



Page 42703

1 Wednesday, 8 July 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 9.03 a.m.

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

9 THE REGISTRAR: Good morning, Your Honours. Good morning
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. This is
13 Wednesday, July 8th, 2009, and I greet Mr. Praljak first and foremost,
14 then Mr. Pusic, Mr. Petkovic, Mr. Stojic, and Mr. Prlic. Of course I
15 would like us to think about Mr. Coric. I also welcome our Defence
16 counsels, Mr. Stringer and his associate, our Registrar, and everyone
17 helping us, including our Usher. The Coric Defence cross-examination
18 will continue, the cross-examination of Mr. Praljak, and I give the floor
19 to Ms. Tomic.

20 MS. TOMASEGOVIC TOMIC: [Interpretation] Good morning, Your
21 Honours.

22 WITNESS: SLOBODAN PRALJAK [Resumed]

23 [Witness answered through interpreter]

24 Cross-examination by Mr. Tomasegovic Tomic: [Continued]

25 Q. [Interpretation] Good morning, Mr. Praljak.

Page 42704

1 MS. TOMASEGOVIC TOMIC: [Interpretation] Good morning to all.

2 THE WITNESS: [Interpretation] Good morning to all.

3 MS. TOMASEGOVIC TOMIC: [Interpretation]

4 Q. We're looking at the third binder and that's where we're starting
5 today. Here is where we left off yesterday, Mr. Praljak. I have no
6 intention of calling the document again. There's no need to waste time
7 on that. We were looking at the structure of the HVO military police
8 dated the 26th of June -- the 26th of December, 1992. We were going
9 through that structure document, and I was showing you the portion that
10 says that the commanders of the battalions of the military police with
11 the OZs in the execution of their daily tasks were directly subordinated
12 to the operations zone commander and were carrying out any orders in
13 relation to the execution of military police tasks, and in compliance
14 with the authority and competencies of the military police. The document
15 was P00957.

16 You remember now what we were talking about and what you said. I
17 hope I don't have to go through it all again. May we first -- please
18 look at the first document in this binder, that's P01344. The date is
19 the 29th of January, 1993, the number is 01-185/93. These are
20 instructions for further work. Chief of the Main Staff, Mr. Petkovic,
21 sent this to Mr. Siljeg, who was in the Prozor-based branch of the HVO.

22 Can we please go to paragraph 7 of this document which reads:

23 "Station responsible police patrols at the exit from Vakuf and
24 the entrance to Prozor to arrest looters from our side, detain them, and
25 confiscate their plunder."

Page 42705

1 Mr. Praljak, can you please tell me whether what I've just read
2 back to you, I mean police patrols and arresting looters as well as
3 detaining them and confiscating their loot, is something that was part of
4 the military police business?

5 A. Yes.

6 MS. TOMASEGOVIC TOMIC: [Interpretation] May we please move on to
7 the next document now.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, could you
9 please read out loud paragraph 1 of this document.

10 THE WITNESS: [Interpretation] I quote:

11 "Arrest and imprison all our extremists."

12 JUDGE ANTONETTI: [Interpretation] Very well. Arrest and imprison
13 all our extremists. What exactly does this mean -- at least what did
14 this mean in January 1993? First, as far as extremists were concerned,
15 was this the Muslim extremists or was this all Muslims on all sides?

16 THE WITNESS: [Interpretation] Ours, the Croat ones.

17 THE INTERPRETER: Interpreter's correction: All --

18 THE WITNESS: [Interpretation] Those who had a different view
19 vis-a-vis the policies that were in favour of restoring peace and
20 restoring amicable relations with the BH army. There were people who

21 were at odds with that policy and advocated the view that the HVO should,
22 in fact, launch an attack and that such a policy will lead us down an
23 alley where we might end up losing every single battle. Their arguments
24 were not entirely without merit. Not everything they said stood for
25 extremist viewpoints, but here Petkovic requested that they all be

Page 42706

1 eliminated and I was in favour of that, too.

2 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, any reasonable
3 trier of fact reading this paragraph could read it in two different ways.
4 First, Mr. Petkovic is instructing Siljeg to arrest all those who do not
5 share the same political line as the HVO, whether it's a civilian or
6 military component. I'm not going to get into that. And thus
7 consequently all people who, according to the Prosecution's case, would
8 not participate in the enterprise carried out. First reading.

9 The second reading that any reasonable trier of fact could have,
10 of course taking into account all elements in the file and in the case,
11 Mr. Petkovic is asking Siljeg to arrest all trouble-makers, all those who
12 are acting against peace or intervening against the cease-fire and who
13 are acting against those who want to make the Vance-Owen Plan a success.

14 Now, those are two different readings.

15 Now, according to your answer I believe that you would interpret
16 this in the second way; is that true?

17 THE INTERPRETER: Interpreter's correction: On page 3, line 14,
18 replace "Muslims on all sides" with "extremists on all sides."

