duty to give him an order for any kind of

7 order, and this officer on duty, does he hold a log-book in which he

8 writes down, for instance: "10th of September, 1993, call from

9 General Praljak, who is asking me to send him an ambulance"?

10 THE WITNESS: [Interpretation] Yes, Your Honour, there was a book

11 there, a log-book, where document numbers were recorded and everything, a

12 book containing all the structural elements.

13 JUDGE ANTONETTI: [Interpretation] Where is this log-book?

14 THE WITNESS: [Interpretation] I have no idea. I don't think
15 anyone else has, either.

16 JUDGE ANTONETTI: [Interpretation] Was it destroyed? Did it
17 disappear? Was it stolen?

18 THE WITNESS: [Interpretation] No idea, Your Honours, no
19 information whatsoever that I can provide on that. The book is gone.

20 JUDGE ANTONETTI: [Interpretation] Very well. Since my questions
21 contain no traps and are not malicious in any way, if that log-book had
22 existed we would have had, for the date of the 9th of May, everything
23 that happened in Sovici and Doljani. This would have been recorded in
24 the log-book. And anything related to Stupni Do would have been recorded
25 in this log-book also; do you agree with me?

Page 41109

1 THE WITNESS: [Interpretation] All the documents that arrived and
2 left were recorded, as well as all the relevant elements. Unfortunately,
3 my previous answer is quite accurate. I don't have that. We looked high
4 and low in a bid to find that book, but everything was to no avail.

5 JUDGE ANTONETTI: [Interpretation] Very well.

6 MS. PINTER: [Interpretation] Thank you. The Defence has the
7 log-book of the Main Staff. This is something that we received from the
8 Prosecutor, but that was the only thing that was made available to us,
9 the documents pertaining to the Main Staff or reaching the Main Staff.

10 Q. Let us now move on to P05279, 5279. Your document, General;
11 right?

12 A. Yes. The date is the 22nd of September, 1993. I specifically
13 state that disciplinary measures, in terms of detention or prison, were
14 being taken, and I, as commander, had the power to impose those, people
15 who were punished, people who saw disciplinary measures taken against
16 them, because the commanders had the power to do that, because these
17 people were the perpetrators and would now serve time in the Dretelj
18 military remand prison -- military remand and prison. That's
19 paragraph 2.

20 Paragraph 3 states that the commanders were required, as were the
21 military disciplinary courts, in addition to the detainee, to attach a
22 disciplinary sentence -- a judgement just to make sure that that person
23 was not there by accident. I tasked all of my commanders to do this
24 properly. I also addressed my own immediate commanders and presidents of
25 the Military Disciplinary Court, in the first instance as well as the

Page 41110

1 second. I asked them to produce the relevant court papers when they
2 bring someone in and any decisions regarding disciplinary measures being
3 taken.

4 Why Dretelj? I had received many complaints from my commanders
5 and soldiers indicating that when disciplinary measures were taken
6 against someone, and that this person had to serve time in Livno, people
7 would make use of their acquaintances, because the warden happened to be
8 his brother, or his cousin, or someone else, and then they would release
9 them to spend an evening in a pub somewhere and then go home. And that

10 violated the authority of the commander, which in turn gave rise to
11 mutiny within the unit itself. This man was punished, yet now he is
12 walking about town free as a bird, having a drink. I then determined
13 that everyone was to remain in Dretelj.

14 At the same time, what this proves to me is that on the 22nd of
15 September, for me, Dretelj was a prison facility that was used for people
16 who had to be there to serve their sentences. Therefore, I am putting it
17 to the Trial Chamber that my knowledge dating back to that time, and the
18 knowledge that we heard here, the information that we heard here, are
19 divergent.

20 On the 22nd of September, 1993, my information on Dretelj
21 indicated that this was a prison, where persons were serving their
22 sentences, HVO soldiers, soldiers, the Muslims, the Croats, officers,
23 soldiers, everyone alike; and everything was done in keeping with the
24 laws and as it had to be done. So that's my understanding of what the
25 document states.

Page 41111

1 If anyone has any questions regarding this, I'd be happy to
2 answer.

3 JUDGE ANTONETTI: [Interpretation] Yes, I have questions.

4 In light of what you heard about Dretelj, did you -- some victims
5 came to tell us what had happened to them. You are telling us today that
6 this was a military prison. Had you known that civilians were being
7 detained in Dretelj, would you have sent officers or HVO soldiers to go

8 there and be accommodated in the same prison?

9 THE WITNESS: [Interpretation] Had I known about Dretelj what I
10 heard here at this trial, I would not have done that. My information on
11 Dretelj at the time was the reason that I produced this document the way
12 I did. Had I had other information, I would not have produced this
13 document like this. That is what is perfectly clear.

14 JUDGE ANTONETTI: [Interpretation] General Praljak - I call you
15 General Praljak because that was the position you held - you know that
16 when one is in charge of a command, the notion of control is important.
17 And when a commander sends out an order, he must make sure and check that
18 this order has been carried out. Control and command, therefore, carries
19 its full weight. Why did you not -- I mean, this is an assumption I'm
20 making. Why did you not check on the spot whether HVO soldiers, who had
21 been punished, had been sent to Dretelj? These had been the subject of
22 disciplinary measures. When you went to the prison, you should have seen
23 that there were civilians, and control and command were part of your
24 duties.

25 THE WITNESS: [Interpretation] [Previous translation

Page 41112

1 continues] ... for that. First of all, the military investigative
2 prisons were not under the control of the Main Staff at all. These
3 are -- these were separate, independent institution that were run --
4 well, the Main Staff had nothing to do with them. That's number one.

5 Number two, and this is something I've been saying all along: If

6 you forget, as a symphony, Your Honours, it appears to me that we're just
7 listening to the first violins, then we listen to the second violins a
8 week later, and then the drums and so on, but for -- I am under attack
9 here for two months. This is a war. I have 10 people killed every day.
10 I have many wounded units on the front-line. So the question is when.
11 And even if there were, and there weren't, the question is when. How am
12 I to send out the helicopters for medical evacuations? How can I relieve
13 the troops that had fled their positions? How Petkovic and I and others
14 are to make sure that the wounded are evacuated from Central Bosnia? How
15 am I to violate the embargo and send weapons to Tihomir Blaskic or to
16 Zepce? And it always -- it looks as if we're sitting in a room and
17 looking at the problem in a time-period, how to organise a convoy to
18 evacuate -- all right, yes, I'll speak more slowly.

19 I am claiming that I, and most of my officers that I commanded,
20 worked 20 hours a day. And I controlled, of course, where I had the
21 right to do so, and I punished and controlled -- we punished hundreds of
22 people, and this, A, first of all, was not under my jurisdiction, and I
23 did not have the right to control it. But let's say there is a lull in
24 the fighting and so on, and I received information that I heard here.
25 Had I had this information, then on my own initiative, not as part of the

Page 41113

1 structure that was in place, but as I often acted.

2 JUDGE ANTONETTI: [Interpretation] My last question. I believe my
3 colleague also has a question. This is my last question.

4 You have told us that the prisons were not placed under the
5 authority of the Main Staff, so who did the prisons report to?

6 THE WITNESS: [Interpretation] Your Honour, I will refrain from
7 giving you an answer, because I don't want to interpret what was being
8 said here. No reports from the prisons reached the Main Staff.
9 According to the establishment, we did not have the right to get involved
10 with the prisons. The only duty that I had, the only right that I had,
11 was to send the person, the convict, with the paper stating what they had
12 done, and that's what had to be done.

13 JUDGE ANTONETTI: [Interpretation] Very well. But Dretelj was a
14 military prison; do you agree with me there?

15 THE WITNESS: [Interpretation] Military investigative or
16 military -- well, it is specified in the documents somewhere, what kind
17 of a prison it was. The fact that it's a military prison does not mean
18 that it was under the Main Staff. The fact that it was called the
19 military prison or military investigative prison, it was an institution
20 that was run by lawyers as part of an organisation. And I don't know,
21 but according to the books that I studied, the Main Staff had nothing to
22 do with the prisons.

23 Furthermore, when I issued the "laissez passer" for the reporter
24 to get in, why shouldn't I do it? He was turned back, and he was told,
25 Praljak had nothing to do with it. And you have a statement by Zeljko

Page 41114

1 Rogosic to that effect. I thought, of course, there was no reason to

2 hide anything there. Let the TV crews get in. The English reporter who
3 testified here on the 8th of September, let Mr. Rogosic from Globus get
4 in. As far as I was concerned, everything was open.

5 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we know, in light
6 of the evidence, and I would like to tell you that I don't wish to
7 challenge what you are saying. I'm just stating the facts, and I'll
8 listen to what you are telling us. So we have heard witnesses and
9 evidence that stated the following: The prison is guarded either by home
10 guards, "Domobrani," I believe in your language, either by these people
11 or by military policemen. If the prison is guarded by military
12 policemen, the military policemen are part of the hierarchy. At the head
13 of this hierarchy, there is a commander, the military commander of the
14 HVO, of the military police, and that is you. What do you have to say to
15 that?

16 THE WITNESS: [Interpretation] I think, Your Honour
17 Judge Antonetti, that there is a complete misunderstanding here. We're
18 completely at odds here, and I wonder whether in the three years -- well,
19 the military police has nothing to do with the Main Staff. The military
20 police has its chief, who belongs to a separate department of the Defence
21 Department. It has its tasks, in accordance with its documents, and the
22 Main Staff has no right to issue any orders to the military police.

23 I never received -- I or the Main Staff never received any
24 reports about any prisons. Just a moment. Now, whether --

25 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we would like to

1 try and not waste any time. It's a shame that Mr. Coric is not here, but
2 I'm sure his counsel will inform him. You have told us what your
3 position is. That's fine.

4 But the question I have now is: Do you agree with me that
5 Valentin Coric was at the head of the military police?

6 THE WITNESS: [Interpretation] The chief of an administration in
7 the Defence Department, well, that was, to the best of my knowledge,
8 Mr. Valentin Coric.

