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1 Monday, 29 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 2.17 p.m.

7 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, could you please  
8 call the case.

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 This is Monday, June 29th, 2009, and I first and foremost greet  
14 our witness, General Praljak. Then I welcome Mr. Pusic, Mr. Petkovic,  
15 and Mr. -- also the accused who are not with us for various reasons, as  
16 well Mr. Stojic. I welcome the counsels for Defence, Mr. Stringer from  
17 the Prosecution and his associates, as well as everyone helping us.

18 I will now give the floor to our Registrar. I believe he has a  
19 few IC numbers to give us.

20 [Trial Chamber and registrar confer]

21 JUDGE ANTONETTI: [Interpretation] Before giving the floor to  
22 Mr. Stringer, I have administrative information for you.

23           We are sitting in the afternoon this week. However, on Thursday  
24 we will be sitting in the morning because there is a free courtroom, and  
25 we will, therefore, sit at 9.00 a.m. 'til 1.45 p.m.

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1           I have an oral decision to read.

2           Oral decision on the Petkovic Defence's motion aiming at  
3 obtaining additional time for its cross-examination of Slobodan Praljak.

4           During the hearings of June 24 and 25, 2009, the Petkovic Defence  
5 requested two additional hours for its cross-examination of Witness  
6 Slobodan Praljak. During the hearing of June 24th, 2009, the Trial  
7 Chamber told the Defence teams that altogether they would be given 20  
8 hours for cross-examination of the witness, which represents four hours  
9 per team. On the same day, the Pusic Defence said that it would only  
10 require one hour and thirty minutes for its cross-examination, and  
11 invited the Trial Chamber to allocate the remaining time with the others,  
12 i.e., two hours and thirty minutes.

13           During the hearing of June 25th, 2009, the Trial Chamber decided  
14 the following: It will allocate 15 minutes of the additional time to the  
15 Prlic Defence, after the Prlic Defence made a request to this end. In  
16 order to allow the Coric and Stojic Defence to request, if need be,  
17 additional time, the Trial Chamber decides to allocate 45 additional  
18 minutes to the Petkovic Defence for its cross-examination of  
19 Slobodan Praljak. The Petkovic Defence will thus have, all in all, four  
20 hours and forty-five minutes.

21 Ms. Alaburic, quickly, obviously the Trial Chamber did not  
22 provide you with two hours, but could give you 45 minutes.

23 MS. ALABURIC: [Interpretation] Your Honour, good afternoon to  
24 everybody in the courtroom.

25 I thank you for giving me additional time, and I'm pleased to see

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1 that my colleagues from the Stojic Defence team and Valentin Coric  
2 Defence team will have time, too, if they need it. And if they don't,  
3 then I'm sure we'll be able to distribute the time equally and justly.

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you have the  
5 floor.

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

7 Good afternoon. Good afternoon, Your Honours, Counsel, and to  
8 everyone else around the courtroom.

9 One small matter. I observed on Friday afternoon, and then again  
10 today when the witness returned, that he had taken the Defence exhibits  
11 that are being used by the Stojic team for cross-examination back to the  
12 Detention Unit with him over the weekend, and I'm not -- I'm not  
13 criticising that, I think it was with the agreement of the Defence team,  
14 but I thought maybe I should raise this now just so the Trial Chamber  
15 knows and the parties know and the witness knows that the Prosecution  
16 position will be that the witness cannot take the Prosecution exhibits  
17 away with him. We want to maintain the same procedure that's been in  
18 place throughout the trial in the use of exhibits on cross-examination.

19 And I thought I would raise that now. I don't know if it will be  
20 controversial or not, but I thought I would raise it now so that we could  
21 get the issue resolved before we begin our cross-examination.

22 Thank you.

23 JUDGE ANTONETTI: [Interpretation] Very well, Mr. Stringer. The  
24 Trial Chamber took due note of this and we'll deliberate on this.

25 But I will now give the floor to Mr. Kovacic. Whatever the case

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1 may be, Mr. Stringer, you will give us the list of the Prosecution  
2 exhibits, probably about ten binders, I guess, but since most of the  
3 exhibits have already been tendered and are in, and have been admitted  
4 with P numbers, I'm sure that Mr. Praljak already has all these exhibits.  
5 So before your cross-examination starts, it is true that he will have had  
6 all the documents that you will probably show him. Normally, he should  
7 have them somewhere in his cell. But we took your request into account,  
8 and we will render a decision on this. Your cross-examination is not  
9 going to start tomorrow, so we have some time before it starts.

10 Mr. Kovacic.

11 MR. KOVACIC: [Interpretation] Good afternoon, Your Honours, and  
12 everybody else in the courtroom.

13 I don't want to take up any time, but we don't oppose the  
14 proposal made by the Prosecutor, especially in view of what you said.  
15 And I assume that the accused will have either all the documents or all  
16 the documents that the -- or most of them that the Prosecution wishes to

17 examine him on. And the ones he took away with him during the weekend,  
18 I think that that contributes to speeding up the trial, because if the  
19 accused can see what documents are in the folder and in the binder, he'll  
20 find it easier to find them when he's asked a question. And he's already  
21 seen all those documents, he's seen them before, so I don't think that it  
22 has any practical effect.

23 Thank you.

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

25 Perhaps, in light of what you just said, I should probably tell

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1 the Trial Chamber how we are proposing to handle the exhibits during our  
2 cross-examination, because as I think the Trial Chamber will appreciate,  
3 as well as the parties, it's rather unusual, maybe I could even suggest  
4 unprecedented, in terms of the amount of time that the witness has been  
5 testifying on direct examination. I think this is week number 8 now that  
6 he's been on the stand for direct examination, the questions from the  
7 President, and now beginning with cross-examination. And as was the case  
8 with the direct examination, I mean, there are potentially hundreds of  
9 exhibits that could be used or might be used during the  
10 cross-examination, and because of the volume that's unusual, as well as  
11 the fact that it's likely -- I think quite likely, Mr. President, that  
12 the Prosecution's cross-examination will continue after we begin again  
13 following the summer recess, that what we are going to propose, in terms  
14 of the documents, is to -- I'm breaking them up into topics, and we are

15 going to be able to produce hard copies for everyone, including the  
16 Judges, obviously, by those topics, and we're going to be able to do this  
17 with the topics in the order in the binders. They'll be in the order  
18 that we're going to be using them on cross-examination, which is the  
19 first time we've done this, and it's highly -- there are a lot of reasons  
20 why we don't like to do it. But because we're able or planning to divide  
21 the cross up into sort of bite-sized chunks or topics, we're going to be  
22 able to assemble them by topic, then to assemble them in order that we'll  
23 be using them, more or less, to facilitate everyone's following along,  
24 and then to distribute those topics sort of on a rolling basis, because  
25 if we had to produce everything at the very beginning, we won't be able

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1 to -- we wouldn't be able to do that, and so what we're proposing or what  
2 we're planning to do is to distribute them for a week or so in advance,  
3 so that everybody has them in advance. And in doing it that way, our  
4 team will be able to work with such a huge amount of documentation,  
5 putting them in the order that we're going to be using them.

6 So that's how we are proposing to go, and again I hope that  
7 facilitates -- I believe it will facilitate the cross as well as  
8 everyone's ability to follow along. But it's not going to be a  
9 distribution -- it can't be, if I may say it, Mr. President. We simply  
10 can't distribute ten binders to everyone in advance. I think it would be  
11 highly wasteful, and we certainly wouldn't be able to do it with  
12 documents in order.



11 [The witness answered through interpreter]

12 MS. NOZICA: Thank you, Your Honour. Good afternoon, Your  
13 Honours, and good afternoon to everybody else in the courtroom.

14 I would just like to make a few remarks before we continue, since  
15 my learned friend of the Prosecution said something with respect to the  
16 documents that Mr. Praljak looked at over the weekend. They were  
17 documents handed over by our Defence team. I'd like to inform the  
18 Prosecutor that we didn't agree about anything behind his back; that is  
19 to say, the Stojic Defence did not take part in any agreement as to  
20 whether documents would be given to Mr. Praljak to have a look at. But  
21 I'd also like to stress that I consider that, in this particular case,  
22 it's very useful for the Stojic Defence to have Mr. Praljak look through  
23 the documents. We're glad he had this opportunity, because we have a  
24 great many documents and very little time. And I think that this will  
25 facilitate our work during the cross-examination.

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1 The second point I wanted to make is this: I would also like to  
2 say, in advance, that I am grateful to the Trial Chamber for the decision  
3 with respect to giving extra time for cross-examination, and I'll  
4 probably be in a position, at the end of the day today, to tell the Court  
5 whether we're going to need more time within the frameworks of the time  
6 that was allotted to the Defence teams. I can't make that assessment  
7 right now because it depends how we progress during the day.

8 And the third point is this: This cross-examination has been

9 prepared within the frameworks of topics and areas of discussion, so  
10 we're going to emphasise every time we move on to another area.

11 Cross-examination by Mr. Nozica:

12 Q. And we're now discussing, Mr. Praljak, are we not, the topic of  
13 Thursday; that is to say, the appointments in the military structure of  
14 the HVO.

15 Good afternoon to you, Mr. Praljak. I hope you feel well.

16 A. Good afternoon to you, Ms. Nozica.

17 Q. Now, Mr. Praljak, this part of my cross-examination, well, I'd  
18 like to tell you what I'm going to show you, and you can confirm this or  
19 not, that the proposals into the commanding staff of the HVO, whether the  
20 initiative mostly - mostly, we're talking about - came from the unit  
21 where the individual was to be appointed, and that that went to the  
22 Defence Department or the Main Staff, and that the Main Staff then - I'm  
23 talking about, for the most part - agreed to the appointments, and then  
24 these people were appointed in the way in which you have explained to us.  
25 You explained this on Thursday, I believe, for the appointments below the

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1 level of brigade commander, and Bruno Stojic or individuals authorised by  
2 him gave permission for that. So we'll go through the technology of  
3 this, to look at some exhibits and other documents which are not exhibits  
4 but which demonstrate the system which was in place.

5 Now, shall I ask you first whether you accept what I've said,  
6 that that was how it was done, for the most part?

7 A. Yes, for the most part, that was the system that was applied,  
8 although many people -- many others interfered and meddled. But let's  
9 leave that to one side for the moment.

10 Q. Yes, Mr. Praljak. We showed the first document, and for the  
11 record I'll say that it is 2D3003, so 2D3003 is the document number, and  
12 it was the municipality putting forward the names there. That's what you  
13 meant; is that right?

14 A. Yes.

15 Q. Very well, thank you. So we can get through this quite quickly.

16 The next document is 2D00989. I think that it is the 11th  
17 document in your binder, document number 11. I hope you'll find it.

18 A. What did you say, 2D?

19 Q. Yes, 2D00989 is the number.

20 Mr. Praljak, we have it on e-court. It's on e-court.

21 A. Yes, I found it.

22 Q. So this is a proposal for the appointment pursuant to military  
23 establishment the first HVO brigade called Knez Domagoj, and under  
24 number 1, assistant for IPD, it doesn't matter who; item number 2,  
25 somebody is being relieved of duty, the document is signed by

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1 Mr. Obradovic. And finally from the Main Staff we have a stamp, and it  
2 says "Agreed, authorised." So rather than me testifying, can you just  
3 confirm that this is in agreement with the Main Staff with that stamp on  
4 the last page?

5 A. Yes, this is Mr. Petkovic's signature, but as far as I know his  
6 signature, that was the 18th of March, he was the chief, and this is his  
7 signature.

8 Q. All right, fine. Now let's look at document  
9 P0576 [as interpreted]. Have you found that?

10 A. Yes.

11 Q. Very well. We can move faster now. This is a proposal for  
12 Stanko Sopta, and it is the 2nd of October, 1993. That is the date; is  
13 that right?

14 A. Yes.

15 Q. Is this a set form for appointment proposals or posting  
16 proposals, as it says? Is that the customary form that was used?

17 A. Yes.

18 Q. Now let's go on to the next document, which is P01596.

19 JUDGE TRECHSEL: Ms. Nozica, it might be useful to have the right  
20 number in the transcript. It says "P0576," but I think it's P05576.

21 MS. NOZICA: Thank you, Your Honour. Yes, I always welcome your  
22 assistance. I do apologise. I didn't notice that in the transcript.  
23 Yes, there's a "5" missing, and I'll take care that that is put right in  
24 future. Thank you.

25 Q. Now, the next document I think has been recorded correctly, and I

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1 said it correctly. Yes, the document is P01596. We have it on e-court  
2 up on our screens, and this is also March, when you weren't there, but we

3 can see how it was done, the technology of it, the procedure. And here  
4 the proposal has come from the deputy commander, Ante Govorusic. He was  
5 the commander of the Operative Zone of North-West Herzegovina, and he was  
6 adviser for intelligence affairs; is that right?

7 A. Yes, but let me say that I wasn't there at the time, so in fact I  
8 testified that this was customary, that these were the sort of documents  
9 that we usually used when I was there previously. So with that proviso,  
10 yes, indeed that is what it says in the document.

11 THE INTERPRETER: Could all the microphones be turned off if they  
12 are not in use. Thank you.

13 MS. NOZICA: [Interpretation]

14 Q. Yes. Thank you, Mr. Praljak, that's what I thought.

15 Now, the next document is P00598; and it is the commander of the  
16 Herceg Stjepan Brigade, the proposal, appointment, sent to the Defence  
17 Department on the 18th of October, 1992. You had contact with this  
18 brigade, I believe, because during your examination-in-chief you spoke  
19 about Konjic and that you went there; right?

20 A. Yes.

21 Q. So this is a proposal written by the Commander Zdravko Sagolj,  
22 somebody signed for him, and he proposes the brigade command and the  
23 members of the entire command; is that right?

24 A. Yes.

25 Q. Thank you. Our next document is P00616. This is another

1 proposal issued by Mr. Zeljko Siljeg, submitted to the Defence Department  
2 and to the Main Staff on the 22nd of October, and this proposal is for  
3 the appointment of an officer in the Krajl Tomislav Brigade. And it says  
4 here: "Pursuant to the proposal of the staffing commission of the  
5 brigade, this appointment is proposed."

6 This was in the month of October when you had contact with the  
7 area?

8 A. Yes. That was during the time while I was there. I've never  
9 heard before that they had a staffing commission, but it's neither here  
10 nor there, I suppose.

11 Q. Very well. Our next document is also identical to the previous  
12 one. It is P00620. There is also reference made to the staffing  
13 commission of the brigade, Commander Colonel Zeljko Siljeg, and the  
14 proposal is for the Krajl Tomislav; correct?

15 A. Yes.

16 Q. The name of the brigade is Krajl Tomislav, just for the  
17 transcript. And now we have a document, P4 --

18 JUDGE ANTONETTI: [Interpretation] General Praljak, look at this  
19 document which has to do with Filip Zrno, son of Karlo. It seems that he  
20 is being attached -- he's been sent elsewhere. What's going to happen of  
21 him?

22 THE WITNESS: [Interpretation] He was discharged of his duties,  
23 and he has to be reassigned either in the same unit or there should be  
24 some information as to why he was discharged, whether it was because he  
25 was not up to the task or maybe he did something for which he has to be

1 either punished or disciplined in some other way. It is not clear from  
2 the document. Its further lot depends on the reasons for which he was  
3 discharged from his duties.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, officers that  
5 are relieved of their post, when they're posted somewhere else do they  
6 get the same rank or are they back to being privates? This one, for  
7 example, is being discharged. He can go where he wants, he can go abroad  
8 if he wants to, he can go back to his fields if he wants to go back to  
9 farming? What's going to happen of him?

10 THE WITNESS: [Interpretation] Your Honours, as far as I know, on  
11 the 22nd of October - one should actually establish the correct date -  
12 there was still no ranks in the HVO. Some people did append a rank to  
13 their name. For example, Zeljko Siljeg was a colonel because he  
14 transferred his rank from the JNA. He was the former officer of the  
15 Yugoslav People's Army. As far as whether he had to go abroad, I repeat,  
16 unfortunately everybody could go abroad without any consequences. It was  
17 up to Mr. Filip Zrno himself to decide whether to desert or go abroad  
18 without any consequences, or whether to stay with his men as a foot  
19 soldier or a commander of a lower-ranking unit, or maybe he did something  
20 for which he had to be punished, but it is not clear from the document  
21 whether that was the case.

22 JUDGE ANTONETTI: [Interpretation] One last follow-up question.  
23 You already said this several times, but it might have escaped me, like

24 it might have escaped others. You say he might not be sanctioned, but

25 there is one thing I don't understand. There was a state of war. War

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1 had been proclaimed. Therefore, a soldier who has been posted and who is  
2 discharged from duty, is he going to become a civilian or is he still  
3 under military obligation?