19 THE WITNESS: [Interpretation] Well, they're interlinked, the two

20 things are. On the 22nd, or rather, the 23rd of January, 1992, the HVO
21 inflicted a military defeat on the BH army in Gornji Vakuf and was
22 holding all of the important elevations. At this point in time, I asked
23 Siljeg, or rather, told Siljeg now that the objective of our operation
24 had been reached to withdraw the BH army and lift the siege around the
25 HVO, given, however, the number of those killed and wounded a military

Page 42707

1 man's thinking went along the lines of taking Vakuf next, which is a very
2 strong impulse, exceptionally strong. One has to stand up to something
3 like that because this was not within the framework of the HZ HB policy,
4 the policy espoused by all of us. So I said no. The objective of
5 lifting the blockade had been accomplished and we were no longer
6 launching attacks. Nevertheless, what do you tell these same people six
7 months later? This was the policy pursued in Bugojno, in Konjic, and
8 everywhere else, and then those people who spoke differently back then
9 come back to you to tell you, So General what about it now, look what at
10 what they did to us in Bugojno, and Look at how they betrayed us in
11 Mostar, and so on and so forth.

12 In other words, the implementation of political decisions,
13 whenever these decisions are at odds with the situation on the ground and
14 any information being received is not an easy thing to do, particularly
15 because decisions like that are paid in blood, enormous amounts of blood,
16 and deaths, dozens and dozens of those who get killed and wounded in an
17 operation like that. And then they'll come back to tell you we could
18 have taken Uskoplje, we could have taken control of Bugojno, whereas now

19 because of all this we have lost both. 15.000 of our people have been
20 expelled from [as interpreted] Rama alone. Next thing up, Doljani on the
21 28th of July, 63 Croats were killed. You've got to stand up to this.
22 You have to do something about the emotional desperation, that is
23 actually technical term that these people feel.

24 Your Honours, now that I've been talking about this, some time
25 late in July 1993, let's say there's someone in Rama, say me, and I'm a

Page 42708

1 member of the joint criminal enterprise, after what happened in Bugojno,
2 after what happened in Mostar, and then we know what happened in Doljani
3 later on where 63 people were killed on the 28th of July, I gave a single
4 speech, for example, or allowed someone else to give a speech telling
5 other people something along the lines of, Look at what they're doing to
6 us. We would have seen massive acts of retaliation with hundreds of
7 Muslims killed. In reality, the number of undesirable incidents was kept
8 down to a minimum I might say, precisely because this emotional fire was
9 eventually put out due to exceptional efforts made by a number of people,
10 including me. It is not necessarily legal category but you have this
11 desperation that people feel, even law provides for that come to speak of
12 it. In the case of manslaughter, for example, or when insanity is pled,
13 and this is what happened in that month over there. It's very difficult
14 for me to explain exactly what the situation was like and then we call
15 them extremists, but they came back to us to say, It's not that we're
16 extremists, you are idiots because we were advocating --

17 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, please be brief.

18 Your answer is much too long. We've understood what you want to convey.

19 I give the floor to Ms. Tomic.

20 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

21 Q. I don't remember whether I called the next document already,
22 P01359. The document is signed by the commander of the operations zone,
23 Colonel Zeljko Siljeg. The document is dated the 30th of January, 1993,
24 addressed to three different brigades as well as all the units in the
25 Prozor, Gornji Vakuf, and Bugojno areas. The title is: "Taking measures

Page 42709

1 in the units - order."

2 The first sentence reads:

3 "Pursuant to an order from the Chief of the HVO Main Staff
4 01-185/93, dated the 29th of January, 1993 ..."

5 Mr. Praljak, can we pause there for a moment. Look at the
6 previous document and that appears to be that very order; right?

7 A. Yes, indeed.

8 Q. The one that Mr. Siljeg invokes here.

9 MS. TOMASEGOVIC TOMIC: [Interpretation] Can we now please go to
10 paragraphs 11, 13, and 16 of this same document.

11 Q. Paragraph 11, Mr. Siljeg says:

12 "The military police will establish full control of the people
13 and goods entering or leaving the Gornji Vakuf area and will also arrest
14 individuals or groups acting in contravention of this order as well as
15 any previous ones. Individuals in any of the units will be brought to
16 the forward command post in Prozor for disciplinary measures to be

17 imposed."

18 Paragraph 13 reads:

19 "The SIS and military police shall arrest any looters, bring them
20 in, seize and record any stolen goods, and oppose any resistance to the
21 implementation of this order."

22 Now we come to paragraph 16, and Mr. Siljeg says that this order
23 should be copied and sent out to all the commanders up to the level of
24 platoon, and that all the soldiers should be informed about this, and is
25 requesting that he be informed of the implementation of the order.

Page 42710

1 Now, tell me, these paragraphs, 11 and 13, do they refer to the
2 military police and its duties, because we have the control of the
3 entrance and exit of goods, the arrest of people who have stolen and so
4 on?

5 A. Yes, and you have paragraph 12 as well -- but anyway, the SIS and
6 security organs must work along these lines in the course of carrying out
7 their duties.

8 Q. Let's go on to the next document, P01548 is the number of the
9 next document.

10 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, this document by
11 Mr. Siljeg is the logical follow-up of order that was previously given by
12 General Petkovic, there's actually a reference to it. But what surprises
13 me - and I would like you to give us your opinion - is that we find out
14 that Colonel Siljeg is somewhat adding as relates to the political
15 situation, he's adding things. I'm sure you have noted on paragraph 9,

16 for example, there is reference to what might have been -- all the
17 actions that might have been carried out again, UNPROFOR, the Red Cross,
18 and so forth. So I would like to know whether in the HVO it was normal
19 practice for the subordinates to supplement the original order and go a
20 bit beyond the original order by adding their own personal views on the
21 events.

