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1 Tuesday, 30 June 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Prlic and Coric not present]

5 [The witness takes the stand]

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

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

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

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

13 Today is Tuesday, the 30th of June, 2009. I would like to
14 welcome all the people present, Mr. Praljak, Mr. Stojic, Mr. Petkovic,
15 Mr. Pusic, as well as all Defence counsel, Mr. Stringer and his team. I
16 would also like to welcome all the people assisting us.

17 The Trial Chamber would like to recall that pursuant to what we
18 said yesterday, Mr. Stojic's Defence will have 45 minutes of extra time,
19 which means, Ms. Nozica, that you have one hour and 45 minutes left to
20 finish.

21 I'll give you the floor right away, Ms. Nozica.

22 WITNESS: SLOBODAN PRALJAK [Resumed]

23 [The witness answered through interpreter]

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

25 Good afternoon. Good afternoon to everyone in the courtroom.

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1 Cross-examination by Ms. Nozica: [Continued]

2 Q. Good afternoon to you, Mr. Praljak.

3 A. Good afternoon, Ms. Nozica.

4 Q. We should now have in front of us binder number 2 for the benefit
5 of the Trial Chamber too.

6 His Honour Judge Antonetti, on the 22nd of June, asked you about
7 the obligations that unit commanders had in relation to the
8 identification of perpetrators of crimes, and that's recorded at
9 page 41790 and 41791 of our transcript. He showed you Article 27 of the
10 Decree on District Military Courts, and let me just indicate the numbers
11 of the documents. That's document P592 and 4D1317.

12 THE INTERPRETER: Interpreters note: Could all microphones that
13 are not in use please be switched off.

14 MS. NOZICA: [Interpretation]

15 Q. This article determines the obligations of company commanders or
16 commanders at higher levels in the chain of command, and now I would like
17 to show you some documents that confirm what you stated regarding
18 Article 27 when His Honour Judge Antonetti asked you some questions.

19 Mr. Praljak, I fully accepted what you said, that you didn't
20 really concern yourself with regulations, that you knew about them in
21 general, and that is why I have several documents that are nothing but

22 regulations at the beginning of the binder. So please skip three
23 documents and go to P00092. That's the fourth document in your binder.
24 Perhaps it will be difficult to find this document because the first
25 three are really very thick documents, and you can just flip them over.

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1 The document that I am -- that I need, P92, is the fourth document.

2 Could I please ask the usher to assist Mr. Praljak to find P92,
3 because I can see that we have it in e-court. It should be the fourth
4 document in binder number 2.

5 A. 592?

6 Q. No, P92.

7 A. Oh, yes, yes, I found it.

8 Q. So this is the instruction about the jurisdiction of the
9 commanders in the HVO Central Bosnia Operational Zone with a description
10 of the tasks that pertain to some establishment posts. We see that the
11 year is 1992, and at the first page or, rather, the next page of the
12 document, it is indicated that pursuant to the order on the establishment
13 of the Central Bosnia Operational Zone and in order to ensure that -- its
14 proper functioning, prompt exercise of command over certain formations,
15 Mr. Tihomir Blaskic promulgates this regulation on the internal
16 organisation of the work of the command of the HVO Central Bosnia
17 Operational Zone, with the description of the tasks that the staff are to
18 perform.

19 Could you please go to page 5. It's page 5 both in the English
20 and the Croatian versions, and it stipulates what the obligations are of

21 the OZ, Operational Zone commanders. All the duties are listed here, and
22 under 7 it says -- we're dealing with Article 27 of the Decree on
23 District Military Courts. Let me just bring this to your attention,
24 where it says takes care of the improvement of discipline and order and
25 takes measures against those who commit crimes, and deals with

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1 disciplinary infractions and mistakes. It is indicated on the basis of
2 the fact that this pertains -- this is based on the instruction to --

3 THE INTERPRETER: Interpreters note: Could the counsel please
4 slow down.

5 THE WITNESS: [Interpretation] Yes, he takes care of the
6 improvement of discipline and takes measures against those who commit
7 crimes, once, of course, the name of the perpetrator of a crime is known.

8 Q. So, in essence, it is true that a criminal report can be filed
9 when one has a name, but now let's see how one gets to the name.

10 Could you now look at the next document. That's P1359. This is
11 an order signed by Mr. Siljeg, and he says here, on the basis of the
12 order of the chief of the Main Staff, dated the 19th of January,
13 1993 -- for the transcript, I will say that this order has been exhibited
14 and it is P1344. I didn't think that it was necessary for me to show it,
15 so it's 1344, yes. And it is stated as follows:

16 "Gentlemen, soldiers, non-commissioned officers and officers of
17 the HVO, you have to prevent all acts that are not in line with
18 international law of war."

19 And then he goes on to say: "We're not Chetniks, we're not a

20 gang. We are --" the 30th of January, 1993, and I am referring to item
21 13, item 13, or, rather, 12 and 13 of this order. That's on the next
22 page, where Mr. Siljeg orders to SIS organs, saying they will put
23 together a plan for the elimination of the acts that run contrary to this
24 order and the rules of conduct, and together with the military police,
25 they will continually implement those measures.

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1 In item 13, it is stated that the SIS and the military police
2 will arrest any looters and bring them into custody, confiscate and make
3 a record of the stolen goods, and will oppose any resistance to the
4 implementation of this order.

5 Mr. Praljak, this is quite logical, in fact. It's one of the
6 measures that were supposed to be forwarded down the chain of command
7 because it had come from higher up, and this order, issued by Commander
8 Siljeg to the SIS and military police, it's quite logical in terms of
9 fighting crime?

10 A. It's obvious that the chief of the Main Staff issued an order.
11 At that time, it was General Petkovic, and it is quite clear that it was
12 after Vakuf, the 30th of January. It's probably related to what happened
13 in Vakuf, a bit before that. And it's logical that he orders that SIS
14 organs should perform their duties, and also the military police. So you
15 have to make a distinction between issuing orders to SIS and ordering the
16 SIS and the military police to do their job.

17 Q. Mr. Praljak, since you now drew this distinction between
18 exercising command over SIS and ordering SIS to do something, now I want

19 to ask you whether that formation, so from battalion up to brigade and to
20 the operational zone, so did all those units have assistance for SIS in
21 their command structure?

22 A. Yes, for the most part formations did have assistance for SIS,
23 and the brigade commander or the commander of the given unit exercises
24 command over them. But now we have to make a distinction. He can only
25 order them to do their job in accordance with the regulations, because

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1 they have their job, their tasks, that are stipulated by relevant
2 regulations. And when the brigade commander sees that some things do not
3 work, then he tells them, Please go ahead and do your job.

4 Q. Very well. So you agree with me that this is what Mr. Siljeg is
5 doing, he's ordering them to do their job?

6 A. Yes.

7 Q. Very well. The same topic, the same commander; the document is
8 P1491. This is again HV -- or, rather, MB. Mr. Praljak, this is an
9 order issued by Mr. Siljeg. He's mentioning the HV Brigade. It's not
10 the Croatian Army; it's Hrvoje Vukcic-Hrvatinic?

11 A. Yes.

12 Q. And "MB" would be a mortar battery; right?

13 A. Yes.

14 Q. Well, in the preamble of this document, it's exhibited, so I
15 won't stick to it. It says that some soldiers stole items from Muslim
16 and Croat houses, furniture and cattle. You spoke about it, didn't you,
17 that such things happened and that they stole from Croat and Muslim

18 houses alike?

19 A. Yes, that's correct. They didn't really mind who the house
20 belonged to as they went about looting.

21 Q. Now, Mr. Siljeg is ordering, in item number 1 -- well, it's
22 irrelevant. But in item 2, he says the brigade commander, together with
23 the security organ, shall immediately come to the Dobrosa village and
24 will examine the status in the battery, examine the facts, and
25 immediately take appropriate measures, pursuant to regulations on

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1 military discipline within his authority, and shall recommend appropriate
2 measures to the higher command. Is this command completely logical?

3 A. Yes, this is a good order. He says the brigade commander and the
4 SIS, which is duty-bound to carry out an investigation and learn about
5 the facts, if this was not done by the brigade commander, then there is
6 an investigation to be carried out. This is a good order, it's okay.

7 Q. Let's be very clear, Mr. Praljak. He says to the brigade
8 commander, together with the security organ from the brigade; wouldn't
9 that be correct?

10 A. Yes, that's correct.

11 Q. I'm now going to show you one of your documents, which is 3D596.
12 It's the next one in your binder, Mr. Praljak. This is another order,
13 this time by Mr. Obradovic.

14 JUDGE TRECHSEL: Excuse me, Ms. Nozica. I think, really, you go
15 a bit too fast.

16 If you look at page 7, line 7 and following, you say:

17 "Let's be very clear, Mr. Praljak. He says to the brigade
18 commander, together with the security organ for the brigade; wouldn't
19 that be correct?"

20 Probably you said something about what he said to the brigade
21 commander, because as it stands here, the sentence makes no sense to me,
22 at least.

23 MS. NOZICA: [Interpretation] The sentence makes sense, both in
24 English and in Croatian. Let me repeat the question.

25 Q. That means that the brigade commander must do that together with

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1 the security organ from the brigade, together? So together.

2 JUDGE TRECHSEL: Now it's a complete sentence. But what is here
3 is not a complete sentence. Thank you.

4 MS. NOZICA: [Interpretation] All right. Thank you very much,
5 Your Honour. I apologise. Perhaps I have a problem.

6 Can somebody check whether it's too hot in this courtroom? I can
7 barely stand because of the heat, and if that is indeed the case, then
8 perhaps something might be done about it. But maybe it's my problem.

9 JUDGE ANTONETTI: [Interpretation] Registrar, could you ask the
10 technicians to lower the heating, please.

11 MS. NOZICA: [Interpretation]

12 Q. Mr. Praljak, so now I've called up 3D596. You found it?

13 A. Yes.

14 Q. This is an order by Mr. Obradovic, and in this order he again, in
15 item 1, orders that any looting or any other form of theft of personal or

16 other property of citizens in "our" area of responsibility should be
17 prevented. The perpetrators should be arrested, and proceedings should
18 be instituted against them through this command.

19 In item 3 of this order, again, he says:

20 "Immediately prevent all violent behaviour and any war crimes by
21 members of the 1st Brigade, and any units attached to it, and other
22 persons who happen to be in the area of responsibility of the brigade.
23 All violent offenders shall be disarmed, and proceedings shall be
24 instituted against them through this command."

25 I assume, Mr. Praljak, that you consider that this was fully in

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1 line with Mr. Obradovic's powers, in particular because you chose this
2 document as a document that you wanted to comment on.

3 A. Yes, it is true, I did see this order, I'm familiar with it.
4 It's the 3rd of July. It's obviously after the 30th of June, in his area
5 of responsibility. There was high treason in the HVO ranks. Members of
6 the Croatian Defence Council were killed in the rear, not in combat, in
7 an ambush. And I don't know who gave him unlimited authority in the
8 preamble. Well, I don't know what this is all about. But in item 6, for
9 instance, he says the commanders, in their areas of responsibility, must
10 not allow any searches or detention of people bypassing the military
11 police and the SIS. So he notes here that the military police and the
12 SIS are the organs who are in the brigade charged with conducting
13 searches and detaining people if any crimes are detected.

14 Q. That's correct, and this is their job in the brigade. They are

15 charged with that task in the brigade, among other things, and he spells
16 it out; the military police and the SIS of the brigade. So it is
17 uncontroversial. And indeed he's submitting this document, among other
18 addressees, the chief of the SIS of the Knez Domagoj 1st Brigade of the
19 HVO; is that correct?

20 A. Well, he's not writing to the chief of the brigade SIS, or
21 perhaps he's writing to the chief of the SIS, the person who is in charge
22 of all the people in the SIS. So you really have to be -- well, he would
23 probably have put the brigade SIS chief -- chief. Perhaps he's also
24 addressing this to the chief of the SIS, the person who is in charge of
25 the SIS. So there's a collision here.

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1 The SIS is a structure which is attached to brigades to assist.
2 There's the assistant to the brigade commander, but that person is
3 independent in the conduct of his duties and his job, in accordance with
4 the law.

5 Q. Fine. Let us move on to the next document. That's the third
6 document, so skip two documents. It's a 3D document.

7 JUDGE TRECHSEL: If you allow me, Ms. Nozica, my attention was
8 drawn to number 7 in this order, which says:

9 "Group the Muslim population in your zone of responsibility and
10 secure them with your men."

11 Mr. Praljak, are you aware of any cases where this was actually
12 done? And if so, could you tell us about the example?

13 THE WITNESS: [Interpretation] I can't comment upon this, Your

14 Honours. This was on the 3rd of July, and I arrived later. I can only
15 assume that because --

16 JUDGE TRECHSEL: Excuse me. No offence intended, but I'm not
17 interested in your assumptions, because we also, of course, can make
18 assumptions.

19 You said you were not there at the moment. Is this an order for
20 one day, or for one week, or is it an order which one would think that it
21 would be valid until replaced by another order or until the end of the
22 war?

23 THE WITNESS: [Interpretation] On the 24th of July, I arrived and
24 assumed duties as the commander, which means I was not in that area on
25 the 3rd of July. I was in Boksevica. I remember I was there as a foot

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1 soldier. As far as this order is concerned, they were issued at the
2 moment when a high treason happened in the area. Around that time, 26
3 soldiers of the HVO were massacred in the rear, behind the lines, in
4 Capljina -- or, rather, near Capljina. And at that time, you couldn't
5 know who the soldiers were and who the civilians were because all the
6 civilians were armed. And I suppose that for security reasons, this
7 order was issued with a temporary effect in order to prevent further
8 killings outside of the area of combat or behind the lines.

9 JUDGE TRECHSEL: Thank you.

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

11 Q. Mr. Praljak, you said that you didn't know who the chief of the
12 SIS was and who the order was issued to. Let's now look at bullet point

13 11, which encompasses everything that we've said, and it says:

14 "All the unit commanders shall be responsible to me personally
15 for the execution of the order."

16 And under 12:

17 "In case the order is not carried out and if measures are not
18 taken in keeping with the order, the unit commanders will be punished
19 under the law."

20 Does it arise from this that Obradovic believes that all his
21 subordinates shall be considered responsible for the main execution of
22 this order?

23 A. Ms. Nozica, there's several bullet points in this order, and not
24 every bullet point applies to everybody. This means that the commanders
25 must not search and bring people in, but they have to make sure what

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1 their soldiers are doing. Orders have to be obeyed and carried out.
2 However, one order is carried out by his commanders and the rest of them
3 are carried out by his assistants, the SIS, the logistics, and so on and
4 so forth. Everybody is responsible for one of the bullet points in the
5 order, is what I'm saying.

6 Q. Mr. Praljak, if that is the case, are we talking about the
7 individuals who are subordinated to the unit commanders?

8 A. We are coming back to the unit commanders and the subordinates.
9 Hold on, Ms. Nozica. Let's once and for all deal with that.

10 A unit commander has his assistants, an assistant for the IPD, an
11 assistant for the SIS, an assistant for the military police. In some of

12 the elements, they are subordinated to the commander. If the commander
13 says, We are going to a field mission or do some reconnoitering in a
14 certain area, then they have to obey, but they have their own respective
15 tasks. For example, a doctor has his tasks. A commander can ask for a
16 change, he could issue a proposal, but he could not appoint that person.
17 There is a SIS structure headed by the chief of the SIS, and the SIS
18 chief was the one who approved the appointment and supervises the work of
19 those people. This is the segment appointment. I'm afraid that we're
20 talking at cross-purposes, in which you interpret command, orders, and
21 subordination in one way, and I know that your way is not good.

22 Q. Mr. Praljak, allow me, please. I have a lot of documents that I
23 wanted to show you. I wanted to show how things looked in practice. It
24 really doesn't matter whether my interpretation is good or whether yours
25 is good. I am interested in what things looked like in practice. I told

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1 you that at the very beginning. We started talking about who issues
2 commands to whom. Whether of two of us are talking at cross-purposes, I
3 don't think that we are talking at cross-purposes. I'm just showing you
4 documents that may be contrary to your interpretation. I'm kindly going
5 to ask you to go through the documents with me.

6 Yesterday, Mr. Praljak, we saw, when it comes to the SIS and the
7 IPD, that the commanders of the brigades issued proposals and that it
8 didn't go, as you say, through the SIS Administration or the IPD Sector.
9 But let's look at the document together, and then we will either agree or
10 agree to disagree. It is not my objective at any cost for the two of us

11 to agree.

12 A. Let me just respond. A proposal to appoint somebody is not the
13 appointment. The proposal is a proposal; an appointment is an
14 appointment. Whoever appoints may be -- dissolve the person of his
15 duties, and this is the responsibility and this is the structure that we
16 are talking about.

17 Q. Mr. Praljak, yesterday we saw some examples of proposals for the
18 dissolution of tasks, did we not?

19 A. Yes, we did.

20 Q. Can we now look at the following document, which is 3D1189. This
21 is also another one of your documents, issued by Mr. Harah. The period
22 is August, and the order is about the frequent occurrences of smuggling
23 and other acts of crime, and this order goes very precisely into the
24 details as to who is supposed to do what.

25 Under bullet points 6 and 7, it says that:

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1 "Any willful behaviour on the part of the soldiers, or seizure of
2 goods from individuals, with a view to achieving material gain should be
3 strictly sanctioned and disciplined and, if necessary, criminal
4 proceedings should be started."

5 And again under bullet point 7:

6 "In case this order is not carried out or is not carried out
7 consistently, I shall hold the commanders of companies and battalions
8 personally responsible."

9 This is very similar to the orders that we saw previously; am I

10 right, Mr. Praljak?

11 A. Yes. He is here calling for some order among his units.

12 Q. I believe that we are now going to the next document, which is
13 2D3011. Have you found it?

14 A. Yes.

15 Q. We are now talking about the SIS and the relationship between the
16 assistant SIS of the operation zone and the commander of the operation
17 zone. The date on the document is the 25th of May, 1993, and
18 Mr. Ante Sliskovic, the deputy commander of the Central Bosnia
19 Operational Zone in Vitez, submits to the commander of the operational
20 zone, Colonel Tihomir Blaskic, the following information, and he says:

21 "Here enclosed please find information about the events in the
22 village of Ahmici in Vitez municipality. This information is based on
23 the operative information and statements provided by the witnesses of
24 these events as well as the inspection of the site.