9 JUDGE ANTONETTI: [Interpretation] Very well, Mr. Valentin Coric.
10 As far as you know, was he reporting to whom? Under whose orders was he?

11 THE WITNESS: [Interpretation] Well, I don't know who commanded
12 Mr. Valentin Coric, who issued orders to him. Who was the superior of
13 the chief? Well, I'm sure that the chief of the military police could
14 not be under the command of the commander of the Main Staff. He
15 commanded, in operational a terms, the units of the military police when
16 they were resubordinated to him during some combat operations for a
17 limited period of time. But functionally, they remained part of their
18 own structure. The same went for the military. Medical service, IPD was
19 an independent service, the SIS; so they were all parallel systems within
20 what is termed the military component of the HVO, aside from the
21 political one.

22 JUDGE ANTONETTI: [Interpretation] Very well.

23 JUDGE MINDUA: [Interpretation] Witness, Mr. Praljak, I have had
24 this question at the back of my mind for some time, but you've answered

25 part of my question. Nonetheless, I would still like to put my question

Page 41116

1 to you.

2 I have understood that the military prisons did not come under
3 the authority of the Main Staff. That I understood. I also understood
4 that you did not receive any reports from the military police. So my
5 question is a very straightforward one. What happens when your soldiers,
6 who were detained in Dretelj, had problems, whatever these problems may
7 have been, people who were taken ill, people who died, people who filed
8 complaints because they were unhappy with the food or the medicine they
9 had been given? In that case, did the Main Staff that you belonged to
10 not take any notice of these men? Were you still in contact? Did you
11 still know what was happening in the prison or not?

12 THE WITNESS: [Interpretation] Well, Your Honour, this is a
13 hypothetical question. Had I received some reports from some lad who
14 complained about the structure or through a structure about improper
15 conduct or treatment in prison, I would definitely have done something
16 for him. I would have stood up for him. But I never received any
17 reports from any prisons about any improper treatment of soldiers,
18 officers, or NCOs of the HVO serving their disciplinary sentence,
19 disciplinary sentence. Disciplinary -- these are disciplinary measures
20 that we had the right to impose.

21 Now, as for criminal offences, we, the Main Staff of the HVO, did
22 not have any jurisdiction there, any powers. This was a separate legal

23 system. For disciplinary measures, you simply take a piece of paper and
24 you punish such and such a person. You sentence him to two weeks in
25 prison, and there is no trial, no defence case. This is the

Page 41117

1 discretionary right of the commander. And I had the right to impose
2 higher sentences than brigade commanders.

3 Well, it's all stipulated which commander has the right to impose
4 what sentence. But if a crime is committed, then you have the court, the
5 prosecution, the trial, the cases of the two parties, and the Main Staff
6 has nothing to do with it anymore.

7 And now as for the serving of those sentences, I did not have any
8 complaints, not a single document, not a single oral or written
9 complaint, about any improper treatment of any of my soldiers during the
10 service of their sentences ever. Nothing of the sort ever happened.

11 MS. ALABURIC: [Interpretation] Just a small intervention
12 regarding the transcript.

13 At page 50, line 7, the translation misses a word that
14 General Praljak said, and I was following quite carefully, and it's the
15 word "parallel." General Praljak said that Medical Service, IPD and SIS,
16 and he also mentioned the military police, are parallel components,
17 together with the military component of the HVO. The word "parallel" is
18 not in the transcript, and it's very important.

19 THE WITNESS: [Interpretation] Yes, these are parallel components
20 that have their own chiefs, their duties, their rights, their powers, and

21 they are performing them, and they do some things as part of those
22 things. So if you have a doctor in a military unit, he's part of the
23 healthcare service. But when the unit goes out in the field, he goes
24 together with them. And then when an operation is planned, he says,
25 Well, I need such and such things. And he asks how many casualties are

Page 41118

1 anticipated, prepares the cars, and arrangements are made for the
2 evacuation of the first echelon and the second echelon. So he's doing
3 his job within his structure. This assists the commander of a brigade or
4 of a zone to plan the operation as it should be done. And this is how
5 it's done in other armies.

6 JUDGE TRECHSEL: Mr. Praljak, when my Brother Mindua asked you
7 how you would have reacted if there had been a complaint, you, without
8 hesitating, said, I would have ordered an investigation. On what
9 authority would you have done that? I thought, and before you told us,
10 that you had no authority whatsoever. Now say you would order an
11 investigation. On what basis?

12 THE WITNESS: [Interpretation] Well, on the basis of somebody
13 mistreating my man, and then I had the power to ask why this person was
14 mistreated. I would ask who was there. I would ask for an explanation.
15 The right to control and to ask -- the right to ask what happened to my
16 soldier, these are two separate things, Judge Trechsel. After all,
17 Amnesty International does not have any powers over prisons and human
18 rights violations, and yet they demand that reports be issued and that

19 they be told what is going on. So these are two different sets of
20 rights.

21 JUDGE TRECHSEL: I do not find this at all convincing. I mean,
22 if you can order an investigation, you could well go and preventively
23 look whether things are all right. That's what I must conclude. I find
24 your contrary assertions not convincing.

25 And another point -- this was more a statement than a question,

Page 41119

1 actually. But of course you can react to it. I seem to recall that
2 earlier on in this trial, in quite a different context, you have rather
3 proudly declared how open you were and that you had given a television
4 team of ZDF, the second German television chain, a permission to visit --
5 I think, it was Gabela and not Dretelj, but a prison. Do I remember
6 wrongly or how did you have that authority at that time?

7 THE WITNESS: [Interpretation] Well, Your Honour, I think that for
8 I don't know what reason add to my words, the words that I never said. I
9 didn't say that I would have demanded or ordered an investigation.
10 That's not what I said, and it's really strange that you add to what I
11 have said and that you cannot create systems that divine from my words.
12 To demand that an investigation be carried out is not to order that an
13 investigation be carried out.

14 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, it may be that
15 what you said was not properly interpreted because I heard the French
16 booth and it said that you could have ordered an investigation. Hence

17 the question put by my fellow Judge. What did you say exactly in your
18 own language. Could you repeat it?

19 THE WITNESS: [Interpretation] Well, these are very precise
20 things, and you have to understand them in that way. If I learned --
21 whenever I learned that something was going on that was not in line with
22 the rules, the regulations, or the law, I first, A, ordered that an
23 investigation be carried out within my powers, within my purview or
24 jurisdiction; B, I demanded that an investigation be carried out in those
25 areas over which I had no jurisdiction. And when I - we saw the

Page 41120

1 document - demanded that those police be arrested, I did not write an
2 order for those police to be arrested and to be put in prison. And we
3 saw that yesterday, but I demanded, because I had learned.
4 Valentin Coric had not learn that. He did not have this information. I
5 had this information. And I forwarded this information to Mate Boban, to
6 Mr. Valentin Coric, and I say here, these people, according to the
7 information that I have, and I'm claiming that this is correct, did this
8 or that. And I demand, not "I order," I demand that you put them in
9 prison. That's one thing.

10 And, secondly, when Ms. Ivanisevic contacted me, asking me that
11 they would like to get "laissez passer." It is true -- or Vujami
12 [phoen], whatever his name is, the British reporter, Vujami. He says,
13 yeah, I asked that from Mate Boban's office and I didn't get it. And
14 then I met General Praljak, and he, to my surprise - that's what he said,

15 and I asked him why to his surprise - wrote that to me. There are two
16 possibilities here: That I am saying what Judge Trechsel is saying.
17 This is not under my jurisdiction. I don't care if you are going there
18 to film or not. The fact that this is not under my jurisdiction, that I
19 did not have any power over it, did not prevent me from writing a
20 "laissez passer," and, then if it works, well it's going to work, and if
21 not, it's not going to work.

22 So I took this position: Nothing is to be concealed. In
23 accordance with the strictest of rules, I was not supposed to write it.
24 And they were not supposed to get in anywhere with "laissez passer." And
25 this is what happened to the other journalists. But when I wrote that, I

Page 41121

1 didn't do it -- and this -- so as to indicate that I had a right to do
2 it.

3 So what I said, Judge Trechsel, is correct. I couldn't order. I
4 could only demand, and these are two different terms. And I always, be
5 it within the framework of what I could do as a commander under the law,
6 reacted if I considered that there were any violations. But this doesn't
7 mean that I had the right to do it or that it was my duty to do it. It
8 was my obligation as a human being.

9 JUDGE TRECHSEL: Well, I just want to recall, Mr. Praljak, I'm a
10 bit surprised at this formalism which you present now, after having told
11 us many times that you didn't care very much about regulations; for
12 instance that you went and you said what had to be done, when you were

13 not appointed in any official way, and everybody obeyed you. So to tell
14 us now, the Chamber, that you could have not looked at your soldiers in a
15 prison if you had wanted to, for formal reasons, I simply have to tell
16 you it is not entirely convincing.

17 THE WITNESS: [Interpretation] But, Your Honour, I didn't say
18 that. I didn't say what you just said. I am sorry, but please tell me
19 where exactly I said that I could not send my soldiers into prison. Can
20 you please quote me exactly?

21 JUDGE TRECHSEL: There must be -- either I misspoke or a problem
22 in translation. I was speaking about your possibility to go into a
23 prison, where soldiers which were under your command, by yourself, one of
24 your sub-commanders had been sent into the prison, that you could not
25 have gone and see whether they are dealt with in a correct way. I never

Page 41122

1 challenged your right to send people. That was a misunderstanding.

2 THE WITNESS: [Interpretation] But, please, I never said that
3 either. I never said that I could not access the prison. I could access
4 the prison. And it is highly likely that no one would have been able to
5 stop me. All I'm saying is the following: I did not have any reason to
6 go there because I never received any reports or information that would
7 have prompted me to go there. Why on earth would I go there if I
8 previously had seen no information that there was anything untoward going
9 on, to my soldiers or to anyone else? That's one thing.