22 THE WITNESS: [Interpretation] It is customary, Your Honour, for
23 the commander of the operations zone of at least divisional rank, so he's
24 not a sergeant or anything like that, he has a high rank and performs a
25 high military duty, and he's there in the territory, on the ground, and

Page 42711

1 of course his order must not be in contravention and opposed to the
2 orders issued by the Chief of the Main Staff. But he is allowed to
3 elaborate and that is, in fact, necessary and required, adjusting it to
4 the situation on the ground as he knows it. Because he knows the
5 situation on the ground better than General Petkovic, for example.

6 JUDGE ANTONETTI: [Interpretation] Very well.

7 Ms. Tomic.

8 MS. TOMASEGOVIC TOMIC: [Interpretation]

9 Q. I'd like to call up document P01548, which is the next document,
10 and it is a document from Mr. Siljeg. The date of the document is the
11 25th of February, 1993, and it is addressed to the brigades, one from
12 Bugojno, one from Vakuf. The document is titled: "Engagement of Forces
13 for the Execution of Military Police Tasks in Gornji Vakuf."

14 Now, Mr. Praljak, first of all let's take a look at the middle of

15 the next paragraph before the order, the actual order. It says:

16 "Since the forces of the HVO from Livno, Tomislavgrad, Posusje,
17 and Prozor have participated in combat actions in Gornji Vakuf, it would
18 be very risky to engage the military police manpower from those areas in
19 tasks in Gornji Vakuf. Since the military police quite recently has been
20 subordinated to the brigades commands and OZ, operation zones, for the
21 purpose of adequate engagement and establishment ..." et cetera, et
22 cetera.

23 Let's just discuss this part where Mr. Siljeg says where most
24 recently the VP has been subordinated to the brigade commands and the OZ,
25 and we see that the date of the document is the 25th of February, 1993.

Page 42712

1 I don't know what Mr. Siljeg means when he says "most recently," but all
2 I can say is that it was before the 25th of February, 1993. Now,
3 Mr. Praljak, I stopped here because yesterday you said in response to a
4 question from Judge Antonetti recorded on page 97 and 98 of the
5 transcript for that day -- well, you said the following, and I'm going to
6 read it out in English to avoid any misunderstanding.

7 [In English] "Up until the point in time when the situation on
8 the battle-field become very bad for the HVO, and that was even prior to
9 my arrival, and at the time of my arrival, the military police had not
10 been involved in any combat operations. I then sought and received those
11 powers. As of such time, a commander, me or anyone else, was in position
12 to use military police on a combat mission."

13 [Interpretation] Now the reasons for which I read this out are

14 the following. From the order by Colonel Siljeg, one can understand it
15 differently than what you said yesterday. Do you understand where the
16 problem is, the problem is in time, in the period of time, and can you
17 explain us then why there's this difference and do you see the difference
18 that I'm trying to point out? Do you understand what I'm trying to say?

19 A. Let me correct something, or rather, be more precise in my
20 statement. The military police before - and I'm asking -- I'm talking
21 about the time when I ask that it be engaged - but even before that the
22 military police could take part in combat action to the best of my
23 knowledge; however, you had to ask permission from the chief of the
24 military police. And generally speaking -- well, with my arrival I would
25 not have asked any changes in the way the military police can be deployed

Page 42713

1 by enabling me to engage the military police without previously having
2 asked permission from Mr. Coric, the chief of the military police. So
3 that's the additional explanation that I wish to give now.

4 Secondly, I don't know on what grounds this order -- well, when
5 it says "most recently," I don't know what that means and why Siljeg
6 didn't specify. So I can't comment on that because in order to do so I
7 would have to see the order by which the way in which the military police
8 was involved and engaged was changed.

9 And thirdly, had I known that this was the case, it would --
10 there would be no logic to me seeking permission and receiving permission
11 from Mate Boban to be allowed to use the military police without having
12 gained permission from the chief of the military police, which was

13 Mr. Coric. So that's my answer.

14 Q. Mr. Praljak, I apologise for running ahead of the transcript.

15 Mr. Praljak, you've just told us about combat operations and action, but
16 let's look at the document further down because I think what it says
17 further down does not relate to the engagement of the military police in
18 combat operations. So let me read once again. It says:

19 "Since the military police from a certain time was subordinated
20 to the brigade commands and OZ, operations zones, and for the purpose of
21 adequate engagement and establishment of order in Gornji Vakuf -- in the
22 Gornji Vakuf territory, all the more so since the situation threatens
23 that the BH army might assign its own police at check-points and thereby
24 unilaterally block all communications on the Gornji Vakuf territory,
25 thereby cutting off the existing HVO units. And for the purpose of

Page 42714

1 preventing such a situation, I hereby order ..."

2 And then he goes on to say in point 1:

3 "The Eugen Kvaternik Brigade will secure 25 military policemen or
4 other units for the execution of the military police tasks at the
5 check-point and shall inform the forward command post of the OZ of the
6 north-western Herzegovina area in Prozor and will also inform the
7 commander of the brigade."