4 THE WITNESS: [Interpretation] If he remained in the territory with the Kupres  
5 Battalion, and I know that many people had left abroad and only very few men  
6 remained with the unit, he could become a civilian. And then when he received  
7 mobilisation paper, he could respond or he could be looked up by the military  
8 police. I already explained this with precision. Unless he had gone to  
9 Croatia or a third country. Nobody was ever disciplined if they decided to  
10 go abroad. It did happen, Your Honours, that some Croats, soldiers or  
11 civilians, whatever the case may have been, in some parts of the territory,  
12 for example, near Ljubuski, and I know that it happened near Rama, that  
13 Croats would torch such a person's house. They were angry that nothing could  
14 be done against the deserters, and it was a major source of embitterment  
15 among the soldiers. And that's why a lot of houses were burned during the  
16 night, the houses that belonged to such deserters.

17 JUDGE ANTONETTI: [Interpretation] Thank you.

18 MS. NOZICA: [Interpretation]

19 Q. Mr. Praljak, to follow up on Judge Antonetti's question: Would  
20 he still remain a conscript?

21 A. Yes, he would still be a conscript, but that didn't mean much.

22 Q. Just for clarification, to follow up on Judge Antonetti's  
23 questions, Mr. Praljak, can we go back to the previous document, which  
24 was P00616. We can see from the two documents that on the same day,  
25 Mr. Siljeg issued a proposal for the discharge of the former commander of

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1 the Kupres Battalion and the appointment of a new commander?

2 A. Yes.

3 Q. So the proposals were drafted on the same day.

4 And now we are going to look at P4037. Mr. Praljak, you signed  
5 this document, and you actually explained, in this document, everything  
6 that I am questioning you about today. This is the submission of a  
7 proposal on appointment, and you say in the first sentence of this  
8 document:

9 "Pursuant to proposal of the commander of the Lasva Battalion, a  
10 request is to be sent to the Defence Department ..."

11 A. Yes.

12 Q. So you're following the customary procedure?

13 A. Yes, I did that because the battalion was in a terrible  
14 condition. I spoke to the commander. I asked him to deal with the  
15 situation. He issued his proposal, and I issued my proposal the way I  
16 did.

17 Q. Very well. And now let's look at P2523, which will partly be the  
18 follow-up on the questions put to you by His Honour Judge Antonetti.  
19 This is a proposal for the discharge of duties in the operation zone

20 Western Herzegovina, signed by Mr. Siljeg, and this is a proposal for the  
21 discharge of duties. However, when we're talking about these three  
22 positions, below that there is an explanation as to why the three  
23 individuals were being discharged of their duties; isn't that correct?

24 A. Yes.

25 Q. The first reason is personal. The fact that he left the command

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1 does not mean that he remained in the unit as a soldier?

2 A. But it doesn't also mean that he did remain in the unit as a  
3 soldier.

4 Q. Thank you very much. And again we see Mr. Siljeg's signature.  
5 It seems to me that the signature is identical to the one that we saw  
6 before. This is Mr. Petkovic's signature?

7 A. Yes, but Mr. Petkovic would react, and I don't think this is  
8 correct.

9 Q. Very well. And I'm going to show you several documents signed by  
10 Mr. Stojic, he -- submitted by him to the Main Staff --

11 JUDGE TRECHSEL: Excuse me, Mr. Praljak. Your last answer is not  
12 quite clear to me. The question was:

13 "This is Mr. Petkovic's signature?"

14 And you say:

15 "Yes, but Mr. Petkovic would react, and I don't think this is  
16 correct."

17 I don't understand what you're saying. Perhaps it's a matter of

18 translation.

19 THE WITNESS: [Interpretation] If I'm wrong when I say that this  
20 is Mr. Petkovic's signature and it is not, then Mr. Petkovic would react  
21 and he would say that this is not his signature.

22 JUDGE TRECHSEL: Thank you. I've got it now.

23 MS. NOZICA: [Interpretation]

24 Q. Now I'm going to show you the next three documents signed by  
25 Mr. Stojic. The first one is 2D3005 [realtime transcript read in error

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1 "2D3035"], 2D3005. This is a letter by Mr. Stojic to the Main Staff on  
2 the 27th of August, and attached is his proposal for the appointment or  
3 discharges in the Bruno Busic Regiment. And it says here:

4 "Could you please consider aforementioned and send us your  
5 opinion."

6 Are you aware of the fact that Mr. Stojic submitted his proposals  
7 in this particular way?

8 A. Yes.

9 Q. The next document is 2D3006. The same question, Mr. Praljak.  
10 The date is 11 September. You were the commander at the time. This is  
11 another proposal received by Mr. Stojic and in which he is seeking  
12 opinion from the Main Staff?

13 A. Yes.

14 Q. And the last document in the series is number --

15 JUDGE TRECHSEL: Excuse me. I'm afraid I'm a bit of a nuisance,

16 but the previous document which you said the number was 2D3035, is it not  
17 the one which, in my binder, at least, has the number 2D3005?  
18 [B/C/S spoken].

19 MS. NOZICA: [Interpretation] Yes, Your Honour, you're right,  
20 you're absolutely right. I asked my assistants not to interrupt me  
21 during the cross-examination, and I was going to make all the corrections  
22 during the break. In any case, I'm very grateful to you, you're  
23 absolutely right.

24 We have seen the last document. I believe I called up the  
25 document, did I, or did I not?

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1 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, sorry to interrupt,  
2 but I do believe that we need to clarify a point that is somewhat obscure  
3 to me.

4 General Praljak, look at the last document, 2D3006, which is on  
5 the screen. Now, if I understood properly, the commander of the  
6 operational zone is sending a proposal to the minister for defence, who  
7 happens to be Bruno Stojic, who's here with us in the courtroom.  
8 Mr. Stojic receives the proposal, and what he does is to ask the opinion  
9 of the staff, General Staff. And now here there is something that I  
10 don't understand in the way the administrative procedure takes place. In  
11 a conventional army, the military line of command would be as follows:  
12 Commander for the operational zone, goes to the General Staff, and then  
13 it goes up to the minister for defence. Why, then, in the Republic of

14 Herceg-Bosna is a different line of command being used? In other words,  
15 in the first place, the command of the operational zone reports directly  
16 to the minister for defence without going via the General Staff, and then  
17 the minister asks for an opinion. Could you please explain to us why  
18 this is happening?

19 THE WITNESS: [Interpretation] To a certain extent, I can. It is  
20 true that one should have followed a certain hierarchy and then every  
21 next level should provide an opinion. However, that would apply to a  
22 well-regulated army which has documentation about every soldier,  
23 non-commissioned officer, officer. There's a file for each and every one  
24 of them, which shows his career work, capabilities. Your Honours, we did  
25 not have that. We did not even have an embryo of something like that.

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1 Mr. Stojic was not in a position to have -- or maybe I don't  
2 know. He did not have a personnel base, and he had to approach the  
3 Main Staff with regard to appointments that he was in charge of, and he  
4 would ask them something to the effect, Do you know anything that would  
5 prevent me from signing this? And people on the ground were best  
6 equipped to provide information about every individual, and it would  
7 happen very rarely that somebody actually said, I have different  
8 information. And if they did have different information, they would  
9 convey that information directly. So this was actually part of a  
10 not-well-organised system.

11 I agree that this should have been done differently, but things

12 went directly to Mr. Stojic, who then asked the Main Staff whether there  
13 was anything negative that could be pinned to that person.

14 Let me summarise and say that we did not have a good staffing  
15 policy. We did not have an organised staffing policy. We relied largely  
16 on the opinion of those who issued proposals. That's how we did things.

17 MS. NOZICA: [Interpretation] I would kindly ask [as interpreted]  
18 Judge Antonetti, and now I would like to call up the last document  
19 pertaining to this area, and then we will come back to Judge Antonetti's  
20 questions.

21 Let's now look at 2D3007. That will be one last document in this  
22 series, which illustrates the way things happened in practice.

23 Q. Am I right, sir?

24 A. Yes, you are.

25 Q. And this is -- all pertains to your period. And now,

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1 Mr. Praljak, you have explained very well and answered Judge Antonetti's  
2 questions as to how things happened in practice. We've seen in the  
3 courtroom and we've discussed this at great length. When we're talking  
4 about Article 34 of the Decree on the Armed Forces, which envisaged the  
5 appointments in the HVO, and who were the persons in charge of the  
6 appointments, who Mr. -- Mr. Boban was in charge of, who Mr. Stojic was  
7 in charge of, and so on and so forth.

8 Would you agree with me that this method was never prescribed as  
9 being the product of experience and work; it was just the way that people

10 saw to be the most effective procedure?

11 A. Ms. Nozica, in a well-organised military that Judge Antonetti's  
12 often mentioning, there is, from the very outset, for every soldier, for  
13 every officer, there is a binder, a file which contains all the  
14 information about that particular person, whether he was ever drunk,  
15 whether he was ever involved in a disciplinary matter. A psychologist is  
16 called to talk to everybody and to assess their psychological profile.  
17 If they were engaged in combat, then there is an assessment on their  
18 performance. This file contains a study on every individual, and based  
19 on that each individual's career is followed.

20 In Bosnia-Herzegovina, that thing did not exist. The situation  
21 was somewhat better in the Croatian Army because there were a few more  
22 psychologists and things in place, and down there there was nothing. And  
23 this meant most -- and signified most in combat to know whether somebody  
24 was courageous and whether somebody was a good combatant. One would  
25 assume that if he proved himself in combat and made decisions, then

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1 people who knew him, people in the municipality, would then propose such  
2 a person.

3 The screening of the true values of such a man was not possible.  
4 Such an evaluation was done on the job, and if that person didn't do the  
5 job properly, like, for example, the person in the Kupres Battalion, then  
6 the commander would ask for his removal and propose somebody new. This  
7 was not the staff policy -- the staffing policy that would be similar to

8 anything that exists in an organised military.

9 Q. Precisely to confirm that, and as a follow-up to  
10 Judge Antonetti's question, could we please look at document in  
11 e-court -- you don't have to go back. We have three documents. Let us  
12 look at what procedure was followed. Let us look at the document that  
13 we've already seen. It's P2523. Yes, we'll have it on our screens in  
14 e-court.

15 Yes, we see what His Honour Judge Antonetti has just said. We  
16 have a proposal by the commander of the Operational Zone of North-Western  
17 Herzegovina which is sent directly to the Main Staff, so I'm just trying  
18 to show that there were various approaches, so there was not a unified  
19 procedure?

20 A. Yes, you could take one channel or another.

21 Q. And again this is from Mr. Siljeg, two documents, P620 -- let's  
22 just look at it in e-court. It's the third way in which proposals were  
23 submitted, and you can see that this is sent both to the Main Staff and  
24 to the Defence Department?

25 A. That's correct.

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1 Q. And we don't have to look at this document because it's the same  
2 as the previous one. It's P616. If you want to look at it, you can do  
3 that later.

4 So, Mr. Praljak --

5 JUDGE TRECHSEL: The document we have just been talking about has

6 the signature of General Milivoj Petkovic added underneath in the end.

7 Does that mean that the chief of the General Staff has agreed, and did it

8 then go on with this signature to the Department of Defence?

9 THE WITNESS: [Interpretation] That is correct.

10 JUDGE TRECHSEL: Thank you.

11 THE INTERPRETER: Interpreters note, the counsel and witnesses  
12 are kindly asked to not overlap and to speak a little more slowly for the  
13 benefit of the interpreters.

14 MS. NOZICA: [Interpretation] Thank you. Your Honours, this is  
15 just a reminder. In fact, these are the tasks that Mr. Stojic was  
16 authorised to do under Article 34 of the Decree on the Armed Forces.

17 Q. Mr. Praljak, let us move on to a new topic, which could generally  
18 be called "Commendations." You were asked about that in the course of  
19 your examination-in-chief. I have a reason, because there is a document  
20 that Mr. Stojic signed, why I want to clarify things. But since  
21 commendations for soldiers were -- this is something that both you and  
22 Mr. Stojic are charged with, and that's paragraph 17(2)(r), and in your  
23 case it's paragraph 17(3)(m) in the very same indictment, it is stated in  
24 the indictment that you issued commendations to soldiers, including two  
25 persons who may have committed crimes. So we'll look at document P5303.

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1 5303.

2 Okay, have you found it?

3 A. Yes.

4 Q. This is a commendation or citation. It's an exhibit. Let us now  
5 recall what happened on those days, the 23rd of September, 1993, on or  
6 about that date. What we can see, that here Mr. Bruno Stojic commends a  
7 soldier for extraordinary valour and combat skill displayed during combat  
8 in Rastani and in the Mostar hydroelectric power-plant. It's actually  
9 the Convict Battalion, and it's Commander Tuta, for extraordinary  
10 contribution to the battle for the strategic important elevation of Vrdi.  
11 The commendation here goes to the Vitez Zdranko Boban Brigade, and for  
12 the contribution to the liberation of Rastani, it is the 13th Battalion,  
13 and for the professional conduct of operations, I cite the military  
14 district Commander Brigadier Milenko Lasic. That's what it says in the  
15 order.

16 Mr. Praljak, did it ever happen, so to speak, and is this  
17 something that was only to be expected, that the head -- His Honour  
18 Judge Antonetti uses the term "minister," but he never was appointed the  
19 minister, so we are insisting on this term "head." So in extraordinary  
20 circumstances, and we will see if this qualifies as such, that  
21 Mr. Bruno Stojic, as the head of the Defence Department, might cite or  
22 commend when it was really important and warranted for HVO members?

23 A. I think that the head of the department had the power to do that,  
24 to cite a unit. That's how I see it.

25 Q. Mr. Praljak, now I would like us to look at the next document

1 just to remind ourselves about what was happening immediately before the

2 23rd of September. And the reason why I'm asking you this is because the  
3 fighting around Rastani, as you know, there was fighting on two occasions  
4 in August and September, and now, because this citation has to do with  
5 the events in September, could we please look at 2D338.

6 A. Well, Ms. Nozica, I know what was happening, because at Vrđi I  
7 actually fought. I myself fought there together with the lads, so it was  
8 a fierce attack by the BH Army. They thought it would be the conclusive  
9 assault to complete their offensive, and the fighting was very hard, we  
10 had many casualties. So I was not in my office at the time. I was right  
11 there at Vrđi with the lads, so I know what it looked like.

12 Q. Mr. Praljak, in the previous document, Rastani is mentioned?

13 A. Yes. I know about Rastani, too. Of course, I issued the order  
14 to liberate Rastani.

15 Q. In this document that I'm showing you, 2D338, you can see that,  
16 it's a report signed by Mr. Ciro Grubesić, where it says at the bottom of  
17 the first page:

18 "Rastani are now under the control of the MOS."

19 So that was on the 21st of September, 1993?

20 A. Yes.

21 Q. And later on Rastani were recaptured by the HVO; you know that?

22 A. Yes.

23 Q. Mr. Praljak, you spoke -- well, I'll use this opportunity, and we  
24 will then -- we are off this topic, and we will go back to IPD and SIS,  
25 which you were talking about. But now I would like to ask you, since I

1 showed this document at one point to Mr. Veso Vegar in this courtroom,  
2 can you tell us, Ciro Grubestic, what was he during that month in the  
3 Main Staff, because it says here "IZM," the head of the PU PD HVO, and  
4 you were the chief of the Main Staff at that time? Can you clarify?

5 A. Yes. Well, I can't do it, because I don't know when Ciro  
6 Grubestic arrived and for what reason, so I don't know. Well, I don't  
7 recall that he was the head of the Political Administration for Political  
8 Affairs in the HVO. He may have been, but because of fighting, I was not  
9 really familiar with it.

10 Q. Yes, but could it have been that he was appointed and you did not  
11 receive information about that?

12 A. Yes, it's possible, but I have no idea about it at all.

13 Q. Very well.

14 THE INTERPRETER: Interpreters note, the witness and counsel are  
15 kindly asked to slow down.

16 THE WITNESS: [Interpretation] But for him to come to the  
17 Main Staff, I would have had to approve it. But, yeah, be that as it  
18 may.

19 MS. NOZICA: Let us look at the next document. That's --

20 JUDGE PRANDLER: I'm sorry to interrupt you, but I would like  
21 only to convey the request of the interpreters again and again, that  
22 please kindly slow down and have a pause between the questions and  
23 answers. I thank you also on their behalf.

24 JUDGE ANTONETTI: [Interpretation] General Praljak, I attach a lot

25 of importance to the words that are used in military documents because a

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1 word can mean a lot of things. Here, concerning Rastani, we see that  
2 Rastani is now under the control of the MOS, M-O-S. Now, you are better  
3 placed than anyone else. At the time, the state was the Republic of  
4 Bosnia-Herzegovina, so the controlling army should have been the BiH.  
5 Now, we are talk about the MOS, and this is coming from your own side.  
6 Now, when the word "MOS" is used, do you mean that you do not recognise  
7 them as being the Army of the Republic of Bosnia-Herzegovina, or simply  
8 as a component on the same level as the HVO? In the final analysis, the  
9 use of the word "MOS," did it characterize a particular situation that  
10 reflected the fact that according to Mr. Izetbegovic's view of things,  
11 the state should be an Islamic one, supported by an army that wasn't the  
12 BiH in the broad sense, with the three components, Serb, Croatian and  
13 Muslim, but only comprising Muslim soldiers, which would be why the word  
14 "MOS" in this particular case was used?