10 The other thing is I had a war going on at my door-step,

11 Judge Trechsel, a war. I have no idea what we spent the last three years
12 talking about. What about the 7.000 dead, HVO soldiers who were killed,
13 young lads? What about the 10.000 wounded who were there? What about
14 all the shells that were fired? What about all the wounded, 15.000 or
15 whatever? I have no idea.

16 I'll tell you one thing, if I may. For example, my refugees, the
17 Muslims, in my holiday cottage -- I spent some time there that winter,
18 and then I got in touch with a friend who was wounded. He was a war
19 invalid from the HVO. That winter, I bought a calf in Slavonia, and I
20 sent half that calf back home and the other half I left there. But if,
21 at the moment of the attack on Hum everything else altogether, when I had
22 10 people who had been killed, and 15 or 20 wounded, then if you told me
23 at that point in time that poor food was being served to someone in
24 prison, at that point in time there would have been no reaction on my
25 part to poor food being served. God forbid, for example, you have

Page 41123

1 children and your child takes seriously ill, or someone else's child, and
2 then someone tells you, Well, you know what, you have a leak in your
3 bathroom. This is only a minor manner. At the time, obviously, if I had
4 heard about worse things, I would have reacted. But there's a thread of
5 tolerance to anything that goes on even in a war. If I need helicopters
6 to evacuate the wounded, about 50 of those per day, even if I found out,
7 for example, that poor food was being served in that prison, well, poor
8 food, what can I say? I can hardly remember what I was eating myself.

9 It certainly wasn't proper food. What we're talking about here is --

10 JUDGE ANTONETTI: [Interpretation] General Praljak, we understand
11 what you say very well. You are saying that there were 7.000 soldiers
12 HVO soldiers killed and 10.000 wounded. Very well, nobody challenges
13 that, and not the judges in the first place. But that's not the problem.
14 The problem is that this Tribunal has to try a case in which
15 international humanitarian law is involved, and you, as I, listened to
16 the victims who testified here at the very spot where you're sitting
17 today. And like me, you heard some speak about the conditions in which
18 they were detained, so you know that. The Judges will have to determine
19 whether and to what extent you may be liable for what happened. That's
20 the basic problem.

21 Furthermore, you told us, and you showed us evidence, that you
22 authorised a journalist to go and visit a prison. Nobody challenges
23 that. But we have to see this authorisation that you gave within its
24 proper context. And when I learned this, and this is quite a few months
25 back, straight away I thought this, and I'll tell you what I then thought

Page 41124

1 straight away. If there was a joint criminal enterprise through which
2 civilians are being detained, mistreated, some of them killed, is a
3 journalist going to be authorised to enter a prison facility to see what
4 is there to be seen and draw conclusions that are going to be made public
5 to the entire world? That was my question back then, because everybody
6 knows the weight of the media. You can easily imagine that if a

7 journalist had been to this notorious prison in Iraq, he or she would
8 have immediately reported on what may have happened there.

9 So when I saw this document, saying that you gave the permission,
10 I immediately made a connection with a possible joint criminal
11 enterprise. I was planning to ask you, the question, but this is very
12 topical now. So I may as well put my question now. You are under oath,
13 so this will make the approach easier.

14 When this journalist came to ask you this permission to go to
15 this prison, did you, yourself, call other authorities, Mate Boban,
16 Stojic, or Prlic, to tell them, Look, there's a problem. There's an
17 international reporter who wants to come and have a look at what's
18 happening in prison; that may cause problems. What am I to do? Did you
19 call them or did you say, Well, I have a human responsibility. Someone
20 tells me they want to visit a prison. I've got nothing to hide, and I
21 gave them leave even if this is not within my purview, because as a human
22 being I have nothing to hide? Now, what was your position at the time?

23 THE WITNESS: [Interpretation] This last inference of yours, I
24 called no one. Within eight days, I let in three journalists, the ZDF,
25 the German crew, was the first; not really let them in, I granted them

Page 41125

1 permission to go, and that's just it.

2 I had nothing to conceal. I believe, and it is my position, that
3 nothing must be concealed. I expect the honourable Chamber to reach that
4 correct inference eventually, in terms of determining my responsibility

5 regarding that. Should the Chamber, along with the OTP, find any proof,
6 any evidence, any information that I had at the time about what was going
7 on over there in any of the reports, you will hand down a sentence and
8 you will say, Praljak, you are to remain in prison for a number of years.

9 What I'm telling you is I had no information on those detention
10 centres or prisons indicating that there was anything untoward happening
11 there.

12 In this text, the piece by the Globus journalist, I read that
13 some reclining chairs or beds were missing there. And then I called the
14 Capljina barracks and I said, If you have a surplus, please take the
15 settees or reclining chairs over there so they can use them. That is all
16 I knew at the time, and that is why I wrote this text on the 22nd.

17 Based on today's information, the information that I'm aware of
18 today - if what we have heard here is true, I would not go into that - I
19 would not have dispatched my own lads there, the brigade soldiers, to go
20 to prison there. I would not have done that. They were not under my
21 jurisdiction. I received no reports from anyone on the situation there,
22 none at all. And at the time, I knew nothing about that, not on any
23 basis whatsoever.

24 If you have a document or the OTP has documents proving that what
25 I'm saying is a lie, you'll write up a sentence for me. There you go.

Page 41126

1 JUDGE ANTONETTI: [Interpretation] Very well. I asked you the
2 question, and your answer has been recorded. Anybody can refer to it,

3 and no doubt the Prosecutor will revisit the issue when they
4 cross-examine you. But I might, too, because there are many topics to
5 address, and we don't have all the time in the world.

6 So your conclusion, as you say, is that, I was not in the know of
7 anything, I was not aware of anything. That is your conclusion. Very
8 well. We'll keep it in mind.

9 Please proceed, Ms. Pinter.

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

11 Q. General, can you please go to 3D02057 [Realtime transcript read
12 in error "3D020257"].

13 A. Yes, I have that document. It's a document signed by the chief
14 of SIS in Rama, Luka Markesic, on the 23rd of September. He is taking
15 stock of the war in Rama by the 20th of September, 1993. There is
16 nothing to add: The number of women and children killed; the number of
17 civilian casualties; the number of soldiers wounded in a brigade that was
18 a small brigade, not a large one, 188; the number of soldiers killed, 61;
19 and so on and so forth. This is an accurate report, very specific, on
20 what was really going on on the ground. And this is something that I was
21 unfortunately involved in, unfortunately or fortunately, depending on how
22 you decide to approach this. Fortunately, we did not end up being the
23 losers. They did not manage to beat us. Unfortunately, because that
24 kind of involvement leads you to a fate like this. But let's move on.

25 Q. It seems that I will have to go and see a specialist about this,

1 because I can't seem to get a single number right. Can we please have
2 the tape listened to? This is 3D02057, the document number. Please
3 state the date also, because that is another error.

4 A. The 20th of September, 1993.

5 Q. Next up is P05350.

6 A. This is my document, the 24th of September, 1993. It's a
7 textbook military order at the time when the BH Army were infiltrating
8 the saboteurs behind our lines. I believe some of our men were killed.
9 I think we discussed this at one point, but there's nothing to add,
10 really.

11 Q. What about the introduction to this document, two orders that you
12 wrote? Can you please comment on those?

13 A. No comment. The order is clear. Therefore --

14 Q. All right. Please go to 3D01171.

15 A. It's one of my orders. The date is -- I can't say, but about the
16 25th of September, 1993. Yes, the 25th of September, 1993. There is a
17 misunderstanding between the commanders, and one still has to teach them
18 that it is their duty to communicate, to think, to do everything. But at
19 one point in time, it is down to the commander to take a decision. And
20 the decision must then be carried out, and then no further adieu about
21 that, no discussion. A commander has every right to change his decision.
22 Today he makes one decision, the next day he makes a different decision.
23 He's perfectly within his rights because the situation changes on a daily
24 basis as well.

25 Q. P05402. Thank you.

1 JUDGE TRECHSEL: Excuse me, please. A question on the previous
2 document. Did we see the order that is rendered invalid here?

3 MS. PINTER: [Interpretation] You mean 3D01171, that question, the
4 order from the Main Staff being rendered invalid, paragraph 1?

5 JUDGE TRECHSEL: Exactly.

6 THE WITNESS: [Interpretation] I don't know what is being rendered
7 invalid here. I can't be expected to remember what exactly it was I was
8 rendering invalid at the time. But why -- there must have been some sort
9 of misunderstanding, quite obviously.

10 The commander and his deputy commander probably provided two
11 different bits of information. They couldn't reach an understanding, and
12 the order of the Main Staff was probably erroneous. But I don't think
13 that bears any relevance in relation to this document.

14 MS. PINTER: [Interpretation] Nevertheless, we can look for it, if
15 there is a document like that, and then we can show it.

16 Q. 3D02082?

17 A. Here I request from Croatia General Brigadier Imra Agotic, who
18 was the head of Croatia's air force, to make it possible for me to have
19 four pilots trained and four MI-8 helicopter technicians in the Divulje
20 base near Split. This would take about 15 days, starting the 28th of
21 September. I assert that this was very difficult to achieve. Mr. Agotic
22 always had some follow-up questions to ask, and I assert it was far
23 easier to get pilots trained by the BH Army than it was for me to get

24 training for my HVO pilots from the Croatian Army. I hereby assert that.

25 There were always follow-up questions: Did we receive approval from the

Page 41129

1 BH Army; did we this; did we that, leading me at one point in time, when
2 he was stopping some of my helicopters from taking off, to act in a
3 brutal manner and use a lot of foul language because we were looking at
4 some wounded from Central Bosnia. Back in his office, he simply failed
5 to understand what the situation was about.

6 Q. Fair enough. Next up is --

7 A. I'm sorry. More proof yet that we are here addressing a
8 different country, as simple as that. There is no communality there.
9 One country, the Banovina, the Croats. It's like -- it's like I'm
10 addressing the Swiss Army or the French Army, asking them to train my
11 pilots additionally and charge a fee for that. The same thing.

12 Q. May we have your comments on document --

13 JUDGE ANTONETTI: [Interpretation] Nothing escapes my notice,
14 General Praljak, and something has just caught my eye.