25 "The information is not complete because we could not obtain

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1 information from all the key witnesses."

2 Further on, it says:

3 "We also did not take statements from individuals of Muslim
4 ethnic origin who fled after the incident in Ahmici ..."

5 And it also says:

6 "Once the combat activities are over and once the favourable
7 conditions are in place, we shall take all necessary measures to
8 elucidate these events."

9 It says here "Annex 1." This is a Prosecutor's document, because
10 you can see the ERN number, but we could not locate the annex that was
11 supposed to attach to it.

12 In the same light, could you please look at the following
13 document, and then I will put my question to you. The topic is still the
14 same. The number is P4268.

15 This is an order issued by Mr. Blaskic and sent to Mr. Sliskovic
16 on the 17th of August, 1993, and it says "Continuation of Investigation
17 into the Killings in Ahmici Village." And it says:

18 "In order to establish the facts and undertake measures in order
19 to carry out investigation, on the event of the killing of civilians in
20 Ahmici," he says, "Continue together and record data on the deaths of
21 civilians in Ahmici in order that the whole of the material be collated
22 and presented to the competent organs of the District Military Court."

23 Under 2 is details of operations, and under 3 it says:

24 "The deadline for the execution of this order is 17th September,
25 1993, when you are to submit a completed report to me so that it may be

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1 forwarded to competent organs for further action."

2 Mr. Praljak --

3 THE INTERPRETER: Could the counsel please slow down, especially
4 when reading a document. Thank you very much.

5 MS. NOZICA: [Interpretation]

6 Q. Mr. Praljak, according to your information, and one dates from
7 the period when you were there, I'm not going to ask you whether you know

8 about this specific event. Do they reflect the relationship between the
9 commander of the operation zone and his assistant for SIS, in the
10 operation of SIS, whereby he issues him with orders and the assistant
11 reports back to him?

12 A. Correct. Both documents are very clear. The commander says to
13 the organ that is in charge for the investigation to carry out the
14 investigation. And in addition to submitting material to him, he should
15 also submit material to the District Military Court and all the competent
16 organs. And this is the complete clarity. The commander of the brigade
17 or the operational zone has an assistant who -- in the organisation who
18 assists him with the investigation of crimes. This is the SIS, which
19 also encompasses the military police. Either in keeping with or not
20 keeping with these two things have the duty to -- listen, look, for
21 example, you come somewhere where a crime took place. There is no
22 criminal there, of course, the perpetrator is not there. It will take
23 weeks or months to investigate the matter, or I don't know how long,
24 because whoever committed the crime is in hiding. And there are two
25 services in place in charge of collecting material evidence of carrying

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1 out crime investigation procedure. And to do everything that is
2 necessary and that the military police was in charge of doing, they had
3 the Crime Investigation Services. The commander is duty-bound to issue
4 them with orders to do what they're supposed to do, and that's that.

5 Q. Well, that's that.

6 A. And just in passing, even if he had not issued the order, it was

7 their duty to do what they're supposed to do. But it's neither here nor
8 there.

9 Q. Mr. Praljak, just very briefly, let's go to the following
10 document in light of what you have just told me. The number is P6846.

11 Mr. Lasic -- I intentionally wanted to show you this to show the
12 practice, and I took a stroll along the time and the space. The number
13 is correct. And now Mr. Lasic, as you can see, Mr. Lasic is referring to
14 the order of the Main Staff and says, under 1:

15 "Urgently analyse the criminal acts committed in your units.
16 Engage the SIS organs in these tasks as a priority."

17 There is a spelling mistake in the original, but I believe that
18 I'm reading it well.

19 This is beyond the time and space -- you were not in the HZ-HB,
20 and Mr. Stojic was also not there, but this illustrates the work of the
21 commander?

22 A. Yes. He says, Go to the military police and engage the SIS in
23 order to elucidate the matter. And this is very clear. The Main Staff
24 is trying once again -- the brigade commander is once again trying to put
25 an end to whatever he has information about, and then he obviously turns

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1 to two things for assistance, and these two things are the SIS and the
2 military police, and it's very logical.

3 Q. Mr. Praljak, I have a very strict Judge here who's my co-counsel
4 at the same time, and he will not allow me to speed. And he says under
5 bullet point 7, he says the persons in charge are commanders of certain

6 units and assistants for commanders for SIS?

7 A. Of course. They have to cooperate. It's clear.

8 Q. Mr. Praljak, we have only two or three more documents left about
9 this document -- about this topic, and the following document is 4D517.

10 A. Yes, I've got it.

11 Q. It is the 24th October 1993. We've already spoken about this
12 investigation. This investigation was carried out by the Prosecutor, but
13 these are just inspection activities that preceded the investigation.

14 And here Mr. Blaskic sends his order to Mr. Rajic, the 2nd Operative
15 Group commander in Vares, and he says that he should initiate an
16 investigation against Mr. Zvonko Duznovic, an assistant for Security and
17 Information Service in the Bobovac Brigade. The investigation shall be
18 conducted in accordance with Article 107 of the Rules of Procedure and
19 Military Discipline. And he also says that the officers from the brigade
20 command should be used to carry out the investigation or the officers of
21 the Operative Group 2.

22 Just one more document which is very closely connected to this,
23 which is 4D855, and this will bring us to the end of this topic.

24 And now we see that Mr. Rajic submits the order to the chief of
25 the SIS of the OG-2 and says as follows:

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1 "Conduct investigative proceedings against Zvonko Duznovic,
2 assistant for SIS in the brigade Bobovac, on grounds of reasonable
3 suspicion."

4 And says under 3:

5 "During the investigative proceedings achieve full cooperation
6 with the members of the command of the brigade and with other relevant
7 persons who are familiar with the activities of the aforementioned
8 official."

9 Mr. Praljak, these two orders show the chain. Mr. Blaskic issued
10 his order to Mr. Rajic, and Mr. Rajic, in his turn, issued an order to
11 his assistant for SIS for conducting investigative proceedings?

12 A. Yes, for conducting investigative proceedings. It was their
13 right and duty to carry out an investigative proceedings.

14 Q. Of course, we must not ignore the fact that the true
15 investigation is carried out by the prosecutor who is duty-bound to do
16 that. That's why I started with the Law on Criminal Proceedings, but we
17 don't have to go through that.

18 And, finally, the last document that you very often mention in
19 your examination-in-chief, which is 4D834 --

20 THE INTERPRETER: Could the counsel please slow down. It's
21 almost impossible to follow.

22 MS. NOZICA: [Interpretation]

23 Q. Have you found it?

24 A. Yes. This is the document --

25 JUDGE PRANDLER: I'm sorry, Madam Nozica, again to interrupt you,

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1 but it is already the third time today that the interpreter is asking you
2 that, Would the counsel be so kind to slow down. And I would only like
3 to repeat it to you and, of course, also to Mr. Praljak, the same

4 request, and it is the umpteenth time that we are doing this. Thank you.

5 MS. NOZICA: [Interpretation] Yes. Thank you, Your Honour. My
6 colleague keeps warning me to slow down because he's following the
7 transcript, but I suppose Mr. Praljak and I, because we speak the same
8 language, seem to run away with ourselves and don't wait for the end of
9 an answer before my question begins. But I'll do my best to improve in
10 future.

11 Q. Anyway, Mr. Praljak, you've spoken about this document several
12 times so far?

13 A. Yes. The last day of my work, I signed it where Mr. Petkovic's
14 name is, and I require a summary report about Stupni Do and that
15 investigative proceedings be taken against Kresimir Bozic. So that is
16 the information that we had at that time as to who could be guilty, the
17 guilty party.

18 Q. I'd now like to ask you to take up the third binder, which will
19 be the last binder that we're going to deal with. Yes, that's right,
20 that's the first document in binder number 3.

21 Mr. Praljak, let me just make a short introduction. We have
22 document P6203 in front of us now, and you were asked about this document
23 during the examination-in-chief; in fact, on two occasions.
24 Judge Antonetti asked you about it, and you gave your answers on the 8th
25 of June, and it is on pages of the transcript 39001 to 39003. And this

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1 same document was shown to Witness Ivan Bagaric on the 21st of April,
2 2009.

3 And now I do apologise. The pages I stated just now relate to
4 Mr. Bagaric's examination and testimony, not yours.

5 Now, let me just remind you of what you said about this document,
6 and this is something that Mr. Bagaric confirmed; that he did not have
7 the right to command. And in this document, it says that:

8 "We do not have the necessary institutions and individuals."

9 And for that reason, he considered that this order should be
10 placed adapta [as interpreted].

11 Now I'm going to show you the next document, which is 2D717, and
12 this is a letter from Mr. Siljeg of the same date. And he says that:

13 "The order of the Health Sector with respect to the detainees of
14 the detention centre and Centres for Preventive Isolation should not be
15 considered compulsory, it should be declared null and void, because
16 centres like this do not exist here, and even if they did, they are not
17 under our jurisdiction. Our concern is only the battle-field."

18 So Mr. Siljeg sent this out to all the subordinate brigades, he
19 sent this order out to all of them; is that right?

20 A. Yes.

21 Q. Now, Mr. Praljak, Mr. Bagaric, according to you, was not in a
22 position to command Mr. Siljeg. And according to Mr. Siljeg, he could
23 not have commanded the brigade within this operation zone either; is that
24 right?

25 A. No, he couldn't. Right on both counts.

1 Q. Now, when we come to the Medical Corps, and it is P3286, that's

2 the document number, let's try and answer two questions now using that
3 document.

4 Did centres, as they're called here, for detainees, detainee
5 centres and Centres for Preventive Isolation exist, because that is
6 something that Mr. Siljeg claims in this paper? And you said that as far
7 as you knew, they did not exist. Now, let's just see if we agree as to
8 what the chain of command was.

9 And the next document is P3286. So this is the head of the Rama
10 Brigade. The date is the 7th of July, 1993. And he says:

11 "On the basis of the situation at present in the Rama-Prozor
12 municipality, and securing health control for the Muslims found in the
13 building of the secondary school centre," and issues an order to the
14 Medical Corps to ensure that doctors visit the facility where the Muslims
15 are in detention. And he says the head of the Medical Corps, Budimir, is
16 in charge.

17 Now, I know, Mr. Praljak, that you, on the 7th of July, did not
18 occupy that post, that is to say, you weren't commander of the Main Staff
19 at the time. However, let me ask you whether you ever had any knowledge
20 that, nonetheless, certain persons were detained in the area which
21 Mr. Siljeg commanded, let's say, in July, and that when he wrote this
22 previous order, he ought to have known that detainees did exist in this
23 area?

24 A. I don't know who took the Muslims into custody. Siljeg does not
25 say that they were not detained. What he says is that they were not

1 under his responsibility and authority.

2 And, secondly, in this document, P3286, I mean, the fact that
3 Marinko Zelenika is ordering a physician to examine the Muslims that were
4 detained, that's his right and duty. It's the duty of the doctor there
5 to do that. He can't ask for a doctor to come in from the Health Sector
6 in Mostar. That's impossible. It is the duty of the physician, and the
7 duty of the commander, once he learnt that there was a need for this, to
8 tell the doctor to go and see what the need was. But from that, it does
9 not arise that he was in charge and had authority over the location where
10 the detained Muslims were.

11 Q. Mr. Praljak --

12 JUDGE TRECHSEL: Excuse me.

13 Mr. Praljak, I find this a bit difficult to explain. A commander
14 is in charge or not. If he's in charge, he can dispatch representatives
15 of his services, such as Medical Service, and give them a task. But if
16 he's not in charge, how does he, nevertheless, engage his means, his
17 military means, for something that he's not competent or not in charge?
18 It does not -- it is not in line, at least, with my own experience, as
19 far as command and military structures and so are concerned.

20 THE WITNESS: [Interpretation] I cannot, Judge Trechsel, enter
21 into your structures and where you were, but it is a physician's duty to
22 provide assistance everywhere. When he's -- if he's a civilian, if
23 somebody loses consciousness, faints on the road, even if he's not his
24 house doctor, he has to help.

25 JUDGE TRECHSEL: Mr. Praljak, this is not the situation of the

1 good samaritan, nor a person of medical training who sees need for
2 action, but it is a commander who commands someone who is under his
3 orders to do something in an area which he says, It's none of my
4 business. He seems to split what he likes to do. He says, I do it. And
5 what he -- he doesn't want to take responsibility. He says, I wash my
6 hands, I have nothing to do with it. Isn't it a bit contradictory?

7 THE WITNESS: [Interpretation] No, none at all. There's no
8 doctor -- if there's one doctor in the brigade, then your interpretation
9 is based on the assumption that doctors do exist, that there were
10 doctors, as much as needed in every service. No, there weren't. We
11 didn't have them.

12 In that area, Zelenika saw that there was no doctor, and so he
13 told the doctor to go over there and offer his assistance, but that
14 does -- it does not follow that the person to whom that assistance is
15 given, that he's responsible for that. Wouldn't it be worse if he says,
16 It's nothing to do with me, so don't give any medical assistance?
17 There's no logic there. So I would do the same thing that Zelenika did,
18 I would act the same way. I would help, whether it was under my command
19 or within in my remit or authority or whatever, especially within
20 structures that are in no way organised as they are in the Swiss Army.
21 So the principle was: Do what you can, when you can, when needed, if
22 there's no better solution.

23 JUDGE TRECHSEL: I leave it at that. Please continue.

24 MS. NOZICA: [Interpretation]

25 Q. Mr. Praljak, I went back to these documents because on several

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1 occasions, at least on two, as far as I remember, during the
2 examination-in-chief, you said -- or, rather, you confirmed that what
3 Mr. Siljeg said was true and correct; that is to say, that there were no
4 centres like that and there were no people of that kind in his area. And
5 a document was shown to you, which we'll look at in just a moment, where
6 Luka Markesic, the chief, talks about taking Muslims into custody on the
7 basis of an order from a higher level. Now I'd like to show you that
8 order, which is already an exhibit. Perhaps you've never heard of that
9 order and it wasn't there when you were there, but let's just agree
10 whether this is the higher level.

11 And it is P3234 that I'd like you to look at now. The document
12 goes to explain some of the questions that you were just asked by
13 Judge Trechsel. Have you found the order? Yes, you have; right.

14 So this is the 6th of July, that's the date, and as I say, you
15 didn't know about this because it was before your arrival. But, anyway,
16 it is Mr. Siljeg commanding here and stating that all Muslim men aged
17 between 16 and 60 are arrested and detained, and he says the military
18 police and the SIS of the Rama Brigade shall be held responsible for
19 carrying out the order. And: "The order shall take effect immediately,"
20 it says.

21 And let me emphasise that it is already an exhibit. It has been
22 shown several times. Let me just ask you: Is that a higher level, and
23 did you have no knowledge of this?

24 A. I have no knowledge at all about this. At that time, as far as I
25 remember, I was at Boksevica, and I cannot say whether or not this higher

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1 level applies to Siljeg. It says what it says, it speaks for itself, and
2 I can't offer any further comment.

3 Q. Now, Mr. Praljak, let's look at several other documents. We're
4 going to skip one, two, three -- five documents. Let's skip five
5 documents, and when we come to -- and now we come to P3971. They're all
6 short documents, so perhaps you could look at them on your screen.

7 There we are, that's the document that was shown to you, where
8 Mr. Luka Markesic, from the Security and Information Service of the Rama
9 Brigade, is sending out this report to the Presidency of the HVO and the
10 command of the Rama Brigade, and says that the Security and Information
11 Service and military police acted according to an order from a higher
12 level. And we saw that Mr. Siljeg was issuing an order to this effect,
13 that they carry this out, that the SIS and military police of the Rama
14 Brigade carry that out. And then he's asking that a selection be made,
15 and that's the document that you were shown; isn't that right?

16 A. Yes, yes, I was shown it. Yes, that's right.

17 Q. And now I'd like to show you another document. Let's skip the
18 documents in between and go to your own document which you signed. It is
19 P4260 and it is your -- well, I just wanted us to clarify one point.

20 This document was sent by packet link. There's no doubt about
21 that; is that right?

22 A. Probably, yes.

23 Q. Well, we don't have your signature. We see, up on the stamp,
24 "Received by packet communications," so that's how I know that. Now,
25 somebody, in handwriting, wrote "SIS," S-I-S, and then "sent to BP Rama."

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1 Now, I'm interested to know whether you wrote that addition on to the
2 document, and if not do you know who might have entered that onto this
3 document?

4 A. Well, it's not my handwriting, and I don't know whose it is and
5 who wrote this.

6 Q. But we can see that that's what it says?

7 A. Yes.

8 Q. So you didn't send this document out to the SIS of the brigade or
9 any other SIS, did you?

10 A. No.

11 Q. There are three addressees. It says "To," and then we have three
12 listed.

13 A. So what's your question? What do you want me to answer?

14 Q. I'll repeat my question. Is it true that you didn't send this
15 document to the SIS of the brigade or the SIS Administration because
16 there are three addressees listed to where it went?

17 A. Well, I didn't send it on, but if it says who the addressees are,
18 then I assume that the order would have been sent on. When it reached
19 the Rama Brigade, for example, then it also reaches the SIS of the Rama
20 Brigade, the assistant, of course. But I'm afraid, Ms. Nozica, that
21 between this order of the 6th of July, Siljeg's order, and this one here,

22 dated the 5th of August, I'm not quite sure -- it's too long a period of
23 time for this order to relate to the higher one, to Siljeg's order.
24 I think it's too long a period; that is to say, that Markesic would have
25 written one month later that there was an order from a higher instance,

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1 and he would say, Pursuant to Siljeg's order if it was. He would have no
2 reason not to do so.

3 Q. Mr. Praljak, I don't know what you're actually saying. Was there
4 another order on detention or are you questioning whether Siljeg sent out
5 this order at all?

6 A. No, I'm not questioning whether Siljeg sent it, because the order
7 exists, so I suppose he did. But all I am challenging is that during the
8 space of a month, something else might have happened, and that is that
9 there was a fresh order from a higher instance to detain the Muslims
10 again. That's possible, because as I say, it's rather a long period of
11 time, too long, in fact, for Markesic to be writing about what happened a
12 month ago, for instance.