15 THE WITNESS: [Interpretation] That's correct. It could not have  
16 been the BH Army any more, and it could no longer have this title. It  
17 was a Muslim military in that area, and it was conducting exclusively  
18 offensive operations, and the exclusive objective was to capture  
19 territory inhabited for the most part by Croats and to create a state  
20 which had nothing to do with what we advocated two years before. And it  
21 is true, although in some documents I, myself, used the term "BH Army," I  
22 did not have anything against the use of the term "Muslim armed forces,"

23 because that's what they were, Muslim armed forces, and they were  
24 offensive in nature. It was good to use this term, "the Muslim armed  
25 forces," because they had nothing to do with Bosnia-Herzegovina anymore.

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1 JUDGE TRECHSEL: Ms. Nozica, if I may just add a question.

2 Can this be interpreted the other way around; that whenever one  
3 speaks of ABiH, one does not mean an instrument of Islamisation, but the  
4 Army of Bosnia-Herzegovina?

5 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, as you  
6 have seen, we were hoping that there would be a BH Army and the HVO as  
7 the armed forces of Bosnia-Herzegovina, but as of the spring of 1993,  
8 this was not the case anymore, from the time of the horrible attacks on  
9 Konjic and so on. And we were hoping it would be the case, and it wasn't  
10 the case, but we were still trying to find some common ground. But at  
11 this time, we're talking about the Muslim armed forces. All hope was  
12 gone. It was crystal clear. They were just attacking, as you can see  
13 here, and their goal was to reach the western borders of  
14 Bosnia-Herzegovina, following the Neretva River, and expand their territory,  
15 and their political goal was to arrange a deal with the Serbs without the  
16 Croats. They perhaps were prepared to offer us to remain in Western  
17 Herzegovina because this was what President Izetbegovic proposed on  
18 several occasions. Everything else was to be theirs, and they -- except  
19 for the parts of their territory that they couldn't reclaim from the  
20 Serbs because they didn't fight with the Serbs, or very little. All

21 those units were supposed to try to lift the siege of Sarajevo, to fight  
22 in Srebrenica and Gorazde, and what they did instead was to fight the  
23 HVO, and that's why they were the MOS and not the BH Army.

24 JUDGE TRECHSEL: Mr. Praljak, you have said that as from spring  
25 1993, what presented itself as ABiH, in fact, was all MOS, so the

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1 difference in terminology, logically, in September is of no relevance  
2 because there is only HVO and MOS?

3 THE WITNESS: [Interpretation] Well, the part of the BH Army in  
4 Tuzla could still be termed "the BH Army," you know, but these elements  
5 and this operation from the events in Konjic in March 1993, when they  
6 cleansed Konjic without any rhyme or reason, in military terms, and from  
7 the perspective of Bosnia-Herzegovina, there was no logic to attack the  
8 HVO in Konjic. It's a completely different policy. It's not  
9 Bosnia-Herzegovina any more; it's an attempt to create a Muslim state.  
10 Well, Tuzla was different. It didn't opt for that, and cooperation  
11 continued there, as it did in parts of Posavina, but --

12 JUDGE TRECHSEL: I was just going to suggest to you that probably  
13 this also applied to the Posavina, and you have just confirmed that  
14 answer to my question before I put it. Thank you.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a  
16 follow-up question for you, but only if you read the Kordic judgement in  
17 your own language. If you didn't read the Kordic judgement in your own  
18 language, I won't give you the -- I won't put that question to you.

19 THE WITNESS: [Interpretation] No.

20 JUDGE ANTONETTI: [Interpretation] Ms. Nozica.

21 MS. NOZICA: [Interpretation] Thank you, Your Honours.

22 Q. Mr. Praljak, you've just explained to us why you think that this  
23 part of the BH Army could be termed "MOS." We both agree that officially  
24 they were termed "the BH Army"?

25 A. Yes, officially, that was the case.

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1 Q. Mr. Praljak, you probably remember this. Remember the fact that  
2 the Herzegovina mufti, Smajkic --

3 A. Yes.

4 Q. I'm just checking the transcript. The Herzegovina mufti, Sejid  
5 Efendija Smajkic. If we are able to get it in the transcript, if not  
6 we'll fix it during the break.

7 So, Mr. Praljak, do you remember that I showed him a document,  
8 and then in the course of the break we'll find the number of the  
9 document, where he appoints people to the MOS, so he uses the term "MOS"  
10 for the BH Army units, so Muslim armed forces? Do you know -- do you  
11 remember that?

12 A. Yes. In addition to the BH Army, Ms. Nozica, there were special  
13 units that were called "the Muslim armed forces," "MOS," there were such  
14 units and quite a few of them. It was a parallel army in  
15 Bosnia-Herzegovina.

16 Q. I'm just checking whether your answer is in the transcript.

17 To the best of your knowledge, did they become incorporated into  
18 the BH Army or did they remain as a separate army throughout this time?

19 A. Well, these were select units. Religion was also looked at.  
20 Only true Muslims could be part of the MOS. They in -- they did checks  
21 of those people, particularly stringent checks. But just as the case was  
22 with the Mujahedin, in the end all of this was the BH Army.

23 Q. Very well. Let us go back to --

24 JUDGE ANTONETTI: [Interpretation] General Praljak, Ms. Nozica  
25 just mentioned the appointments made by the mufti in the Muslim units of

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1 the BH Army. You know better than anyone that the Muslim units always  
2 had an imam who had been appointed by the mufti. Let me draw a parallel  
3 with the HVO.

4 You were in command of the HVO. Could you tell us whether, in  
5 the major units, for example, in the brigades, the major HVO brigades,  
6 did you appoint a chaplain, a Catholic priest, among these units, and who  
7 appointed them if it was the case; was it yourself, or was it the  
8 cardinal, or the bishop of Mostar, Sarajevo, or Zagreb?

9 THE WITNESS: [Interpretation] No, we didn't have any of it in the  
10 Croatian Army. It was only later that military priests were appointed.  
11 But there were not just Catholic priests; there were also Muslim clerics  
12 and other religions represented too. That was done at a later stage, but  
13 in the HVO there were no priests in brigades.

14 JUDGE ANTONETTI: [Interpretation] Very well. So in the Croatian

15 Army, there were Catholic priests, maybe there were also imams if there  
16 were any Muslims, but at HVO level there were no representatives of the  
17 major religions ?

18 THE WITNESS: [Interpretation] Your Honour, in the Croatian Army  
19 there was no BH Army. Towards the very end, and I know for sure after  
20 the war, but during the war there was the Military Priest Department or  
21 unit, including all the confessions, whose soldiers were in the Croatian  
22 Army. There was no BH Army; it was all the Croatian Army at that time.  
23 But in the barracks care was taken that the food for the Muslims would be  
24 prepared according to Islam and the customs of Islam, and so religious  
25 life was the same just as you have the military priest sections in other

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1 areas.

2 JUDGE ANTONETTI: [Interpretation] One last question.

3 As a deputy minister for defence in the Republic of Croatia, and  
4 later on as a soldier in the field, and then as a commander of HVO, when  
5 you found out that there were imams in the fighting units of the ABiH,  
6 how did you politically use this information? What did it mean, to have  
7 imams within Muslim units? And, as a matter of fact, in the former  
8 Yugoslavia, in the JNA, were there any imams present?

9 THE WITNESS: [Interpretation] No. In the former Yugoslav  
10 People's Army, there was no religious affiliation, and religion had  
11 nothing to do with the state or the army. That's the first answer.

12 Now, with regard to your second question, we indicated that there

13 was major Islamisation of the BH Army going on, and I don't know how  
14 nobody reacts. Even today, those people were first called -- well, first  
15 of all, they would greet each other by saying, "Allahu Akbar," that is,  
16 the Allah greeting. All the units would do that, and it was with those  
17 cries that they went into a battle, "Allahu Akbar."

18 Now, the people who were killed in the BH Army, to the present  
19 day, call themselves the shehid or martyrs, and the shehid were the  
20 fighters who laid down their lives for Islam. In the official of  
21 Bosnia-Herzegovina, there are shehid cemeteries, martyr cemeteries, and  
22 that's how this whole thing is treated. And even if they laid down their  
23 lives and were killed for a secular Bosnia-Herzegovina, they were  
24 religious fighters, religious combatants. Everybody considers that to be  
25 normal today; I don't. The fighters of the HVO are not called "God's

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1 fighters," or anything like that, nor did they lay down their lives for  
2 that.

3 Now, of course, as people who had rosaries -- people did have  
4 rosaries, but only priests, and at mass, and recognition must be given to  
5 them for that, that the fight should be just, that there should be no  
6 hatred, and the sermons were always in the spirit of the religion to  
7 which they belonged; the archbishop of Sarajevo, Puljic, bishop Komarica  
8 in Banja Luka, bishop Peric in Mostar, did this without exception,  
9 but they had no points in common, nothing to do with the army.

10 MS. NOZICA: Thank you, Your Honour.

11 Q. And now my colleague -- my learned friend Ms. Tomanovic provided  
12 me with a number of the document that I wanted to call up and look for  
13 during the break, but let's have a look at the document now. It is  
14 1D00473, and that is the document that I referred to earlier on. I think  
15 it has a "2D" number as well and that it is an exhibit, but it's an  
16 interesting document anyway.

17 I am not well versed in Islam, and I don't pretend to be, but  
18 this isn't a priest; this is some other function, some other post. But I  
19 don't want to interpret what this is.

20 Anyway, Mr. Smajkic has confirmed it is one of their documents,  
21 where it says:

22 "Pursuant to the authorisation of the chief emir of the  
23 Armed Forces for Bosnia and Herzegovina issued on" such and such a date,  
24 "I hereby appoint," so and so, "as emir in Mostar ..."

25 And the date is the 28th of November, 1992. So that means,

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1 Mr. Praljak, it is not the imam in the classical sense, but it is the  
2 individual who is to deal with propaganda and political work. Do you  
3 know about that? If so, tell us.

4 A. Yes. They took over the posts and functions that we called the  
5 Information and Psychological Service. Of course, they did not have  
6 sufficient staff for that, but the BH Army, anyway, Ms. Nozica,  
7 unfortunately for many reasons was becoming more and more an Islamic  
8 army; that is to say, an army that waged the war in the name of the

9 religious sentiments that prevailed, and that a state should be  
10 established in which Islam should be the dominant religion.

11 Q. All right. Now let's go back to the topic of commendations.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, take a look at  
13 the document on the screen. I note that it is written "Republic of  
14 Bosnia and Herzegovina," and then "Islamic Community." Can we draw a  
15 parallel with the Croatian Community of Bosnia-Herzegovina?

16 THE WITNESS: [Interpretation] No. The Islamic Community was a  
17 religious association, a religious society, and it was composed of all  
18 the Muslim hierarchy, individuals dealing in religion. The Islamic  
19 Community exists to this day in Bosnia-Herzegovina, and it has the  
20 number-one man, a Mr. Ceric, the Reis El-Ulema and then we go down the  
21 chain. So it's a community of religious employees, if I can put it that  
22 way.

23 JUDGE ANTONETTI: [Interpretation] Very well. How can you explain  
24 that the Republic of Bosnia's emblem is not there, but we see a star and  
25 a crescent instead?

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1 THE WITNESS: [Interpretation] Well, that's simple. It's the  
2 emblem of the religious community, and they appoint their religious  
3 personages. It was the BH Army's aspiration towards Islamisation, and in  
4 certain areas that was complete; in other areas, such as Tuzla, it wasn't  
5 as marked as that. But you had units that were exclusively in the  
6 service of Islam, from the Mujahedin that came in to disseminate Islam to

7 the brigades -- that brigade from Jablanica. And I showed a video of  
8 that and that was a unit for -- fighting for Islam, not for  
9 Bosnia-Herzegovina but purely for Islam.

10 JUDGE ANTONETTI: [Interpretation] One last question.

11 During the times of the former Yugoslavia, was it possible to use  
12 documents like the one we have -- was it possible to use Arabic in  
13 official documents, like the one we have here? Was it tolerated, was it  
14 allowed, or was it just banned, and was it only Serbo-Croatian or  
15 Croatian-Serbian that was allowed? Could you tell us at what point in  
16 time Arabic started to be used in Bosnia and Herzegovina? Here we have a  
17 text with obviously some text in Arabic.

18 THE WITNESS: [Interpretation] I couldn't give you an exact answer  
19 to that question, but I do know that the Koran was written, of course, in  
20 Arabic, and in the religious schools, in the Islamic religious schools,  
21 it was taught in Arabic and Arabic was spoken, and there were people  
22 there -- you had people who knew the whole Koran off by heart. Now, I  
23 don't know about official documents, but Arabic was used in religious  
24 facilities, as far as I know.

25 JUDGE ANTONETTI: [Interpretation] Ms. Nozica.

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1 MS. NOZICA: [Interpretation] Thank you, Your Honour.

2 Q. Now, Mr. Praljak, for the record, let's just say that we're going  
3 back to a topic we moved away from, and that was the topic of  
4 commendations. And for that, let's look at the next document. P5239 is

5 the number.

6 Have you found it?

7 A. Yes, I have.

8 Q. Now, this is a commendation from Mr. Stojic, commending Miljenko  
9 Basic and the Mario Hrkac [phoen] Cikota Brigade, and it says for  
10 exceptional courage and exemplary military morale in combat against the  
11 Muslim aggressor in the Vrđi sector. Are these the events that we've  
12 been discussing?

13 A. Yes, that's right.

14 Q. Now let's move on to the next document. This is one of your own  
15 and deals with the same period and the same event. It is P5365.

16 May we have your comments, without my saying anything? You see  
17 the date there, 24th of September, let's have your comments.

18 A. Well, I sent all the soldiers the Croatian Republic of  
19 Herceg-Bosna this document, and I informed them for purposes of the  
20 truth, so that the truth be known. We managed to break the Muslim  
21 offensive. There were many battles and many casualties, and I wanted to  
22 tell them that all the soldiers in Posavina and in Bihac and in  
23 Tomislavgrad -- I wanted to inform all those soldiers that the Muslim  
24 forces failed to break through Vrđi and reach the Neretva river valley,  
25 that we were able to prevent that. So I wanted to boost their morale a

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1 bit.

2 We were in a better position after this, although they continued

3 to launch attacks, but morale was better.

4 Q. Yes. There are not many commendations, so let me ask, with  
5 respect to Rastani and the events, what was the situation that the HVO  
6 was in when the BH Army took control of Rastani, strategically speaking?  
7 Where is Rastani, and what did that mean for the HVO at that point in  
8 time? And then how important were the actions and operations to take  
9 back control of Rastani?

10 A. Well, we've already seen that Rastani is on the right bank of  
11 Neretva River at the entrance to North Mostar, and Mostar could no longer  
12 be defended with the possible downfall of Vrđi. You had Hum Hill and all  
13 the rest of it. The situation was quite difficult, because if the main  
14 commander took part in the fighting, and I did take part, then that means  
15 that the situation was no easy one. You know, quite different to those  
16 generals sitting in some offices and so on, I went to fight.

17 Q. Now let's go on to the next document about commendation. It is  
18 2D -- just let me have a moment to check the number. 2D1028 is the  
19 number, and we move on to something that we could say was extremely  
20 important. It was a very important situation. 2D1028 is the document  
21 number, let me repeat. It was a very important but very difficult  
22 situation, the events around Jajce. And here, Bruno Stojic, on the 27th  
23 of October, 1992, is sending a telegram of support. He says:

24 "We wish to thank you and congratulate you for your superhuman  
25 efforts and courage. We are convinced that you will contend with all the

1 hell that the Chetniks have given you and that you will prevail. In  
2 Novi Travnik and Central Bosnia, we were not able to supply you with the  
3 necessary resources. Now we have dealt with the obstacles, so we are  
4 able to send you reinforcement in terms of manpower, technology, medical  
5 supplies, and other forms of aid and assistance, and we hope that this  
6 will arrive soon. We congratulate you once again for your heroic stand."

7 Now, Mr. Praljak, we've all said this many times, but let me  
8 repeat. This was the struggle and fighting against the Army of Republika  
9 Srpska, which the HVO and BH Army launched together; right?

10 A. More the HVO than the BH Army, that is correct. And Mr. Stojic  
11 is quite right, he was head of the Defence Department and he has the  
12 right to issue a commendation and express his support. So I see nothing  
13 unusual in a document of this kind.