8 Now, Mr. Praljak, as far as I understand this order, Mr. Siljeg
9 refers 20 military police tasks here, and then he refers to the fact that
10 the military police from a certain -- for a certain amount of time was
11 subordinated to the brigade commands of the OZ, and he issues orders

12 stating what's going to happen with the check-points. So he's dealing
13 with military police matters and not combat operation matters. Am I
14 right in understanding it that way?

15 A. What Siljeg is asking is that the military police - and it's
16 right to do so - he's asking the military police to perform its duties.
17 That's very simple. He's not dealing with military police tasks or
18 whatever because the military police has been established in the way it
19 has, it cannot replace the commander, he does not provide the salaries,
20 they have their structure, write reports, and so on. He says here quite
21 simply - and that's his right - that he demands that the military police
22 goes about its military police duties in the way in which he considers
23 that they should do on the territory where he is the commander in order
24 to help establish peace and there's nothing illogical there.

25 Q. Mr. Praljak, Mr. Siljeg isn't addressing the military police

Page 42715

1 here. He's addressing the Eugen Kvaternik Brigade and telling them to
2 secure the military police in the performance of their duties?

3 A. Yes, of course, because you can't address the military police if
4 it's coming down from the top, if he's asking permission, this would
5 disrupt the system. The system has to act quickly and urgently. It was
6 a very slow system and couldn't actually be used, so the commander can
7 ask the military police to carry out its military police duties without
8 having to receive permission every time from the chief of the military
9 police himself.

10 Q. Mr. Praljak, yesterday we were looking at the establishment

11 documents of the military police, P00957 was the number. Now, is it
12 possible that Mr. Siljeg was referring back to those -- that
13 establishment document and that's where he reaps his rights from
14 subordinate to the -- in the organisational sense to the brigades and the
15 OZ when he says that?

16 A. I can't say what Siljeg actually meant. You're asking me for my
17 opinion and not Siljeg's opinion, so I don't really know. It would have
18 been far better had you put these documents to General Petkovic and
19 possibly Colonel Siljeg. But as you are asking me I am giving my own
20 opinion. I can't say what Siljeg meant and thought without specifying
21 any documents. You're asking me, I'm giving you my answers, but I can't
22 interpret everything. I can only speculate because I wasn't there or it
23 was -- you're showing me a document that was written when I wasn't down
24 there, a document that I didn't sign. But since you're asking me I'm
25 going to answer to the best of my abilities.

Page 42716

1 Q. Mr. Praljak, I haven't prepared the document but I have shown it
2 a number of times. I know its number, so may we pull it up on e-court to
3 avoid any misunderstanding linked to Mr. Siljeg. It is document 5D00538.
4 It's already been exhibit. I have shown it in this courtroom at least
5 ten times already, and it is the minutes from the coordination session
6 with the commanders of the operation zone of western Herzegovina, and the
7 minutes are signed once again by Mr. Siljeg. It was sent to all the
8 units in the operations zone, the defence administration, Tomislavgrad,
9 the Main Staff, HVO, Defence Department. The date of the document is the

10 9th of March, 1993, and let's look at point number 1. And it's on page 2
11 of the Croatian and on page 2 of the English, and the title there is:
12 "Point 1," that's what that whole section is called, "Item 1."

13 And I'm reading the second sentence:

14 "According to the plan of the organisation and establishment
15 structure of the OZ S/Z H, the 2nd Military Police Battalion in this
16 operation zone is -- in this Operations Zone is also under its command,
17 and the supply, formation, and training is carried out by the military
18 police administration."

19 Now, Mr. Siljeg goes on to speak about the brigades and so on,
20 but I'm not going to deal with that. I'm going to move on to the next
21 paragraph and I'm going to begin with the second sentence there too.

22 "The battalion -- military police battalion commanders in
23 executing their military police duties are directly subordinated to the
24 commander of the operations zone ..."

25 And the last sentence reads:

Page 42717

1 "When engaging the military police, the commander of the
2 operations zone shall inform the chief of the military police
3 administration, and when the military police is engaged by the brigade
4 commander, he informs the military police battalion commander and the
5 operations zone commander."

6 Mr. Praljak, yesterday we saw how the military police was
7 established, and then we read out what Mr. Siljeg says about that
8 establishment. And it seems to me that the interpretation given with

9 respect to coordination was identical to what we were able to read in the
10 document on military police establishment?

11 MS. ALABURIC: [Interpretation] Your Honour, I apologise, but by
12 your leave I would like to object to this question. I believe that this
13 is a misleading question because we skipped the first page of this
14 document, which clearly indicates that this is a coordination meeting
15 attended by the representatives of the Main Staff and the representatives
16 of the military police, and that at that meeting there is a discussion
17 about the organisation and work of the military police, and then the
18 participation in this discussion on the part of Mr. Siljeg is now
19 attempted to be misrepresented as a conclusion about what the military
20 police is supposed to do in an operational zone. So could we please just
21 explain the actual nature of this document and to show that these are
22 just minutes from a meeting.

23 Furthermore, it is important that this meeting took place about
24 one month after the previous document that we discussed was issued. So I
25 think that there is a complete confusion, and we will not know what rules

Page 42718

1 were in force. I'm sorry for interrupting.