13 JUDGE TRECHSEL: Mr. Praljak, I have not quite understood. Is
14 this your document? Did you write this, the order, not the addition in
15 handwriting?

16 THE WITNESS: [Interpretation] Yes, but we weren't referring to
17 that document now.

18 JUDGE TRECHSEL: Good. In number 1, you order that all prisoners
19 be withdrawn from the tasks they have been given. What does that mean,
20 Mr. Praljak?

21 THE WITNESS: [Interpretation] Let me answer that question once
22 again, then.

23 The previous day, on the 16th of August, and we saw the document
24 which Tolj received, and he was the chief of the Main Staff, he received
25 a piece of information to the effect that prisoners were being taken away

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1 to dig trenches, and he told me that. And after that, I issued two
2 orders myself; one for this area, the area where I was, and another one,
3 a general one, a general order applying to the whole of the HVO. And I'm
4 afraid I don't seem to have that, but there is clear proof and evidence
5 on the basis of statements that it does exist. Not that they were not
6 allowed to take them out to dig trenches, but that they were not allowed
7 to take them out anywhere, that the prisoners of war should not be
8 touched at all, and that is -- this is the third time that I'm giving my
9 answer. And so on the basis of information provided by Tolj, I issued
10 this order.

11 JUDGE TRECHSEL: Thank you. Mr. Praljak, there is a rule, which
12 I don't know whether it is also familiar to you. It is also referred to
13 as the three Cs: command, control, correct. It means that if you give an
14 order, you then have to control whether it's actually carried out, and,
15 if necessary, correct the implementation of the order. Now, is this
16 familiar to you?

17 THE WITNESS: [Interpretation] Yes.

18 JUDGE TRECHSEL: [Interpretation] So can you tell the Chamber what
19 you did to control the implementation of this order of yours?

20 MS. NOZICA: [Interpretation] Just a moment, Mr. Praljak. I hope
21 to help everybody out, but let's look at the next document in the binder,
22 P4285, which is the information.

23 I do apologise, Your Honour, for intervening, but I think we'll
24 move ahead faster if we look at this document now.

25 JUDGE TRECHSEL: It may exceptionally be acceptable. Thank you.

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1 MS. NOZICA: [Interpretation] Well, perhaps it's not a bad idea to
2 correct the transcript and say exactly what Judge asked the question,
3 because it says Judge Antonetti and it should read Judge Trechsel on line
4 16. Just to put that slip right.

5 JUDGE TRECHSEL: Thank you. I'm glad that there is opportunity
6 for you to correct with regard to me also. It gives more equality.

7 MS. NOZICA: [Interpretation] Thank you, Your Honour. I am sure I
8 would do that far more often and notice things like that if I didn't have
9 to look at the document in front of me.

10 Q. Anyway, Mr. Praljak, this is the commander, and he is responding
11 to you with respect to your order; the brigade commander, I mean. Right?

12 A. Yes. He says that it was acted upon.

13 Q. Now, Mr. Praljak, I'd just like to tell you, with respect to the
14 comment you made as to whether another order existed or not between
15 Mr. Siljeg's order and the information sent out by Mr. Markesic, and it
16 is -- you say you don't know whether there was one, so that comment of
17 yours -- on the basis of that comment of yours, can I conclude that at
18 the time you did not know whether there was any order at all, because --

19 about the detention of Muslims between the ages of 16 and 60?

20 A. No, I did not know about any such order at that time.

21 Q. Let us move on to our next topic, and I will complete my
22 cross-examination with two more topics. And one of them is the
23 functioning of the IPD and the SIS, and let us move on to the functioning
24 of the IPD.

25 I will now ask you to look at the document that you, yourself --

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1 well, which was shown to you. That's 3D01206, 1206. You have it in
2 e-court, but I would be very glad if you could find it because then --

3 A. Just a moment.

4 Q. I actually skipped just one document there, Mr. Praljak, and I
5 moved on to 1206. Oh, I'm sorry, I'm sorry. Quite a few of them, quite
6 a few of them.

7 A. Yes, quite a few of them.

8 Q. Yes, quite a few of them, because I don't have enough time to
9 deal with all of them. I won't be able to cover everything that I
10 planned.

11 Could I please ask the usher to assist Mr. Praljak, because we
12 skipped quite a few documents. And I do apologise to everyone in the
13 courtroom. I really can't deal with all of it. I was a bit too
14 ambitious in my preparations. 1206.

15 A. Well, I can't find this document, although I'm quite quick when
16 it comes to finding documents.

17 Q. Mr. Praljak, well, you have it -- well, it's been put in the

18 binder, but could you please then look at the screen, and then we'll go
19 looking for it.

20 I would kindly ask, Mr. Usher -- yes, okay, you found it?

21 A. Yes, I found it.

22 Q. It's binder number 3?

23 A. Yes.

24 Q. This is a document that we've already talked about. In the
25 course of your direct examination, you did. It was sent by the assistant

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1 commander for IPD, Petar Kalinic, from the command of the
2 Operational Zone North-Western Herzegovina; is that right?

3 A. Yes.

4 Q. He informs the -- actually, it's addressed to the HVO Main Staff,
5 attention Veso Vegar, but I'm asking you whether this is sent to the
6 Main Staff too. Could you please look at the next page?

7 A. Yes.

8 Q. Very well. Mr. Praljak, when it comes to the functioning of the
9 IPD, I have the same question as I did for the SIS. The commanders, from
10 the level of battalion up to the brigade and operational zone, and even
11 at company level, have within -- did they have, within their commands,
12 assistants for IPD, to the best of your knowledge?

13 A. For the most part, yes.

14 Q. And those assistants for IPD that existed there in the commands
15 of the units, were they subordinate to the unit commander?

16 A. Subordinated in what sense, Ms. Nozica? What does it mean, to be

17 subordinate, subordination? Well, everybody had too few people, but what
18 does it mean, subordinate? Please tell me. Ask me, What does it mean to
19 be subordinate?

20 Q. I'm not going to ask you what "subordinate" is, but I'm going to
21 ask you a direct question. Did they receive their orders from the
22 commander of the unit that they were part of, and were they duty-bound to
23 obey those orders?

24 A. No, they did not have to obey them. They received orders that
25 pertained to the military part; in other words, Let's go out and -- in

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1 the field. But they did not receive any orders pertaining to their work,
2 because their work was regulated by other regulations.

3 Well, I was in the IPD in the Croatian Army, and this was all
4 copy-pasted there. So this kind of order, this kind of exercise of
5 command, is not of this sort. It's a parallel system. The assistant --
6 the brigade commander exercises command over his battalion commanders,
7 and these are his assistants. Just like a mayor of a town has
8 fire-fighters who take care of fighting fires, he tells them or informs
9 them about the fire, and they go out and put it out, and the police. So
10 the exercise of command over them is limited. An action is being
11 prepared. They give their recommendations and proposals. So this is
12 cooperation within the scope of strictly-regulated activities and
13 spheres that those people have. A doctor has to do his job, but he
14 cannot refuse to go out on the battle-field if his brigade or battalion
15 where he's in goes out to the battle-field.

16 So the exercise of command is somewhat different from -- well,
17 those people did their job properly. Most of them really worked hard.
18 But let me just make myself clear here.

19 Q. Mr. Praljak, I'm asking you very specifically. Did the assistant
20 commander for IPD in the units -- were they issued or could they have
21 been issued orders by Mr. Veso Vegar, who was the chief for the IPD in
22 the appropriate sector in the Department of Defence? Could they have --
23 could he have issued orders to them as to what to do?

24 A. Yes, of course. It was his duty to tell them.

25 Q. Yes. Just a moment, then. How could then Mr. Bagaric find

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1 himself in a situation where -- Mr. Bagaric, because we've seen the
2 document where Mr. Zeljko Siljega, and I'm going to tell you this is
3 2D717, where he sends to all the brigades and says, Well, the chief of
4 the Medical Corps cannot issue any orders to you? How come now that the
5 chief of the IPD can issue orders, and did you ever see any orders issued
6 by the IPD chief to the assistants, commanders in brigades for IPD? Did
7 you ever see any such orders, or the SIS chief to have issued any such
8 orders, or the IPD chief, apart from the professional instructions as to
9 how they should do their job?

10 A. I -- well, such orders did not reach me. But if they didn't
11 issue orders of that kind, then they didn't do their job properly. So it
12 is a duty of the IPD officer, and that was my duty in Zagreb, to issue
13 orders and to organise seminars for the Red Cross, to organise seminars
14 about the political situation, to disseminate information about the

15 developments in Geneva, to instruct the people to go and to see how the
16 wounded would be taken care of, to make sure that they are visited in
17 their wards.

18 Q. It's fine, Mr. Praljak. You told us quite clearly that the
19 commander cannot command.

20 A. Well, that's not what I said.

21 Q. Tell me what you said. The commander --

22 A. The commander can command him within the framework of
23 operational use. So he can order him to go out in the field with him,
24 to remain there 20 days, and to do his job there. That was what
25 the commander of a company, battalion, or a brigade could do. It

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1 was his duty. But it was then his duty to do the job in accordance with
2 the regulations.

3 MS. NOZICA: [Interpretation]

4 Q. Mr. Praljak, well, that's how it was with all the assistant
5 commanders?

6 A. Yes.

7 Q. Well, it's a little bit different, or I understand it
8 differently, but maybe it's up to me.

9 MS. ALABURIC: [Interpretation] I would like to object to this
10 question, because I feel that a link is here trying to be established
11 between two situations that are essentially quite different.

12 THE INTERPRETER: Interpreter's note: The speakers are
13 overlapping.

14 MS. NOZICA: [Interpretation] I would like to ask the Court to
15 instruct my colleague not to explain various situations in the course of
16 my cross, because she can do that the moment my cross-examination is
17 ended, because this is obstructing my work.

18 MS. ALABURIC: [Interpretation] I will withdraw. I will be asking
19 this in my cross-examination. But here are two different situations
20 which are now being painted as being the same.

21 THE WITNESS: [Interpretation] Nobody need intervene, because I
22 know perfectly well how the Defence Department, the brigades and areas
23 functioned, the zones functioned. I know perfectly well what military
24 commands are and what the duties of the military police, the SIS and others
25 are, and any attempt by any lawyer to change my opinion is futile, absurd

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1 and incorrect. The duties of people who belonged to the part as it was
2 organised was the same as in Croatia. I was in IPD, and I exercised command
3 over the IPD, and that's how it was done down there. Let me just complete --

4 MR. KHAN: Mr. Praljak, one moment.

5 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, one moment.

6 MR. KHAN: Your Honour, of course all parties are trying their
7 best to cover a lot of ground in very limited time. Now, that being the
8 case, I would ask that of course my learned friend's objection be
9 sustained and we get back to her questioning. We don't need comment or
10 speeches from any witness, even somebody as distinguished as
11 General Praljak. So perhaps my learned friend can continue with her
12 cross-examination.

13 JUDGE ANTONETTI: [Interpretation] General Praljak, please answer
14 Ms. Nozica's question. Ms. Nozica is representing Mr. Stojic.
15 Mr. Stojic was head of the Defence Department and minister of defence.
16 In the way we understand the defence system, Ms. Nozica wishes to
17 highlight the fact that the SIS operatives and the IPD reported to the
18 brigade commanders, and they were subordinated to the brigade commanders.
19 Therefore, the minister of defence has got nothing to do with all this;
20 i.e., in the SIS and the IPD. This is the case Ms. Nozica is putting and
21 developing. So she's putting questions to you on this topic.

22 Ms. Alaburic is representing her client, and you may wait for the
23 cross-examination to put your question.

24 I was about to say something, but I was waiting for the right
25 time to intervene. Let me take the case of the officer who's in charge

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1 of the IPD; information, propaganda, training, and so on. When this
2 person is in a brigade, can the brigade commander call him and say, You
3 are an officer, but I would like you to train the soldiers in the field
4 of the Geneva Conventions, because I believe there is a shortfall in this
5 area. The IPD officer then turns around and says, I will obey your
6 orders, or he will turn around to the brigade commander and say, I must
7 first of all refer to the Defence Department to see whether I'm entitled
8 to do this.

9 Let me give you another example. Let's assume that the brigade
10 commander tells the IPD officer the following: There's been an attack by
11 the BiH. I don't have enough men on the ground. Please pick up your

12 rifle and go on the front-line, execute the order. Does the IPD officer
13 then say, I disagree, I need to refer to the Defence Department and
14 Mr. Stojic and ask him whether I'm entitled to do this?

15 So I've given you two concrete examples. What do you have to say
16 to this?

17 THE WITNESS: [Interpretation] The second case that you've just
18 presented, Your Honour Judge Antonetti, this case says clearly that the
19 brigade commander, or a commander at any level, cannot, irrespective of
20 the situation, issue an order to his assistant for IPD to take a rifle
21 and go to the battle-field. He cannot do that to his assistant for IPD,
22 SIS, or any other assistant. He can issue orders only to his
23 foot-soldiers.

24 And the first case that you mentioned, he can request and bring
25 booklets containing the Geneva Conventions, but likewise he cannot

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1 replace his assistant if that assistant says, No, I'm not going to do it
2 at this moment, I'm first going to consult my chief who is affiliated
3 with the Defence Department. And in that, the brigade commander can file
4 a complaint in which he's going to say, This is what I asked, he refused
5 to do it. And then this complaint will be forwarded all the way up to
6 me, for example, and then I would request for Mr. Stojic to see how come
7 that person in question refused to do a very logical thing.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, you have a
9 great deal of knowledge, and you have seen how the foreign armies
10 operated; the Warsaw Pact and so on. As far as you know, did things

11 happen this way elsewhere or was this specific to the HVO or to the
12 Croatian Army?

13 THE WITNESS: [Interpretation] Militaries of Eastern ideology did
14 not function in the same way. Western militaries do function in that
15 way. We copied the way particularly of Western militaries, which do not
16 have a high number of professionals; for example, Germany, Italy, and so
17 on and so forth. And in those countries, the Ministry of Defence and its
18 elements -- the Ministry of Defence is separated from the purely military
19 part, and it provides support, assistance to the Main Staff, i.e., to the
20 military in everything; information, investigations, the military police,
21 and so on and so forth. Therefore, just like the Medical Corps, all that
22 is not affiliated with the Main Staff.

23 In Croatia, we tried to organise things in the same way as
24 everywhere else and involve the civilian hospitals to have the highest
25 number of doctors as possible. They were not necessarily soldiers, just

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1 like the IPD personnel were not necessarily soldiers. They could be
2 civilians. This is how one tries to de-militarise, well, here you have
3 it, and reduce the possibility or the room for a commander to have too
4 much power. That was the case in Eastern countries, where the military
5 commander was given the possibility to investigate, as the SIS does, to
6 punish as the military police does, and this gave him too much power.
7 And in Croatia, there was a lot of debate about that between those people
8 who joined the Croatian Army from the JNA and those of us who never
9 served in the JNA. And Franjo Tudjman said that clearly and loudly, that

10 he was inclined to organise the Ministry of Defence and the army or model
11 the two after the Western example. And I'm talking about the modular
12 system; You do your job, and when you need assistance, according to the
13 model, people in charge will assist you. But that has a special
14 structure, a special manner of screening the staff, a special way of
15 appointing staff, it has its chief, and everything that is described as
16 things that need to be done.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, what you are
18 saying makes sense, and one can understand what you are saying, but there
19 is a difference. In Western armies, if I take the case of the French
20 Army, for instance, an officer who is in charge of propaganda, well, his
21 corps commander can tell him, Go and hand out leaflets in the village
22 controlled by the enemy so that the soldiers desert, and he's going to
23 execute the order. He's not going to ask the Ministry of Defence what he
24 needs to do.

25 Your IPD operative, who may be a civilian, according to what you

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1 are saying, well, he can be independent from the brigade commander?

2 THE WITNESS: [Interpretation] As far as I know, it's largely
3 independent from the brigade commander or the corps commander even in the
4 French Army. But it is true that in its parts -- in some parts, he is being
5 used. As an IPD officer in the ministry, I provided support by way of
6 providing information and everything else to the commanders. But I was
7 also independent, and I could dissolve them of their duties, to appoint
8 new ones. They performed the control of the brigade commanders, they had

9 control, and they provided parallel reports about the behaviour of
10 certain commanders, and so on and so form. We're talking about parallel
11 systems here.

12 Likewise, when a unit returns from combat, in the French Legion,
13 then they are examined by a psychologist. The commander says that in his
14 view, a certain soldier had been exposed to too much stress. Whether he
15 is going to be given a leave of absence, or whether he will be treated in
16 the barracks, or whether he will be transferred somewhere else for
17 treatment is up to the psychologist. They examine him, talk to him, and
18 then they say, I know it for a fact this lad has undergone a great deal
19 of shock and he stays. And this is not what the commander of the brigade
20 decides. It's the parallel service that decides that. In other words,
21 services are used.

22 In military terms, for example, we go for a field mission or
23 release false information, release information that we are using a lot of
24 food or that there is more of us than there are, it's the commander who
25 does that, but he has a lot of -- as the SIS, for example, the SIS goes

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1 with the brigade, but the essence of the matter is this: You don't find
2 somebody who committed a crime or perpetrated a crime where you heard
3 that crimes were perpetrated, but then the investigation, the
4 conversations with people, and then these people have their own informers
5 within the brigade who are going to convey to them the fact that they had
6 heard that people had gotten drunk and then they had information, that's
7 how you learn who the perpetrators are.

8 Your Honours, after Mi Lai -- - or eight months lapsed before the
9 American Army learned what actually happened. I believe that even more
10 time lapsed than when they heard about prisoners. It is the organs in
11 charge of the investigation who investigate such matters, and that takes
12 time. It takes a lot of time. The worse the system, the longer it
13 takes.

14 JUDGE ANTONETTI: [Interpretation] I'm looking at the time.
15 I think it's time for the break, but my colleague here wishes to ask a
16 question first.