14 Q. Mr. Praljak, during the examination-in-chief, you spoke about  
15 this aid and assistance that had been sent from Jajce, and you said that  
16 Mr. Stojic took part in these activities, and the report by  
17 Mr. Ante Prkacin testifies to that. We're not going to look at it now.  
18 I'll just give the number. It is 3D00484. To the best of your  
19 knowledge, does Mr. Stojic speak about that aid and assistance that had  
20 already started out for Jajce?

21 A. Yes, but unfortunately that was the first clear sign of the  
22 BH Army's different way of thinking, or at least some of their  
23 commanders, and what they actually wanted to achieve in Central Bosnia.

24 Q. I see, thank you. Now, in the pink binder -- I'm going to use  
25 some additional documents that I put into that pink binder, because I

1 liked Mr. Stringer's idea of dealing with the matters topic by topic.

2 This is a document that you've already seen, but you can look at  
3 it on e-court, on your screens. It is P00670, as a continuation of this  
4 story about the situation in Jajce. This is a document signed by  
5 yourself and by Mr. Stojic, and the date is 29 October 1992. The  
6 previous document was dated 27 October. And this document reflects the  
7 efforts invested in sending the assistance to Jajce. It says here:

8 "Earlier today, I made arrangements for the assistance to reach  
9 Jajce in order to deal with the problems, and I kindly ask you to allow  
10 our group unhindered movement towards Jajce."

11 Mr. Praljak, could you please tell me what happened with the aid  
12 and assistance that was on its way to Jajce and that Mr. Stojic is  
13 referring to in the previous document, and you and Mr. Stojic in this  
14 particular document?

15 A. You can find it in Mr. Prkacin's report. After several days and  
16 the ill treatment, they'd to go back. Prkacin and I went through, but it  
17 says very clearly here that the forces on the ground and the commanders  
18 of the BH Army prevented the passage of the troops, despite all the  
19 arrangements that had been made, despite all the telephone conversations  
20 with Sarajevo. No aid was let through to help Jajce. This was  
21 inconceivable, politically and militarily, in view of what they had been  
22 saying and what we saw as our joint struggle. It was very difficult to  
23 accept the whole situation. We couldn't accept that those men that were

24 on their way to fight against the Army of Republika Srpska were not let  
25 through.

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1 Q. Mr. Praljak, I believe that before the break we are going to be  
2 able to show just two more documents dealing with the topic. One was  
3 signed by yourself, and the other one does not have a signature.

4 THE INTERPRETER: Could the counsel please repeat the number.

5 MS. NOZICA:

6 Q. P5266.

7 A. Yes, I have the document.

8 Q. I repeat. The interpreters have asked me to do so. P5266.

9 Could you please tell yourself whether you remember the commendation that  
10 bears a stamp but no signatures, either by you or Mr. Stojic, so maybe  
11 you are best suited to say something about this document?

12 A. The things are simple, Ms. Nozica. There's no signature, my  
13 signature is not there, so as I sit here today I really don't know  
14 whether Mr. Stojic and I ever signed it. There are no signatures. It  
15 was not sent by electronic mail. But there was no reason not to commend  
16 those men. I may have received the report. Maybe there is a document  
17 with my signature.

18 I did not find it easy to issue any commendations. I suppose  
19 that they deserve my commendation, but I don't commend people easily.  
20 You know, I would commend them verbally. I would tell them, You are  
21 good. But when it came to writing commendations, there were a lot of

22 commendations during the socialist era, so that's probably why I was  
23 bothered and why I found it hard. But there was no reason not to commend  
24 them. If somebody does something good, of course you should commend  
25 them.

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1 Q. Yes, Mr. Praljak, you said it on your direct examination. I  
2 really can't remember whether you issued any commendations. Now you've  
3 explained why. Maybe it's not such a good treat. Maybe you should  
4 commend people when they deserve commendation.

5 Let's move on to the last document, which is P3937. Let's see  
6 when commendations were issued and how often this was done. P3937 is the  
7 number of the document that I would like to call up. This is yet another  
8 commendation. Let me just ask you about the event that preceded the  
9 commendation.

10 Do you remember what was the reason why that happened on the 4th  
11 of August, 1993, why Mr. Stojic commended the Krajl Tomislav Brigade,  
12 headed by Mr. Glasnovic, and also the Hrvoje Vukcic-Hrvatinic Brigade  
13 from Jajce, as well as the Kupres Battalion?

14 A. I know what happened, I know exactly. There were fightings  
15 around Vakuf, and honestly they deserved this, especially Glasnovic. But  
16 again I repeat, Mr. Stojic believed they had to be commended, and I  
17 totally agree with that, but as for myself, I had my own reasons to do  
18 things my own way. But I am sure that people who fought up there at the  
19 beginning of August had to be commended. I was with them every day. I

20 boosted their morale in every other way, so I did not find it necessary  
21 to issue written commendations.

22 MS. NOZICA: [Interpretation] Your Honours, I believe that the  
23 time has come for our first break. I'm moving on to another topic, so  
24 maybe this, indeed, is a good time for our first break.

25 JUDGE ANTONETTI: [Interpretation] Well, we shall have a 20-minute

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1 break now and then return here.

2 --- Recess taken at 3.46 p.m.

3 --- On resuming at 4.11 p.m.

4 JUDGE ANTONETTI: [Interpretation] The hearing is resumed.

5 Ms. Alaburic, you wanted the floor.

6 MS. ALABURIC: [Interpretation] Our learned friend Mr. Stringer  
7 has told us that he has no objection to Mr. Praljak looking at documents  
8 that other Defence teams have prepared for cross-examination, and it  
9 seems to me that it is indeed very useful for the witnesses to know what  
10 documents will be used, to avoid wasting time on reading documents and  
11 familiarising ourselves with them. I would kindly ask your leave for us  
12 to prepare our documentation and hand it over during the next break.  
13 This would allow General Praljak to read as many documents as possible  
14 during the evening and tomorrow morning. Thank you.

15 JUDGE ANTONETTI: [Interpretation] I shall consult with my  
16 colleagues on this question.

17 [Trial Chamber confers]

18 JUDGE ANTONETTI: [Interpretation] Very well. The Chamber has  
19 deliberated, and if Mr. Kovacevic doesn't consider this to be a  
20 disadvantage, well, the Chamber is willing to go along with this idea of  
21 Ms. Alaburic handing over the documents to Mr. Praljak, the documents  
22 that she's going to use during her cross-examination. This will allow  
23 Mr. Praljak this evening and tomorrow and during the night to take a look  
24 at those documents. There we are.

25 Ms. Nozica.

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1 MS. NOZICA: Thank you, Your Honours.

2 And now we move to a different topic, and the first document is  
3 under seal. I would kindly ask the Court to move into private session.

4 [Private session]

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

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11 Pages 42134-42137 redacted. Private session.

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**Page 42138**

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15 (redacted)

16 (redacted)

17 [Open session]

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

19 MS. NOZICA: [Interpretation] Thank you, Your Honours.

20 Q. Mr. Praljak, let's just briefly deal with the following document,

21 and the number is P3026. It's the next document in your binder.

22 Let me just remind you that this is a led by Mr. Siljeg in which

23 he evokes an order on mobilisation. The date is 30th June, and my

24 learned friend Karnavas asked you about the document. This is just by

25 way of introducing the following document that was also shown to you by

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1 my learned friend, Mr. Karnavas, and the number is P3038, 3038.

2 Very well. You've already provided a lot of comment about this

3 particular document, but I would like to voice just one remark about the

4 document. At the end of the document, you can see who this was sent to.

5 Is there any dispute about the fact that this document was never sent to

6 either Mr. Siljeg or other operation zone? Is there any dispute about

7 that?

8 A. No, none whatsoever.

9 Q. And now, Mr. Praljak, I'm moving on to a new topic which I would

10 like to call "assistance to the BiH Army." And the first document that I  
11 would like to show you is a long transcript. But since I'm going to show  
12 you just one sentence that you've already seen, I'm sure that it will be  
13 easier for you, in order to leaf through the transcript, to look at the  
14 e-court. This is document number P336.

15 Your Honours, this is a transcript which is not in the binder.  
16 It's a lengthy, thick transcript, but since Judge Antonetti put a  
17 question to Mr. Praljak about this transcript, I'm going to show  
18 page number 50, by way of introducing my following documents.

19 We can now see page 1. This shows us that the transcript is from  
20 a meeting attended by Mr. Izetbegovic and Mr. Tudjman on the 21st of  
21 July, 1992. We have to remember this, because it's important.

22 And now let's look at page 50, 5-0, in translation, and in the  
23 Croatian version it would be our ERN number -- I believe that we have it  
24 on the screen. Yes. In the Croatian version, I'm referring to the part  
25 on which Judge Antonetti questioned you. This is what Mr. Izetbegovic is

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1 saying, and he says:

2 "Let us say that in Central Bosnia, the HVO is now trying to take  
3 over power in the parts where Croats constitute 20 to 30 per cent of the  
4 population."

5 And then the following passage:

6 "Let us say that it can do that because it's armed or has  
7 received assistance from Croatia. All we have are rifles, and they

8 actually have machine-guns, mortars, et cetera, so let us say that this  
9 can be done."

10 Mr. Praljak, could you please now look at 2D577, which will show  
11 us what kind of weapons were held by different armies at the time and how  
12 true this claim by Mr. Izetbegovic is.

13 Did you find the document?

14 A. Yes, yes.

15 Q. I don't know whether you're familiar with the document. This is  
16 already an exhibit, but let me provide you with a short introduction.  
17 This is a document issued by the staff of the Supreme Command, or rather  
18 it was sent to the staff of the Supreme Command in Visoko on the 23rd of  
19 November. In the command of the Central Bosnia, there was an agreement  
20 on the distribution of the MTS, and those were manufactured in the BTN  
21 factory in Novi Travnik. People who are at the meeting are mentioned  
22 here, and on the first page of this document you can see the explanation  
23 of the distribution between the HVO and the BiH Army, but also there is a  
24 reference to the period between 27 November 1992, 30th of December, and  
25 so on, and we can see that during that period of time, the distribution

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1 was equitable. This is what I wanted to show you. Actually, what I want  
2 to show you is page 3 of the document, which is a table.

3 Let us see what weapons did the BiH Army have in the month of  
4 July, and this is in connection with Mr. Izetbegovic's statement and the  
5 area of Central Bosnia. This is a document which is page 3, and the ERN

6 number is 0058-7756 in the Croatian version. We have it, yes.

7 Mr. Praljak, the letters are small, so you will allow me to read  
8 to you. The date is 24 June 1992, and it says further up "Proposal for  
9 the delivered material and equipment for NVO." Do you agree that "NVO"  
10 stands for "weapons and military equipment"?

11 A. Yes.

12 Q. And here you have Sarajevo, Travnik, Novi Travnik, Vitez,  
13 Busovaca, Visoko, with the relevant weapons. To begin with, Mr. Praljak,  
14 can you tell me, at this point in time, so in June, and later on in July,  
15 as Mr. Izetbegovic said, but this is the end of June, where is the  
16 BH Army in those municipal staffs? Where is the BH Army set up, and  
17 where is the HVO set up, to the best of your recollection and knowledge?

18 A. Well, at that time, well, the units were barely set up because  
19 those were the beginnings, but in this breakdown or distribution of a  
20 relatively large number of items, well, I actually supported it while I  
21 was there, and it was actually done, for the large part, because of my  
22 mediation between the parties. And the distribution was 50:50, in a  
23 brotherly fashion. Well, not in a brotherly fashion, but 50:50, because  
24 brothers don't share and share alike always. So you can see there is a  
25 23-millimetre cannon, 23 pieces. That's not few such pieces. Please

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1 look at the number of mortars. I don't want to go through all that. So  
2 these are sizeable quantities of weapons.

3 Believe me, the BH Army, which was not the BH Army at the time at

4 all, did not have less weapons than the HVO. It had 152-millimetre  
5 cannon and so on, and not negligible quantities, either.

6 Q. Mr. Praljak, here we can see "Sarajevo, Travnik, Novi Travnik,  
7 Vitez, Busovaca." Let us look at that. I just wanted to say -- well,  
8 Mr. Izetbegovic is speaking about the BH Army in July 1992, so that's  
9 what he terms it, and there's no reason for us not to use the same term  
10 for the end of June. So the BH Army was in Sarajevo?

11 A. Yes.

12 Q. In Travnik?

13 A. Yes.

14 Q. In Novi Travnik?

15 A. Yes, everywhere. You don't have to go through all the places  
16 listed here. It was there.

17 Q. And Mr. Izetbegovic said that in Central Bosnia they only had  
18 rifles, and the weapon that is listed here under number 1, would that be  
19 a light machine-gun?

20 A. Yes.

21 Q. A light mortar?

22 A. Yes.

23 Q. And then it's a 60-millimetre mortar?

24 A. Yes.

25 Q. Under number 3, we have a light machine-gun?

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1 A. Well, not light machine-gun. It's listed under number 4, a 12,7

2 calibre. I don't see what's there.

3 Q. It's MB-60?

4 A. That would be a 60-millimetre mortars.

5 THE INTERPRETER: Interpreter's remark: The witness and counsel  
6 are kindly asked not to overlap.

7 MS. NOZICA: [Interpretation]

8 Q. And could you just tell me what is it that's listed here under  
9 11?

10 A. It's a 122-millimetre howitzer. There are four, six, ten,  
11 eighteen -- nineteen pieces.

12 Q. Mr. Praljak, can we then say -- can we then conclude that at this  
13 meeting, the 21st of July, 1992, that Mr. Izetbegovic was not telling the  
14 truth when he was talking about the quantity of weapons that the BH Army  
15 had in Bosnia and Herzegovina and that we can see that on the basis of  
16 this document?

17 A. No, he was not telling the truth. The BH Army in Central Bosnia  
18 was certainly as well armed as the HVO; perhaps even better.

19 Q. Now I would like you to look at the next document. We are still  
20 on this situation regarding the weapons from the Novi Travnik factory,  
21 because you told us that you are familiar with it. So could you please  
22 look at 2D3038. It's an order.

23 Have you found it?

24 A. Yes.

25 Q. This is an order form and the entity placing the order is Republic of

1 Bosnia and Herzegovina, the Main Staff of the Supreme Command, the Visoko  
2 Logistics Centre. The date is the 29th of September, 1992. Mr. Mirsad  
3 Cupina is to take delivery of the goods, and what are the weapons that are  
4 listed here? A. Artillery. For instance, 60-millimetre mortars are not,  
5 strictly speaking, artillery, but they are asking for two howitzers, D-122,  
6 two pieces, and they also ordered four 120-millimetre mortars, one  
7 82-millimetre recoilless gun, and two LRLs, 128-millimetre. So these are  
8 a sizeable quantity of artillery weapons.

9 Q. And here, when it says: "Cupina, Mirsad, personally, the Mostar  
10 Main Staff," is that correct?

11 A. Yes, it was supposed to be delivered to the BH Army in Mostar.

12 Q. Let us look at the next document on the same topic. That's  
13 2D3039.

14 Well, we'll see it. This is a record of issued items. Again,  
15 it's the BH Army. The date is the 29th of September, 1992. The weapons  
16 are delivered to the armed forces in Mostar, the 1st Mostar Brigade.  
17 Well, it's quite clear here?

18 A. Yes.

19 Q. And here we have a list of weapons. Could you please tell me,  
20 what kind of weapons are we talking about here?

21 A. Well, these are 84-millimetre, 60-millimetre mortars. Then there  
22 are shells for a 122-millimetre cannon, some rounds, so from the Central  
23 Logistics Base of the BH Army in Visoko. It was issued there.

24 Q. Very well. And we have just one delivery note. That's document

25 2D3040. It pertains to the same factory. The date is the 30th of

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1 September, 1992. It's about the delivery of two different kinds of  
2 mortars, and as indicated above, it was -- the delivery was taken  
3 personally by Mirsad Cupina. "OS Mostar," that would be Armed Forces  
4 Mostar; is that correct?

5 A. Yes.

6 Q. Mr. Praljak, here in court we have had a lot of debate in the  
7 course of the Stojic Defence case, and also when you showed some  
8 documents that pertained to the assistance to the BH Army, and those  
9 questions mostly focused, with the Prosecutor's objections, whether some  
10 weapons that were meant for Tuzla could have ended in some other place.  
11 And your answer was that there were no guarantees, there could have been  
12 no guarantees. But since this is of particular importance for the  
13 Defence, now I would like you to look at document 2D3036.

14 Mr. Praljak, I think that you are familiar with this document.  
15 It is part of a document that you drafted. I don't want to confuse the  
16 Judges by telling them what document that is, but we need only this page.  
17 And please look at the date. Is the 22nd of March, 1993, and I'm  
18 deliberately now showing you this document from 1993. I will not be  
19 going back to 1992, just so that we can see how this process of arming  
20 went on. It says here: "The Supreme Staff of the Armed Forces of  
21 Bosnia-Herzegovina in Sarajevo, the Chief of Staff, Mr. Sefer Halilovic."  
22 This is from the commander, Rasim Delic, and he says:

23 "I hereby submit a proposal for the unloading of the TMS which is  
24 supposed to head out from Zagreb, a total quantity of MTS reduced by  
25 25 per cent, which was supposed to be taken by Croatia or in Grude."