15 You are asking here for pilots to -- helicopter pilots to be
16 trained. Very well. So you send a letter, and I see that in this letter
17 you refer to order 560-01/09 from the 10th of August, from the Republic
18 of Croatia. So you're quoting a document from the Republic of Croatia,
19 whilst we know that you are on the ground. You are everywhere, but for
20 the prisons, but that you told us already; still you signed a document
21 referring to a document coming from the Republic of Croatia. How is it

22 that you could be informed of the document coming from the Republic of
23 Croatia?

24 THE WITNESS: [Interpretation] Because that document is one that
25 the minister of defence of the Republic of Croatia wrote on the basis of

Page 41130

1 my request, pursuant to my request, to grant permission for the training
2 of these pilots, six pilots, or additional training, I mean, additional
3 training. And General Agotic did not implement that. That's one point.

4 Let me make it clearer, Judge Antonetti, if I may. For flights
5 to Central Bosnia, when the BH Army blocked all the roads running into
6 Central Bosnia, we had pilots from Russia, excellent pilots, and we paid
7 them. However, that too was organised by Mr. Stojic and, in part, me.

8 Now, since they were attacked several times and targeted several
9 times, these people just lost it - as we say without too much
10 psychology - and didn't want to fly anymore, regardless of the fact that
11 we offered them double the pay and triple the pay. They said they
12 wouldn't be flying anymore because they were afraid to.

13 And now the Croats from Bosnia-Herzegovina, who were in the
14 Yugoslav People's Army previously, mostly flew planes, and there were
15 five or six of them, and one of them went with this Russian towards
16 Central Bosnia. They flew to Central Bosnia because they were born
17 there. And so they learnt how to fly the helicopter by sitting next to
18 this Russian as co-pilots. And as there was the danger that
19 Central Bosnia or, rather, Blaskic would fall completely, I asked them --

20 I begged them on my knees -- I begged them to fly. The pilot said he
21 didn't know how to fly the helicopter well enough yet, and so on. The
22 situation was very critical.

23 And as we're talking about what is sometimes erroneously
24 interpreted by His Honour Judge Trechsel, at one point in time, begging
25 your pardon, I took my pants off and said, Well, I'll give you, you know,

Page 41131

1 those things of mine if you do. So after that, that flew hundreds of
2 sorties, saved lots of people, and you can read this in the statements
3 that are attached to the documents of this court.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, when you
5 answer a question, whatever the question may be, I try to put it in one
6 or another category, Defence or Prosecution evidence.

7 You told us that when you asked Agotic to train some of the
8 pilots, some of the men sometimes said, Do you have the agreement of the
9 BiH? You said this very quickly, and then you moved on to something
10 else. So I said to myself that I needed to think about this before I put
11 the question to you because it's an important question. And now I've
12 reached a stage where I can phrase my question.

13 When somebody provides an answer like this, does this mean that
14 in the minds of the people before you, they were providing you with
15 equipment under the condition that this was part of the struggle against
16 the Serbs, but that this was also in agreement with the ABiH. And that
17 is why they then checked to see whether the ABiH agreed to providing you

18 with trainers to train the pilots? As far as you remember, the agreement
19 with the ABiH, was this something that was sufficiently airtight, was it
20 something which you needed, and was that agreement enough, and how
21 involved was the ABiH when it came to providing authorisations to send in
22 additional supplies?

23 THE WITNESS: [Interpretation] No agreement with the BH Army at
24 all. There was none, nor should there have been, nor did we need to ask
25 permission from the BH Army. Why? Because the BH Army didn't ask me for

Page 41132

1 permission. We were on a footing of equality. They were flying their
2 helicopters. These were HVO helicopters. These were HVO pilots. These
3 people were born on the territory of Bosnia-Herzegovina, and they were
4 volunteers of the HVO, these pilots here.

5 And then, next, on the 10th of August, I asked the minister to
6 enable these pilots to be additionally trained, and then he issued --
7 well, Mr. Imra Agotic, on the 20th of September -- I repeat this, in
8 fact. So who is Imra Agotic, that I discuss this with him? He -- from
9 the representative of the civilian authorities, and the minister of
10 defence of the civil authority in the Republic of Croatia, to train my
11 men, using my helicopters for my money, as he was doing for the BH Army
12 in Split, Rijeka and Zagreb without any money? He was a general, and he
13 has to listen to the orders he's given. Now, for some reason of his own,
14 best known to him, he tried to side-step this.

15 MS. TOMANOVIC: [Interpretation] I apologise. The general is

16 speaking much too fast, and on page 66, line 17, what the general said
17 has not been recorded, and that is that in Split and Rijeka, pilots of
18 the helicopters belonging to the BH Army were being trained free of
19 charge.

20 THE WITNESS: [Interpretation] No. In Split, Rijeka and Zagreb,
21 they had their logistic centres, and the pilots were trained there. The
22 helicopters were transport -- flown across Croatia, and this was made
23 possible for the BH Army, whereas this man here was dangling me on a
24 string for a month and a half until I put my foot down and shouted at him
25 and told Gojko Susak to get him off my back. And he got him off my back.

Page 41133

1 So for money, this training was completed. So why would I ask the
2 BH Army for permission, then, when it was doing the same thing in
3 Croatia? Better than vis-a-vis the HVO because they were hot-heads of
4 this type who, like many others, thought that the BH Army was the only
5 army --

6 JUDGE ANTONETTI: [Interpretation] Just a moment, General Praljak.
7 Sometimes you go off on a tangent, and I try to ask you to get back to
8 the point.

9 You've told us already, but it's good that you reminded us of
10 this. You told us that the Republic of Croatia was training pilots of
11 the ABiH in Split and Rijeka. If I understand correctly, in September
12 1993, the ABiH had trained pilots in Split and in Rijeka; is that right?
13 No?

14 THE WITNESS: [Interpretation] No. They had sent their pilots
15 earlier on, Your Honour, and we saw documents to that effect. They had
16 their logistic centres at this point in time.

17 Yes, I will speak slowly. Let me take it slowly.

18 The BH Army at this particular time had -- the Main Staff of the
19 BH Army had its logistic centres that Split, Samobor, Zagreb. As you saw
20 from the documents, they were amassing weapons, purchasing weapons, and
21 we would allow them to pass through our territory at this particular
22 time. And we were doing this clandestinely, secretly from our own
23 people. But under 15 oaths here, I say that even at this time we let
24 through convoys of weapons, not humanitarian aid but convoys carrying
25 weapons and fuel and ammunition for the BH. And you have evidence of

Page 41134

1 that in reports by a very important man connected with armament on their
2 side.

3 JUDGE ANTONETTI: [Interpretation] The ABiH was trained by the
4 Republic of Croatia. I assume that from the logistical bases of the
5 ABiH, the aircraft of the ABiH had to be overhauled. This was done by
6 the Republic of Croatia or not?

7 THE WITNESS: [Interpretation] Yes.

8 JUDGE ANTONETTI: [Interpretation] Which means I can establish a
9 connection with the criminal enterprise. If there's a criminal
10 enterprise in which Tudjman, Susak, Boban, and you are included, does
11 this mean that the criminal enterprise that aims at annexing part of

12 Herzegovina, of ethnically cleansing some of the people, would it be
13 logical then to be in charge of maintaining or overhauling the equipment
14 of those people one wishes to crush so that the Croats in Herzegovina are
15 in the majority? From your perspective, is this logical or illogical?

16 THE WITNESS: [Interpretation] It's an extremely illogical
17 assumption. It is -- it cries out for want of understanding, because the
18 Croats are 90 percent in the majority in Herzegovina, more than
19 90 percent. So there can't be more of them than there already are. And
20 I claim, Judge Trechsel and Your Honours, that had this kind of situation
21 faced the French, if something like this was happening to the French, 50
22 million Frenchmen would have laughed out loud at an indictment of this
23 kind, that you're arming them, that you're supplying them with fuel, that
24 you're seeing to the wounded and sick, and that that then is a joint
25 criminal enterprise. That is something that my head just can't take.

Page 41135

1 There's never been the like in history. But there you have it. We're a
2 small people, a small nation, so you can perform these illogical mental
3 acrobatics.

4 JUDGE ANTONETTI: [Interpretation] Very well. Ms. Pinter.

5 MS. PINTER: [Interpretation] Thank you.

6 Q. General, Judge Antonetti asked you about the operations duty, so
7 look at 3D01161, which is the next document, please. And you mentioned
8 your order?

9 A. Yes, that is my order and shows what the situation was like. Of

10 course, after all these years, with the passage of time, I, myself, can't
11 quite remember everything and things like this. Anyway, the document
12 speaks for itself. It speaks about combat readiness. It says what the
13 duty mean -- what duty shift means. It analyses the duty operations
14 officers. And the shifts that last for seven days, they are replaced
15 every 12 hours or whatever. And then there is a list of who takes up
16 their duties when. The first group, Petkovic, Keza; and the second you
17 have Tole; third, Stanko Matic, and so on and so forth, officers,
18 non-commissioned officers and whatever. It's all there, all described
19 and set out there. It speaks for itself, and I have no further comments
20 to make.

21 Q. Thank you. Now the next document is P05580.

22 A. Once again, this is my order, but I didn't sign it, but that
23 doesn't matter. General Petkovic signed for me, and it's an order --
24 well, it says that winter is coming and that the war and the fighting
25 won't be over soon.

Page 41136

1 Your Honours, we were fully conscious of the fact that the
2 BH Army certainly had intentions to and would try to -- well, whatever
3 truce or cease-fire was signed, there would be changes in the Vance-Owen
4 and Stoltenberg plans, and all these plans that were signed and whatever.
5 But there was no firm stand taken on the part of the international
6 community to have what it proposed be carried out. If they thought it
7 was wise and logical and sustainable and so on, that it be put into

8 practice, and then that they say that's how it's going to be from now on,
9 as is the case with some other states, the Taliban and whatever. They
10 say -- they put their foot down and say, This is how it's going to be.
11 But, unfortunately, we had a different fate. Anyway, all this is set out
12 in the document.