17 JUDGE TRECHSEL: Mr. Praljak, a while ago there was a hypothesis
18 that a chief of service, I will call him, for instance, IPD, was ordered
19 or asked by his commander to do something which was within the realm of
20 that order and refuses, and then you said there are complaints. The
21 commander cannot sanction him, but he can complain up to yourself, you
22 said, to the highest commander. Now, I am a bit surprised, because now
23 we are dealing with a specific specialty represented by this person, and
24 I had thought I'd understood that this hierarchy finally ended with the
25 Defence Department and not with the military supreme command.

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1 Could you clarify this matter briefly?

2 THE WITNESS: [Interpretation] The top of the chain of command for
3 a SIS member, of a military policeman, or an IPD officer is in the
4 Defence Department, not in the Main Staff. For example, if he refuses to
5 carry out an order, it is not the brigade commander who can remove him.
6 He doesn't have that power, because he did not appoint him in the first

7 place. He cannot -- he can launch an investigation and request
8 investigative measures and proceedings to be instituted, but he cannot
9 remove that person.

10 JUDGE TRECHSEL: Thank you very much. That's why I was surprised
11 when you said that the complaint could come to you. Perhaps I'm sort of
12 misunderstanding. Thank you.

13 JUDGE ANTONETTI: [Interpretation] It is now time for the break.
14 We shall stop for 20 minutes. Forty minutes.

15 --- Recess taken at 3.48 p.m.

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

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

18 Ms. Nozica, as I already said, you now have 40 minutes left.

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

20 Q. Mr. Praljak, I would like to come back to some parts of your
21 answers provided to -- in answer to Judge Antonetti's answers
22 [as interpreted] and your explanation about the position of the assistant
23 commander for the SIS and IPD, and the obligations of the sector -- or,
24 rather, the Administration for IPD and the SIS Administration.

25 Mr. Praljak, based on the documents that we have seen, the

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1 responsibility for the on-site investigation, and I'm using this word
2 "on-site investigation," not "inspection," because I make a distinction
3 between the two, the investigation carried out by the prosecutor and the
4 on-site inspection which has to be carried out after a crime was
5 committed. In answer to Judge Antonetti's question about the different

6 systems, about the different military systems, you said that the on-site
7 investigations were the job of the SIS in the HVO. Mr. Praljak, the
8 documents we've seen speak to the contrary.

9 First of all, Article 27 of the Decree on District
10 Military Courts charges the brigade commander with that responsibility,
11 and this is entirely confirmed by two documents. In order to avoid
12 searching for them and going back, we're going to see them in e-court,
13 yet once again. We've already seen these documents that show that
14 on-site inspection was the responsibility of the commander and his
15 subordinate assistants.

16 The first document is 2D3011. You can rely on e-court rather
17 than on the hard copy of the documents. This is information provided by
18 the assistant commander for SIS of the Operational Zone Central Bosnia in
19 Vitez, and submitted to the commander of the operational zone,
20 Tihomir Blaskic. And the information is about the events in the village
21 of Ahmici. You confirmed yourself that this was a logical chain of
22 communication.

23 The second document is P4268. This document, speaking about the
24 same event, an order for on-site inspection, is given by the commander of
25 the operational zone, Mr. Blaskic, to his assistant for SIS, Mr. Ante

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1 Sliskovic. His order is for Mr. Sliskovic to carry out on-site
2 inspection. It arise from these two documents, and there are more than
3 those, that the on-site inspection is carried out by the commander with
4 his assistants in the unit. Would you agree with me that this is what we

5 can conclude, based on the documents that we've just seen?

6 A. I don't agree with your explanation, Ms. Nozica.

7 Q. Very well. We shall not take it any further. I'm going to ask
8 you to be very brief in your answers. We won't take this any further
9 because it is your legitimate right not to agree with me.

10 Secondly, you said that the assistant commander in the unit for
11 IPD was a civilian?

12 A. No, I didn't say that.

13 Q. I apologise. I misunderstood you, in that case. In that case,
14 would you please go on and explain?

15 A. I said that in the Croatian Army, it could have also been a
16 civilian. I didn't say anything about the HVO. He did not have to be a
17 civilian. He could be a civilian serving in the military, and he could
18 serve for a certain period of time or be assigned to a particular task.

19 Q. Mr. Praljak, in a unit such as a brigade, could the assistant
20 commander of that unit, any assistant in any area of work, could he be a
21 civilian at all? I'm talking about the assistant commander -- I'm
22 talking about the assistant commander for any area of responsibility, the
23 SIS, the PZ, the intelligence.

24 A. There were no such cases in the HVO.

25 Q. Very well, thank you. You are saying that the assistant for IPD

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1 in any of units could not be a civilian.

2 Mr. Praljak, I would now kindly ask you, in follow-up to
3 Judge Antonetti's questions about --

4 JUDGE TRECHSEL: Excuse me, Ms. Nozica. I wonder whether you
5 correctly sum up what Mr. Praljak said. He was asked whether there were
6 any civilians, and he said that there were no such cases. He did not say
7 that it was not possible that he could not be a civilian, if I understand
8 correctly. So perhaps one should ask Mr. Praljak: In theory, would it
9 have been possible that a civilian acts as assistant for IPD in the HVO?

10 THE WITNESS: [Interpretation] I don't know of any such cases in
11 the HVO, but I --

12 JUDGE TRECHSEL: Sorry.

13 THE WITNESS: [Interpretation] But I restricted myself and said
14 that in the Croatian Army, for some limited scopes of work, publication
15 of books or broadcast of some films, I used a civilian -- civilians, but
16 I did not transform them, as it were, into military personnel.

17 JUDGE TRECHSEL: I seem to understand that you simply do not know
18 whether, in theory, it would have been possible in the HVO to have a
19 civilian as assistant for IPD.

20 THE WITNESS: [Interpretation] I don't know.

21 JUDGE TRECHSEL: [No interpretation]

22 MS. NOZICA: [Interpretation]

23 Q. Mr. Praljak, do you know, and Mr. Vegar testified about that,
24 that the assistant head of Department for Defence for IPD was a civilian?

25 A. I don't know.

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1 Q. Let me just remind you that he was, indeed, a civilian.

2 But let's now look at another document, which is P872. If we

3 first looked at the previous document, which was 3D, then if you skip the
4 next one, and then we have P872. It's an order from Mr. Lasic, and he
5 was the commander of the Operations Zone of South-East Herzegovina, and
6 relates to command of the IPD structures in the units. And he says:

7 "There is an everyday phenomenon that our soldiers spend their
8 time off in populated areas wearing uniforms and armed. They go into
9 cafes, behave in a non-military way, and cause incidents among themselves
10 and with civilians. Many of them under the influence of drink, alcohol,
11 resort to fire-arms, destroy facilities, conduct robberies, and use
12 vehicles with HVO insignia, without any control or authorisation."

13 So I think that that goes along the lines of what Judge Antonetti
14 asked you about. Anyway, here Mr. Lasic is issuing an order to all
15 commanders and assistants for IPD, Information and Propaganda, that they
16 are obliged to intensify their work with the men, pointing out possible
17 tragic consequences of such behaviour on the part of individuals and
18 groups. That's point 1 of that order.

19 Now, the last point of that order says that:

20 "The commanders of the units are duty-bound to inform me about
21 the implementation of this order in their regular reports."

22 Now, Mr. Praljak, is that the kind of order that you said were
23 orders that commanders could issue to their assistants and lower-down
24 units? Is this one such order which shows what their authority and scope
25 was?

1 A. Mr. Lasic here is issuing an order to everybody, telling them to

2 do their work properly, because the assistants for IPD and the commanders
3 weren't doing their job. So parallel systems were introduced because of
4 control, and "control" is the key word here.

5 Now, why -- if I might be allowed to explain about this parallel
6 system.

7 Q. No, we won't go into that now. I want to show what the situation
8 was de facto. But if you're talking about parallel control, then let's
9 see whether from this order that we have in front of us here, we see
10 anywhere that it was sent to the IPD Sector and the assistant head of
11 IPD, for him to be able to exercise that control, as you say. We can see
12 who it was addressed to, and we see that it was not sent to either the
13 Defence Department or the IPD Sector?

14 A. No, it wasn't, and he had to exercise control.

15 Q. The next order from Mr. Lasic is dated the 22nd of April, 1993.
16 It is P2030, from the previous year -- the first one was from the end of
17 the previous year. This one is from April 1993. It is also an exhibit,
18 and it's an order, and I'm sure you'll remember that on the 22nd of
19 April, it related to putting up the HVO soldiers in the barracks and so
20 on, and this was on the basis of an agreement by which HVO members were
21 to be put up.

22 THE INTERPRETER: Could all the microphones be switched off,
23 please, that aren't in use. Thank you.

24 MS. NOZICA: [Interpretation]

25 Q. Now, I'm interested in point 9, where it says:

1 "The assistant commander of the Operation Zone of South-Eastern
2 Herzegovina for IPD shall organise meetings with the units and inform
3 them of their duties and obligations stemming from this order, and the
4 meaning of this order and similar orders for the future are life in these
5 territories."

6 And at the end, Mr. Lasic makes it incumbent upon the commanders
7 to implement this order by the 22nd of April.

8 MR. KOVACIC: [Interpretation] I'm going to ask my colleague to
9 check the number of the document. Either that's not the right document
10 or this isn't in point 9 of that document, because we don't have what she
11 read out. So check the number, please.

12 MS. NOZICA: [Interpretation] I apologise. You're quite right.
13 It should have been point 11, which comes after point 10 in the document.
14 Thank you for drawing my attention to that. So it's point 11 or para 11.
15 And there's a gap here, a hole there. Anyway, it's the second paragraph
16 under point 10. Is that all right now?

17 MR. KOVACIC: [Interpretation] Yes, thank you.

18 MS. NOZICA: [Interpretation]

19 Q. Mr. Praljak, since we put that right, tell us, please, if
20 Mr. Lasic in this way is, in fact, ordering the assistant commander of
21 the Operation Zone for IPD, his assistant, telling him what he should do
22 in order to implement this order?

23 A. Correct, that's right. He's telling him to do his job and to
24 explain to people what has happened and what should be done. And it is
25 the duty of the brigade commander to tell his men to do their job

1 properly.

2 Q. Yes, that's right. Now, Mr. Praljak, when you say it is the duty
3 of the brigade commander to tell his men to do their duty and do their --
4 perform their jobs, when we were talking about SIS and IPD, you said that
5 it was their duty and obligation to act accordingly and that at the same
6 time it was their duty to do so; isn't that right?

7 A. Yes, that is right.

8 Q. Now, Mr. Praljak, does that apply -- does the same apply to the
9 other assistants, assistant commanders; for example, the assistant for
10 mobilisation and so on, is it the same thing? Is it their duty to carry
11 it out in a professional way? Does it apply to the other assistants,
12 except the IPD assistant? To all the others, does it apply?

13 A. Yes. In the military sense, yes. But let me tell you why this
14 was introduced, and I can quote you one or two examples, why this method
15 was introduced.

16 Let's assume that the brigade commander appointed his assistant
17 and that the assistant for SIS -- that there's no parallel structure.
18 And if the brother of the commander of a brigade commits a crime, for
19 example, in the classical chain of command in the Western countries, he
20 could tell the assistant for SIS, It's my brother, forget about that
21 problem.

22 Now, here parallelism was introduced precisely because of that,
23 because the assistant for SIS was not appointed by the brigade commander,
24 because there's this parallel structure, and because he has to reject

25 that kind of order.

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1 Q. Mr. Praljak, I don't understand your example at all. And let me
2 tell you why I don't understand what you said.

3 If you are talking about a hypothetical situation, then we must,
4 first of all, establish the facts, and that is that not a single
5 assistant, either SIS or IPD, were appointed by the commander. Everybody
6 below the commander, all the appointments below that, were the obligation
7 of Mr. Stojic, and that is indubitable. And we showed how those
8 appointments were made at the proposal of the brigade commander, in
9 agreement most often -- let me be precise, most frequently along with the
10 agreement of the Main Staff. This would be done by Mr. Stojic.

11 We also demonstrated, using the example of the document by
12 Mr. Siljeg, when it came to the Kupres Battalion, that the dismissal was
13 done in the same way; that is to say, that the commander makes a proposal
14 that so-and-so be dismissed from his duty, but that does not exclude the
15 logics of the following: that the commander must point out if one of the
16 assistants is not performing his job properly, then he must propose that
17 he be replaced and dismissed.

18 And, secondly, if the assistant commander in a brigade issues an
19 order to his -- I beg your pardon. If the brigade commander issues an
20 order to his assistant for SIS which goes against the grain of the rules
21 of service, in hierarchal terms, in the chain of command, should he have
22 addressed the higher level, which is the assistant commander of the
23 operation zone for SIS? Did this hierarchy assist within the HVO from

24 the assistant commander for SIS of the operational zone right down to the
25 battalions? Did that hierarchy exist?

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1 A. Yes, and vis-a-vis the head of the SIS, too, the chief of SIS.
2 So that testifies to this parallel system. He refers to his zone, and
3 this other one refers to the chief of SIS.

4 Q. Now, Mr. Praljak, I can't agree with you there, again, because
5 the SIS Administration or the IPD are not parallel organs, there are no
6 parallel organs, and we heard testimony from both Mr. Bagaric and Vegar
7 and Mr. Bandic, and they explained in very precise terms what their role
8 was. They were professional organs, and they were not any parallel type
9 of organ. And you said, yourself, today that their function was quite
10 different from the command chain, and I'm talking about the chain of
11 command, and I'm going to carry on asking you questions because I wish to
12 demonstrate --

13 A. If you've made an observation, let me say that they were not
14 professional. Mr. Bandic bore arms and had to arrest people in given
15 situations. So what you were talking about, in professional terms, was
16 not correct.

17 Q. You mentioned Mr. Bandic and said that he had to make arrests.
18 Now, let me ask you a question, and if you can, answer it; if not, never
19 mind. I wasn't intending to ask you this.

20 When what happened happened in Stupni Do, we saw, from the
21 testimony given by Mr. Bandic, that at that time he, together with
22 Mr. Petkovic, was in Stupni Do and they left together.

23 MS. ALABURIC: [Interpretation] Objection, Your Honour. They were
24 not in Stupni Do.

25 MS. NOZICA: [Interpretation] Yes, I do apologise. You're quite

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1 right. They were in Kiseljak, they were in Kiseljak, right, during the
2 events in Stupni Do.

3 Q. Now, to whom did Mr. Petkovic issue an order to carry out
4 investigative procedures? Was it to Mr. Bandic or Mr. Rajic, if you can
5 remember?

6 A. Well, to both of them, as far as I remember, because both of them
7 had to submit reports about what had happened up there. But this does
8 not deny the fact of me asking Bandic here whether, if he came across
9 rape, Would you have the right and duty to arrest the culprit, the
10 perpetrator?

11 Q. Mr. Praljak, you're not right again. That order was not issued
12 to both men. It was issued exclusively to Mr. Rajic. But
13 Judge Antonetti --

14 MR. STRINGER: Sorry, Mr. President. I'm going to object to
15 counsel's just arguing with the witness, which is really what this has
16 sort of evolved into in the last couple of minutes. He says one thing,
17 counsel disagrees. It's ultimately for the Trial Chamber to make its
18 decisions, but it's not really appropriate -- it's not proper
19 cross-examination. It's just really an argument, which isn't helpful to
20 anyone.

21 MS. NOZICA: [Interpretation] Your Honour, with your permission,

22 let me just respond to that, Your Honours.

23 I think I have the right to put my case to the witness, so it was
24 in that framework. But I'll conclude with this discussion, because it's
25 quite obvious that my questions and my case is not confirmed by

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1 Mr. Praljak, so I don't want to continue discussing the topic.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, through the
3 questions that have been put, you have understood that there's an
4 official issue, whether the minister of defence plays a role when it
5 comes to conducting investigations and seizures conducted by the military
6 prosecutor. If a crime is committed somewhere and the SIS conducts an
7 investigation, placed under the control of the SIS -- let me repeat
8 slowly.

9 General Praljak, the questions which Ms. Nozica has just put to
10 you are essential questions because they have to do with the role played
11 by the minister of defence or the head of the Defence Department. In the
12 event a crime is committed, does he have a role to play or does he have
13 no role, because this role is a role that should be the one of the
14 brigade commander, and the brigade commander has the police, the military
15 police, and the SIS to do the job? When a crime is committed, therefore,
16 for the military prosecutor to be seized of the case, the brigade
17 commander needs to conduct an investigation. He can give instructions to
18 the person in charge of the military police or of the SIS to conduct the
19 investigation.

20 A while ago, we saw a document which was a good illustration of

21 this since the document stated, You have until the 17th of September, if
22 I remember correctly, to address to the competent authorities of the
23 military prosecutor the entire report. If the minister of defence has no
24 role to play, then this role should be played by the brigade commander,
25 and the brigade commander reports to the HVO commander, i.e., you,

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1 yourself.

2 So this is an essential question. Ms. Nozica has put a series of
3 questions to you, has shown you a whole series of documents, and you're
4 saying, No, the SIS is part of another chain of command. Ms. Nozica
5 said, Well, I do not share your point of view.

6 We shall finish off with this question. What is your final
7 position, Mr. Praljak?

8 THE WITNESS: [Interpretation] My final position has been stated
9 several times, and it's quite clear. What does the chief of SIS -- what
10 purpose does he serve and what does the SIS -- what purpose does the SIS
11 serve? The chief of SIS appoints people, regardless of who proposed
12 them. He appoints men, they're his men, and they are duty-bound, on the
13 basis of the laws and rules, to conduct investigative proceedings,
14 regardless of whether the command of a brigade or company issues orders
15 to that effect or not. If a brigade commander or battalion commander or
16 company commander learns about something he will issue an order, but that
17 is not a necessary condition for them do their job properly.

18 The military police, within the frameworks of SIS, is duty-bound
19 to conduct investigations together with them and prepare them for the

20 military prosecutor or investigator. That is their basic duty and task.
21 They are attached to the brigades and battalions, of course, because
22 that's where things happen.

23 And so my answer is crystal clear, because that's how it was. So
24 who files reports, you'll be able to see that, who processes them, who
25 uncovers possible perpetrators. The chief of SIS and the chief of the

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1 military police deals with that, and there are two structures. Why would
2 you have a chief of SIS if they're stopped at the brigade or at the
3 operation zone? What purpose would the service perform, then, what
4 purpose would it serve? And professional assistance, such as the FBI, or
5 any other police, or any Secret Service, is there to uncover the
6 perpetrators and to enable those perpetrators to be taken into custody
7 and to allow the investigative judge to have the facts at his disposal
8 and to raise an indictment thereupon.