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1 And then he goes on to say:

2 "The assets for Tuzla would be partially brought back to Visoko  
3 upon their arrival in Tuzla in order to be distributed to the 3rd Corps  
4 and other units."

5 And now it is indicated how the distribution would be actually  
6 done. Mr. Praljak, I'm not going to ask you whether you knew at the time  
7 about that, but I am asking you whether this document unequivocally shows  
8 that the assets that were supposed to reach Tuzla in March, due to this  
9 redistribution within the BH Army, actually were then headed to the  
10 3rd Corps.

11 A. Well, counsellor, let me say this clearly and so on. I've  
12 already said it a couple of times.

13 First of all, the BH Army got 90 per cent of the overall weapons  
14 it had at least from Croatia and from the HVO throughout the war.

15 Secondly, as soon as a convoy approved by anyone would cross the  
16 line and enter the territory controlled by the BH Army, the convoy went  
17 where the BH Army commanders wanted it to go.

18 The Prosecutor's argument is that we distributed the weapons at  
19 will, saying, We'll give those that. But, of course, yes, sometimes we  
20 would write, This is for Gorazde, in Zagreb, when we heard all the

21 moaning about where it was needed. But once it crossed the line, it was  
22 under the control of the BH Army, and they distributed the consignments  
23 as they saw fit. Now, perhaps some commanders might have complained, but  
24 it was their internal affair.

25 Q. Mr. Praljak, you have said this before. I just wanted to confirm

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1 that through some documents, because through the questions of the Judges  
2 I believe that it was not clarified fully.

3 We have our next document, that's 3D1870, which shows this even  
4 more clearly. 3D1870. So this is a document from the 1st of April,  
5 1993, and it originated from the Main Staff of the Armed Forces of Bosnia  
6 and Herzegovina. It says "Visoko Department." It was addressed to  
7 Mr. Sefer Halilovic, this request, and it says:

8 "Attached to this document is a proposal for possible  
9 distribution of the MTS, materiel and equipment, that is to reach Pasalic  
10 or Tuzla."

11 Mr. Praljak, well, here we see how the proposed distribution --  
12 what is to go to the 1st Corps, the 4th Corps, 2nd Corps and 3rd Corps.

13 I'm sorry, don't be mad with me, please. I'm just -- I just want  
14 you to tell me, once and for all. Could you please tell me whether this  
15 document clearly shows that the BH Army redistributed the assets that  
16 were sent in and that were supposed to reach Tuzla?

17 A. Well, Ms. Nozica and Your Honours, what would the 4th Corps in  
18 Mostar use to shoot at us? They did not have any defence industry. Even

19 if we didn't have those documents, a logical question would be: What did  
20 they use to shoot at the HVO there?

21 Weapons, and look at the quantities, RPG-7, that's seven and a  
22 half thousand, a total of seven and a half thousand. Well, they killed  
23 500 of my soldiers with those RPGs, at least.

24 Q. Mr. Praljak, now regarding the previous document, let us look at  
25 how the assets headed out from Croatia so that we can establish a link

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1 and prove that the weapons came from Croatia.

2 Let us look at 3D9 [as interpreted]. That's our next document.  
3 It's already exhibited. Let us just establish a link with the previous  
4 document. The 26th of March, 1993. The Zagreb Ministry of Defence  
5 issues an order for the issuing of the assets -- materiel and equipment  
6 for the purposes of the BH Army, through the Grude Logistics Base. And  
7 these are all the weapons that are listed in the previous document,  
8 3D1870, where we can see that a proposal is made how to distribute it  
9 among the various corps?

10 A. Well, yes, you can see the quantities: the RPGs, seven  
11 pieces of -- seven and a half thousand, and also the rounds that are used  
12 by RPGs, 7 and 600.000.

13 JUDGE TRECHSEL: Thank you.

14 Page 56, line -- where the number -- it's 17, 3D9, that's the way  
15 I heard the translation, but it is, of course, 3D00309.

16 MS. NOZICA: [Interpretation] Your Honour, the document is 3D0009,

17 just "9." I abridged it by dropping the 0s.

18 JUDGE TRECHSEL: But it has a different number written on its  
19 front page in our documents. There, it is "309." Oh, it says "3D,"  
20 probably. Probably what looks like a 0 is a D, in fact. Thank you.

21 MS. NOZICA: [Interpretation] Yes. This document is in e-court  
22 under that number. I can see it. Now you have me confused. And in  
23 e-court, it's precisely under this number that I used, but we can go on.

24 Q. So, Mr. Praljak, because of everything that has been said in the  
25 courtroom, I'm not going to talk about 1992, although it is quite

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1 relevant because the largest quantities were delivered from Croatia to  
2 the BH Army in 1992. But let us look at our next document which confirms  
3 this, and that's 2D3008.

4 This is a report from the SIS. I don't know whether you had  
5 enough time to go through all the documents that you received.

6 A. Yes.

7 Q. This is the assistant commander for security in the Stjepan  
8 Tomasevic Brigade. It's submitted to the assistant commander for  
9 security in the operational zone, Mr. Tomasevic. And now I'm interested  
10 in the first part. It says:

11 "On the 31st of December, 1992, at 1600 hours, near the  
12 Novi Travnik firehouse, two trucks were noted, one of which was carrying  
13 a 122-millimetre howitzer, and the other one was carrying two mortars.  
14 We dispatched the military police patrol to check. The leader of the

15 transport said that the equipment belonged to the 4th Corps and it was  
16 being transported from Visoko to Mostar. All the necessary documentation  
17 was in place."

18 Signed by Mr. Petkovic and by Mr. Coric, and that these are the  
19 assets that were taken from the Bratstvo company in Visoko. And  
20 according to the documentation, it was likely transported to Mostar.

21 Mr. Praljak, would it follow from this document not only that we  
22 have the paper trail, but we can see that this actually happened, that  
23 the assets were moved in this manner to Mostar, as we can see from the  
24 document 2D00577?

25 A. It is true that the 4th Corps and the 6th Corps had artillery,

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1 real artillery, and the assistant for artillery and shells and all that.

2 Q. Very well. Let us look at the next document. That's 2D197.

3 Again, it's 1993.

4 Have you been able to find it?

5 A. Yes.

6 Q. It's not in e-court, but we'll have it here. Again, this  
7 confirms our argument. This is the authorisation for the transportation  
8 of weapons for the needs of the BH Army to the Visoko Logistics Centre  
9 from Zagreb to Metkovic and then further on to the Republic of Bosnia and  
10 Herzegovina.

11 Mr. Praljak, I have to ask you this in this manner: Are these  
12 the weapons that were headed for Mostar to Posavina, or rather Tuzla,

13 Posavina, or did they go to Visoko and then they were distributed as the  
14 BH Army decided?

15 A. Yes. These are, for the most part, warm coats because it was  
16 winter-time, so it's military equipment and materiel for Bosnia and  
17 Herzegovina. Everything from uniforms to bullets went to  
18 Bosnia-Herzegovina from Croatia under the signature of some of the people  
19 present here in the dock.

20 Q. Let's now look at the next document, which is 2D3041. The date  
21 here is the 26th of March, 1993, the consignment order. It's a delivery  
22 of 7.62-millimetre bullets, and the goods will be taken over by Seta  
23 Sujab. Mr. Praljak, was this also for the BH Army?

24 A. Yes.

25 Q. The next document is 2D3042. That's the 30th of March, 1993,

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1 once again?

2 A. Yes.

3 Q. And they are -- and it is MTS, and Seta Sujab is mentioned again,  
4 that name is mentioned again. And was this intended for the BH Army?

5 A. Yes. Mostly weapons for destroying bunkers, the Maljutka-type  
6 rockets and RPG-7 launchers.

7 Q. Now look at the next document, which is 2D3043. The document is  
8 the 30th of March, 1993; that's the date. We have hand-held launchers,  
9 bullets for automatic rifles. 3D3043 [as interpreted] is the correct  
10 number, 3043. Have you found that, Mr. Praljak?

11 A. Yes.

12 Q. Was this MTS intended for the BH Army?

13 A. Yes, 3.000 rifles, automatic ones.

14 Q. Just one more document and then I'll ask you some questions.

15 2D960 is the document number. My colleagues -- well, I seem to be a bit  
16 tired. The previous number was 2D3043. The last document is 2D960. The  
17 date is, once again, the 8th of March, 1993, and we're dealing with 630  
18 bullets to be taken over by Sujab, Seta?

19 A. These aren't bullets. I can't see this very well, but it's  
20 artillery pieces, artillery shells. They're not really bullets, because  
21 the number's too few there. Can anybody see what it says?

22 Q. Mr. Praljak, as far as I can see, it says "Bullet MTT364K-43."  
23 We'll zoom in there. There you go.

24 A. Well, Petkovic -- it's not up to Petkovic to answer, but he  
25 could --

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1 Q. Well, we've zoomed in and it says --

2 A. Well, bullets refer to everything, but they're not bullets for  
3 rifles, they're something else. But never mind.

4 Q. Now, Mr. Praljak, we've seen a number of consignment orders or  
5 delivery orders for weapons that were sent out from the Ministry of  
6 Defence of the Republic of Croatia for the purposes of the BH Army. Now  
7 we're dealing with the beginning of 1993. Did you have any direct  
8 knowledge and information, in view of the posts you occupied, that these

9 weapons were going to the BH Army, and whether you had any information  
10 whereby the BH Army did, in fact, receive those weapons?

11 A. Ms. Nozica, I took direct part in that. Not only did I have  
12 knowledge of it, but I was one of the people -- one of the few people who  
13 decided upon that. It was a state decision that had been taken in  
14 Zagreb, and this went on the whole time. How many more times do you need  
15 me to repeat that?

16 Throughout the war, later on this was more difficult because we  
17 had to hide this from our own people later on, hide the fact that we were  
18 letting weapons go through to the BH Army. The situation was completely  
19 historically incomprehensible and very troubling. A commander letting  
20 ammunition and weapons go through to an army which was at the same time  
21 attacking him and his men is something that is incomprehensible, but that  
22 is the situation we found ourselves in, and despite that we seemed to be  
23 guilty and blamed for everything. That's incomprehensible. Nobody can  
24 understand that, and nobody else did that in the history of warfare  
25 except for the Croats, nobody else anywhere.

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1 JUDGE TRECHSEL: If I may ask a question.

2 Mr. Praljak, do you think, retrospectively, that this was a good  
3 idea, to let all that through?

4 THE WITNESS: [Interpretation] Ah, well, it was. In spite of  
5 everything, Your Honour. Had we not let it all through, Tuzla would have  
6 fallen, Gorazde would have fallen, Sarajevo would have fallen, Bihac

7 would have fallen, and what --

8 JUDGE TRECHSEL: Fallen to whom, Mr. Praljak? To who would it  
9 have fallen?

10 THE WITNESS: [Interpretation] Into the hands of the Army of  
11 Republika Srpska, into Mladic's hands, and then you would have had two  
12 million more refugees leaving. The Muslims would have lost everything,  
13 the Croats would have lost, too, they would have lost out, and it would  
14 have been a complete catastrophe. This way, it was a lesser catastrophe.  
15 Let me put it that way.

16 JUDGE TRECHSEL: Thank you.

17 MS. NOZICA: [Interpretation]

18 Q. Mr. Praljak, I've received a suggestion to the effect that this  
19 document, 2D960, was ammunition for a cannon of 150 millimetres, the  
20 M-43.

21 A. Yes, that's right, and that was a large number of rounds for that  
22 cannon. So they're not bullets, because it's for the 150 -millimetre  
23 cannon. But General Petkovic knows that much better than me because he's  
24 an artilleryman.

25 JUDGE ANTONETTI: [Interpretation] General Praljak, we have seen a

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1 series of documents, and we've already seen many of them, but they do  
2 show formally that the Republic of Croatia sent weapons to the Republic  
3 of Bosnia and Herzegovina via the HVO. Documents speak for themselves,  
4 but the question is different.

5           Those weapons that were sent to the ABiH, were these weapons that  
6           were in the inventory of the Republic of Croatia or were these weapons  
7           that the Republic of Croatia bought outside its territory, but from other  
8           countries like the US, Germany, or whatnot, and that who were then sent  
9           to the BH Army?

10           THE WITNESS: [Interpretation] Until the spring of 1993, we would  
11           supply them with this. We would purchase it and gave it to them as an  
12           incentive for our joint struggle. Now, after that there was some flights  
13           coming in from other countries, and then we would let that through.

14           JUDGE ANTONETTI: [Interpretation] Very well. Up until the spring  
15           of 1993, you say that these were weapons that you were buying abroad.  
16           Very well. The Republic of Croatia was operating with a budget, a yearly  
17           budget, like any other country. There are funds that are earmarked  
18           towards the Ministry of Defence, and each ministry gets a specific  
19           allocation; yes or no?

20           THE WITNESS: [Interpretation] Partially, yes. But in the war,  
21           the Ministry of Defence has -- well, you can't calculate the budget.  
22           Yes, you can, you can say so many soldiers and so on and so forth, but as  
23           to the needs and requirements, they are determined by the Ministry of  
24           Defence budget and resources and funds.

25           Now, Franjo Tudjman was complaining that we should reduce the

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1           army, that there should be mobilisation and so on, but we had to purchase  
2           weapons for Bosnia-Herzegovina and we had to run into debt, to be quite

3 honest. We went to the commercial bank, a large bank, and we brought it  
4 to the brink of bankruptcy, to actual bankruptcy.

5 JUDGE ANTONETTI: [Interpretation] Very well. You're saying that  
6 you were just going into debt and borrowing from banks. Now, did the  
7 Croatian MPs know about this? Did they know that the Republic of Croatia  
8 was supplying the ABiH with weapons or was it done behind their back?  
9 Was it Mr. Tudjman and a small core of people, including you, who knew  
10 about this or was this done in the open, with the MPs knowing about it?

11 THE WITNESS: [Interpretation] The whole government certainly  
12 knew, the national unity government from 1992 to 1993, and later on the  
13 government presided over by Nikica Valentic. They knew fully what was  
14 going on. I can say with a great degree of certainty that 90 per cent of  
15 the MPs also knew. Probably not everybody knew what quantities were  
16 involved. Perhaps they didn't know about the quantities, except for the  
17 government, because the government knew about the quantities and  
18 everything else.

19 JUDGE PRANDLER: I would like to have a follow-up question, and  
20 of course the issue of the arms transfer has been already many times  
21 treated here and discussed. And I would like to, as also my fellow  
22 Judges have done before me, to ask you about the following:

23 When you answered first to the question raised by Judge Trechsel,  
24 you, among other arguments, you mentioned that if there wasn't this kind  
25 of arms transfer and cooperation with the BiH Army, then it was probably

1 that region, I believe it was the Posavina, would have fallen into the  
2 Republika Srpska hands, and which would have resulted in two million more  
3 refugees. It is what you said, if I recollect properly. Now, my  
4 question is, therefore, as we already spoke about it before, that: That  
5 wasn't it characterised -- I mean, the arms transfer, couldn't it be  
6 characterised by, on your part, as choosing the lesser evil in that  
7 particular time and situation, and therefore you actually had done it  
8 with a view also to have your own interests met and defended, and it was,  
9 in other terms, if I may use this one, a kind of marriage of convenience  
10 that between the two parties you acted because of your interest, although  
11 you knew that it was also, to a certain degree, against your interests on  
12 another level? So it is my question.

13 THE WITNESS: [Interpretation] No, Your Honour Judge Prandler, our  
14 interests could have been quite simple; that I sit down with  
15 Mr. Karadzic, or that Petkovic sit down with Karadzic, and then we say,  
16 Listen here, Karadzic, 70 per cent of Bosnia-Herzegovina goes to you,  
17 we'll take 30 per cent. I'll turn the tap off, as far as the Muslims are  
18 concerned, and then a month later they will have to surrender because  
19 they won't have a single bullet. So that could have been the interest.  
20 And had that been our interest, then it would have been resolved in five  
21 minutes. He would have been satisfied with 70 per cent, and, to be quite  
22 frank, we could be quite pleased with 30 per cent.