2 JUDGE ANTONETTI: [Interpretation] Please proceed.

3 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honour -- well, I,
4 unlike my colleague, are not aware whether this is a discussion or a
5 conclusion because this is not clearly indicated in the document and I
6 would like to ask my learned friend from refrain from commenting on
7 documents. The Judges can read the document. They are here to check

8 whether I am reading something incorrectly. And Mr. Praljak, if he is
9 not familiar with it, is free to say that he's not and to tell me that he
10 did not attend the meeting and that he doesn't know whether this is a
11 conclusion or something else. I have shown this document a number of
12 times, and the only reason why I show it is to establish a link with the
13 previous document and to indicate the three documents, the establishment
14 of the military police, the order by Mr. Siljeg, and this coordination
15 are not mutually exclusive but in fact are linked and point to each
16 other.

17 This was my intention but I am not claiming now what exactly is
18 it that Mr. Siljeg says, whether this is a conclusion, because I cannot
19 see it from the document.

20 Q. And I really do apologise, Mr. Praljak, you did not answer my
21 question and I don't know whether you know what the question was?

22 A. Well, I'll answer your question. In the document about the
23 structure of the military police you skipped an item where it says that
24 the military police is under the command of the military police
25 administration.

Page 42719

1 Q. I did not skip it, I read it out.

2 A. Well, the military police administration commands, organises,
3 pays, appoints people, and receives reports from the military police. It
4 is true that there are problems. Well, the essence of this meeting and
5 everybody actually received reports about it. This is Mr. Siljeg's
6 opinion and he was a military police officer in the JNA. So he favoured

7 the structure of the military police as it was in the JNA, but in the HVO
8 we did not want to do it like that. So the essence lies in the following
9 paragraph.

10 So what does the military police do and whether it is doing its
11 job properly, and that means whether the military police administration
12 is doing its job properly. Let me quote:

13 "At the meeting various cases were presented" --

14 JUDGE ANTONETTI: [Interpretation] Please slow down, Mr. Praljak.

15 THE WITNESS: [Interpretation] "... murders --"

16 Let me quote slowly this time.

17 "Various cases were presented at the meeting, murders,
18 robberies --"

19 MS. TOMASEGOVIC TOMIC: [Interpretation]

20 Q. Mr. Praljak, I'm sorry, I have to interrupt. What I want to know
21 is whether you attended the meeting or not?

22 A. Well, why are you asking me about a meeting that I wasn't? Why
23 are you showing me a document. So you want to show me parts of the
24 document to confirm your argument, and I don't want to do it.

25 Q. Okay. You don't want to confirm it. Let us move on --

Page 42720

1 THE INTERPRETER: Interpreter's note: The speakers are kindly
2 asked not to overlap.

3 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, please answer the
4 questions asked by counsel, but you actually already said it and I think
5 it's important what you just said, but very briefly it might have failed

6 to the he notice of everyone, maybe not but you never know. You said
7 that Mr. Siljeg was part of the military police of the JNA and he knew
8 the system very well so this is an item of information that you've
9 provided us with.

10 Secondly, you said, We wanted to act differently. When you said
11 that, I thought of what you said previously and from what I understood
12 you said, Within the HVO we wanted to control brigade commanders, and by
13 doing so we were asking the SIS and the military police to play a
14 different role, which means that they were going to control what brigade
15 commanders were going to do. And that was not the case within the JNA,
16 within the JNA as far as I can understand what you're trying to say to
17 us, the military police was subordinated to the brigade commander, and
18 you are saying that in the HVO system the military police was actually
19 reporting or was under the authority of the police administration
20 department, therefore, the Defence Department. And this is obviously
21 something that is very important and that you seem to have brought
22 alight.

23 Am I correct, Mr. Praljak?

24 THE WITNESS: [Interpretation] That's correct, Your Honour. In
25 the Yugoslav People's Army, the military police was subordinate in all

Page 42721

1 its elements to the commanders of units at certain levels, and the
2 Croatian army and the HVO wanted to set up a system, whereby the
3 commander of a brigade or an operational zone or the Main Staff,
4 indeed, does not appoint the chief of the military police or the

5 commanders of battalions. They are not part of the same structure. And
6 this made it possible for the brigade commander or operational zone
7 commander to control whether the military police is doing its job and to
8 ask them to do their job, but the military police has its own structure
9 because the zone commander did not appoint the commander of the military
10 police. So the military police commander cannot be prevented or
11 prohibited by the operational zone commander to report that the
12 operational zone commander or the brigade commander are not doing their
13 job properly, and the same went for the SIS. The SIS did its job as part
14 of the brigade, but it had a chain of command going up to say that the
15 brigade commander is not doing his job properly, is not punishing his
16 troops and so on. It is a democratic structure in an army set-up in this
17 manner, creating parallel structures by way of having checks and balances
18 so that you don't have a system where one person controls everything.

19 So that's the gist of the whole story, and the military police
20 and the SIS have to do their job, and the brigade commander and the
21 operational zone commander can tell them, Do your job, and in this item
22 which I cannot read it is quite clearly stated why the meeting was
23 convened and what the problems were. And, of course, Siljeg and partly
24 Blaskic, who came from the JNA, we had the same problem in the HVO, they
25 were inclined to have the same system that they had come from, but those

Page 42722

1 were their opinions and they sent this to this address and I don't think
2 that it was actually adopted. Nobody adopted it. It's their opinion but
3 it was not translated into any kind of structure.