13 Q. 3D02788 is the next document, please.

14 A. It's the 3rd of October, signed by General Petkovic for me,
15 because it says "for," "za."

16 Q. That means that you agreed with the document and that it was, in
17 fact, your document?

18 A. Yes. And it is noted here that the brigade from Posusje did not
19 take over its area of responsibility. And the question was why, why the
20 order was not acted on. And a request is made to investigate and to deal
21 with the matter. So all these documents testify to the problems that
22 arose and how they were solved.

23 JUDGE ANTONETTI: [Interpretation] General Praljak, these orders
24 show that there is a problem. The commander of the 5th Brigade of
25 Posusje - I apologise for my pronunciation - was he someone who could be

Page 41137

1 contacted over the telephone? Couldn't you call him up and tell him, How
2 is it that you haven't been deployed, rather than issuing orders on
3 paper? Wouldn't it have been possible to ask him to give you an
4 explanation over the phone?

5 THE WITNESS: [Interpretation] Very frequently, no, Your Honour.

6 No, we couldn't do it by telephone very often. And it's always a good
7 idea to leave a written trace, so this was as fast as a telephone
8 communication. He needn't have been in the command. He might have been
9 somewhere in the field, but this document would arrive and he would have
10 had to have received it. So the telephone is a relatively unreliable
11 means of communication because soldiers don't sit in their offices. They
12 have other things to attend to. But, anyway, the duty officer's there to
13 receive the order, and then he hands it over to the commander once the
14 commander arrives because the commander's probably somewhere with his
15 brigade, manning a position of some sort.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, do you know,
17 but maybe this is something that you don't know, that one of the military
18 principles or tenets is that in the chain of command, between the bottom
19 and the top, there needs to be a permanent contact so that the orders can
20 be disseminated and that the leaders can be informed; and if there is no
21 such contact or the contact is lost, this can give rise to problems? I'm
22 sure this applied to the JNA. Was this not applied in the HVO?

23 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour,
24 principles are one thing, and at least in Croatian the verb and the
25 conditional "must" and "should" and so on doesn't mean a lot. What means

Page 41138

1 a lot is what you can do and what you have at your disposal, and all your
2 principles fall through if you cannot realise something because you don't
3 have the means to realise it with.

4 Now, as for communications, and I could go on talking about
5 communications for days, the 1st Division, the 1st famous
6 Marine Division, which numbered 21.000 soldiers, roughly, has 28.000
7 communication lines amongst themselves, simultaneous ones. Now, a
8 thousandth of that we did not have. We had the packet link -- packet
9 communication that was down sometimes. We had very poor telephone
10 communications, which functioned towards Split but were very often down
11 towards other places. So as for communication, especially if somebody is
12 out in the field, to get in contact with a company or whatever out in the
13 field at their positions, the kind of devices you need to have, and then
14 have coded communication, well, certainly not. We didn't have any of
15 that.

16 Principles are principles. Principles are one thing, but
17 whatever the principles are, you either have the devices or you don't.
18 You have the money for them or you don't. And even if you have the
19 money, they're not readily available. You can't just go out and purchase
20 some good military equipment whenever you like.

21 MS. PINTER: [Interpretation]

22 Q. General, could you please look at document P05702. Again, is
23 that yours down there?

24 A. No, this is not my signature. Somebody signed it in my stead.

25 Q. But do you agree with the contents?

Page 41139

1 A. Yes. Yes, with the contents of the document. Again, I address

2 Gojko Susak, and I probably told him orally, Please send this. But this
3 is not my signature, and I'm asking for two cannons to be replaced
4 because of wear and tear. I want him to give me two cannons that are in
5 good working order, and I actually want to get him to rent me a Howitzer
6 battery. And this is what I'm asking for, and I didn't get it. I got
7 some, and I didn't get other things.

8 And I repeat, the money for this purchase, as we heard testimony,
9 was the money from Croats from Bosnia-Herzegovina that transferred the
10 money to a joint account for the defence of Croats against the
11 aggression. So I had the right to ask that for the money given by the
12 people who gave the money who fought down there to be given this. I got
13 some of it, but I didn't get the Howitzer battery. I think we managed to
14 replace the barrels. But, again, this speaks -- yes, please go ahead.

15 MR. STRINGER: Sorry for the interruption. Could the general
16 please clarify the date of the document? I'm looking at the date in the
17 top part, and both the original and the translation has too many numbers.
18 I wonder if you could clarify that.

19 THE WITNESS: [Interpretation] Yes. There's not too many numbers.
20 The date from Citluk is the 7th of October. Sorry?

21 MS. PINTER: [Interpretation]

22 Q. Well, 24, it's too much.

23 A. Well, 24, somebody probably just put it there. But as I was not
24 going there, and I was contacted at the forward command post at Prozor,
25 well, that's where the forward command post was. And it is fairly

1 certain that on the 12th of October I said, Send this, regardless of the
2 fact that I was not there, and sign it, because I agree with the request.

3 Q. So the date is the 7th of October?

4 JUDGE ANTONETTI: [Interpretation] One moment. General Praljak,
5 as far as the date is concerned --

6 THE WITNESS: [Interpretation] Yes. Well, it's obvious that this
7 text is written on the 7th of October, 1993.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, this request
9 was a request which was coded or was it transmitted to Mr. Susak via
10 packet switching system? I'm asking you this question against the
11 backdrop of what is going to follow.

12 Generally speaking, when I put a question to you, there is --
13 it's never a trick question. You know that at the time at the UN
14 Security Council, the intervention of the Croatian Army in the Republic
15 of Bosnia-Herzegovina was being discussed. Let's imagine that at the
16 time your request was something which was known. In that case, we would
17 have said, There is proof of the fact that the Republic of Croatia is
18 helping the HV. So when you send this kind of letter to Mr. Susak, this
19 is being sent in a coded fashion or don't you feel that this is a problem
20 at all because you've got nothing to hide? You are asking to have two
21 130-millimetre barrels and so on, so as far as you're concerned this is a
22 perfectly standard request filed by the union of the republics - this is
23 what's indicated in the title of the document - of Bosnia and Herzegovina
24 and of the Croatian Republic of Herceg-Bosna. Was this 100 percent

25 confidential because on the document it says "Classified?" Well,

Page 41141

1 military secret and generally speaking, when the military sends
2 something, it's always classified or a military secret. Did you not
3 consider that when this was being sent out, if this had been made known,
4 this was a proof that the Army of the Republic of Croatia was helping the
5 HVO?

6 THE WITNESS: [Interpretation] No, Your Honour. No protection, no
7 concern. This was sent only by fax, probably. Of course, whoever wants
8 to -- any well-trained organisation can get at those faxes. We are in
9 the Republic of Bosnia and Herzegovina, and I request that the following
10 demands be met, and that's the replacement of two T-130-millimetre cannon
11 because of wear and tear. And further on, if the Croats from Croatia can
12 send this with our cooperation to the Muslims in Bosnia and Herzegovina,
13 if we can send fuel so their helicopters can fly, making 500 sorties, as
14 they say themselves -- one helicopter did 500 sorties, so I don't see why
15 they should not assist in parallel two armed forces which are in conflict
16 at this present point in time. And I would like to show that to
17 everyone.

18 JUDGE ANTONETTI: [Interpretation] Very well. We need to have a
19 break very soon.

20 Ms. Pinter.

21 MS. PINTER: [Interpretation]

22 Q. General, could you now please look at 3D00 --

23 THE INTERPRETER: Interpreter's note, we could not hear the
24 number because of the noise in our microphones.

25 MS. PINTER: [Interpretation] The date is the 8th of October.

Page 41142

1 THE INTERPRETER: Interpreter's note, there was a noise in our
2 microphones.

3 MS. PINTER: [Interpretation] 3D00779. The document is dated the
4 8th of October, 1993.

5 Q. It's your document?

6 A. Yes, it's my document, my signature. And at that time, the
7 cease-fire was already signed. And I learned that at one point there was
8 an aeroplane that was flying around without my approval. And I say that
9 they shall not fly without my approval or without the approval of a
10 person that I shall authorise, except when they are evacuating the
11 wounded. And on those occasions because urgency is important, and they
12 might not be able to get in contact with me, and this has to do with what
13 Judge Antonetti asked me about the communications, then they can fly.
14 They can make that decision themselves, and then it will be approved
15 ex-post-facto.

16 And there is an order also to the effect that the artillery
17 should not fire any rounds without the approval from somebody from the
18 Main Staff, and this is lest somebody should fire at will and violate the
19 cease-fire; although you should not place the artillery under the command
20 because it is under the command of the operational zones. This is not in

21 accordance with military logic. But at that time, this seemed to be
22 sound to me, and they always had to inform the Main Staff if they wanted
23 to target something and explain why they wanted to target it.

24 JUDGE TRECHSEL: It seems to me, Mr. Praljak, that you are
25 speaking about an order which is not this one. This one does not refer

Page 41143

1 to artillery, so it's not very helpful because it's in the area.

2 THE WITNESS: [Interpretation] Yes, yes, I do apologise. I did
3 stray a bit, and I do apologise, Your Honour. I wanted to establish some
4 sort of a connection, but I will not do that again.

5 JUDGE ANTONETTI: [Interpretation] It is a quarter to 6.00. We
6 need to have our 20-minute break.

7 --- Recess taken at 5.46 p.m.

8 --- On resuming at 6.07 p.m.

9 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, please.

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

11 Q. General, could you please look at document 3D02766. It's a
12 document of the 9th of October, 1993, and you are the signatory?

13 A. Yes, this is my document, and I am asking -- well, this shows the
14 difference between an order and a demand or a request. So from the
15 Military Police Administration in Ljubuski, I'm asking something. And
16 I'm sending this to the operational zone in Tomislavgrad. I'm asking
17 them to put at the disposal a military police unit in order to bring in
18 the conscripts from Jajce who are in the Livno municipality. And there

19 are 191 such conscripts. And these people should simply be brought in
20 and put into their units, because they are military conscripts, subject
21 to military obligation, and they are violating the law on mobilisation,
22 the law on draft. That's as much as I can say about this.