23 However, when you have dozens of people coming to Zagreb,  
24 hundreds of people coming to Zagreb, honest people, decent people, who  
25 were attacked from Gorazde, from Sarajevo, from Tuzla, from Bihac, Usora,

1 who want to defend themselves, then you forget about politics for a time  
2 or reduce its significance, and you forget that in time those politics  
3 will turn against you. Well, it was a desire -- you can say "interest,"  
4 but it was a desire. Well, if you look at anything in life and that what  
5 one does in life, it serves some interest. If you give somebody in the  
6 street a Euro, it makes you feel good, giving a beggar a Euro. But I  
7 can't characterise it that way. We did so for humanitarian reasons,  
8 humane reasons, state reasons. We wanted to have Bosnia-Herzegovina  
9 survive. We don't -- didn't want to have two million people on the move.  
10 We could have sent them to Hungary. Hungary was a mutual country. We  
11 were at war. We could have allowed them to go through a corridor and  
12 say, Here you are. So I don't think one can simplify matters in that  
13 way.

14 When I and Mr. Stojic gave, say, half a million or a million  
15 marks worth of weapons to Sarajevo, I didn't even ask anyone. I didn't  
16 ask any of ambassadors or whoever whether they would approve that or not.  
17 There were people dieing over there, somebody was attacking them, and  
18 they're asking you to provide them with a truckload of weapons, and you  
19 do that, you give them a truckload of weapons without thinking about  
20 interests of any kind.

21 JUDGE PRANDLER: Thank you.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, you that with  
23 all the questions -- you can see that the Judges are asking a lot of

24 questions on this because we're at the very heart of this notion and  
25 concept of joint criminal enterprise, which is why the Judges are putting

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1 so many questions to try to see some light into this.

2 If you allow me, I will envisage a situation under different  
3 angles; firstly, the presence of the Serbs jeopardising the very  
4 integrity of the Republic of Croatia. The Serbs are in Bosnia and  
5 Herzegovina, but they can very well attack and march on Zagreb, since  
6 they're already in Krajina. Now, seen from this angle, the Republic of  
7 Croatia has an interest in providing weapons to all those fighting the  
8 Serbs, with the idea of defending the territory -- the final idea of  
9 defending the territory of the Republic of Croatia, without taking into  
10 account the interest of the Croats living in Herzegovina.

11 Do you believe that a reasonable politician or reasonable  
12 high-ranking military men might have been integrated in the political  
13 decision made by Mr. Tudjman, with the tacit agreement of his government,  
14 to send weapons to Bosnia and Herzegovina? Was this the main reason for  
15 supplying weapons, in order to make sure -- to preempt any attack from  
16 the Serbs?

17 THE WITNESS: [Interpretation] First of all, Your Honours, I'm  
18 grateful for any question you put to me, any. Let's be clear on that.

19 When Milosevic realised that a Greater Serbia within the borders  
20 that he wanted was out of the question, and when Croatia was already a  
21 member of the United Nations, and when its borders were clearly defined,

22 the only question remained was when we would be allowed to carry out an  
23 operation to liberate Croatia. Once the borders of Croatia were  
24 recognised and once Croatia became a member of the United Nations, the  
25 Serbs, in the occupied territories of the Republic of Croatia, knew it in

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1 their minds that they had lost their war, that the war, as far as they  
2 were concerned, was over. The president of the state and the government  
3 allowed for the UNPROFOR to arrive in Croatia and for Slovenia to be  
4 reintegrated peacefully, just to show that we were against the war and  
5 that we could wait for years. Your Honours, we were prepared to liberate  
6 those areas even before, in military terms.

7 Let's now start from this assumption: If we had an arrangement  
8 with Mladic to take 70 per cent of Bosnia-Herzegovina and to conquer  
9 Sarajevo and Srebrenica, not would they have attacked us, but they would  
10 have had a very easy time filling those areas with their own men, like  
11 they did with the area of Kosovo. And if we had been thinking along  
12 those lines, we would have resolved the situation sooner.

13 You could see from the dozens of conversations that there was a  
14 desire to reach an agreement with Izetbegovic to organise Bosnia and  
15 Herzegovina and to allow Muslims to defend themselves. The cold  
16 political logic -- when I say "cold," I don't know what else to call it,  
17 maybe mathematically called "logic," would have certainly opted for  
18 another route. This was a principled consistent -- and principled  
19 policy, and that's why despite the RPGs and the shells for the

20 120-millimetre cannon were killing my own men, the men that I commanded  
21 in an area, and despite that the arms went on being shipped to Bihac,  
22 Tuzla, Gorazde, Sarajevo, well, we were hoping all that time that the  
23 leadership would finally understand that Croats in Bosnia-Herzegovina  
24 wanted only one thing, and that was an autonomy in the area that could  
25 have been 17 or 18 per cent of the territory of Bosnia-Herzegovina, an

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1 area in which they were an absolute or relative majority, equal to  
2 anybody else, and that was all; nothing else, only that, and there were  
3 also some human connections.

4 It is useless to try and explain everything in mathematical  
5 terms. For example, you have people who come to ask you for medicines,  
6 people who want to fight, and you cannot sit and watch them being killed.  
7 And despite of any politics that were in place, you give them weapons,  
8 even if you know that it may be turned against you, yourself, one day.

9 JUDGE ANTONETTI: [Interpretation] The second aspect of my  
10 question -- I now see a different aspect. I saw the first. So the  
11 second aspect is this: Mr. Tudjman and all the members of the criminal  
12 enterprise, of which you are a part, that is, according to the  
13 Prosecution, know that to be successful with annexing the territory,  
14 there were only two ways of going about it; either invading the part of  
15 Bosnia-Herzegovina that was formerly Banovina from -- in 1929 to 1939,  
16 and then the international community is obviously going to be against it  
17 and, in fact, remember what the deputy secretary for defence said, Ralph

18 Johnson, saying to Tudjman, that there had to be a final recognition  
19 given to the borders of Bosnia-Herzegovina, or else hope on the part of  
20 the HVO that they would gain victories against the Muslims through  
21 military offensives - the 9th of May, the month of June, et cetera - and  
22 then the Republic of Herceg-Bosna, in the framework of a confederation  
23 with the Republic of Croatia, would achieve the dream of restoring  
24 Banovina.

25 Now, in this second -- from this second angle, aspect, sending

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1 weapons, was there not a risk - and in fact Judge Trechsel asked you a  
2 question about this - was there not a risk that you would be reinforcing  
3 the fire-power of the Muslims and thereby preventing victories being  
4 gained by the HVO because, as you said yourself, the forces -- well, the  
5 ratio was 1:10, in terms of personnel, manpower, and we saw the documents  
6 proving that, and you give them arms, in spite of there being 10 times  
7 more of them, and it seems to be totally unreasonable? So what do you  
8 think?

9 THE WITNESS: [Interpretation] Well, I think what you're saying is  
10 correct, and I suggest that the Trial Chamber brings in a psychologist  
11 who would test my IQ. But how can you want to conquer something? Well,  
12 let's put it this way: In 1992, after the conquests in East and West  
13 Mostar, all it took was to disarm or not allow any kind of establishment  
14 of the BiH Army. All it took was for somebody to say, Here you have the  
15 HVO, well, they're much stronger than. And it was at that particular

16 time, you saw it, weapons -- well, Luburic, you saw him. I had Luburic  
17 distributing the insignia among them, and I had created the insignia  
18 myself in Zagreb. He was my commander in Capljina. The population  
19 returned to Stolac, and we trained and armed their brigade in Stolac; and  
20 all that in order to carve a piece of their territory.

21 Your Honours, do you really think that we are that kind of  
22 idiots? Not even a cat would think along these lines. I really can't  
23 comprehend this.

24 Let's put it in a nutshell. There was no -- nothing of that  
25 sort. Towards the -- 1992, there were those soldiers, and for five

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1 months later, I was -- let me not mention his name, the gentleman's name,  
2 although his name is public. Of course, in the Parliament, we were  
3 sending a delegation to say, Please calm the situation down. We were  
4 running all over Central Bosnia. We were making suggestions of a joint  
5 command. We pushed it to the limits. I took -- I grovelled up to those  
6 men to ask them to do something normal finally. Only when they lost in  
7 an attack against us, when they did not realise their goals, it was only  
8 then when the normal way of thinking about the Army of Bosnia-Herzegovina  
9 started. If they had succeeded, then take my word for it, what you are  
10 saying -- what the international community and the Americans said, all of  
11 them adjusted day in day out to the prevailing military situation on the  
12 ground.

13 The fact that what the Z-4 group was offering to the Serbs in

14 Croatia as a national minority right is not even 10 per cent of the  
15 rights that they enjoy in the Croatian state where they are a constituent  
16 people. That's as regards the international community. All they cared  
17 about was for the pictures and images not to be shown on the news from  
18 Bosnia and Herzegovina as they were.

19 As for the principles, please, Your Honours, let's not --

20 JUDGE ANTONETTI: [Interpretation] Thank you.

21 MS. NOZICA: [Interpretation] Thank you, Your Honours.

22 I will two more documents which will round off the topic.

23 Q. But before that, Mr. Praljak, I would like us to go back to the  
24 questions --

25 A. Let me just say this: In that Z-4 plan Mr. Grbak [phoen], who

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1 was sitting here, was offering the Serbs a judiciary in Croatia,  
2 elections, parliament, money, a state in a state, and they were rebels at  
3 the time and they were a national minority. And Croats in  
4 Bosnia-Herzegovina, who are a constituent and sovereign people, there's  
5 no cat's chance in hell to have all that, because that would be contrary  
6 to some other interests that prevailed there.

7 And there you have him talking -- speaking about principles.

8 Please.

9 Q. Mr. Praljak, just for a moment let's discuss a few more details.

10 You said that people came from Bihac, Tuzla, Sarajevo, Gorazde,  
11 and they wanted an opportunity to defend themselves. We've shown a

12 document today, which is 2D3008, which shows clearly that the HVO, in the  
13 month of January 1993 - that's the SIS report, you don't have to look for  
14 it - provided their concern for the arrival weapons for the 4th Corps.  
15 Please allow me to put my question to you.

16 I would kindly ask you to explain to the Trial Chamber what --  
17 which operations were conducted before the end of 1992 and the beginning  
18 of 1993 jointly by the BiH Army and the HVO against the Serbs, and  
19 whether that was the reason why you and those who were decision-makers at  
20 the time delivered weapons to the BiH Army, was you had a common military  
21 objective. What I mean by that is Mostar, in the summer of 1992, Jajce,  
22 the Operation Bura, and other operations.

23 A. It was not like that, Ms. Nozica. We did have our joint  
24 operations, but if I had wanted to keep two howitzers for myself, then I  
25 could have given them to my own crews, not to the BiH Army. Bura was

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1 primarily an HVO operation. The fact that some small BiH Army units  
2 participated in it was negligible. There were Muslim soldiers as members  
3 of the HVO, but that was primarily an HVO operation, and I was not  
4 obliged to provide howitzers and mortars to another army if I didn't want  
5 to do so. I could have kept them for myself. I could have told them, If  
6 you have a crew for that operation, you can give us our crew and we will  
7 carry out a joint operation, but the howitzers would remain on my  
8 inventory list.

9 Petkovic, Stojic, and everybody else thought that the arming of

10 the BiH Army would create the joint armed forces of the  
11 Bosnia-Herzegovina, i.e., the BH Army and the HVO, which would have a  
12 joint command and plan operations together. That's why we acted the way  
13 we did.

14 Q. Mr. Praljak, this is exactly what I asked you, sir. I asked you  
15 about the joint military, and I'm happy with your answer because it  
16 answered my question. But just one more question about that topic.

17 When His Honour Judge Antonetti asked you about the money and the  
18 justification for the government, can you tell us whether you know  
19 anything about the immigrants hailing from Bosnia and Herzegovina paying  
20 a considerable amount of money and that Croatia used those resources for  
21 the purchase of weapons that was then channeled towards the BiH Army?

22 A. In percentage terms, not in absolute terms because there are not  
23 that many Croats in Bosnia-Herzegovina, in percentage terms the biggest  
24 number of people working abroad were Croats from Bosnia and Herzegovina.  
25 And again in percentage terms, the highest numbers were Herzegovinians.

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1 Half of the Herzegovinians were working abroad because Herzegovina is a  
2 very poor region, and after the Second World War nothing was being built  
3 or manufactured there, and they were the ones who paid most money because  
4 they wanted to be the masters of their own destiny, they wanted freedom.  
5 And all that was channeled into the joint budget and Minister Susak had  
6 it at his disposal, and, therefrom, the resources for purchasing weapons,  
7 and they paid much more money than Croatia gave us weapons, according to

8 my modest estimates, but I can't be 100 per cent sure that my estimates  
9 are absolutely correct.

10 Q. And now let's look at two more documents just briefly. If you  
11 look in your pink binder, and you can also rely on the e-court, where you  
12 will see the document immediately, the document number is 2D01251. This  
13 is a letter sent to Mr. Susak which was written by Mr. Jelavic, and on  
14 the 1st of May -- March 1993, and provides an overview of the MTS  
15 confiscated by the BiH Army, the MTS that had been sent for Central  
16 Bosnia. The quantity is huge. Do you know, Mr. Praljak, that such  
17 things did, indeed, happen?

18 A. Of course I do.

19 Q. At the time?

20 A. Yes, at the time.

21 Q. And this is the time, as we have seen, when the arms were sent  
22 from Zagreb for the BiH Army?

23 A. Yes, but there were also attacks, and at that time there were  
24 raids, and the team in Zenica, who was in charge of the entire area, and  
25 the Mujahedin, had already in place a clear plan as to what they wanted

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1 to do. I was there in the month of March. There are documents  
2 testifying to that. There are some things that were written at some  
3 meetings. This was an attempt on my behalf to calm the situation down.  
4 The Vance-Owen agreement was signed. However, when I saw the situation  
5 on the ground, when I saw the appearance of Travnik and the 7th Muslim --

6 and the 17 brigades, then I realised that the story was over and that it  
7 was just a matter of time when the HVO would be in -- just erased from  
8 the face of the earth.

9 Q. And now let's look at another document in your pink binder. This  
10 is 2D --

11 JUDGE ANTONETTI: [Interpretation] General Praljak, when we look  
12 at the document 2D01251, if I've understood you properly, where  
13 apparently this is also intended for the ABiH, well, at the end of this  
14 document we see that food is being mentioned: cheese, 1.200 kilos; sugar,  
15 2.050; spaghetti, beans, and so on. So this food, was it intended for  
16 the HVO, for the ABiH, or for both?

17 MS. NOZICA: [Interpretation]

18 Q. Mr. Praljak, I do apologise. If I may, it's my document, and  
19 then I made a mistake. Your Honour, it says "Proposal: Review of the  
20 MTS seized by the BH Army."

21 A. Well, to cut a long story short, they stole it.

22 Q. And it was sent to the Central Bosnia Operational Zone from  
23 Croatia; is that so, Mr. Praljak?

24 A. Yes, of course. They stole it.

25 JUDGE ANTONETTI: [Interpretation] Fine. Go ahead.

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1 MS. NOZICA: [Interpretation] My mistake. Let me correct it.  
2 This document was sent to Mr. Susak in Croatia, and the document was  
3 signed by Mr. Jelavic.

4 Q. He was the assistant chief for logistics in the Main Staff at the  
5 time; is that correct?

6 A. Yes, this is HVO logistics. They sent it to the HVO in the  
7 Operational Zone Central Bosnia, and the army stole it, full stop.

8 Q. Could you please look at 2D0008 [as interpreted]. It's in the  
9 pink folder.

10 A. Yes, yes.

11 Q. Mr. Praljak, this is a report about materiel and military  
12 equipment that the BH Army, in February 1993 -- 2D00008. So that's four  
13 0s and then 8.

14 A. Yes, I have it.

15 Q. So it's four 0s. So this transport was stopped. It was  
16 humanitarian aid for Gorazde-Merhamet. And when search was conducted, it  
17 was determined that in addition to the humanitarian aid, there was a  
18 double-bottom concealing a huge quantity of weapons. This document has  
19 already been exhibited, but I remember that at one point when I was  
20 showing this document, you intervened saying -- I heard you say - I don't  
21 know whether it was on the transcript - that you were familiar with some  
22 of the circumstances regarding this weapons?

23 A. Yes, I was aware of this case. I was informed about it. Well,  
24 it was simply unclear why, in addition to everything that we were giving  
25 to them, they were also smuggling the weapons in. They could have

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1 obtained a "laissez passer" for all of it, authorisation to pass. So in

2 addition to all the authorisations and all the signatures that they got,  
3 they used humanitarian aid convoys to smuggle weapons in. If they didn't  
4 have the requisite papers, then the military police would stop them and  
5 seize the transports. But I think that in the end, they got them.

6 Q. Yes, I remember that you said that they got all the weapons back.  
7 This was the gist of your intervention.

8 Mr. Praljak, this completes this topic.

9 Can we now make a break, and then I would like to embark on a new  
10 topic which will be a lengthy one, so I don't want to start before the  
11 break.

12 JUDGE ANTONETTI: [Interpretation] In fact, it was high time for  
13 us to take our break.

14 Let's now take a 20-minute break.

15 --- Recess taken at 5.37 p.m.