9 So it's not the duty of a brigade commander. If a brigade
10 commander learns that something has happened, he must secure the site,
11 post some soldiers there to stand guard or tell the military police to do
12 that. That's his duty, for God's sake. There's no dilemma on that
13 score.

14 Now, the fact that they write orders, that these people have to
15 do their job, their work, that's not true and correct, because otherwise
16 you wouldn't need a SIS organisation or a defence department, a military
17 police. They wouldn't be needed. Why have a chief who is not
18 responsible for anything, has no duties, and does nothing?

19 And I wanted to quote examples of why that was put in that way,
20 Your Honours, precisely to show that -- and those services should
21 exercise control over the brigade commanders. The assistants for SIS had
22 the remit of controlling brigade commanders to ensure that they were not
23 engaged in any untoward actions, and then they were to send back that
24 information to the chief of SIS. And then Mr. Stojic was duty-bound to
25 inform me, and so on.

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1 So they are parallel systems of control and supervision. It's --
2 it was set up because of control and supervision. If the assistant for
3 SIS was not doing his job properly, then it was the duty of the commander
4 to inform people about that, but it was the duty of the SIS chief to say
5 that the brigade commander wasn't doing his job properly and that he was
6 interfering, stealing, or whatever. That's how things should have
7 functioned.

8 Of course, there were difficulties within the SIS and within the
9 military police, and with the commanders of the units themselves.
10 Otherwise, we wouldn't have had so many documents written, warning them
11 to prevent, to incarcerate, to investigate, and so on and so forth.

12 JUDGE MINDUA: [Interpretation] Witness Praljak, I have followed
13 everything you have said. I believe I've understood. I would just like
14 to check something out with you.

15 Let's take document P2030, P2030. This document is signed by the
16 Brigadier Lasic. This is an order that contains several items. We have,
17 in paragraph 3, the following: Brigadier Lasic is asking for all of the

18 soldiers and members of the HVO to stop wearing black uniforms. After
19 having given such an order, what happens next? Does this brigadier stand
20 idle and wait for the parallel services to step in or does he remain in
21 control of this order?

22 THE WITNESS: [Interpretation] Well, Your Honour Judge Mindua, he
23 can follow the movements, he -- so Brigadier Miljenko Lasic is walking
24 around the front-line, and if he sees a soldier in a black uniform, he
25 will take him to task. But since in the operational zone there are

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1 several brigades, of course, it is the duty now of his assistants,
2 including the assistant for SIS, IPD, and the military police to tell
3 him, In such and such platoon there are those people who are in
4 contravention of your order. And not only to tell him that, but pursuant
5 to his order, they must bring those people into custody, recommend a
6 punishment to him that he would then impose, and they must take off their
7 uniforms without the assistants. And if the assistants don't do the job
8 that they have to do, he cannot do his job, in turn. He cannot control
9 four or five brigades which are in his area. So he became aware of the
10 problem, and then he, quite properly, instructs his assistants to do
11 their job. One of them -- one of the tasks is to remove the black
12 uniforms because they were saying that we looked like -- well, the troops
13 got those black uniforms, somebody brought them, and this was associated
14 with some Nazi or fascist uniforms, Mussolini's uniforms.

15 JUDGE MINDUA: [Interpretation] Thank you very much.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, the example

17 quoted by my colleague is an excellent one, because just look at item 11.
18 Look at what is stated in item 11. Mr. Lasic, who represents the
19 military authority, takes a whole series of decisions. The black
20 uniforms -- the issue about the black uniforms has been mentioned, but
21 other things as well. And here he says that the assistant commander for
22 IPD shall organise meetings in the units to brief the troops about the
23 obligations arising from this order. This person, Mr. Lasic, asks the
24 IPD officers to hold meetings. They then are not going to turn to
25 Mr. Stojic to ask him what they need to do. I assume the order was

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1 obeyed. I don't see that there is a parallel chain of command here, when
2 I look at this order.

3 THE WITNESS: [Interpretation] Yes, you can see it, but nobody
4 wants to see it. First of all, they don't have to consult Mr. Stojic.
5 That's not Mr. Stojic's problem. It's the problem of whoever is in
6 charge of the IPD. IPD is aware of the fact who and in what way reached
7 the demarcation. It was all -- yeah, and he is asking from the services
8 that are under his charge to explain to the troops something that has
9 nothing to do with the military, so the meaning of these obligations for
10 the future of the people living in those areas.

11 So an agreement was reached, a military agreement, in those
12 areas. But now how to explain to the people the sense of it in the
13 broader political sense? To do that, one must use the system that is
14 already in place and that is charged with it, and this is the IPD.

15 So, for instance, in the Croatian Army I would organise that, and

16 I would say, This agreement between Franjo Tudjman and whoever has a
17 political significance in this sense, in that sense, because people are
18 not well informed. This is not what the brigade commander must do, but
19 the systems that are attached to him, including the IPD.

20 Of course, it was always an effort to have teachers, educated
21 people, in the IPD who would then be able to convey to people what this
22 is all about.

23 So this is what he wants from them, and they are the ones to do
24 it; not, however, within the framework of what you call or what you say,
25 their subordination. They have at their disposal their meetings and to

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1 see what this is all about, and with politicians, and then they can
2 explain to the people how this agreement came about, and why people were
3 supposed to withdraw to the barracks, and why General Pellnas managed to
4 do that, and so on and so forth. But we know what this is all about.

5 JUDGE TRECHSEL: Mr. Praljak, I have -- something puzzles me with
6 this document. Perhaps there is a mistake in translation. Would you be
7 so kind and just read the date of the document? On the first page, you
8 have: "Mostar, 22nd," and the next word?

9 THE WITNESS: [Interpretation] "April."

10 JUDGE TRECHSEL: Thank you. I find it strange that this is an
11 order dated of 22nd April, and in three different points, number 6, 9 and
12 12, the commander, Mr. Lasic, orders the order to be completed by 2.00 of
13 the same day. Isn't that a bit strange?

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

15 This agreement was reached with General Pellnas, who was there, and then
16 he witnessed this attempt to calm the situation in Mostar down, and the
17 agreement that Mr. Pellnas managed to achieve with the parties are --
18 it's implemented with Mico Lasic in accordance with the time schedule.
19 The dead-line for this and that is such and such. The HVO units are to
20 go to Tihomir Misic Barracks and to Heliodrom. The BH Army was supposed
21 to go to the Southern Camp, as far as I can recall. I talked to
22 General Pellnas at that time because he sought a meeting with me, but I
23 didn't want to ask him about this because this was not really -- there
24 wasn't anything of significance.

25 JUDGE TRECHSEL: I am not convinced at all by your answer. This

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1 is an order. It's not an agreement; it's an order. It's called "Order,"
2 and it doesn't say at what time of that day the order is issued, but it
3 requests all sorts of obligations to be met by 2.00 on the same day. And
4 somehow to me this simply doesn't make sense. But maybe you have no
5 answer, and then you say, I have no answer, and that's it.

6 THE WITNESS: [Interpretation] Well, I have an answer, but you
7 assume that there are some schemes there and now this doesn't fit into
8 those frameworks that you are imagining. It's not necessary to say, in
9 every order, this is in reference to a conversation and so on. This is
10 wartime. People are drafting their documents quickly because they have
11 to implement an agreement by such and such a date. And it's not
12 necessary, just because we are here in court, Well, you should have
13 drafted it in such and such a way so that everybody in this courtroom

14 understands it. It's perfectly reasonable because there was an agreement
15 where Mr. Pellnas spoke about it quite well, and if you remember that, in
16 light of that, this order is quite clear, and it was all about the hours
17 because at the time conflict was already looming, the BH Army was all
18 ready to attack, and later on it, on the 9th of May, it actually
19 occurred.

20 JUDGE ANTONETTI: [Interpretation] I wanted to add something, but
21 I shall give the floor to my colleague.

22 JUDGE TRECHSEL: What is meant by "removal of all combat
23 shelters," and how many were there? That's number 6.

24 THE WITNESS: [Interpretation] Well, on the demarcation line in
25 the Bulevar and so on, this was set by General Pellnas. Well, if you

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1 expect that the conflict would break out, there are the places where
2 people were. Shelters were erected by the BH Army on the left-hand side
3 and by the HVO on the right-hand side. And if you remember the
4 agreement, the BH Army was supposed to move out of the Mostar Hotel.
5 They refused to do it. And then Mr. Pellnas went there, and it was an
6 arduous situation. And in the end, well, some of them refused to move
7 out. So a way was sought to calm the situation down in the town, for the
8 troops to go back to the barracks, and for the joint military police to
9 take over control of the town. And you can see here that Brigadier Lasic
10 is also sending this for the information of the Military Police
11 Battalion.

12 JUDGE TRECHSEL: Okay. That would be vacate -- vacate command

13 post, not remove them. Maybe it's a mistake in the translation. I leave
14 it at that, but I'm not convinced.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, while looking
16 at the document in B/C/S, I have realised the following --

17 THE WITNESS: [Interpretation] Judge Trechsel, I don't want to
18 leave this hanging. What is it that Judge Trechsel is not convinced; the
19 clarity of the agreement that was signed previously and that
20 General Pellnas spoke quite clearly about here? And this is also sent to
21 the 4th Corps of the BH Army. The orders were identical. The identical
22 orders were issued by the BH Army. And again it was sent for the
23 information of the Military Police Administration, so in accordance with
24 the agreement that was reached through the mediation of General Pellnas
25 and the Spanish Battalion of the UNPROFOR to implement everything that is

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1 written here. What's unclear about it?

2 To set up a joint military police teams of the HVO and the
3 BH Army that would patrol the town. Well, those patrols were to be
4 dressed in the same uniforms, without any insignia, to avoid a situation
5 where somebody would perhaps fire on them because it's impossible to
6 distinguish Croats from Muslims by their physiognomy. So I really don't
7 understand what's unclear here. If there's anything that's unclear,
8 please ask me. In paragraph 4, it says "a joint team."

9 JUDGE TRECHSEL: I will tell you. It's the time element. In a
10 few hours, this order must go to everyone whom it addresses, and then
11 they must -- again it goes to other commanders who must give orders, and

12 these orders must be executed. And I simply do not see how this is done
13 in a very few hours. So perhaps it just repeats an earlier order or
14 something like that, but the time-frame to me is not realistic. That's
15 all.

16 But let's leave it at that now. Maybe it's not that important,
17 after all.

18 MS. PINTER: [Interpretation] Perhaps I might be of assistance.

19 Under 2D00313, we have an exhibit, a joint press release by Petar
20 Zelenika and Arif Pasalic, and in this press release all those items are
21 listed. So it's an agreement of the 21st of April, and that document is
22 already an exhibit. And perhaps we can look it up in e-court and you can
23 see, in the document, that it is an order that is also being sent to the
24 4th Corps of the BH Army for their information, to let them know that for
25 their part, the HVO did what had been agreed the previous day.

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1 I only wanted to help.

2 JUDGE TRECHSEL: Thank you, and I appreciate that.

3 Let me put a different question. Was everything realised by 2.00
4 on that day? Was that complied with?

5 THE WITNESS: [Interpretation] Yes, yes. Well, in an effort to
6 achieve this agreement, Mr. Pellnas found me down there, and in an effort
7 to achieve this solution, I strongly participated in this from the rear,
8 from behind the scenes, so to speak. And it was signed by Mr. Zelenika
9 and Mr. Pasalic, and one had to act very quickly. Tensions were running
10 high, and I told you what happened with the group of the BH Army soldiers

11 who had come to the Bulevar. And the situation got complicated again.

12 After all this was complied with, but these are other problems.

13 JUDGE ANTONETTI: [Interpretation] Now, as far as the time element
14 is concerned, I would like to provide you with my modest contribution.

15 Now, I stand to be corrected. I'm looking at the B/C/S text, and
16 I believe this is a telex. If you look at the font of the words, one has
17 a feeling that this is a telex. And if you look at the left-hand side,
18 it says "RBiH," an abridged version, "HZ HB, HVO, OZ GIH." So clearly
19 time is of the essence. If you type this up, it takes five minutes for
20 an expert secretary, at the very least, and then two seconds later it's
21 transmitted via telex. We might have had an explanation had we had the
22 original text. We might realised then that right at the top when you
23 have a telex you have the time, the time it was sent, the day when it was
24 received, and so on. So had we had the original, we would have seen this
25 mentioned at the top of the page and perhaps on the other side, because

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1 this is a photocopy, we may have seen a stamp. The reason I'm saying

2 this is because I've already come across such a case.

3 Irrespective of this, and our colleague has mentioned this, all
4 the people arrested should be freed by 2.00 on the 22nd of April. This
5 is what I understand. All people arrested by the HVO and the ABiH must
6 be exchanged by 1400 hours, on the basis of all-for-all. So if there are
7 100 on one side, 100 people should be exchanged. If the telex is sent in
8 the morning, at 8.00 or 9.00, then you have enough time and ample time to
9 execute the order.

10 General Praljak, you have a better understanding of this type of
11 document than we have. Can you tell us whether this text in B/C/S could
12 be a telex sent by Mr. Lasic?

13 THE WITNESS: [Interpretation] By telex or packet communication.

14 Just one more thing, Your Honour. At the time, there were no
15 prisoners among the BH Army or the HVO because there had been no
16 conflicts preceding this. Some people, a small number, was arrested by
17 the military police of the HVO and the BiH Army during some minor
18 skirmishes. There were a lot of reports about some shooting, there was
19 some killings as well, and those people who, during the space of the two
20 or three days, were brought in by the two police forces had to be
21 exchanged, and it could have easily have been implemented within a short
22 period of time. And a lot of this was indeed implemented within a short
23 period of time. There was some positions taken in haste, there was no
24 front-line. This had the initial appearance of a future possible
25 conflict, but it was stopped and nipped in the bud.

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1 JUDGE ANTONETTI: [Interpretation] You have 20 minutes left. This
2 was pointed out to me by the Registrar.

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

4 Q. Mr. Praljak, let me go back to a statement of yours with regard
5 to this order. You said that when it comes to bullet point 11, if I
6 understood you properly, the tasks contained in there had to be performed
7 by the IPD Sector of the Defence Department, did I understand you
8 properly, because it says here -- I apologise. Let's not overlap. Let

9 me finish, and then you can take it from there. It says the assistant
10 commander of the operational zone of the commander for the IPD is
11 organising the meetings. Who was supposed to organise the meetings, the
12 assistant commander or the Sector for the IPD of the Defence Department?

13 A. Ms. Nozica, I really do not know whether you do not want to
14 understand, do not wish to understand, or is there something else?

15 Q. Mr. Praljak, this is not my question. Tell me this: Does it say
16 in the document the assistant commander -- and one more question. Is
17 this at all something that was sent to the IPD Sector -- I apologise.
18 The IPD Sector in the Defence Department, how should have the IPD Sector
19 in the Defence Department supposed to know whether Mr. Lasic issued this
20 order, if it was not even sent to their -- for their information? Just
21 tell us "yes" or "no."

22 A. Ms. Nozica, I'm not going to answer your question because my
23 answer should be what you want it to be. It is not necessary -- it was
24 not necessary for Mr. Lasic to forward this to the IPD. The assistants
25 would ask for the IPD to tell them what to talk about, what to discuss,

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1 what to discuss, what to relay to the soldiers.

2 Q. Thank you very much, Mr. Praljak.

3 A. Not at all.

4 Q. You've also told us, sir, that the chief of the SIS
5 Administration appointed the assistants in the units, the assistants for
6 SIS in the units. Did he appoint them or was he only proposing them?

7 A. He could have proposed their names. It could have been somebody

8 else who proposed them, but he appointed them, and he put his signature
9 on their appointment letters, and thus he became their chief.

10 Q. Mr. Praljak, could you please look at documents, since we are
11 talking about the appointments and whether he appointed them, and this is
12 contrary to the decision on the internal organisation of the Defence
13 Department. Let's look at the document P4756. I have just two documents
14 to show you.

15 I apologise. I really didn't -- wasn't able to prepare all the
16 documents. I did not envisage the direction of my cross-examination, but
17 both documents can be brought in the electronic courtroom because they
18 have already been admitted into evidence. So I hope we will be able to
19 bring them up in e-court.

20 This is the transcript from the meeting of the Defence Department
21 which was held on the 2nd of December, 1993. On the second page, if you
22 can look at bullet point 1 of the transcript from this meeting - we've
23 already seen it on several occasions - we can see that Mr. Matic
24 represented the Main Staff at that meeting; is that correct?

25 A. It is.

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1 Q. Under bullet point 2, it says that the book of rules and
2 regulations governing the work and organisation of the Security and
3 Information Service has been adopted, and it is also said here that Ivica
4 Lucic provided a keynote address, and he also pointed out that he has
5 encountered problems concerning the appointment of SIS officials at
6 brigade levels because he had never been consulted about their

7 appointment, and that in future this will no longer happen because the
8 decision on the internal organisation of the Defence Department precisely
9 regulates the appointment of such officials. He said this, Mr. Praljak,
10 on the 2nd of September. If he had said something that was not correct,
11 I'm sure that Mr. Matic would have intervened. Do you agree?

12 A. I don't know why Mr. Matic would have intervened, because Ivica
13 Lucic did not do his part of the job, vis-a-vis the service, as the
14 department allows him. He -- they were appointed, and he had to visit
15 every one of them and make sure that he was the one who appointed them.
16 If not, he would have -- he should have changed them or provided his
17 consent. He says, I didn't do my job because somebody else did it, and
18 then Matic should have intervened, according to you, but this is not
19 correct.

20 Q. Mr. Lucic did not do his job properly, somebody else did his part
21 of the job, and now we're moving from de jure to the de facto.

22 Let's look at document 2D944. This is also already an exhibit.
23 This is a list of HVO units and SIS members, dated 19 November, and I am
24 looking at this document just because of the date. The year is 1993.

25 Can we turn to the last page, both in English and in Croatian,

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1 the last page, please?