4 MS. TOMASEGOVIC TOMIC: [Interpretation]

5 Q. Mr. Praljak, to be quite specific, you spoke about how decisions
6 were made as to what the jurisdiction of the military police would be and
7 you said "we in the HVO thought," who are the "we"?

8 A. Well, Mate Boban, Jadranko Prlic, Bruno Stojic, so this is what
9 is on paper. That's the structure as it was established in the Defence
10 Department.

11 Q. Mr. Praljak, the way I understood it -- well, it's them then, not
12 us, because you are not in this structure that you listed, you're not
13 among the names that you've just given us?

14 A. Not at that time.

15 Q. Well, Mr. Praljak, tell me, did you take part in the drafting of
16 the structure or establishment of the HVO military police, the document
17 that we looked at signed by Mr. Stojic and Mr. Coric?

18 A. No, but I did participate in Zagreb and it was more or less copy
19 pasted.

20 Q. Mr. Praljak, when was the first time that you read the
21 establishment of the military police of the HVO?

22 A. Well, I'm telling you that I took part of it in Zagreb, and I
23 knew that, and I tell you that it was mostly copy pasted from the HV into
24 HVO.

25 Q. No that was not my question. My question was when was the first

Page 42723

1 time that you read this document?

2 A. I don't know.

3 Q. Do you remember whether you read it before you took up your post
4 or afterwards?

5 A. Definitely, definitely before.

6 Q. And then, Mr. Praljak, I failed to understand how is it -- well,
7 did you, when you went to see Mr. Boban, did you discuss it? Why did you
8 go to Mr. Boban when under the establishment as we can see here you had
9 the right to use the military police even without asking Mr. Boban to
10 approve it? You don't have to raise my learned friend --

11 THE INTERPRETER: Interpreter's note, the counsel is kindly asked
12 to slow down.

13 MS. PINTER: [Microphone not activated]

14 THE INTERPRETER: Microphone, please. Microphone, please.

15 MS. PINTER: [Interpretation] If something is being put to the
16 witness it should be put to the witness correctly. General Praljak took
17 up his post on the 24th of July, 1993. Before that there was a
18 restructuring of the military police, and from that time on the system in
19 place was completely different than the one that existed in 1992. So I
20 would like it to be put to him in this way.

21 MS. TOMASEGOVIC TOMIC: [Interpretation] I will ask Mr. Praljak
22 since he read the documents.

23 Q. How was the restructuring of the military police done immediately
24 before your arrival and what actually changed, the restructuring that my
25 colleague Ms. Pinter has just referred to? It is true that the military

1 police was restructured, and I would like to know what essential changes

2 were carried out?

3 A. Well, if you want me to do a parallel analysis or a comparison,
4 you have to give me both documents. Now you expect me to provide you an
5 answer 18 years after the fact.

6 Q. Mr. Praljak, here in the courtroom you said --

7 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, the phase of
8 cross-examination is a tricky one indeed, and Mr. Stringer is going to
9 ask you questions and this will also be very tricky and difficult, so you
10 have to keep cool, you have to listen carefully to the questions that are
11 put to you, take time before you answer, and try and answer calmly. I
12 know that it is very difficult sometimes, sometimes I also lose my cool.
13 I'm trying to be disciplined, and I believe that this is something that
14 we all have to abide by.

15 So please listen carefully to what the counsel is putting to you.
16 She is doing her job because she's defending Mr. Coric's interests, and
17 so she's checking with you some parts of her case. You have said please
18 show me the documents because 18 years later I do not have them in mind,
19 and I agree with you. But regardless of that, perhaps if you can try and
20 recollect the main lines of the restructuring if you can recollect; if
21 not, if it's too complicated, say so and say you cannot answer the
22 question.

23 THE WITNESS: [Interpretation] Yes, I apologise. I remembered the
24 basic tenets of the establishment. The reason is my demand to Mr. Boban
25 with the approval by Mr. Stojic -- well, in fact, the knowledge of the

1 establishment and the demand to be given the right to exercise
2 operational control over the police -- or rather, to use them in
3 operational terms. The reason -- well, they signed the document and it
4 is quite logical to assume that before that I did not have that right or
5 that right did not not exist because otherwise they would have told me,
6 Well we don't have to sign anything. We do not have to subordinate them
7 to you operationally, I mean the military police, because under the
8 establishment you have the right to do it anyway.

9 So that's my answer, and, Your Honour, I know that there would be
10 questions -- there will be questions, but I have no problems because I
11 know what I know.

12 MS. TOMASEGOVIC TOMIC: [Interpretation]

13 Q. Mr. Praljak, the reason why I did not present it and why I
14 thought I would not have to prepare this document about the
15 re-establishment or restructuring is because on several occasions in the
16 course of your examination you spoke about the establishment of the
17 military police with quite some certainty, to whom it was subordinate,
18 and in what manner, and you were shown documents regarding the
19 establishment, and you acted as if you have full knowledge of the area.

20 A. Well, I --

21 Q. But just a moment, I'm waiting for the transcript, and to be
22 quite frank, since you are an HVO general, I expect you to be very well
23 acquainted with the establishment of the HVO military police, and I do
24 not expect that I would have to show you in your capacity as the HVO
25 general the documents that applied at the time while you were the

1 commander of the Main Staff. That's all. I didn't want to mislead you.