16 --- On resuming at 5.58 p.m.

17 JUDGE ANTONETTI: [Interpretation] The court is back in session.

18 Ms. Nozica.

19 MS. NOZICA: [Interpretation] Your Honours, Mr. Praljak signaled  
20 me across the courtroom that he wishes to raise an issue before I  
21 continue.

22 THE WITNESS: [Interpretation] It was not that I wanted to raise  
23 an issue. I just wanted to add something to what I said previously.

24 The first thing would be about the distribution from the Bratstvo  
25 company in Travnik. I mediated in that situation, and the Croatian Army

1 bought from Bratstvo a certain number of coastal cannons that could not  
2 be used anywhere else but at the places where the Croatian coastline was  
3 to be defended. A Bratstvo delegation came to Zagreb,  
4 and the cannons were bought to provide the Bratstvo employees with work  
5 and money.

6 My second remark is about the weapons in Merhamet, and now --  
7 just now I've remembered those weapons were photographed. I remember it  
8 well, and I was the one who asked from Mr. Stojic and Valentin Coric and  
9 others to let those through. The weapons were photographed, and I  
10 believe that the people spent a day and or a night there. They were  
11 questioned. And then on the following day, the convoy with the  
12 humanitarian aid and weapons continued on the journey; the following day  
13 or the day after. I don't know how long they stayed.

14 And these would be my two remarks, following your question and  
15 following what I already said.

16 MS. NOZICA [Interpretation]

17 Q. Mr. Praljak, let me just say something. The last remark refers  
18 to document 2D8.

19 JUDGE ANTONETTI: [Interpretation] Just a minute, Mr. Praljak. I  
20 listened to what you were saying, and I would like to put a question to  
21 you.

22 The two drivers of the truck were interrogated. We have a copy  
23 of their hearing. One is called "Zanovic [phoen], Zenal," and he says  
24 that he had papers for this illegal weapons transport. At least that's

25 what he claims. So if he had the necessary documents for this weapons

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1 transport, this must mean that the Croatian authorities, i.e., the  
2 Republic of Croatia, knew that these weapons were to be supplied to the  
3 Muslims, but that they would be transported under the cover of a  
4 humanitarian aid transport; yes or no?

5 THE WITNESS: [Interpretation] I did not have that information at  
6 the time, to be quite frank. But if that's the statement that they gave,  
7 well, I don't know, although at that time it was indicated that they had  
8 only for humanitarian aid, not for weapons. But to be quite frank --

9 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, take a look at the  
10 hearing by this Hasanovic person in your own language, the three last  
11 lines. He seems to say that he had the right -- necessary documents.

12 THE WITNESS: [Interpretation] No. It says here, I transported  
13 weapons earlier, but then earlier I had the papers for the transport of  
14 weapons, which was not done this time. So at that point in time he did  
15 not have the relevant paperwork for the transportation of weapons, but he  
16 had done that before, and on those previous occasions he had had  
17 paperwork. I don't know how this is translated into English, but he did  
18 not have the necessary paperwork for the transportation of weapons.

19 JUDGE ANTONETTI: [Interpretation] But in English, it said: "But  
20 at that time --" he said earlier, he says it's earlier. Okay.

21 THE WITNESS: [Interpretation] I can read the sentence in  
22 Croatian, and I quote:

23 "I transported weapons on earlier occasions."

24 But at that time, when he was transporting weapons at that time,

25 "I had paperwork necessary to legally transport the weapons, and on this

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1 time -- and this time, this was not done. I claim that I was not given  
2 any information, was not aware of anything, and as for all those weapons,  
3 only Suad Sagolj, Riza Bukvica [phoen], and Sefer Omerbasic would be the  
4 right persons to talk about it."

5 So they organised the loading of the weapons without saying  
6 anything to the drivers and without giving the drivers the appropriate  
7 paperwork permissions. They did not submit a request for this permit to  
8 be issued and signed by whoever was -- had the right to do it.

9 JUDGE ANTONETTI: [Interpretation] Very well, thank you.

10 MS. NOZICA: [Interpretation] Thank you.

11 Your Honour, I looked at the translation, and it is indicated  
12 that in the past, this person had had the paperwork. But at any rate,  
13 it's clear now that Mr. Praljak read it out for the record.

14 Q. Now, Mr. Praljak, I would like us to move to a topic that we  
15 could call "Bosnian Posavina." Could you please look at document 3D1699.

16 A. Yes.

17 Q. 3D1699. This is a document that was shown to you in your  
18 examination-in-chief. It's a memo from Mr. Tus to Mr. Tudjman. Just a  
19 very brief introduction and then I'll be asking you some questions about  
20 things that are contentious in this document. And he says that from the

21 commander of the Slavonian theatre, he received a report which is  
22 forwarded in its entirety because of its contents, and then he goes on to  
23 say:

24 "Please confirm or modify the task that the command of the  
25 Slavonian theatre has been given."

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1 So at the beginning of this report that is forwarded in its  
2 entirety, it was drafted by Mr. Petar Stipetic, it's your document and  
3 you're quite familiar with it, the date is the 29th of October, 1992, and  
4 it says here:

5 "Report about contact with the coordinator of the Bosnian  
6 Posavina HVO and the presidents of the Supreme Command of the BH Army."

7 And it says at the beginning that a new coordinator has been  
8 appointed of the Bosnian Posavina HVO, Mr. Ivankovic, and that a meeting  
9 was held with the representatives of the BH Army. But what I'm  
10 interested in is the first passage, the last sentence, where it says:

11 "I was also told by him that Mr. Stojic is expected to arrive any  
12 day now from the HVO Main Staff," the Main Staff of the Herceg-Bosna HVO,  
13 "as the military coordinator for this area, who will be authorised to  
14 reorganise the command and units in the Bosnian Posavina HVO."

15 Mr. Praljak, since you testified about all the positions that  
16 Mr. Stojic held from the time of your arrival, and even before that,  
17 could you please tell Their Honours whether Mr. Stipetic obviously shows  
18 his ignorance of what Mr. Stojic was doing and that Mr. Stojic was

19 obviously not any kind of coordinator for the Bosnian Posavina area at  
20 that time or at any point in time later?

21 A. As far as I know, he was not the coordinator, but I do know that  
22 at this time Mr. Alija Izetbegovic did visit the command in  
23 Slavonski Brod and that on that occasion he asked how long the HVO could  
24 hold on in that area, offering that he would go to Sefer Halilovic and  
25 ask for some brigades to be dispatched to that area, which shows either

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1 complete ignorance of the military situation or something else, but it  
2 really makes no sense whatsoever. Unfortunately, Bosnian Posavina, apart  
3 from its small part, was lost soon afterwards, well, precisely because --  
4 well, for a variety of reasons, because the Republika Srpska Army was  
5 very strong there, much stronger than the HVO units, and this corridor  
6 was of vital importance for Banja Luka and so on, and because the  
7 2nd Corps of the BH Army didn't exert any pressure from the bottom  
8 section or from the east to help the HVO in their difficult defence of  
9 this area which lasted for months with a logistics support from the  
10 Croatian Army in some sort of coordination.

11 Q. This document talks about the OOG, Operational Group Bosnian  
12 Posavina, and the setting up of a number of brigades in Bosnian  
13 Posavina --

14 THE INTERPRETER: Interpreters' note: We did not catch the  
15 numbers because of the speed at which counsel is speaking.

16 MS. NOZICA: [Interpretation]

17 Q. Do you know who were members of these brigades, in terms of their  
18 ethnic backgrounds?

19 A. Each of these brigades is linked with a specific location. 101  
20 is from Bosanski Brod; 102 is from I don't know where; 103 is from  
21 Derventa, and so on and so forth, and there were Croats and Muslims in  
22 their ranks.

23 Q. Now I would like to ask you --

24 JUDGE TRECHSEL: You may not have heard this, Ms. Nozica. I'm  
25 speaking to you, not to the witness. The interpreters have complained

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1 they did not hear what document you were talking about, and therefore we  
2 did not learn either. The reason was speed, they said.

3 THE INTERPRETER: Interpreters note: The numbers of the  
4 brigades.

5 MS. NOZICA: [Interpretation] Well, the document is already in the  
6 transcript. It's document 3D01699. It's in e-court. We have it here.

7 JUDGE TRECHSEL: No, apparently I have also misunderstood. It's  
8 the numbers of the brigade that they did not understand, the numbers of  
9 the brigade that you have --

10 MS. NOZICA: [Interpretation] Yes. Let me just repeat. It says  
11 in the document, we can see in the transcript, 101st, 102nd, 103rd. Yes,  
12 we have it. I think I'm speaking really clearly now, and 105th Brigade  
13 of the HVO, 105. Yes, now it's correct.

14 Q. Mr. Praljak, now I would like you to look at 2D1262. That's our

15 next document.

16 A. Has it been recorded that 101 was from Bosanski Brod, 103 was  
17 from Derventa, and that the brigades were set up on a territorial basis,  
18 as was the usual practice in the HVO? Each location had its own brigade,  
19 if there were enough people.

20 Q. Yes, it is now in the transcript, we can see on this page, lines  
21 13, 14, 15 and 16.

22 So the document is 2D1262. Mr. Praljak, these are minutes from  
23 the 5th session of the Presidency of the Croatian Community of  
24 Herceg-Bosna, held on the 17th of October in Travnik. In the course of  
25 the examination by my learned friend Mr. Karnavas --

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1 THE INTERPRETER: Interpreters' note: Could all the microphones  
2 that are not in use be switched off.

3 MS. NOZICA: [Interpretation]

4 Q. -- regarding the HVO's -- or, rather, the communities of  
5 Herceg-Bosna and Usora, he asked whether the Croatian Community of  
6 Herceg-Bosna ever accepted those communities. This document -- well,  
7 several pages are already exhibited, page 1 listing persons who were at  
8 the session of the Presidency, but now I would like you to look at  
9 page 15 in the Croatian version. That would be page 2D79-0056. We'll  
10 find it. Yes, that's right.

11 So if we could go back to page 15 in e-court, because we have  
12 page 16 in Croatian. And in the English version, we have -- yes, that's

13 right, page 16. We have item number 18, "Examination of the Decisions on  
14 Joining the Unified HZ-HB by Croatian Communities of Bosnian Posavina,  
15 Central Bosnia and Usora."

16 Mr. Praljak, we can see here that Bozo Vilusic from Tuzla was the  
17 first to take the floor, and he informed those present that in  
18 North-Eastern Bosnia, in Tuzla to be more specific, a Croatian Defence  
19 Council was set up and the Croatian Community of Sole, and that for  
20 objective reasons they have been unable to submit their application for  
21 membership, and now they would like to join the unified HZ-HB. And he  
22 also reports that the municipalities of Banovici, Lukavac and Zivinice  
23 were part of this community. And in the community of Sole -- well,  
24 rather, we have already talked about this community.

25 And now I would like you to look, after this intervention, at

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1 page 16 in the Croatian text. It's the very end, and that's 2D79-0057 in  
2 the English version, the last part of this intervention, where it says:  
3 "Proposal for the joining into the unified HZ-HB of the communities of  
4 Bosnian Posavina, Usora, Central Bosnia, the community of Sole, Sarajevo,  
5 has been adopted unanimously."

6 Mr. Praljak, Mr. Karnavas showed you two documents that pertained  
7 to the community of Usora whereby it exceeds the HZ-HB, and let me say  
8 for the transcript that this is document 1D2255, and the decision on the  
9 accession of Central Bosnia, that's 1D2252. Mr. Praljak, did you know  
10 that all those communities that are listed here at the session of the

11 Presidency on the 17th of October in Travnik actually acceded to the  
12 HZ-HB, joined it?

13 A. Yes, that's what I learned later. I didn't know that at the time  
14 when decisions were adopted, but later on I learned that by talking to  
15 people.

16 Q. Mr. Praljak, now I'm going to be torturing you a little bit, but  
17 I think it would be logical to do so. Could you please look at the map  
18 that Mr. Karnavas showed you. That's 1D2843. You made some markings.  
19 You drew in Central Bosnia and Usora. 1D - yes, it's in the record -  
20 2843. If we could please have that map. Let us try and mark the  
21 communities which you did not mark last time, the community of Sole,  
22 Bosnian Posavina, and Sarajevo.

23 Yes, we have it here. And in this document, it is indicated that  
24 Banovici, Lukavac and Zivinice shall comprise the community of Sole,  
25 together with Tuzla, so I would like to ask you if you could just mark

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1 those locations.

2 I wanted to show you a document -- a map of the HZ-HB, but  
3 unfortunately that map does not have the names of other towns indicated,  
4 and it would be very difficult for us to find those, too. So we're  
5 looking for Tuzla, Lukavac, Banovici and Zivinice.

6 A. This doesn't seem to be working.

7 Q. You mean your pen? Okay, okay.

8 A. It's not working. Something seems to be happening with our

9 technical facilities.

10 MS. NOZICA: [Interpretation] Shall I come back, Your Honours, to  
11 that document tomorrow morning, if this -- which will give the  
12 technicians time to resolve this issue?

13 JUDGE TRECHSEL: Can it not be done on the ELMO? Is there no  
14 paper copy of this map?

15 MS. NOZICA: [Interpretation] No, we don't have that on the ELMO  
16 because Mr. Praljak was working with the electronic document, so I wanted  
17 to apply the same system and procedure throughout.

18 Q. Can you mark in now? If not, we'll do it tomorrow morning. I'll  
19 have it printed out.

20 Never mind. I'll print the map out and we'll come to that  
21 tomorrow and place it on the ELMO.

22 But, anyway, staying with that same topic, Mr. Praljak, you  
23 confirm that these communities that we mentioned, including Bosanska  
24 Posavina, in October 1992 came within the Croatian Community of  
25 Herceg-Bosna; right?

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1 A. Yes.

2 Q. Now, Mr. Praljak, here in court, on the 11th of February, 2009,  
3 we had Mr. Stipo Buljan here as a witness. He worked in the  
4 Operation Zone of Bosanska Posavina. And on pages 36759 of the  
5 transcript, to 36766 of the transcript, he spoke about documents 2D00605  
6 and in continuation until document 2D00624, he addressed those pages, he

7 spoke about the national -- the ethnic composition of the HVO units in  
8 Bosanska Posavina, and the HZ-HB took care of those.

9 Now, these documents, the documents that we put to Mr. Buljan and  
10 were admitted into evidence --

11 THE INTERPRETER: Or, rather, were not admitted into evidence,  
12 interpreter's correction.

13 MS. NOZICA: [Interpretation] -- because they were lacking a piece  
14 of information, they were lacking the dates when these individuals were  
15 killed or wounded, so let's now take a look at the next document -- yes.

16 The usher was so good as to print out the map for us, so maybe we  
17 could go back to that now. And we were looking for Tuzla. Banovic,  
18 Lukavac, from Zivinice.

19 A. Tuzla, 1; Sarajevo, 2; Zivinice, 3; Banovic, 4; Lukavac, 5, and  
20 Posavina, 6, these areas.

21 MS. NOZICA: [Interpretation] May we have an IC number, please.

22 JUDGE ANTONETTI: [Interpretation] Yes.

23 THE REGISTRAR: Your Honour, that will be Exhibit IC1034. Thank  
24 you, Your Honours.

25 MS. NOZICA: [Interpretation]

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1 Q. Mr. Praljak, would you now take a look at the next document,  
2 which is 2D01561, the next in order.

3 A. Yes.

4 Q. We have it on e-court as well, or we will do in just a moment.

5           Now, Mr. Praljak, this is a letter from the County of Posavina,  
6           the Federation of Bosnia-Herzegovina, dated the 7th of May, 2009. And at  
7           the request of the Stojic Defence and pursuant to a Trial Chamber  
8           decision about the non-admittance of the documents, Mr. Buljan asks that  
9           this be supplemented -- the document be supplemented with additional  
10          information about the killing and wounding of HVO members in this area.

11          So, Mr. Praljak, would you now please tell the Court whether you  
12          know, and I've already asked you about this, but as an introduction to  
13          the following documents, do you know or did you have contacts with and do  
14          you know that in all these units there were members of both ethnicities  
15          and that they were casualties and fatalities, too, and that the numbers  
16          were similar, and that the HZ-HB took care of them, as Mr. Buljan said  
17          during his testimony?

18          A. Yes. I was there, too, in the fighting over there for some 10 to  
19          12 days at the beginning of July 1992, and I am fully versed with the  
20          situation, both then and later on. So there was a mixed ethnic  
21          composition, Croats and Muslims. There were even some Serbs, a few in  
22          number as far as I remember. But, anyway, and the casualties and  
23          fatalities was extremely high in the area, because there was fierce  
24          fighting. The Army of Republika Srpska, well, it was vital for their  
25          survival, this area, so the fighting was fierce, and the number of killed

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1          and wounded in all the brigades, or almost all of them, were high,  
2          extremely high, in 1992.