2 Mr. Lucic, in the month of November, in this report, which is
3 submitted to Mr. Biskic, as we can see, he says here:

4 "The majority of SIS personnel and units, their zones, brigades,
5 battalions and MTDs, were appointed in violation of the valid decision on

6 the internal organisation of the Defence Department dated 20 May 1993,
7 which prescribed the procedure for appointing personnel to individual
8 posts in -- and they don't have legal decisions to support their
9 appointments. The proper procedure envisages that the assistant minister
10 for security either appoints or proposes SIS personnel to be appointed to
11 certain posts in the manning table. This procedure has mostly been
12 violated so far in the way that brigade commanders appointed SIS
13 personnel without seeking the approval of the assistant minister for
14 security."

15 Mr. Praljak, at the very beginning of my cross-examination we
16 stated, as far as I remember, that the practice, when it came to
17 appointment and many other things, was contrary to what was prescribed
18 because of the times and the practice could not follow the procedure; is
19 that correct?

20 A. Judging by this document, it must be correct. I know that there
21 are problems there. But look here, from the month of May until the month
22 of November, he did not do his job. In the month of September, he said
23 he would do it, he would follow the procedure, so he was -- what he was
24 supposed to do was to tour the brigades and act in accordance with the
25 regulations. This means that this man violated regulations and didn't do

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1 his job properly. And since he didn't do his job properly, what you are
2 saying now is that the brigade commanders -- but, Ms. Nozica, this is not
3 correct. People were supposed to do their job. If they didn't do it
4 properly, it is inappropriate to say that the system was different,

5 because they did not implement the system.

6 Q. Mr. Praljak, I didn't say anything -- I didn't say anything about
7 the system. I just followed up on your remark that they were appointed
8 by the assistant. Your remark was that the assistants for SIS in the
9 units were appointed by the assistant for SIS or the chief for SIS of the
10 head of the Defence Department. I showed you the documents that show
11 what they show, and they show us that the practice was completely
12 different.

13 And just one more document that I would like to show you, which I
14 owe you. I have not prepared it. It is P6137. This is an order on
15 investigation about the events in Stupni Do. You told us that the order
16 was also provided to Mr. Bandic, the order for investigation. I just
17 want to -- you know this, you remember this order. It was, as we can
18 see, provided to the OG commander, Ivica Rajic, as well as the commander
19 of the Bobovac Brigade, Emil Harah. It arises from this order, as we can
20 see, that this was not provided to the SIS Administration and especially
21 not to Mr. Bandic; is that correct?

22 A. Correct. Milivoj Petkovic provides a very precise order about
23 what the military part had to provide him with. I adhere by my words
24 that the SIS has to do its job, irrespective of the order given to it by
25 Milivoj Petkovic.

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1 Q. I'm going to show two more documents referring to the IPD. I
2 have sidetracked a little, but now I'm coming back to the IPD.

3 Let's now look at the way the assistant commanders for IPD in the

4 brigade report and who they report to. If we can look at document 2D653.
5 You can also refer to e-court. I would like to see the top of the
6 document, please, in the Croatian version.

7 It says here the assistant brigade commander for IPD,
8 Marin Zadric, who informs about an event which is not unimportant. It's
9 an important event. He informs the Main Staff, the operations zone -- to
10 operation zone the Rama Brigade and Mr. Dinko Zebic. Do you know where
11 his position was in the month of April?

12 A. No, I can't remember.

13 Q. He also informs Mr. Siljeg, and Veso Vegar as well. Mr. Praljak,
14 can you remember whether the information in question from the IPD, the
15 lower levels of the IPD, did it also arrive at the Main Staff? Can you
16 confirm this?

17 A. Yes, it was their duty to inform -- I apologise. Ms. Nozica,
18 they were duty-bound to inform units in the vicinity of the Main Staff
19 what was going on. That was their duty.

20 Q. And the last topic, Mr. Praljak -- I don't have much more time
21 and I'm not going to be able to show you a lot of documents, but I
22 believe that I have to still show a few. If we can bring up 3D1184,
23 please.

24 A. Yes, yes.

25 Q. This document was shown to you during direct examination. This

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1 is a weekly report. The following documents are directly referring to
2 the work of the SIS. This is a weekly report which was submitted, as we

3 can see from the stamp, to the SIS in Mostar, to the Defence Department
4 there, and it was sent by Mr. Markesic, who at that point in time was
5 employed at the SIS Centre Rama; is that correct, Mr. Praljak?

6 A. Yes.

7 Q. In addition to the SIS Centre, at the time there are also
8 assistant commanders for SIS in the area in all of the units that existed
9 and were deployed in the area?

10 A. I suppose so, but I can't tell you with any degree of certainty.

11 Q. Let's look at the following document, the next one in your
12 binder, which is 3831. I believe that Judge Antonetti has already shown
13 you this document. These are all reports, the way they were sent and
14 received, and who they were addressed to.

15 Here, you see that in the original somebody added the words
16 "Weekly Report." Mr. Luka Markesic is the signatory of this report. The
17 date is 31 July, and at that time he was in the Rama Brigade. He was in
18 charge of SIS there, and he reports about the events to the SIS of the
19 OZ, the commander of the OZ, and the Rama Brigade commander; is that
20 correct?

21 A. Yes.

22 Q. So it would be true that this is the way the brigade's SIS
23 service functioned?

24 A. But you see, Ms. Nozica, there are obviously procedures and how
25 things should have been, and you see that at 1.00 after midnight, I was

1 the one who held the meeting with the military police and in the previous

2 document as well. Of course, he has to -- and if you saw this, he speaks
3 about the security on the front-line. In other words, these things are
4 all intertwined. It is not right that he informed his SIS about the
5 security on the battle-field, whether I was behaving well and if I was
6 good for the area, whether the situation had improved, the state of
7 crime, whether the military police is functioning properly? Of course,
8 that -- irrespective of the fact that he sent it to the SIS
9 Administration that should have been specially engaged, he was duty-bound
10 to send this to the brigade commander, because all of us, for crying out
11 loud, we were all responsible if something didn't go well. You couldn't
12 turn a blind eye and say, Okay, this is not functioning, but we will let
13 things rest. Things should be different, but they're not. I've already
14 spoken about the things that he's speaking about at the end, that the
15 military police should be brought in. Yes, that's true, but where from?

16 It is true that maybe one couldn't do more, but at least let's
17 stick to the way things should have functioned.

18 Q. Mr. Praljak --

19 JUDGE TRECHSEL: Excuse me, a very short question.

20 Mr. Praljak, did you receive this report at the time?

21 THE WITNESS: [Interpretation] No, I did not, Your Honour. I knew
22 about this because I was up there, so I, of course, knew about it.

23 JUDGE TRECHSEL: You also knew about the group of 17 Muslim
24 prisoners sent to Bugojno to dig trenches?

25 THE WITNESS: [Interpretation] No, nobody informed me about that,

1 and this was a time when --

2 JUDGE TRECHSEL: Thank you.

3 THE WITNESS: [Interpretation] I'm speaking generally -- in
4 general terms.

5 JUDGE ANTONETTI: [Interpretation] Something surprising,
6 General Praljak. This report, which was sent to the SIS operations zone,
7 very good, but if this report had been sent to the Department of Defence,
8 a legal specialist at the Department of the Defence who reads this
9 report, would he have realised that 17 Muslims had been sent to dig
10 trenches, and then he could have warned the commander of the HVO to say,
11 Look, there's a problem? Now, the fact that the report has stopped at
12 the operations zone level, was that not a source of loss or lack of
13 information in respect of the higher authority?

14 THE WITNESS: [Interpretation] No. On the 31st of July,
15 Mr. Luka Markesic was the assistant for SIS in the Rama Brigade, and,
16 ex officio, he sent that to the SIS of the operations zone, and the SIS
17 of the operations zone, in a report of theirs, will send it to the chief
18 of SIS.

19 As you were able to see in the previous document, when
20 Mr. Markesic became the head of the SIS Centre for Rama, that is to say,
21 when he was promoted to a higher post, he sent the report to the SIS
22 Administration, the SIS Administration, that is to say, Ivo Lucic, who
23 then probably had his lawyers and so on and then acted according to the
24 information that they gained in conducting interviews and so on and so
25 forth, because apart from the fact that he notes that 17 -- somebody took

1 17 people off, it was his duty now to investigate and see who the man was
2 and name him, first and last name, or to ask the assistance of a higher
3 service in the operations zone to send out more people to investigate.
4 That's the crux of the matter.

5 JUDGE ANTONETTI: [Interpretation] Now, if this document had been
6 sent up to the upper echelons, they no doubt would have realised that
7 there was a dual problem in paragraph 4, because it is mentioned that a
8 woman was killed there during a mop-up operation. So that already raises
9 the problem. That woman, was she a civilian, was she a combatant? It's
10 a problem. If she was a civilian, why was she killed? So already that
11 should have put people on alert. And then we see that there were houses
12 that apparently were set on fire by unknown perpetrators. Now, that,
13 too, raises a problem. If there is a military operation, how is it that
14 during that military operation fire could be set to houses, unless the
15 soldiers themselves did that? So someone in his office, I don't know
16 where, reading this would say, Well, several problems are raised by this
17 report.

18 Now, if it stops at the operations zone level, where is the
19 control? You say that the SIS and IPD, their main task was to exercise
20 control over the action taken by the brigade commander. Now, if it stops
21 at the operations zone's level, how is that control exerted? If we
22 follow what you are saying, which is a logical standpoint, of course,
23 well, this type of report should have gone directly to the Department of
24 Defence so that, if needed, if Mr. Stojic was informed, the minister of

25 defence would have called you and said, General Praljak, what's this

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1 operation about, what's going on? If things are working well at the
2 level of Mr. Stojic, how can control actually take place?

3 THE WITNESS: [Interpretation] Well, Your Honour, I didn't
4 actually say that, that it reached Mr. Stojic and that Mr. Stojic could
5 control that. The SIS Centre in Rama was set up precisely in order to
6 uncover, in a certain operation -- well, I saw that two houses were on
7 fire. That's not contentious. But now we come to the problem, and the
8 [indiscernible] of the matter, who and how set fire to those two houses?
9 So I'm going to ask the commander, and he's going to say he used an
10 inflammatory bullet because it was twilight, getting dark, so that I
11 could see, and then I set fire to the roof. And that is militarily
12 understandable.

13 But how was this woman killed that you came across here? It was
14 precisely the task of this man -- he's a very honest and decent man and
15 did his job well, so the problem wasn't in intentions, but in that he
16 just had one man, probably, and an old car, and that the number of
17 problems were such that he wasn't able to uncover this, although there's
18 a document which we don't have here where one or two killings were
19 uncovered straight away and the perpetrators arrested.

20 So, Your Honours, it wasn't a question of what they wished to do,
21 their intentions, but what they could do, given the circumstances. It's
22 easy to say, Well, Mr. Stojic should have done such and such, but what
23 could he have done?

24 JUDGE ANTONETTI: [Interpretation] You say the question is not
25 what we want, but what we can do. Unfortunately, in international

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1 humanitarian law, there are obligations, duties, that military officers
2 are bound to. They are not responsible on the basis of what they can do,
3 but under the obligations that arise from the relevant texts. That's the
4 problem here.

5 Anyway, Ms. Nozica has only three minutes left.

6 THE WITNESS: [Interpretation] Well, Judge Antonetti, Your Honour,
7 on the basis of prescribed duties -- well, on the basis of prescribed
8 duties and obligations, the American soldier -- because Mi Lai wasn't
9 taken to task, but the people who did that, not the commander. So I
10 state that 24 hours 'round the clock, I tried to do something. Now
11 you're going to blame me and hold me guilty because I don't have wings,
12 but I am assigned a task and then that is monitored to see how I carry
13 out the task; orally, in writing, because I want to. Well, you're not
14 going to take the mayor of Paris to task because there are ten killings
15 every day, whereas the provisions say that killings are not permitted. I
16 did my job very honestly and diligently, but because of the law of
17 gravity, you can't stay up in the air if they throw you off a third --
18 the third floor of a building. I would fall, too.

19 Markesic did his best, and we did catch dozens of people. They
20 were put into prison and prosecuted. But, for heaven's sake, and I can't
21 be held responsible for the catastrophe facing the world because I could
22 not have uncovered it. Well, how should I have done that, if I issue

23 honest orders or if I perhaps beat people up? Or hold on a minute --

24 JUDGE ANTONETTI: [Interpretation] We have understood what you are
25 telling us. You are telling us that you cannot control everything 24

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1 hours a day. This is something you have said already and which you are
2 saying again. It's on the record.

3 I believe my colleague would like to ask you a question.

4 JUDGE TRECHSEL: Indeed.

5 Mr. Praljak, I may misunderstand the top part of this document,
6 but it seems to me that it was also sent to the commander of the
7 operations zone; is that correct?

8 THE WITNESS: [Interpretation] You mean P831?

9 JUDGE TRECHSEL: 3831.

10 THE WITNESS: [Interpretation] Yes, it was sent to the SIS of the
11 operations zone, the commander of the operations zone, and the commander
12 of the Rama Brigade.

13 JUDGE TRECHSEL: Thank you. Now, today, earlier, we have again
14 seen all those wonderful orders about how commanders must intervene to
15 prevent crimes. This document rather clearly speaks of a war crime,
16 taking prisoners to work on trenches. What did the zone operator do, the
17 commander of the operations zone? Did he do his duty?

18 THE WITNESS: [Interpretation] Well, I'll repeat this for the
19 hundredth time.

20 On the 31st of July, Your Honours, at least 15.000 soldiers of
21 the BH Army, from the 24th onwards, attacked me 'round the clock, 24

22 hours. You say there's no war, I don't have 20 dead a day, I don't have
23 sabotage units infiltrated. Well, let's discuss it this way: I don't
24 know what the zone's commander undertook, because we don't have a name as
25 to who took the prisoners out for trench-digging. It was SIS's duty, so

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1 SIS is still searching. It made an observation, concluded something, and
2 for the operations zone command or Rama Brigade command or Praljak to do
3 something, this man has to say who did it, who committed the act, and
4 launch an investigation.

5 JUDGE TRECHSEL: And in other cases, we have seen that commanders
6 order such an investigation, but apparently not here.

7 THE WITNESS: [Interpretation] Judge Trechsel, Your Honour, the
8 SIS Centre ex officio would do this.

9 JUDGE TRECHSEL: Well, did it, did it?

10 THE WITNESS: [Interpretation] It was their duty to. Well, yes,
11 they were conducting an investigation, he says, I talked to these people,
12 I investigated that, I asked about this. So when he's tabling this
13 report, he knows about the fact, and he is duty-bound to continue his
14 investigations further.

15 JUDGE TRECHSEL: Sorry, sorry. There seems to be no trace of
16 such an investigation, you just say so; correct?

17 THE WITNESS: [Interpretation] How do you know there is no trace?
18 Because we don't have such a document, is that why? Now, at 1.00 a.m. I
19 convened the military police. I shouted at them to get moving and take
20 action about unrest of this kind and unruly behaviour of this kind.

21 JUDGE TRECHSEL: I thought you did not know about these prisoners
22 being taken to work in trenches. Did you know?

23 THE WITNESS: [Interpretation] Well, no, I didn't know,
24 Your Honour. I know about -- knew about the general quantity of
25 disruptive behaviour, and the fighting we were engaged with, and the

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1 dozens of wounded that we had to see to, and everything else. All this
2 looks quite different if you look at it in a laboratory with a -- in a
3 test-tube, rather than knowing the situation as it was.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, irrespective
5 of war crimes, this document also mentions something which, in military
6 and technical terms, should have alerted the commander of the operations
7 zone. It says that the middle of the text that there was an anti-tank
8 mine that had been buried "on our territory," and a civilian had been
9 killed and an 11-year-old child had been injured, as well as a soldier,
10 which means, in military terms, that the "enemy," in inverted commas, had
11 managed to place an anti-tank mine on your territory controlled by the
12 HVO, and this had caused some damage. The operations zone's commander
13 should have wondered how it was possible for the lines to be infiltrated
14 for someone to pose such a mine. This could have been an issue, in
15 military terms, unless one thinks that this mine had been there for a
16 very long time. I don't know.

17 This document is extremely well drafted and addresses all the
18 issues. It should have been used by the commander. This is what the
19 Judges would like to know, whether such a document is a document which is

20 useful for the commander or not. This is a question one could put to an
21 operations zone commander. Well, you might not be able to answer because
22 you are not one of the addressees of this document.

23 THE WITNESS: [Interpretation] I was there at that time, Your
24 Honours, and our positions were hollow; that is to say, we didn't have
25 enough soldiers. The operations commander was at the front-line,

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1 pursuant to my order, for many days with a rifle in his hands. And 1500
2 soldiers came in from Bugojno. They didn't look like human beings at
3 all. And 15.000 refugees came from Bugojno, who didn't look like humans
4 at all, in a small town which just has 3.000 inhabitants normally. And
5 so our lines were hollow. I would take a step forward and two steps
6 back, or one step forward, one step back, and this went on day and night.

7 You have to put up 15.000 people, take them towards Croatia.
8 1.500 soldiers were distraught, not all of them, but a large number
9 had lost their nearest. So this was a situation that the French
10 Ministry of Defence would have to deal with, with all the resources it
11 has at its disposal, that kind of institution of that size and capacity.

12 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, I told you that you
13 had three minutes left.

14 MS. NOZICA: [Interpretation] Your Honour, I will do my best.

15 Q. Mr. Praljak, you said that the SIS in the operational zone, the
16 major addressee was supposed to inform the SIS Administration in Mostar;
17 is that so?

18 A. Yes, the logic dictates that that would be the case.

19 Q. And the commander of the operational zone, whom did he have to
20 inform, according to the logic of the matter?

21 A. About what?

22 Q. Well, we were talking about the document, and you said, speaking
23 about this document, that the operational zone SIS was supposed to inform
24 the SIS Administration?

25 A. Well, the Main Staff.

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1 Q. Very well. But here we see, when it comes to the actions that
2 are to be taken when the obligation is in place, whose obligation. You
3 said that this was a document from the SIS Centre. Well, this is not a
4 document from the SIS Centre.

5 A. That's not what I said.

6 Q. That's what I understood.

7 THE INTERPRETER: The interpreters' note: The speakers are
8 kindly asked not to overlap, because we will stop interpreting.