2 I simply wanted to tell you that. Let us move on to the next document --

3 A. No, no, no, you can't say something without allowing me to
4 answer.

5 Q. No, because I didn't ask you. I merely stated the fact that the
6 document --

7 THE INTERPRETER: Interpreter's note: The counsel and witness
8 are kindly asked not to speak at the same time.

9 THE WITNESS: [No interpretation]

10 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, please wait.

11 First of all, Mr. Praljak, wait until the counsel has finished with her
12 question before you answer in order to avoid having voices overlapping on
13 the transcript. From a technical point of view the counsel, and rightly
14 so, said that she thought you knew everything about military police until
15 now because you answered to all the previous questions without any
16 problems. And therefore she's explaining to you why he she didn't deem
17 it necessary to include in the binder or to show all the documents
18 regarding to the military police because she felt that you were aware of
19 all that. You just said that there are things that you were aware of and
20 others that you were not aware of.

21 Now, if Mr. Coric's counsel wants to go in depth, she can ask her
22 co-counsel to dig up the documents and to show them to us.

23 Ms. Tomic, please proceed.

24 MS. TOMASEGOVIC TOMIC: [Interpretation]

25 Q. Mr. Praljak, I ask you to look at document 5D04040, 5D04040.

Page 42727

1 This is a document drafted by Mr. Blaskic. I remember that yesterday you
2 said that the operational zone of Central Bosnia was in specific
3 circumstances and that Mr. Blaskic had rights that were not enjoyed by
4 others, but the reason why -- well, I will show you some documents
5 drafted by Mr. Blaskic after documents that were drafted by Mr. Siljeg.
6 And the reason is because I want to compare whether they say the same
7 thing in principle. This is a document of the 6th of May, 1993. It was
8 sent to the commander of the Travnik Brigade and to the commander of the
9 4th Battalion of the HVO military police in Vitez. The subject is:
10 "Activity of the MP Unit Attached to the Command of the HVO Travnicka
11 Brigade - order."

12 And Mr. Blaskic says as follows:

13 "Based on the evaluation and the analysis of the actual status of
14 the operation of the HVO military police unit and in order to ensure
15 further execution of the tasks --"

16 JUDGE ANTONETTI: [Interpretation] The French interpreters are no
17 longer interpreting. There must be a problem with the interpretation.

18 Please resume.

19 MS. TOMASEGOVIC TOMIC: [Interpretation]

20 Q. "Based on an evaluation and an insight into the factual
21 circumstances prevailing in the MP HVO and with the objective of
22 furthering the functional performance of the task of the MP HVO, I hereby
23 order:

24 "1. All MP HVO units in the zone of responsibility of the
25 brigade commander are subordinated in the sense of their functional use,

Page 42728

1 control and command, to the brigade commander.

2 "2. The brigade platoon of the MP HVO of the Travnik Brigade
3 shall perform military police tasks in compliance with any orders issued
4 by the commander of the Travnik Brigade and for the needs of that brigade
5 alone.

6 "3. The platoon of the regional MP shall perform tasks on
7 KP ..."

8 And then three check-points, "KP" stands for check-point.

9 Mr. Praljak, in terms of its intention and in terms of what it
10 says about exercising command over the military police and military
11 police tasks, they're talking about the regional platoon and the platoon
12 of the military police and all the platoons of the military police, is
13 this order equivalent to all the documents by Mr. Siljeg that we've been
14 looking at from the south-western Herzegovina operations zone?

15 A. No, it's not.

16 Q. And why not?

17 A. Because the powers assumed by Mr. Blaskic here are greater. He's
18 talking about functional use. He must mean operational or operative use.
19 This may have to do with conveying Blaskic's request or appeal from the
20 spring of 1993. It's what I conveyed to Mate Boban.

21 Q. We've heard about that.

22 A. Yes, but that's different.

23 Q. All right. Let's move on to the next document, 5D04030. Again,
24 a document by Mr. Blaskic, the 14th of May, 1993. Issues an order to the
25 brigade commander from Kiseljak and says:

Page 42729

1 "Due to a need for a unilateral activity by the forces of the
2 civilian and military police in your zone of responsibility, it is your
3 responsibility to act in compliance with item 7 of the referenced order,
4 saying that all police forces, both military and civilian, shall be
5 placed under the commander of the Ban Jelacic brigade commander.

6 "All civilian and military police commanders shall be informed of
7 this."

8 My question is the same as the one in relation to the previous
9 documents.

10 A. It's quite obvious that Blaskic is here exercising the powers
11 that he received from Boban. There is no other way to interpret this.
12 At this point in time Blaskic is entirely --

13 THE INTERPRETER: Interpreter's note: One speaker at a time,
14 please.

15 JUDGE TRECHSEL: This has -- thank you. This has not been
16 translated, the last sentences, because you have again overlapped. So
17 you should go back and take up -- but while I have interrupted anyway I
18 read:

19 "Due to the need of unilateral activity of the civil and military
20 police force ..."

21 This doesn't make much sense to me. I do not understand it.

22 Should it perhaps be "coordinated" or something in that sense? Perhaps
23 that could be clarified. It's a linguistic problem, really. Thank you.
24 You may continue. Perhaps you put your question again,
25 Ms. Tomasegovic Tomic.

Page 42730

1 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honours, the
2 document reads: "Due to a need for a unilateral activity ..."