3 Q. Mr. Praljak, I'd like now to go back to something. I'd like to  
4 show you those 20 documents. So could you tell us whether you know which  
5 the units were? And you mentioned some of them a moment ago.

6 So take a look at the first of those documents, which is 2D1541,  
7 yes, 1541. This is a list of fatalities among the HVO from the  
8 Bosanski Brod municipality who were Croats, and it's the 101st HVO  
9 Brigade. Now, you said, Mr. Praljak, that they were determined by  
10 territory?

11 A. Yes, I knew that brigade, I knew its -- who its commander was. I  
12 took part in the fighting for a time, and I know that there were  
13 exceptionally high fatalities not only in that brigade, but others too.

14 Q. Now, the column on the date of the fatalities confirms what you  
15 said, that most of them were in 1992, most of the people killed were  
16 killed in 1992; is that right?

17 A. Yes.

18 Q. Now take a look at the next page. 2D82-0055 is the number. That  
19 is the Croatian version, and in English it's simpler. But, anyway, they  
20 are the killed HVO members from the Bosanski Brod municipality who were  
21 Bosniaks, of Bosniak ethnicity; is that right? So the Croatian  
22 fatalities are shown first, and then we have the Bosniaks next?

23 A. Well, 221 Croats and - how many here? - 101 Muslims or Bosniaks,  
24 whatever you like to call them.

25 Q. Yes. Thank you, Mr. Praljak. And my questions will be the same

1 for the next documents, and the next one is 2D1542. These are the  
2 fatalities in the HVO for Orasje, and we have the Croats first, and it is  
3 the 106th HVO Brigade from Orasje. Did you know that brigade?

4 A. Yes. When it comes to this brigade, Ms. Nozica, you must bear in  
5 mind the fact that it managed to retain control of part of  
6 Bosanska Posavina, the territory, and the number -- and it continued to  
7 fight, so the number of fatalities was even higher. And there were a lot  
8 of people who were killed after 1992 as well.

9 Q. Yes, you're quite right, and we can see that if we look at the  
10 dates, leafing through the dates of the fatalities. We have 1994 and  
11 1995 even.

12 Now take a look at page 2D82-0069 now, please, where we have a  
13 list of members of the brigade who were Bosniaks, of Bosniak ethnicity,  
14 and who were killed.

15 A. Yes. Quite a lot fewer Bosniak fatalities there, for the simple  
16 reason that at that time many who had survived and were wounded had gone  
17 to Croatia and were refugees there, and Orasje itself was defended by  
18 larger numbers of Croats than Muslims than was the case previously.

19 Q. Thank you. And now we can look at 2D01543. That's the next  
20 document, and these are the fatalities from the Bihac municipality of  
21 Croatian ethnicity. And the unit's name was ZM Bihac. And we have the  
22 Croats listed first, and on 2D82-0079 we have the Bosniaks listed. And  
23 if you remember, Mr. Buljan said that in this operation zone, there were  
24 parts of other brigades, and he mentioned the Bihac Brigade as being one  
25 such?

1 A. Yes, a small number of Croats and not a very large HVO unit in  
2 Bihac. Well, for that small brigade, a lot of Croats were killed, fewer  
3 Muslims in the HVO, because the BH Army over there had an entire corps  
4 and there weren't many Muslims in the Croatian brigade. And I'd like to  
5 mention in that regard that the commander, himself, of that unit, the HVO  
6 unit in Bihac, later on, under very -- his name was Santic, and he was  
7 killed not on the battle-field but in the rear, after a meeting with the  
8 BH Army, under unexplained circumstances, which led to quite a problem,  
9 and the circumstances of his death have not been elucidated to this day.

10 Q. Now let's look at 2D01544, please, which is a list of HVO members  
11 who were killed of Brcko municipality, Croats killed. This is the 108th  
12 HVO Brcko Brigade. I'll just show you the page which lists the Bosniaks.  
13 There are far fewer of them once again, and that is page 2D82-0086.

14 A. Yes. This brigade was completely mutilated. Only if you have  
15 such great losses would you not be affected, if you had a marine's  
16 brigade or a foreign legion brigade, but these were extremely large  
17 fatalities for such a small brigade.

18 Q. Now look at 2D01545, please, and here it says HVO fatalities who  
19 were Croats in Derventa municipality. And that was the -- let me repeat  
20 the number, 2D01545 is the document number, the page number, and it was  
21 the 103rd HVO Derventa Brigade, a large brigade. First of all, we have  
22 the Croats who were killed, and then on 2D82-0099 we have listed the  
23 Bosniak fatalities. And here we can see, Mr. Praljak, something very

24 interesting, and you can testify about that. These were fatalities in  
25 1992 mostly; is that right?

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1 A. Yes. I could tell you what the battle-front looked like at the  
2 period of time when I was there. 270 fatalities in a brigade of that  
3 type, well, that is an extremely high number, extremely high losses.  
4 They were decimated, in the true sense of the word. And what it looked  
5 like over there, well, let's leave that alone and let's count the dead.

6 Q. Yes. Unfortunately, we are in a position to have to do that now,  
7 so take a look at the next document, which is 2D01546, once again the  
8 list of HVO dead for Modrica municipality. It is the 105th HVO Brigade  
9 of Modrica, and on page 2D82-0110 - that's the right number - we have the  
10 Bosniak fatalities. The 105th Modrica Brigade is the one we're talking  
11 about.

12 A. Well, there's nothing to add here, Madam Nozica. This was the  
13 defence of Bosnia-Herzegovina, it was a joint defence set up by the  
14 Croats and Muslims jointly. Croatia offered complete logistical support,  
15 because otherwise they wouldn't have been able to survive, and it  
16 resulted, unfortunately, apart from loss of territory, there was loss of  
17 life, too. Had a normal relationship existed and ratio of forces existed  
18 throughout Bosnia and Herzegovina, the situation wouldn't have been as it  
19 was.

20 Q. Mr. Praljak, can we now take a look at document 2D1547, where we  
21 see the Croatian fatalities for Odzak municipality. It was the 102nd

22 Odzak Brigade, and on page 2D82-0121 we have the list of HVO Bosniak

23 dead, 41 of them. Did you know that this brigade existed?

24 A. Yes.

25 Q. Now, we heard from Mr. Buljan that the HZ-HB took care of some

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1 other brigades in the area, so now take a look at 2D01548, the next  
2 document, please, which is a list of HVO dead for Tuzla municipality;  
3 Croats. And it was the 115th HVO Brigade called Zrinski from Tuzla, and  
4 we've already mentioned that during this trial, and on page 2D82-0131 you  
5 have the names of the dead who were Bosniaks?

6 A. Yes, yet further proof that the HZ -- or the Croats, in fact,  
7 defended Bosnia and Herzegovina and that they did this with great loss of  
8 life and suffering. So there's no sense in talking about a division of  
9 Bosnia-Herzegovina, and an agreement on that between Milosevic and  
10 Tudjman, and then to have so many people dying in the defence of  
11 Bosnia-Herzegovina. And these dead people, these people killed, are best  
12 proof and evidence of how the Croats behaved, both in political terms and  
13 in military terms, when it came to Bosnia-Herzegovina.

14 Q. And could you now look at 2D1549. This is the 107th Brigade of  
15 the HVO in Gradacac. Were you aware of the existence of this unit?

16 A. Yes.

17 Q. Very well.

18 A. But let's look at the number of fallen Bosniaks in the 107th  
19 Gradac Brigade. There were 245 of them. 245 Bosnian Muslims were killed

20 in an HVO brigade, which was the 107th Brigade, and there were some 70 or  
21 80 Croats altogether.

22 Q. Yes.

23 A. Therefore, I have no comment. The document speaks for itself.

24 Q. Could you now look at 2D1550. This is a list of casualties in  
25 Bosanski Samac, first the Croats, and the first brigade listed is 104th

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1 Brigade, and then the 105th Brigade. You've already told us that the  
2 lists are segregated by the places.

3 Q. Could you now look at 2D82-0153?

4 A. Yes. These are Muslims, Bosniaks, who were killed in this HVO  
5 brigade. There were 24 of them, and at the time there were Croats --  
6 unfortunately, we are counting the dead, segregated by their ethnicity,  
7 but in the face of such indictment this is all we are left to do. There  
8 are 152 people who died. Unfortunately, there are no military experts  
9 who would be able to tell you how great a loss this is for amateurs --  
10 military amateurs who, until a day or two days before that, were common  
11 civilians who rose up to defend their country. And here you see  
12 thousands of them.

13 Q. We are now moving on to something less gruesome, which is the  
14 list of people who were wounded in the war. Mr. Buljan testified about  
15 the care extended to the families of the fallen and the wounded that the  
16 HZ-HB was in charge of.

17 Q. Now could you please look at 2D01551. We will use the same

18 methodology. First, we are looking at Bihac and the list of the wartime  
19 military invalids from Bihac, and now on page 2D82-0162 we have Bosniaks  
20 who were also invalids?

21 A. Yes. In Bihac, which was predominantly inhabited by the Muslims,  
22 there were people, Bosniaks, who were simply members of the HVO, and I  
23 claim for all of these documents that there was never a distinction made  
24 based on the ethnicity of the wounded and the dead, either in the HVO or  
25 in Croatia. And, for example, when I went to the hospital to take the

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1 cigarettes to the wounded, I never made any distinction between the  
2 wounded. There were people lying there without legs and other  
3 extremities, and I distributed cigarettes among them equally.

4 Q. And now we are moving on to Bosanski Brod. First Croats, the  
5 document number is 2D1552. There's a large number of invalids both of  
6 Croatian and Bosniak origin, and the list of Bosniaks starts with the  
7 page number 2D82-0175. This is the 101st HVO Brigade of Bosanski Brod.  
8 We've already spoken about it, but now we are talking about invalids.

9 A. What can I say? There's nothing to say but that these numbers  
10 are terrible, so many invalids among the Croats; 150 Muslims, even more  
11 among the Croats. They had fought together, together.

12 Q. Yes, I understand.

13 A. And, on the other hand, if anywhere we could have imposed our own  
14 will or make distinctions, that could have been it, because of the  
15 vicinity of Croatia, but no distinctions were ever made from the

16 perspective of Croatian politics. The territory was defended jointly, by  
17 joint forces, and so on and so forth.

18 Q. Document 2D01553 is a list of military invalids of the  
19 Bosanski Samac municipality, first Croats, and the numbers speak about  
20 the 104th Brigade, and we have Bosniaks on page 2D82-0191.

21 A. Yes, the 345 Croats, or 363, rather, and there are 32 Muslims.  
22 However, look, there are also people here who had come, for example,  
23 Bernard Hans Pater [phoen], Marijan Kobalid [phoen], who had come to see  
24 me in Zagreb, people from Europe, from all over Europe. Of course, among  
25 them there was a number of dogs of war, as one would call them, but a

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1 number of them simply came to fight, to assist people who were fighting.  
2 And I felt sorry, when I was leaving the military, that the lists of  
3 those people were not maintained, because there were a couple of them who  
4 had committed crimes and were criminals, and that's why nobody cared  
5 about maintaining contacts with the rest of them to thank them and to  
6 acknowledge them and tell them how we respected them.

7 Unfortunately, later on there was a desire to tarnish the image  
8 of the war and for everybody to be proclaimed criminal. Although,  
9 statistically speaking our war was not worse than any other war before or  
10 after. However, that war was proclaimed as a war that was -- that  
11 involved only criminals. But certainly not so many people would have  
12 been killed if all were thugs and hooligans.

13 Q. There were a lot of national minorities in that area in the

14 north. It was famous, in the former Yugoslavia, as the territory  
15 inhabited by a large number of national minorities?

16 A. That's true, and the situation has changed drastically since.

17 Q. I'm saying this because of some names which may be unusual when  
18 compared to the names or, rather, last names of the Croats in Bosnia and  
19 Herzegovina.

20 Could you now please look at 2D01554. This is the 108th Brigade  
21 of the HVO in Brcko, which also had a number of Croatian military  
22 invalids. Could you please look at 2D82-0204, to look at the Bosniak war  
23 invalids.

24 A. Yes. There's nothing to say here. Actually, the number of  
25 killed and wounded was proportionate to the national structure of the

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1 brigade, because these people were -- fought together and were wounded  
2 together. The number of wounded and killed reflects the national  
3 breakdown of the brigade.

4 Q. I'm sorry, Mr. Praljak, that I am exposing you to looking at all  
5 of these documents, but there's no other way for me to either confirm or  
6 not confirm this. The only way I can do it is to introduce documents  
7 through witnesses, and you are somebody who knows about these documents.

8 A. Very well, Ms. Nozica. I can tell you that I have looked at all  
9 of them.

10 Q. Mr. Praljak, we have another ten minutes, and we will complete  
11 this exercise within the next ten minutes.

12           The next document is 2D01555. This is a list of military  
13           invalids in Derventa, first Croats. This is the 103rd Brigade of the HVO  
14           in Derventa. You already said that you're familiar with that brigade.  
15           And the list of military war invalids of Bosniak ethnicity starts on  
16           page 2D82-0219.

17           A. Yes, I am familiar with the document. Nothing to add. Huge  
18           numbers. There's nothing else to say.

19           Q. Document number 2D01556. This is a list of the HVO invalids in  
20           Gracac municipality, again first Croats, the 107th Gracac Brigade. And  
21           then on page 2D82-0231, we have members of the RVA [as interpreted] of  
22           Bosniak ethnicity. We've already spoken about these brigades, have we  
23           not?

24           A. Yes.

25           Q. The next one is 2D1557. This is the 105th HVO Brigade in

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1           Modrica, and the first list is -- represents Croats. And then on  
2           2D82-0236 are Bosniaks.

3           A. And again this reflects the national composition of that brigade.

4           Q. We have three more documents. The first one is 2D01558, the  
5           102nd Brigade, Odzak. The first list is of members of that brigade of  
6           Croatian nationality, and then on page 2D82-0247 gives Bosniak members of  
7           that Brigade.

8           A. Yes, I've looked at it.

9           Q. And now could you please look at 2D1559. This the 106th Brigade

10 of the HVO in Orasje, and it also had a huge number of war invalids, both  
11 Croats as well as Bosniaks, and the Bosniaks are on page 2D82-0276.  
12 You've already spoken about them.

13 A. Orasje fought until the very end of the war in  
14 Bosnia-Herzegovina. Orasje was that part that managed to defend itself  
15 thanks to a good state of organisation, a good commander, less  
16 interference from some political structures in the area. In any case,  
17 for them the war lasted for much longer than for some other brigades that  
18 pulled out from the territory in the north and for other brigades that  
19 remained as elements of the Tuzla Corps and was engaged throughout the  
20 war.

21 Q. Yes, this is shown or is reflected in the list and in the dates  
22 when people were wounded, because we can see the years 1992, 1993, 1994  
23 and -- is that correct?

24 A. Yes.

25 Q. And, finally, the Tuzla municipality, invalids of Croatian

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1 origin. The document number is 2D1560. There is first a list of Croats.  
2 Luckily enough, the number is somewhat lower. And then page number 0289,  
3 Bosniaks?

4 A. Yes. There was somewhat fewer Bosniaks in the HVO because the  
5 BH Army was fighting very close to them, so I suppose that most of them  
6 joined the BiH Army. But many of them never left the HVO.

7 Q. Mr. Praljak, my final question covering all the documents that

8 I've just shown you: Do you confirm that it is true that all of these  
9 units were of mixed ethnic composition, and do you know that, as you've  
10 told us, but just in conclusion, that the families of the fallen  
11 soldiers, irrespective of their ethnicity, the HVO was looking after  
12 those families all that time?

13 A. Both the HVO and the Croatian state as a whole. The number of  
14 wounded and fallen was certainly very high. I am aware of that. I knew  
15 it at the time, and I knew it after the operations. And as far as the  
16 HVO and the Croatian state are concerned, no distinction was ever made  
17 among these people.

18 MS. NOZICA: [Interpretation] Thank you, Mr. Praljak.

19 Your Honours, I would like to move on. And instead of starting  
20 it today, could we please stop working for today and continue tomorrow?

21 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, as far as the time  
22 you have, I must tell you that you've already used up three hours so far.

23 MS. NOZICA: [Interpretation] [Previous translation continues]...  
24 I would like to say this because of my learned friend who follows me. I  
25 would kindly ask you to approve the 45 minutes which I am entitled to,

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1 because one hour is simply not going to be enough to do everything I  
2 planned.

3 JUDGE ANTONETTI: [Interpretation] Very well.

4 As you know, the hearing will be taking place tomorrow afternoon.  
5 We shall meet here again at a quarter past 2.00 tomorrow.

6                   So have a nice evening.

7                                   [The witness stands down]

8                                   --- Whereupon the hearing adjourned at 6.57 p.m.,

9                                   to be reconvened on Tuesday, the 30th day of June,

10                                  2009, at 2.15 p.m.

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