23 JUDGE ANTONETTI: [Interpretation] General Praljak, I try to see
24 whether there is any contradiction in what you say. Sometimes I do
25 notice there are some contradictions, and I tell you straight away

Page 41144

1 whenever that is the case, to clear all this up.

2 So in the afternoon, you explained what the HVO Army was, and I
3 thought I had understood that it was made up of volunteers, and that in
4 the end you had little authority over them, and now we find a document
5 that says the opposite. Indeed, and you said so yourself a minute ago,
6 these are conscripts, so they could not elude their military obligations.
7 And if they tried to, they have to be arrested by the military police.
8 So there is an apparent contradiction between what you said this
9 afternoon and this document. How can you settle this?

10 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, there
11 is no contradiction. If those people left the territory of
12 Bosnia-Herzegovina and Herceg-Bosna and went to Croatia -- or, rather,
13 this is what I'm talking about. They could have gone, and that's why
14 those who remained there are in some way volunteers. This is a unit from
15 Jajce. So when Jajce fell, of course they scattered around, and some of
16 them went back and so on, but there are 191 of them. And I am demanding

17 from the military police to bring them in, since they are there. So the
18 first division is the division between those who could leave across the
19 border and those who couldn't. Had these people left and crossed the
20 border, and this is why those who are left are volunteers, even if they
21 are brought in. Why? Because they couldn't find accommodation or
22 because their families were there. I'm not going to go into that.

23 So a military was not a volunteer force. There was a draft, and
24 they had to respond to the call-up. And if they failed to do that, the
25 military police brought them in. And there were, well, so many reports,

Page 41145

1 that they couldn't be found, that they're not at their proper address,
2 and so on and so forth, but when they were in the territory. But all
3 those who didn't want to take part simply went to Germany, Croatia,
4 France, wherever, to stay with their friends, relatives. And a huge
5 number of people from the HZ-HB, Croats, had been working abroad for 10
6 or 15 years all over Europe as workers temporarily employed abroad, and
7 everybody could find somebody to stay with.

8 So let me repeat, there is no contradiction, because if you --

9 JUDGE ANTONETTI: [Interpretation] In a nutshell, and you say
10 whether it is right or not, those who would remain in the Republic of
11 Bosnia and Herzegovina, they had to be mobilised because there were
12 conscripts; however, those that had gone abroad, when they would return,
13 they returned as volunteers; is that so?

14 THE WITNESS: [Interpretation] Well, the first part is correct.

15 Those who stayed there, who went on living there, were subject to the
16 military obligation, to the conscription. But how could you explain that
17 in any different way, Your Honour? If you cannot punish somebody who has
18 left, you are left with the volunteers, regardless of whether they are
19 trying to dodge the draft or not. I think that the situation is clear,
20 because if somebody remained there and some responded to the call-up, and
21 others for some reason had to be brought in because they didn't want to
22 go at that particular time because they had some other stuff to do, there
23 were hundreds of reasons why some of them did not want to respond to the
24 call-up specifically to go out into the field on that day.

25 But let me repeat, nobody was punished for dodging the draft,

Page 41146

1 those who had left. There was no law in place. You couldn't say, And
2 now you're going to serve time in prison because you betrayed your
3 country, in effect.

4 MS. PINTER: [Interpretation]

5 Q. General, did the HVO have barracks, and were all the soldiers in
6 barracks?

7 A. Well, no, it just had a barracks in Capljina, one in
8 Central Bosnia. I don't know. That was all.

9 Q. Well, where were the soldiers, then?

10 A. At home. We've said that a hundred times. As soon as they went
11 back from their positions, they would go home. They would be civilians.
12 They would do some work. So if they received a salary, say, of 120

13 German marks, they had women, children, they had to live off something.

14 So that's what happened.

15 Q. All right. Now would you take a look at the next document, which
16 is 3D00975, and the date is the 12th of October, 1993. It is the
17 Rama Brigade, the Deputy Commander Petar Kolakusic. What can you tell us
18 about that document?

19 A. Yes, it was signed by Petar Kolakusic. But it was compiled based
20 on my explicit request for this type of meeting to be held, and the
21 reason is set out here; because inter-human relations had been upset,
22 there were incidents breaking out in town, and the situation was out of
23 control using the normal means and resources open to the civilian
24 authorities or military authorities or whatever. It was out of control.
25 And then I requested that this meeting be convened, and here we have who

Page 41147

1 attended; Guardian, et cetera, the chief, the commander of the military
2 police, the commander of the operations zone, the president of the HVO,
3 Mr. Jozic, who was in jeopardy over there because people kept threatening
4 him. And I'll address that in due course. Well, I can tell you now.
5 Anyway, this is a very good document for that.

6 Your Honours, those who fled abroad from Rama, for example, then
7 the people who stayed on would set fire to their houses, and this
8 happened to four or five houses, Croats setting fire to Croatian houses.
9 That is to say, a fighter, a combatant, would utter some expletives and
10 swear and say he's fled abroad. And they were powerless to do anything

11 else, but they did set their houses on fire. And then they would
12 threaten, asking for money, threaten him with a pistol, ask for money;
13 Mr. Jozic, that is. And then when Mr. Jozic was threatened by this one
14 person who demanded 30.000 marks on the spot or he'd kill him, he called
15 me up, and I sent the command of the military police because the civilian
16 police force wasn't functioning properly. I sent him out to take that
17 man into custody, whereas he asked me for 30.000 marks with a pistol
18 pointed at me, and that's how things were.

19 Now, I managed -- well, the man was quite mad and drunk, and I
20 managed to appease him.

21 JUDGE TRECHSEL: Excuse me. The sentence on lines 14, 15, up to
22 16, is not clear. It reads:

23 "I sent him out," and him, that's the command of the military
24 police, or the commander, "to take that man into custody, whereas he
25 asked me for 30.000 marks with a pistol pointed at me, and that's how

Page 41148

1 things were."

2 Who asked 30.000 marks from you; the police commander?

3 THE WITNESS: [Interpretation] No, no. I was speaking much too
4 fast. When the command of the military police went over there, then that
5 man told -- put a pistol to the police chief's head and brought him to my
6 office in Rama-Prozor. And then he threatened me as well and said that
7 he was to be brought 30.000 Deutschmarks on the spot, or he'd kill us
8 all, he'll kill me.

9 Now, a little while after that, the president of the
10 municipality, this man Jozic, Mr. Jozic, once again -- well, he just lost
11 it. He couldn't take the situation anymore. And he got into his car,
12 switched the engine on, and drove off to Germany and never returned.
13 Now, I understand the man. But some people, despite all those terrible
14 problems, had to remain. And the person who had to remain seems to be to
15 blame now for having stayed.

16 So you have witness statements about that event. And just like
17 the events in Travnik, I filmed all this, and I'll show what it looks
18 like when some idiot is threatening to shoot you with a pistol unless you
19 give him 30.000 marks on the spot.

20 MS. PINTER: [Interpretation]

21 Q. General, what were the circumstances under which this meeting was
22 held? Did you have any private --

23 A. Well, at this meeting and another meeting, when I managed to
24 gather a much broader circle of people together, I stayed on despite the
25 fact that I was told that my father had died. And I had to go to Zagreb

Page 41149

1 and see to the paperwork so that his bodily remains be brought to
2 Herzegovina. But despite that, I stayed on. I didn't go to Zagreb. I
3 postponed going. I asked them to wait for me because the problems in
4 Rama had exceeded what was acceptable. They'd gone beyond what was
5 acceptable. People were doing all sorts of things during the day and
6 during the night. So I composed this group of people. Then I added more

7 people. I did that, and then you can't issue orders. You can talk to
8 the people and treat them, explain them, request things of them, ask them
9 to do something, ask them to be more involved, from the priests,
10 everyone, to take part and to help out, things that have nothing to do
11 with the conduct of the army and military establishment.

12 That's the truth of it. Now, how you're going to understand this
13 and interpret it, I really don't know. I'm telling you how the facts
14 were, the bare facts, naked facts, in human terms.

15 Q. Would you now take a look at the next document, which is 3D02397.

16 A. Yes, I'm familiar with the document. I know Mr. Brekalo. That
17 is one of the people who went -- who came down there as a volunteer. He
18 was also a fighter in Vukovar because he hails from that general area.
19 And he helped out in a lot of aspects, in a military and friendly way,
20 and here's what he says. Well, I sent him to tour the front-line, and
21 he's reporting back to me and telling me what he found there. So there's
22 nothing that I can add there. The document speaks for itself; who were
23 the fatalities and casualties, how many people, and so on.

24 Q. And what about the MTS, materiel and technical equipment
25 situation?

Page 41150

1 A. Well, he says that 82-millimetre mortars, that there were two of
2 those, that they hadn't been cleaned properly, that the cannon hadn't --
3 canyon hadn't been mined properly, and that the obstruction hadn't been
4 properly carried out, and so on.

5 Q. Now we come to 3D02148, dated the 21st of October, 1993, and you
6 signed that document?

7 A. Yes, I did sign this document. It's one of my documents. Once
8 again, it says that the military conscripts from Kakanj and Vares have
9 arrived with a convoy of refugees, and that's it. It asks that the
10 conscripts should report and then be deployed to the brigades. And I say
11 who should be in charge of all this and how this should be done, and so
12 on.

13 Q. Very well. Now let's go on to 3D02795, which is also one of your
14 documents.

15 A. Yes, it is my signature there. So these people from the
16 Lasva Battalion, who were in Capljina, at the barracks there, I asked
17 that they be sent on the 22nd of October to Rama and report to Siljeg and
18 Bozo Curcija and that they would be given instructions about what they
19 were to do. That's it. I don't need to add anything.