9 MS. NOZICA: [Interpretation]

10 Q. On the 31st of July, 1993, Mr. Luka Markesic was the chief in the
11 Rama Brigade SIS, and Mr. Praljak, I will conclude by saying that this
12 document was sent to the Rama Brigade commander. That's not
13 controversial.

14 Can we look in the e-court. Just once again, you said it was the
15 obligation of the SIS Centre to undertake an investigation, but let us
16 look again - that's my last document and my last question - whose
17 obligation it was under Article 27 of the Decree on District

18 Military Courts. It's the document P00592. I will read it. You don't
19 have to read it.

20 Your Honour Judge Antonetti, I said it just for the transcript,
21 it says:

22 "The commander of a military unit and of a military establishment
23 is duty-bound to take all measures to prevent the perpetrator of a crime
24 being prosecuted ex officio, not to be able to conceal himself or
25 abscond, to preserve all the evidence of a crime," and so on and so

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1 forth.

2 So you have already been shown this, and you answered when
3 Judge Antonetti asked you about this. And in light of the fact that the
4 commander of the brigade was informed about all those events, was he then
5 duty-bound to ensure that the investigative actions are taken, as is
6 indicated here?

7 A. He could have done it, but he was not duty-bound. It says here a
8 perpetrator of a crime, if a commander observed or caught them. Well,
9 you can see what it says here, that he doesn't hide or abscond. The
10 brigade commander cannot even catch him, because the act -- the crime
11 happened three or five days ago.

12 Q. Just one follow-up question, and then I'll complete my
13 examination.

14 And is it not that the brigade commander was supposed to order,
15 and perhaps he may have done so - we don't know that - to his assistant,
16 Find this person, interrogate that person? Was that the duty?

17 A. What person?

18 Q. Well, the person who committed something in his area of
19 responsibility, something that constitutes a crime.

20 A. No. This was the duty of the assistant for SIS to do that.

21 JUDGE PRANDLER: It is high time that you would accept, first of
22 all, that the three minutes are over, number 1.

23 Number 2, the -- actually, what we have heard from the
24 interpreters, that they will stop interpreting if you continue this
25 overlapping, and I am fully with them. So please kindly obey the orders.

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1 Thank you.

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

3 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, Judge Prandler has
4 just said that your three minutes were over. You need to finish. If you
5 have one last question, put it straight away, and then we shall have the
6 break, since we need to keep an eye on the time.

7 MS. NOZICA: [Interpretation] Your Honour, I accept fully what
8 Judge Prandler said.

9 This completes my cross-examination, but I would like to
10 apologise. It's impossible, Your Honour Judge Prandler -- well, I
11 apologise to all the interpreters. Sometimes it is impossible to control
12 over every word and to say it as slowly as one should because, after all,
13 this is a job that sometimes gets us carried away, even us lawyers, who
14 should really be aware of it, and let alone the witnesses. It's
15 impossible to do it. I'm trying to, and I obviously am not succeeding,

16 so I apologise once again.

17 JUDGE ANTONETTI: [Interpretation] Thank you, Ms. Nozica.

18 I would also like to say that I am at fault sometimes because I
19 speak too fast, and I'm also responsible for this.

20 We're going to have a break now.

21 Mr. Stringer.

22 MR. STRINGER: Just one quick item, Mr. President. I could offer
23 perhaps a clarification.

24 There was some testimony earlier about Exhibit P02030, 2030. It
25 was the document that Judge Mindua had asked about, and then

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1 Judge Trechsel had a number of questions about the time-frame, execution
2 of Miljenko Lasic's order. Ms. Pinter directed the Trial Chamber to a
3 press release. I thought I would -- I could also direct the Trial
4 Chamber to P02054. The general made a reference to General Pellnas who
5 was involved at the time in those events, and 2054 is General Pellnas's
6 report about that time-frame, the 19th, 20th, to the 22nd of April, and
7 it provides additional background about the events that led up to the
8 document that Judge Trechsel and Judge Mindua asked about.

9 So thank you.

10 JUDGE ANTONETTI: [Interpretation] Thank you for your
11 clarification. We shall scrutinize Exhibit P02054, which is
12 General Pellnas's report.

13 We shall have a 20-minute break.

14 --- Recess taken at 5.47 p.m.

15 --- On resuming at 6.08 p.m.

16 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, you wanted to say
17 something?

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

19 I tried to complete my examination in the time that was allotted
20 to me, and at the same time the objections to my speed were quite
21 justified, and I failed to thank Mr. Praljak for his answers. And I'm
22 sorry for failing to do so before.

23 THE WITNESS: [Interpretation] Thank you, Ms. Nozica.

24 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, you have the
25 floor.

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1 MS. ALABURIC: [Interpretation] Thank you very much, Your Honours.
2 A very good afternoon to you and to everyone in the courtroom.

3 Since I do not have as much time as I expected, I prepared my
4 cross-examination last week, but I will have to reorganise it now because
5 of the circumstance, and I will have to skip documents that are in your
6 binders. We will deal with binder number 1, the first topic, borders of
7 the former Yugoslavia. And if I have enough time, I will go back to some
8 of the documents in this set at the end of my cross-examination.

9 Now I would like to skip this and go to the next topic behind the
10 second blue tab, and that's the conflict between the BH Army and the HVO.

11 JUDGE ANTONETTI: [Interpretation] One moment, Ms. Alaburic. I'm
12 sorry, you're telling us that you didn't have time. You have been
13 granted 45 minutes. If you feel you need some extra time, we will take

14 it off your time credit, because you have been granted a certain number
15 of hours. It's for you to decide. If you would like to have an extra
16 hour, this will be taken off the extra time which has been grant -- or
17 the time granted to you to hear all your witnesses.

18 MS. ALABURIC: [Interpretation] Your Honour, thank you very much
19 for this offer. And if you allow me, I would like to postpone my final
20 decision on this until the end of my cross-examination, because
21 unfortunately you now brought me into a situation where I have to choose
22 between the testimony of my own client and General Praljak, so I have to
23 think about the repercussions of both options.

24 So let us now move to the second set of the documents. The topic
25 is the duration of the conflict between the BH Army and the HVO. It

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1 seems to me that this quite important and should serve well by way of
2 introduction.

3 Cross-examination by Mr. Alaburic:

4 Q. Could you please look at the first document that you have,
5 document 2D1183, 2D1183. That's the Law on Special Rights enjoyed by
6 persons who receive military rewards and citations.

7 Please go ahead, Your Honour.

8 JUDGE TRECHSEL: Ms. Alaburic, I would be most grateful if you
9 could say which binder it is. I seem to have found it now. It's in
10 binder 1, the first one in orange colour. Is that where we are?

11 MS. ALABURIC: [Interpretation] Yes, Your Honour, it's in binder
12 number 1, but it's not the first topic. The first topic is borders of

13 the former Yugoslavia, the republics from the former Yugoslavia. But it
14 is the second topic.

15 JUDGE TRECHSEL: Thank you very much.

16 MS. ALABURIC: [Interpretation]

17 Q. General Praljak, I'm only interested in Article 1 of this law,
18 where it says that the defence -- the war of defence and liberation in
19 Bosnia and Herzegovina lasted from the 18th of September, 1991, until the
20 23rd of December, 1995. General Praljak, could you tell us, if you know,
21 what happened in September 1991, on the 18th of September?

22 A. It was the attack on the village of Ravno.

23 Q. And do you know what happened on the 23rd of December, 1995,
24 which is the last day of the war?

25 A. I think it was the signing of the Dayton Agreement.

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1 Q. Very well. So if we now calculate how long the war in Bosnia and
2 Herzegovina lasted, in accordance with the legislation, that would be
3 four years three months, or a total of fifty-one months. I think I
4 calculated this correctly.

5 A. Yes, you did.

6 Q. Let us look at what was going on in 1991 between Croats and
7 Muslims. In 1991, were Croats and Muslims in any kind of a war conflict?

8 A. No.

9 Q. In 1992, if we disregard the sporadic incidents, in particular
10 the one in Prozor in October 1992, can we then say that, as a rule, in
11 1992 there were no conflicts, armed conflicts, between Croats and

12 Muslims?

13 A. Yes, that's correct.

14 JUDGE TRECHSEL: Excuse me. A question of mathematics. My
15 calculations make 41 and a half months.

16 MS. ALABURIC: [Interpretation] Your Honour Judge Trechsel, well,
17 I rounded off the figures. That's why I said "51." But if you say it's
18 51 and a half, well, that's not the problem.

19 JUDGE TRECHSEL: No, 48 and a half.

20 MS. ALABURIC: [Interpretation] No, Your Honour. Four years,
21 that's 48 months.

22 JUDGE TRECHSEL: I'm sorry, I've got the wrong date. I deeply
23 apologise. My time.

24 MS. ALABURIC: [Interpretation]

25 Q. Let's move on to the year of 1993. If we disregard the events in

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1 Gornji Vakuf and in Central Bosnia in January, can we agree that the open
2 conflict between the BH Army and the HVO did not exist up until sometime
3 in mid-April 1993?

4 A. Yes, we can agree.

5 Q. Can we also agree, General, that from mid-April 1993 until the
6 30th of June, 1993, that there were conflicts, but at the same time there
7 were intense negotiations to achieve a cease-fire and a peaceful solution
8 for the conflicts?

9 A. Yes, we can agree on that. Those efforts on our part continued
10 even later on, but were in vain.

11 Q. If I understand your evidence correctly, on the 30th of June,
12 1993 -- well, you mark that day as a watershed of sorts, and you say that
13 a total, all-out war began on that day; did I understand you correctly?

14 A. Yes. After that, there was no going back until the military
15 situation was resolved, until it could be seen whether the BH Army would
16 achieve its goals or not.

17 Q. In this courtroom, other persons said the same, and I will just
18 list Witness BC, who at page 18337 of the transcript, said that this
19 event in late June fundamentally changed the situation. Would you agree
20 with this assessment by Witness BC?

21 A. Yes, that's correct. One could say that in Central Bosnia, it
22 was a little bit earlier, from their point of view, but generally
23 speaking that was the day after which, unfortunately, the war escalated.

24 Q. So we're in the year 1994. Can we agree that the conflict went
25 on up until the end of March 1994, more or less, and that the Washington

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1 Agreement was signed then?

2 A. Yes, that's correct.

3 Q. That would mean, General Praljak, that from approximately 1st of
4 April, 1994, the BH Army and the HVO, and the civilian authorities, were
5 working together and were working intensively on finding ways to work
6 together; is that so?

7 A. Yes.

8 Q. And in 1995, which is defined here as a war year, the cooperation
9 between Bosnia-Herzegovina and the HVO was completely unobstructed, they

10 fought the same enemy; is that correct?

11 A. Yes.

12 Q. I'm sure that Judge Trechsel will correct me if I'm wrong, but
13 according to my calculation the conflict between Croats and Muslims
14 lasted approximately for 12 months, from mid-April 1993 until the end of
15 March 1994. Would that be the case, General?

16 A. Yes, and the all-out war actually lasted even less.

17 Q. Now, if we take only this period and correlated it to the whole
18 of the war period, we will see that the conflict between Croats and
19 Muslims in Bosnia and Herzegovina existed in the course of the 23 per
20 cent of the overall war, which would mean that in 77 per cent of the
21 wartime period, Croats and Muslims were allies, fighting a common enemy.
22 General, your mathematical mind has probably come up with the figures
23 already, and could you agree with my calculations about the time when
24 cooperation existed?

25 A. Your calculation is good. But, Ms. Nozica [as interpreted], you

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1 also have to say that the conflict between Croats and Muslims did not
2 take place in the entire territory of Bosnia and Herzegovina. There were
3 a number of areas where the HVO and BiH Army were not in conflict.

4 Q. We'll come to that. I know, General Praljak, that my learned
5 friend Ms. Nozica made quite an impression on you, but let me remind you
6 that my name is Ms. Alaburic. I know you know that and you misspoke when
7 you called me "Ms. Nozica."

8 Okay, well, let's look at the next document. I would like us now

9 to analyse the cooperation with the Croatian Army. Let us look at
10 4D1297, 4D1297. These are conclusions reached at a meeting in Jablanica
11 attended by the HVO and BiH Army on the 29 [as interpreted] February
12 1995. The representatives were Tihomir Blaskic and Rasim Delic.

13 General, the year 1995 was the year when the Federation of Bosnia
14 and Herzegovina was already in place; is that correct?

15 A. Yes.

16 Q. Let's look at bullet point 3 in these conclusions.

17 I would like to correct the date on the record. The conclusions
18 were reached on the 22nd of February, not 29 February, as has been
19 recorded.

20 Let's look at bullet point 3. It says:

21 "Measures shall be taken to initiate a meeting between the chief
22 of the Main Staff of the HV, Army General Janko Bobetko, the chief of the
23 Main Staff of the HVO, Major General Tihomir Blaskic, and the commander
24 of the General Staff of the BH Army, General Rasim Delic, to agree on
25 joint tasks in the struggle against the Serbian-Montenegrin aggressor,

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1 and this will be within the context of terminating UNPROFOR's mandate."

2 General, am I to conclude from this that in February 1995, the
3 representatives of the HVO and the BiH Army wanted military cooperation
4 with the HV, with the Croatian Army, in the struggle against the Serbian
5 and Montenegrin aggressor? Was that indeed the case?

6 A. Yes, that was the case. This resulted in an operation that
7 prevented Bihac from experiencing the destiny of Srebrenica.

8 Q. Can we now look at bullet point 10, where it says:

9 "To continue the joint struggle against the Serb and Montenegrin
10 aggressor, the joint command will have the role --"

11 I'm interested in this joint staff. Was that joint staff ever
12 established?

13 A. Yes, it was.

14 Q. Could you please look at the following document, which is 4D1454.

15 This is a memo coming from the Ministry of Defence of the Republic of
16 Bosnia and Herzegovina, covering the conversation that took place in
17 Sarajevo on the 14th of June, 1994, or, rather, the talks held in
18 Sarajevo on 14 June 1994. General, you were present at that meeting. Do
19 you remember the meeting?

20 A. Yes, I do.

21 Q. At the end of the document, could you look at bullet point 3,
22 where it says:

23 "The concept of the defence of the Confederation."

24 And it says:

25 "It has been agreed to form a joint team which will start working

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1 as soon as possible.

2 "General Anton Tus will head the team on behalf of the Republic
3 of Croatia."

4 A. Correct, yes.

5 Q. That's how it was?

6 A. Yes.

7 Q. So according to this document, General Praljak, in June 1994
8 there were already talks about the establishment of a joint staff, a
9 joint team, and a joint operation involving the BiH Army and the Croatian
10 Army; was that the case?

11 A. Yes. This was with the blessing and after a lot of persuasion by
12 the American side.

13 Q. General Praljak, during your testimony so far, you have told us
14 that the then president of the Republic of Croatia, Dr. Franjo Tudjman,
15 proposed a military agreement to Alija Izetbegovic at the outset of the
16 conflict in 1992. Was that the case?

17 A. Yes. He even proposed that much earlier, as we could see in
18 Filipovic's book. Even earlier than that, Bosnia-Herzegovina was urged
19 to adopt cooperation between Slovenia, the Republic of Croatia, and
20 Bosnia-Herzegovina. However, this was to no avail.

21 Q. If I recorded your words properly, you told us that
22 Alija Izetbegovic had not accepted that proposal because he did not want
23 to antagonise the Serbs; is that correct?

24 A. Yes, it's correct. This was the card that he still wished to
25 play, a possible agreement with the Serbs.

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1 Q. General, in 1994 and 1995, if there had been a military
2 cooperation between the two armies of Bosnia-Herzegovina and the Croatian
3 Army, or, rather, would you say that that cooperation which existed was
4 successful, and is it true that the Americans stopped the Croatian Army
5 at the very entrance into Banja Luka?

6 A. Yes, that's true. If there hadn't been the agreement in place
7 and the green light was not given by the Americans, Bihac would have
8 fallen and the Croatian Army, which was cooperating with the HVO and the
9 Bosnia and Herzegovina Army, would not have succeeded. As things stand,
10 it did succeed to suppress the Army of Republika Srpska and did reach
11 Banja Luka, and it was fully prepared to record a full military success.
12 However, there was a telephone call to President Tudjman to stop the
13 army. The Dayton Accord was signed, and the Serbs were given 49 per cent
14 of the territory, which is absolutely inconceivable.

15 Q. General, I have a question for you now which for some other
16 witness might be a call for speculation. However, given your knowledge
17 of the situation on the ground, I believe that your answer will not be
18 speculation, but rather an assessment that will be given some weight in
19 those proceedings. My question to you is this: If, in 1992,
20 Alija Izetbegovic had accepted the invitation for military cooperation
21 with the Republic of Croatia, would the war in Bosnia and Herzegovina
22 against the Army of Republika Srpska have been different than it was in
23 the 51 months?

24 A. Absolutely correct.

25 MR. STRINGER: [Previous translation continues]... General. Just

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1 for the record, Mr. President, we do object to the question. It does
2 call for speculation, and it's really not testimony that's useful. Reams
3 have been -- could be written about what could have happened, what might
4 have happened, if this or that had happened, and so this sort of

5 speculation is not helpful.

6 Thank you.

7 MS. ALABURIC: [Interpretation] Your Honours, I expected this kind
8 of objection. That's why my question was preceded with the introduction.
9 I still believe that this is not speculation and that General Praljak has
10 demonstrated his analytical capabilities and inclinations, and that he
11 also showed us that he is very knowledgeable and well informed about the
12 situation.

13 Q. One more question about this. If the military cooperation with
14 the Republic of Croatia had started in 1992, is it absolutely certain
15 that there would never have been a war between the Croats and the
16 Muslims? What do you think about that, General Praljak?

17 A. I don't believe that the first question was a call for
18 speculation.

19 If, in 1992, we managed to liberate Stolac and Mostar and stop
20 them at Livno with the newly-created HVO, if we had been together with
21 the BH Army and the Croatian Army, and in Bosnia-Herzegovina you're
22 talking about at least 250.000 to 270.000 armed men, I'm absolutely
23 certain when I say that the Army of Republika Srpska would not have been
24 able to prevail. It would have been defeated much sooner, there's no
25 doubt about that, just like it was defeated in 1995, but of course with

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1 the proviso that the world powers had accepted that. However, when they
2 said stop, we had to stop because they were conducting the course of the
3 war, they were masterminding the war.

4 Q. Can we now summarise the 12 months of conflict between the
5 Muslims and Croats in Herceg-Bosna. I tried to calculate how much of
6 that time would apply to my client, as the leader of the Main Staff, and
7 I established that General Petkovic was in the position for three months
8 and eight days. You were in that position for three months and sixteen
9 days, so a few days longer, which is neither here nor there. And then
10 General Roso was the commander of the Main Staff for over five months, or
11 almost half of that period of war. Would that calculation be correct?

12 A. Yes.

13 Q. General Praljak, I apologise for putting to you some questions
14 that I, myself, would --

15 JUDGE PRANDLER: Ms. Alaburic, I'm sorry to interrupt you. You
16 have now cited the number of months whereas actually General Petkovic and
17 General Praljak were in the position of the chief of staff, and also you
18 mentioned General Roso. Now, somehow so far I had in mind about some
19 other fears. Are you sure that it was three months and eight days,
20 et cetera, because I -- for example, what I knew -- what I remember, and
21 I stand to be corrected, General Praljak was almost there as chief of
22 staff for six months. So I wonder if I may get some verification on this
23 issue.

24 MS. ALABURIC: [Interpretation] Yes, Your Honour Judge Prandler, I
25 don't have the dates before me, but I believe that I will be able to

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1 assist you.

2 The date of the beginning of the conflict, as has been defined

3 here, is mid-April 1993, when my client, General Petkovic, was the chief
4 of the Main Staff, and he remained in that position until 24 July 1993.

5 MR. STRINGER: Excuse me. Just for the record --

6 THE INTERPRETER: Ms. Alaburic's mike is on.

7 MR. STRINGER: Just for the record, Mr. President, the
8 Prosecution does not accept the characterisation of the time-frame for
9 the conflict, as counsel's describing it now, from April of 1993 until
10 March of 1994. Obviously, there are significant events alleged in the
11 indictment, crime-based events, that extend earlier in time, obviously,
12 as well as political events related to the joint criminal enterprise,
13 that go even earlier -- reach earlier back into 1992 and even possibly
14 1991. So I'm not going to object every time counsel talks about a
15 time-frame, but it's not something that the Prosecution accepts.

16 Thank you.

17 MS. ALABURIC: [Interpretation] Your Honours, I completely
18 acknowledge my learned friend's objection, and I don't want to waste any
19 more time about the explanation. I believe that in the indictment, it is
20 very clear that the beginning of the conflict is mid-April 1993. This is
21 my case. The witness has confirmed that, and I am developing my case
22 further. And now I am in a position to answer Judge Prandler's question.
23 We said the time-frame for General Petkovic, three months and eight days.
24 General Praljak was in the position from 24 July 1993 until 8 November
25 1993, until 8 November 1993, and the remainder of that time, up to the

1 end of March 1994, the position was occupied by General Roso.

2 THE WITNESS: [Interpretation] Yes, go ahead.

3 MS. ALABURIC: [Interpretation]

4 Q. This is what I want to do ask you: Irrespective of the
5 time-frame, during the conflict or during the war between the army of
6 Bosnia-Herzegovina and the HVO, tell us, General Praljak, which of the
7 two militaries expanded the territory under its control?

8 A. Exclusively, the Army of Bosnia and Herzegovina is my answer.
9 And the second part of my answer, with all due respect to Judge Prandler,
10 I am really surprised that after three years of the proceedings, you
11 don't know the exact date when one of the main accused in the case was
12 the chief of the Main Staff. I apologise, Mr. Prandler, for having said
13 that. I don't know how you came up with six months, whereas the exact
14 fact has been repeated at least 30 times in this courtroom.

15 Q. Let's follow the logic --

16 JUDGE PRANDLER: I am sorry to interrupt you again.

17 I didn't claim that it was six months. I was only asking
18 Ms. Alaburic if her figures -- I don't believe I have it now before me.
19 She mentioned about three months and a few days, and in her own
20 time-frame, and it is what I said, that according to my recollections the
21 tenure of yours, Mr. Praljak, was, of course, not, as far as I remember,
22 not three months and some other days, but we talked about five months
23 altogether, if we take your designation in July and your leaving, I
24 believe it was in November.

25 So thank you.

1 THE WITNESS: [Interpretation] 24 July to 9 November, in the
2 morning, 1993.

3 THE INTERPRETER: Microphone for the counsel, please.

4 MS. ALABURIC: [Interpretation]

5 Q. Let's follow that logic, General Praljak. If the Army of Bosnia
6 and Herzegovina expanded the territory under its control, it would be
7 logical to conclude that the BiH Army was conducting offensive
8 operations; would that be correct?

9 A. Yes. They were conducting offensives against the Croatian
10 Defence Council in order to achieve its political goals that they could
11 not achieve fighting the Army of Republika Srpska, and the political goal
12 was territory.

13 Q. If the BH Army was launching offensive operations, that means
14 that the HVO was defending itself from the BH Army; that would be
15 logical, wouldn't it?

16 A. Yes, correct.

17 Q. Tell us, please, General Praljak, while you were the number-one
18 man in the Main Staff, did the Main Staff plan any military operation
19 which would then be carried out throughout the territory, or on part of
20 the territory of Herceg-Bosna, or any other territory in
21 Bosnia-Herzegovina?

22 A. No, we didn't have a single offensive operation except for
23 retrieving some features like Rastani and some other features that we had
24 lost control of, the south of Mostar and so on. That's all we did. We
25 regained control of what we had lost in the previous two or three days.

1 Q. Right, thank you. Now, I'm going to ask you the same question
2 for the period when General Petkovic was the number-one man of the
3 Main Staff, with the exception of Operation Bura or Tempest and the
4 operation against the Serbs. During his day, at the level of the
5 Main Staff, was any military operation planned or executed?

6 A. As far as I know, and I do know, the answer is, no, not a single
7 operation against the BH Army, but "yes" against the Army of Republika
8 Srpska.

9 Q. Thank you. Now, General Praljak, I'd like to move on to another
10 area. I haven't prepared any documents for that area, but we're going to
11 quite simply discuss the topic of whether the war --

12 JUDGE ANTONETTI: [Interpretation] You can imagine that I'm
13 listening to your questions very closely, indeed, and even more so in the
14 case of the answers. Now, you have just said something that appears to
15 me important, and I think we must explore this a little more.

16 Ms. Alaburic asked you whether you had prepared offensive
17 operations against the BH Army, and you said, "No ." And then you
18 answer, "Yes," as regards operations against the Republika Srpska.
19 That's line 16, page 98, you say: "Yes." So if there were offensive
20 operations against the Republika Srpska, I presume that there were
21 meetings of the Main Staff, there were maps, positioning of units, arrows
22 and so on and so forth, We'll go over there, we'll take over this.
23 Without needing to be Clausewitz, I think at minimum there must have been
24 some military typical elements about the operations against the Republika

25 Srpska. So as far as you know, were there any orders, specific orders,

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1 relating to offensive operations against the Army of the Republika
2 Srpska? And if there was offensive -- there were offensive operations
3 against the BH Army, the same kind of documents must have existed?

4 THE WITNESS: [Interpretation] You would have to come across some
5 documents signed -- well, you saw how many documents we looked at, and if
6 you can find a single document signed by Praljak ordering an attack
7 against the BH Army, well, do so. But we didn't attack Republika Srpska,
8 but the Army of Republika Srpska, which had taken control of the
9 territory. So they had taken control of Mostar, and I planned an
10 operation to take control -- A, to take control of the right bank and, B,
11 to take control of the left bank. General Petkovic made plans to take
12 control of the other place. These were the liberating actions. But
13 nothing of that kind was undertaken against the BH Army, not in any area.

14 MS. ALABURIC: [Interpretation]

15 Q. General Praljak, the next topic that I think you can provide us
16 with valuable answers about is called "War on Domestic Territory or
17 Occupation." Judge Antonetti frequently in the courtroom quoted the
18 example of the US Army attacking Iraq and what would then be the rights
19 and duties of a commander of the American Army, in that respect, who led
20 the action to attack Iraq. Now, so let's call that model 1, the American
21 Army in Iraq; a successful attack, the occupation of Iraq or part of
22 Iraq. The second model is this: That the war is being waged on US
23 territory, including a war on the capital, Washington, D.C. So let's try

24 and compare those two situations.

25 The first model, the American Army in Iraq, would we agree,

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1 General, you and I, that from the military aspects, regardless of whether
2 it was legitimate, lawful, permissible and so on, that it was a classical
3 type of occupation?

4 A. Yes, but let's not go into that. It was the US Army. Whether it
5 was a war for humanitarian reasons, a war for prevention, everybody has
6 their own opinions, but it's not vital.

7 Q. General, the notion of occupation is not a value judgement. It's
8 a concept which means that some army, after some conflict or in some
9 other way, gained control over a territory; only in that sense. That is
10 why I'm saying we're not evaluating the operation itself.

11 A. All right.

12 Q. Would we then agree that the commander of the US Army in Iraq at
13 that point in time was the sole representative of the so-called occupying
14 force or, rather, the USA?

15 A. Yes.

16 Q. Now I'll tell you what the legal position is, and you can tell us
17 what the military practice is. The legal position, that the commander of
18 the occupying forces has the position of a military governor and then is
19 responsible for the entire area of responsibility, regardless of whether
20 the perpetrator of some crime was within his chain of command as a
21 subordinate or not.

22 A. Yes, I know about cases of that kind, Manila, for instance.

23 Well, the occupying zones in Western Germany, and so on, that's how it
24 works; on paper, of course, and I say "on paper."

25 Q. All right. So this is indubitable, according to the legal

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1 position and the military doctrine.

2 Let's look at the other model now. The American Army is fighting
3 on the territory of the USA. It's something we can't conceive of, but
4 let's just try and imagine that for a moment. Would it be logical that
5 during that war waged on US territory, civilian authorities are
6 functioning, that there is a US president, a minister of defence, and
7 other state organs which now function under different conditions, war
8 conditions?

9 A. Yes, correct. But, Ms. Vesna Alaburic, there were wars on US
10 territory. Wars were waged; the North against the South, the Americans
11 against the British Army and the queen, with the Boston Tea Party and so
12 on. So there were wars fought on the territory of America, very bloody
13 ones full of war crimes of inconceivable proportions.

14 Q. Well, yes, I agree, but that was far off in history, when
15 conditions were quite different.

16 A. Well, they weren't different conditions. Human beings didn't
17 change and haven't changed at all.

18 Q. Now tell us, is it logical that in the United States of America,
19 regardless of a war, there is a police force which is in charge of
20 preserving law and order?

21 A. Yes.

22 Q. Tell us, please, is it logical that in the USA, regardless of the
23 war conditions, that you have prosecutors' offices, courts, and everybody
24 in charge of bringing criminals to justice go ahead and perform their
25 duties and jobs?

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1 A. It is their duty -- their duties, not their job; their duties.
2 Every military and state setup has its duties, as does this Tribunal.
3 The Judges here don't need to receive an order from the Judge in charge.
4 They are their duties, their obligations. We all perform duties that we
5 have to do --

6 Q. Let me repeat my question.

7 JUDGE TRECHSEL: I'm sorry, Mr. Praljak, there is no Judge in
8 charge. There is no one that can give an order to Judges, so I just do
9 not want a false image to remain standing in this courtroom.

10 Thank you. I don't blame you for the example, but I had to put
11 it right.

12 THE WITNESS: [No interpretation]

13 JUDGE TRECHSEL: This was not translated, but I wonder whether it
14 is so essential. I think you understood what I meant, I had understood
15 what you meant, and I would -- I don't think it needs being repeated.

16 Ms. Alaburic.

17 MS. ALABURIC: [Interpretation] Judge Trechsel, Your Honour,
18 somebody else will decide whether we're going to be in any of the
19 courtrooms, in which courtroom we're going to be in, whether we'll be
20 sitting in the morning or the afternoon, whether we'll have the necessary

21 infrastructure for us to do our work properly, whether you're going to
22 have sufficient assistance to perform your job properly, so the situation
23 is nonetheless complex.

24 Q. Anyway, General, let's move on. I'll repeat my question using
25 the concept of duty.

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1 In the USA, under war conditions of that kind, would it be
2 logical to expect that the prosecutors, the courts, and the law
3 enforcement organs perform their duties?

4 A. Yes.

5 Q. Tell us, please, whether the supreme commander of the armed
6 forces of the United States of America is somewhere close to this
7 military command that we're interested in, from the aspects of
8 responsibility and accountability for events?

9 A. He need not be.

10 Q. Well, he need not be, but is it logical to suppose that he is
11 closer than with the example of the situation in Iraq?

12 A. Yes, of course.

13 Q. Now, tell us, General, would it be true and correct that a
14 military commander cannot be responsible for questions from the remit of
15 other state organs or, rather, cannot be responsible if the police does
16 not perform its work properly, if the courts don't perform properly, if
17 the prosecutors' office do not perform properly?

18 MR. STRINGER: Objection, Mr. President.

19 The witness is not qualified to give testimony to the Trial

20 Chamber about international humanitarian law. It's for the Trial Chamber
21 to decide the applicability of the law and how it applies to this case.
22 And so it's not useful for the witness to tell the Trial Chamber what the
23 law is.

24 MS. ALABURIC: [Interpretation] Your Honours, might I be allowed
25 to respond?

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1 JUDGE ANTONETTI: [Interpretation] Personally, I believe that
2 Mr. Stringer's objection is fully justified. You're dealing with highly
3 legal topics now that require a lot of legal expertise, although I do
4 recognise that Mr. Praljak is knowledgeable on a broad range of subjects,
5 but asking him whether a general in the situation you described could
6 only be considered responsible or not about whether the police do their
7 job or not, this is rather a complex issue, and perhaps we could deal
8 with this differently. But if you deal with it from a legal standpoint,
9 inevitably Mr. Stringer had to make an objection. So try and deal with
10 this from a different approach, perhaps.

11 I think that what you want to show up is the fact that a military
12 commander, in certain circumstances, may not be in a position to fulfill
13 his responsibilities or duties arising from the law, and that he can
14 perhaps understand and answer. But in this particular case, your
15 question was rather too elaborate, in legal terms.

16 MS. ALABURIC: [Interpretation] Your Honour, might I be allowed to
17 respond to you and Mr. Stringer.

18 My question was not of a legal nature at all, and I don't expect

19 General Praljak to tell me what the situation is according to Croatian
20 law and international humanitarian law. It is my job to know
21 international humanitarian law, and it is my job to ask this witness
22 questions and to receive answers from him either about the facts or
23 qualified opinions for something that is legally relevant.

24 Now, my conclusion is that these questions are exceptionally
25 important --

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1 JUDGE TRECHSEL: I do not share your conception of your task
2 here, Ms. Alaburic. We have before us not an expert, but a witness. I
3 admit that these -- this so-called testimony by Mr. Praljak has gone
4 rather far astray from what normal testimony is, but it remained in the
5 area, let's say, of politics and things like that of a general nature,
6 but I cannot but agree with your learned colleague Mr. Stringer that
7 legal questions must not be included, even more so as the witness,
8 himself, in the beginning has very clearly stated that he is maybe an
9 expert in everything, but not in legal questions.

10 THE WITNESS: [Interpretation] Vesna, allow me to -- just five
11 minutes, we've only got five minutes, so let me say something.

12 JUDGE TRECHSEL: Mr. Praljak, you have to follow the lawyer, and
13 not vice versa. You are not the one who rules the proceedings here,
14 contrary to what might have become almost a custom over the last few
15 weeks.

16 Ms. Alaburic, you have the floor.

17 MS. ALABURIC: [Interpretation]

18 Q. General Praljak, just leave me one minute, but go ahead with your
19 answer.

20 A. Well, I'm not going to talk about law, Judge Trechsel. I'm going
21 to talk about the facts.

22 When an offensive is being launched in Afghanistan or Pakistan
23 against al-Qaeda, and that they are militarily planned, what happens is
24 that there are two million refugees, so that's the link between the
25 civilian population and those others, two million-odd refugees, hundreds

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1 of dead civilians. That is the upshot, because it is cannot be
2 otherwise. That's the first point.

3 Number 2, the situation will be all the worse, and this is
4 contrary to the law, if the previous quantity of crimes was greater. Let
5 me give you an example.

6 When Hitler ordered the commander of Paris to destroy Paris, the
7 Nazi commander of Paris, Wermacht, that man refused to do that, and he
8 handed Paris over and the army over to the liberators. I think it was
9 the 2nd or 3rd Army of the French Army, of the French Armed Forces.
10 Unfortunately, the people that had lived through an occupation killed
11 several hundred German soldiers who had surrendered. They threw them
12 into the Seine and they were killed. And later on -- and some high
13 intellectuals were asked about this, whether there was -- whether there
14 were good trials or bad trials, about 10.000 collaborators were killed.
15 Unfortunately -- so we have two points here: A, the quantity of chaos,
16 and, B, the previous quantity of misery that people had experienced and

17 lived through. They are the laws of society which neither Praljak nor
18 Their Honours have managed to change, because they keep repeating
19 themselves, history keeps repeating themselves. And then what happens is
20 what I'm telling you about.

21 I have known these facts for many, many years, because I was
22 interested in them, and precisely because I knew those facts, I tried to
23 calculate them and to fight against them. But nobody, either in Iraq,
24 where there are three million refugees, nobody has been able to prevent
25 it yet.

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1 So that's all. You have a minute.

2 Q. Let me just say that I'm not asking General Praljak to --

3 JUDGE ANTONETTI: [Interpretation] Well, we shall continue
4 tomorrow, because you can see it's now 7.00 p.m. We shall have to
5 adjourn. We shall resume the hearing tomorrow afternoon, quarter past
6 2.00, and General Praljak will be in a position to continue answering
7 questions.

8 So let me bid everybody a good night, and see you tomorrow at a
9 quarter past 2.00.

10 [The witness stands down]

11 --- Whereupon the hearing adjourned at 7.00 p.m.,
12 to be reconvened on Wednesday, the 1st day of July,
13 2009, at 2.15 p.m.

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