20 Q. What about that piece that is handwritten down at the bottom, the
21 writing there?

22 A. Well, this is Siljeg's handwriting, I believe, probably Siljeg's.
23 And he says that part of the men have arrived and that he is faced with
24 the problem of them not wanting to take up their positions up at the
25 defence lines. So he's asking what to do about these people who don't

Page 41151

1 want to man the lines. And what can you do? If you put him in prison,
2 he's better off in prison than he is up at the defence lines.

3 Q. Now look at the next document, which is P05560, dated the 4th of
4 November, 1993. It is an order, your order. At least it's your
5 signature there. We've already dealt with this document?

6 A. Yes, we have. It's the duty operations team for the 11th of
7 November, the commander, the deputy commander, and the other officers in
8 the team. It's the classical type of organisational setup in the
9 Main Staff. And at the time, the BH Army offensive had already become
10 less intense, so we could deal with the organisational problems. And
11 that's what we did, and that's what we have here.

12 Q. Now we come to 3D03047, the next document. You signed that
13 document, too.

14 A. What number was that, 03047?

15 Q. It is the 6th of November, 1993.

16 A. Yes, I found it. On the 6th of November, my signature there.
17 This was September to Blaskic, Kordic, and Zeko. Well, their reports
18 were becoming more and more panicked. They would write in haste,
19 especially after the fall of Vares. And I'm telling them that Vares fell
20 because they didn't prepare for battle properly because there was lack of
21 organisation. They thought nobody would attack them. They were on good
22 terms with the 3rd Corps because they supplied the 3rd Corps with
23 everything it needed. There was a lot of black-marketeering, and then
24 rumours were going around that somebody would be leaving Central Bosnia.
25 And so here I'm telling them to persevere, that it is difficult, but that

1 there is hope. Well, it's a classical letter of encouragement.

2 Q. And what conflicts did you mean?

3 A. Well, the BH Army attacks in Central Bosnia because the conflicts
4 were very intensive still there and had serious repercussions. There
5 were a lot of wounded, and the other population suffered.

6 Q. Now look at the next document, which is P06482.

7 MR. STRINGER: Excuse me, Mr. President.

8 I might come back to this document later, and I can, but I
9 thought that while we're on it, can I ask for a clarification and make
10 sure the translation is correct?

11 I'm looking at the sentence there that says: "Low-spirited
12 people to be eliminated," and I want to make sure that that is a correct
13 translation from the original language of the document.

14 THE WITNESS: [Interpretation] "Eliminate" in the Croatian
15 language, or at least how I use it here, means to get them away from
16 their posts, positions. Now, I don't know, in English, whether to
17 eliminate means to deprive of life, to kill. But the way I use it in
18 Croatian, that's what I meant, to remove them from those -- the
19 positions, to replace them, have them replaced from their positions, to
20 prevent them from disseminating rumours. To eliminate the problem means
21 to solve the problem.

22 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, it does not mean
23 physically eliminate, meaning killing somebody?

24 THE WITNESS: [Interpretation] To eliminate a problem,
25 Your Honour, means -- well, I don't know. It's a very clear word, at

1 least in the language that I use. Whether it's a problem or -- well, you
2 can also use a different word. I could have written "replace him," but
3 "eliminate the problem" is short and to the point. Prevent them,
4 incarcerate them, do whatever you like, just don't let panic overtake you
5 because they had already started to panic. They had a lot of reason to
6 be gravely concerned, but I say, No, that's not how you should be doing
7 things.

8 MS. PINTER: [Interpretation]

9 Q. General, you didn't answer -- you haven't answered
10 Judge Antonetti's question. Does "to eliminate" mean to kill?

11 A. No, it does not.

12 Q. Now take a look at the next document, which is P06482. The
13 document is dated the 6th of November.

14 A. Yes, I know. That's a meeting that I convened with the
15 commanders of two operation zones that were over there, the brigades and
16 the commanders of the professional units. And I say that the meeting
17 will be held on the 7th of November at 1800 hours in Tomislavgrad, and
18 that I am asking them to attend the meeting. I was already leaving, but
19 that didn't prevent me from completing my task. And the amount of
20 problems that commanders from all levels put forward was such -- the
21 problems were so great, they had so many problems, and they wanted to
22 explain the situation precisely and clearly and state what needed to be
23 changed for the military establishment of the army to be raised at a

24 higher level so that they could manage their troops and the army. And
25 that's the problem that I tried to explain to you, although I don't have

Page 41154

1 a lot of time. I used the example of, well, the beginning of sociology,
2 why Napoleon was victorious, a well-ordered army, and how the social
3 circumstances and situation affected an army because an army is not a
4 separate part of society. It lives with the entire political-social
5 situation in organisational terms and so on and so forth. Anyway, this
6 meeting was held.

7 Q. Can we please move on to 3D02029. Another one of yours.

8 A. Yes. Yes, the 8th of November, the last evening. I think on
9 that day when I arrived, and I arrived late - I remember that well - late
10 that evening I arrived at the Main Staff because that afternoon I had
11 stayed until late with Mr. Roso, who was to replace me the following
12 morning. I was trying to explain to him what the situation was. I think
13 I signed this document and another one on behalf of Mr. Petkovic to step
14 up the procedure about the investigation in Stupni Do.

15 Here I signed the commission for SpaBat to carry the wounded
16 across. I asked that in addition to Ms. Dzenija Orucevic, and her
17 mother, Edina Orucevic, two Bosnian Muslim ladies, Josip Kordic, a Croat,
18 also be taken, who had been wounded by a shell, and this is about the
19 eastern side, to Mostar Hospital, and if needed, taken even further than
20 that. I said that they should be given any assistance required.

21 For the first time here, I ask that a Croat be taken along, too,

22 because there had been justified complaints that had been reaching me
23 that we were taking better care of the BH Army, for humanitarian and
24 other reasons, than of our own people.

25 Q. Can we please go to 3D00951. The date is the 9th of November,

Page 41155

1 1993?

2 A. Yes. Again, late that evening, following this meeting that I had
3 on the 7th, I slept there and I did not go to the Main Staff the morning
4 of the 8th; rather, I waited to meet Mr. Roso first. This happened in
5 Livno and Tomislavgrad. We toured that part over there, and then late
6 that evening, I was back.

7 The morning of the 9th, at 7.35 a.m., I handed over to
8 General Roso. He then wrote an order to the effect that at noon the same
9 day, he would be meeting the brigade commanders in Prozor. I state that
10 just to confirm he wouldn't have made it any other way, just to remove
11 any doubt at all that I did, in fact, hand over to General Roso on the
12 9th of November, 1993, at 7.35 a.m. General Roso issued an order
13 immediately, and he was off to war. It would have taken him at least
14 three hours to reach Rama.

15 Q. 3D00953, please.

16 JUDGE TRECHSEL: Mr. Praljak, one question to this order. Who
17 are the chiefs of service?

18 THE WITNESS: [Interpretation] Well, an army has different
19 services. I'm not sure who exactly he had in mind, but he probably meant

20 the artillery, the infantry, the signals, an army's components,
21 individual components, and then the chiefs of these components. Whether
22 he meant the chiefs from the Main Staff, it's probably for the chiefs of
23 the Main Staff, the chiefs of these separate components or services.

24 JUDGE TRECHSEL: You have to perhaps speculate because it's not
25 you who wrote this order. Thank you.

Page 41156

1 MS. PINTER: [Interpretation]

2 Q. Can we now please go to 3D00953, which is dated the 9th of
3 November, 1993. You didn't produce this document. It was produced by
4 Colonel-General Ante Roso. Can you tell us what this order says? Had
5 General Roso taken over by this time?

6 A. The hand-over occurred on the 9th of May [as interpreted], so he
7 took over. This order is of no interest to me in that respect. I just
8 wanted to ascertain the time I handed over my command duties. The only
9 thing that is noteworthy here is paragraph 2, where he says that he will
10 take these brigades to put together five and a half thousand soldiers.
11 Quite obviously, Mr. Roso, who had served with the foreign legion as well
12 for a long time, was thinking that the manpower levels in the brigades
13 were kept up under a different system, the system that he was used to,
14 but this figure makes no sense at all. He was later bitterly
15 disappointed when he realised how many men were actually available to
16 him.

17 Q. General, the transcript states that the hand-over took place on

18 the 9th of May.

19 A. The 9th of November, 1993, at 7.35 a.m.

20 Q. I had to ask because that's what the transcript states. Can you
21 now please go to 3D00969. The 31st of August, 1993.

22 A. Yes. It's one of my documents. It's about the cease-fire. It
23 was dispatched to SpaBat in Medjugorje. Again, we are asserting that we
24 are ready to cease all hostilities in Mostar for the duration of the
25 Medjugorje talks. The talks were happening under the chairmanship of

Page 41157

1 General Felin, and the talks took place between the two armies, the
2 Croat and the Muslim armies. And I said that SpaBat and the UN
3 observers should oversee the cessation of hostilities on both sides.

4 Ms. Nika, Your Honours, the recurring problem was always the fact
5 that all sorts of things were being signed all the time in offices all
6 over the world. But no one ever gave us a recipe as to how these things
7 should be implemented and under whose supervision. Each time, whenever
8 we signed something, we asked. Please, look at page 3. EU observers or
9 UNPROFOR, may they oversee both sides, supervise both sides, just to make
10 sure we know who it is that is violating the cease-fire? But, no, the
11 cease-fire is signed. No one was prepared to supervise its
12 implementation. Everyone was off to a more leisurely life somewhere
13 else, to put it that way.

14 And then after that, obviously, the BH Army claimed that it was
15 us violating the cease-fire, and we were saying that they were attacking

16 us. The fighting was becoming fiercer and fiercer, and then the
17 observers would check god-knows-what information, who started first.
18 They were probably under some political instructions or other. Each of
19 the documents said, Now that you have recognised the Republic of Croatia,
20 place along its borders small military contingents of your own to make
21 sure that the cease-fires are upheld.

22 The UN mandate did not allow for that, and maybe no one was
23 interested, as simple as that, but we never managed to achieve any degree
24 of control in terms of any of the cease-fires signed being implemented
25 equally on both sides.

Page 41158

1 Q. What about the 31st of August; was there a cease-fire that took
2 effect on the 31st of August? Can you still remember that?

3 A. Probably so, for a while at least. I don't know.

4 Q. At the time, do you remember what was going on in Mostar? Let me
5 prompt you. There was a humanitarian convoy on its way in?

6 A. Oh, yes. I remember that.

7 Q. All right, you don't remember then?

8 A. I do remember one on the 25th. I was involved, and then later,
9 other convoys came. There were convoys on their way and all the time.

10 Q. I didn't mean the convoy, but the circumstances. But it doesn't
11 really matter. We're done with the Main Staff now and are about to move
12 on to a file entitled "Effective Control."

13 THE INTERPRETER: Microphone.

14 MS. PINTER: [Interpretation] It's not in the binder. It's like
15 this [indicates]. Thank you.

16 JUDGE ANTONETTI: [Interpretation] In order to understand things
17 clearly, Ms. Pinter, is this your last binder or will there be other
18 binders after this one?

19 MS. PINTER: [Interpretation] Yes, a little more. We have
20 Mostar-93, several documents from Mostar in relation to the snipers and
21 the Old Bridge. We also have a number of questions left. We have two
22 books, and we have another binder that is important. This one has been
23 handed over to you, and we informed our learned friend, Mr. Stringer.
24 These are documents that require some explanations, and the general will
25 try and shed some light on these.

Page 41159

1 JUDGE ANTONETTI: [Interpretation] Very well. I put the question
2 to you because I was trying to understand how much time you needed still.
3 You've had an hour and 30 minutes more. We will most probably be sitting
4 on Monday as well, since as things stand, we will run on until the end,
5 until Monday, then we will have a break for the week. And when
6 Mr. Stringer comes back, we will resume on the following Monday. And I
7 will then put my questions, which means that if we include tomorrow, that
8 would amount to three hours, and on next Monday another three and a half
9 hours to four hours. This means that you have approximately five or six
10 hours. Can you finish in that time?

11 MS. PINTER: [Interpretation] Yes.

12 JUDGE TRECHSEL: A small question. You have referred twice, once
13 just now to a "classeur," to a binder "Mostar-93." We have one binder
14 which is inscribed "Mostar-92." Now, is this perhaps wrongly inscribed
15 or will we get another binder?

16 MS. PINTER: [Interpretation] No, you will not get a binder. You
17 will get two documents in relation to Mostar, the snipers and the Old
18 Bridge, not in the form of a binder. It's just my way of referring to
19 it, "Mostar-93," but you won't be getting that. You will be getting a
20 single new one.

21 JUDGE TRECHSEL: Thank you.

22 JUDGE ANTONETTI: [Interpretation] If I have understood you
23 correctly, Ms. Pinter, we will have to review all of these documents and
24 additional documents on Mostar-93; is that right?

25 MS. PINTER: [Interpretation] Yes, Your Honour, but I have just

Page 41160

1 been informed by our case manager that we have not yet handed over the
2 binder that I mentioned, documents to be explained. These are all
3 exhibits and documents that we believe the general should comment on, on
4 the circumstances under which these documents were produced, how they
5 came about and why. These documents are exhibits. We've sifted through
6 these documents, and there aren't many that still remain. We believe
7 that we will be able to complete this by Monday.

8 JUDGE ANTONETTI: [Interpretation] Please proceed.

9 MS. PINTER: [Interpretation] Thank you.

10 MS. TOMANOVIC: [Interpretation] My apologies. We're talking
11 about procedural matters. I have two minutes to have something
12 explained. The interpretation that I have now received is Mr. President,
13 Judge Antonetti, has the intention of asking his questions immediately
14 after the close of the examination-in-chief. I just wanted to check
15 whether that was, in fact, the case, since the Prlic Defence is the first
16 up for cross-examination, just in order to allow us to better plan our
17 own time.

18 JUDGE ANTONETTI: [Interpretation] Listen. I believe it is better
19 if I put my question straight after, and the Prlic Defence can then put
20 its questions. Otherwise -- well, I'll think about it, and I'll let you
21 know tomorrow. I'll tell you what my position is. But if the other
22 accused are to purposefully cross-examine Mr. Praljak, I believe it would
23 be better for you to know beforehand what my questions will be and what
24 Mr. Praljak's answers will be, rather than intervening or taking the
25 floor and then I put follow-up questions, questions which you will not be

Page 41161

1 able to answer.

2 MS. TOMANOVIC: [Interpretation] Your Honour Judge Antonetti, it
3 was not my intention at all to challenge your decision. All I was
4 seeking was a clarification, no more than that. Thank you very much.

5 JUDGE ANTONETTI: [Interpretation] I'd like to clarify this.

6 I will, for instance, address the issue of the criminal
7 enterprise with Mr. Praljak. I will put questions to him on the kind of

8 relationship he had with Mr. Prlic. So as far as I'm concerned, I think
9 it's better if he answers, and then you can put your questions
10 afterwards. And you can turn to him and say, When you answered, you said
11 this and that, rather than if I put my questions and then you are in a
12 bit of a conundrum.

13 MS. TOMANOVIC: [Interpretation] I understand. I fully
14 understand. Thank you.

15 MS. ALABURIC: [Interpretation] Your Honours, just in case you
16 get to hear the opinion of the other Defence teams, on behalf of
17 General Petkovic, we believe this to be an outstanding proposal, Your
18 Honour, for you to ask your questions right after the chief. That will
19 make it possible for us to focus our own cross-examination on questions
20 that you will indicate as relevant in your opinion.

21 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honours, I just
22 wanted to say that prior to your decision, there were discussions between
23 the Defence teams, I even spoke to Mr. Stringer from the OTP about that,
24 and that was precisely the proposal that we were going to make to you
25 before the cross-examinations begin, precisely the decision that you

Page 41162

1 took. Thank you.

2 MS. NOZICA: [Interpretation] Your Honours, I'm not just rising
3 for the sake of saying something, anything, at all. But if I may be so
4 bold, I think it might be a good idea for all of the remaining Judges to
5 ask their questions right after the Presiding Judge, which would make the

6 cross-examination much easier for all the remaining Defence teams. I
7 mean if all the Judges were to ask their questions immediately after the
8 in-chief.

9 JUDGE ANTONETTI: [Interpretation] To be crystal
10 clear - everything needs to be crystal clear - the Bench hasn't conferred
11 on this matter. We don't know how we will proceed. I have said that I
12 will put questions. My colleagues will do what they please. They will
13 put questions or they won't. I want this to be very clear. A Judge that
14 puts questions puts questions under his own responsibility. He's taking
15 the risk. I want this to be very clear.

16 I believe I will put my questions when Mr. Praljak is finished.
17 My colleagues may do likewise or may put questions after you. I don't
18 know. That's for them to say. I personally will put questions to
19 Mr. Praljak in line with the indictment. This is what I have indicated.
20 I have said that I will first put to him questions pertaining to the
21 Prosecution's pre-trial brief and documents; and in the second part, I
22 will put questions based on the written submissions filed by Mr. Praljak,
23 his initial pre-trial brief, and his more recent submissions, so that
24 this is balanced out. My colleagues do what they feel they should do.
25 This is their responsibility.

Page 41163

1 I know that some Trial Chambers proceed differently. In other
2 cases, a Judge is designated to put the questions. This is not the way I
3 understand international justice. I feel that in the present case, the

4 issues are so complex that we need to put questions. Since we have an
5 accused who is prepared to take the stand as a witness, well, we should
6 benefit from this.

7 The other accused and Defence counsel can, during their
8 cross-examination, review or visit other issues; for instance, the
9 relationship he had with Mr. Petkovic. This will certainly be of
10 interest to Ms. Alaburic, and this will depend on the answers provided by
11 Mr. Praljak.

12 Mr. Stringer.

13 JUDGE PRANDLER: I'm sorry, Mr. Stringer. Simply to be on the
14 record, I would like to say that, of course, I am looking forward to the
15 questions to be asked by Mr. President. On the other hand, myself, I do
16 not wish to ask any other particular questions. Thank you.

17 JUDGE TRECHSEL: As for me, I have, for reasons of principle,
18 planned not to ask a systematic set of questions of the witness. But I,
19 of course, may ask spontaneous questions whenever something comes up, as
20 I have done it with other witnesses.

21 MR. STRINGER: Thank you, Mr. President.

22 Just for the record - and Ms. Tomasegovic has already indicated a
23 conversation we had - the Prosecution position on this would be that all
24 of the parties should have the opportunity to either do cross-examination
25 or at least do follow-up questions after a Judge has presented his or her

1 questions to the witness. And so it doesn't matter to us so much when

2 that happens. So it seems to me, Mr. President, that the procedure
3 that's envisioned, whereby the President will be asking his questions in
4 advance of the cross-examination by any of the other parties is perfectly
5 in line with that, in that all of the parties then would have an
6 opportunity to cross-examine afterwards. So it seems perfectly sensible
7 to the Prosecution.

8 JUDGE ANTONETTI: [Interpretation] Very well. I'd like to thank
9 all and every one for having concluded that my proposal makes sense,
10 which I did not doubt for a second. It's always very comforting to be
11 supported in such a way.

12 It's just about 7.00. As far as tomorrow is concerned, we will
13 have only one break. We will have a break -- this is something I've
14 discussed with my colleagues already. This first break will occur after
15 the first series of questions. The break might be 20 or 30 minutes'
16 long. Much will depend on the way things unfold tomorrow. We will
17 resume and finish around 6.00. On Monday, we will finish, so you will
18 have a lot of time.

19 For your information, you've had one hour of extra time so far,
20 so you have a lot of time left to finish on Monday.

21 As I have said already, we will have a break for a few days,
22 which means that everyone can get ready for the rest of the proceedings.

23 It is now 7.00. Tomorrow, we will resume and address the issue
24 of effective control, and I wish everyone a pleasant evening.

25 --- Whereupon the hearing adjourned at 7.00 p.m.,

1 to be reconvened on Thursday, the 4th day of June,
2 2009, at 2.15 p.m.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