3 Were I to explain what I believe Mr. Blaskic meant, I think I'd
4 be testifying myself which would not be all right. The only thing I can
5 say --

6 JUDGE TRECHSEL: Thank you. I did not ask you for more than the
7 sheer linguistic explanation.

8 So maybe, Mr. Praljak, do you know what that is supposed to mean,
9 what Tihomir Blaskic wants to say when he asks for unilateral activity?

10 THE WITNESS: [Interpretation] In all likelihood he meant acting
11 together, acting in concert.

12 JUDGE TRECHSEL: Thank you. I see you have the same explanation
13 that I have proposed. Thank you.

14 Please go on.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, you obviously
16 disagree with Ms. -- Mr. Coric's counsel. This is really obvious. This
17 document we have written by Mr. Blaskic, as well as all the other ones we
18 saw before, are quite straightforward. He is placing the military police
19 under the authority of the brigade commander. Now, you told us and you
20 explained, number one, that Mr. Blaskic was in direct relationship with

21 Mate Boban; secondly, that Mr. Blaskic was encircled and that Kiseljak
22 was also a pocket, and this might explain several things; but then there
23 could also be another situation that you are not referring to which is in
24 line with the case that you put forth, control by the SIS of military --
25 of brigade commanders, that Mr. Blaskic would be in total disagreement

Page 42731

1 with this situation because he's an ex-JNA officer, he was trained
2 according to Yugoslav practices, and he believes that the military police
3 must depend -- must be subordinated to the brigade commander. And then
4 in May we are not number one, number one is Mr. Petkovic at the time.

5 You came from the Republic of Croatia. You were volunteered from
6 the Republic of Croatia. That's what you told us. Now maybe your own
7 idea of the thing, which was a Croatian idea, coming from the Republic of
8 Croatia, it might not have been shared by the Croats who lived in the
9 Republic of Bosnia-Herzegovina. And so against your own ideas some
10 people actually issued orders that were counter to what you believed.

11 Is this completely unrealistic [as interpreted], is this
12 assumption unrealistic according to you?

13 THE WITNESS: [Interpretation] That is simply not right. The
14 structural documents clearly indicate what powers belonged to who, and
15 one should work like that in keeping with that structure. I'm not saying
16 anything because sometimes the roads were blocked and a war was on,
17 sometimes one could not have a proper structural procedure, and sometimes
18 orders could not be issued that had gone through the proper procedure.
19 And I myself did that at times because the damage caused by waiting for a

20 full procedure to take place would have been immense. It's simply how it
21 works on the ground, and each commander has the right and duty to act in
22 a way that he believes would cause the least damage. This does, however,
23 amount to bypassing the proper system.

24 THE INTERPRETER: The interpreter did not understand the last
25 sentence.

Page 42732

1 JUDGE ANTONETTI: [Interpretation] Ms. Tomasegovic Tomic.

2 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honours.

3 Q. Mr. Praljak, I would like to skip a couple of documents now. I
4 see that I'm proceeding at a very slow pace, therefore my next document
5 will be -- just a minute, please. We'll be skipping the rest of Central
6 Bosnia without -- oh, right, I'm sorry.

7 MR. KOVACIC: [Interpretation] Your Honours, about the transcript,
8 the interpreter tells us here that he did not hear the last sentence and
9 we were about to place this same remark on the transcript. Praljak
10 finished by saying something else. He said, This means bypassing the
11 existing system, and I won't testify on his behalf. I think he should be
12 asked to repeat what he said.

13 THE WITNESS: [Interpretation] Bypassing a system at one point in
14 time is not tantamount to changing this same system.

15 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honours, I'll be
16 skipping the next eight documents on Central Bosnia because I believe
17 that Mr. Praljak will be providing the same answer to each and every one
18 of these documents, so we're moving on to P01272.

19 Q. So far what my documents have shown is what sort of commander
20 there was over the military police and their military police tasks on a
21 daily basis across two operations zones. Now we're about to move on to
22 the third operations zone, south-east Herzegovina. We'll be looking at
23 P01272. I believe we've got it already. The date is the 23rd of
24 January, 1993. This is an order by the commander of the south-east
25 Herzegovina operations zone, Mr. Lasic.

Page 42733

1 We see that it was distributed to the 3rd Military Police
2 Battalion, a number of brigades, and a number of other units as well.
3 Let's see what paragraph 1 says just underneath where it says "order."

4 "I hereby ban from entering the area of Mostar municipality as
5 well as the remaining municipalities of the south-east Herzegovina
6 operations zone all persons who do not have an official residence
7 anywhere in these municipalities."

8 And now let us skip to the end of that document where Mr. Lasic
9 says:

10 "The following persons shall be responsible for the
11 implementation of this order: The 3rd Battalion of the military police
12 of the HZ HB and the unit commands. The passage of the international
13 humanitarian convoys through the south-east Herzegovina operations zone
14 will be regulated and monitored by the HVO's military police."

15 Mr. Praljak, what about this order by Mr. Lasic, is it not in
16 reference to military police jobs and duties as well?

17 A. Indeed it is.

18 Q. Thank you. I'll be skipping another document here.

19 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, your -- the
20 counsel's question was quite broad. She is asking you whether this
21 document has to do with the working of the military police and you're
22 saying yes. But maybe you haven't read the order in its totality, which
23 I just did. When you look at the document as a whole you note that
24 Mr. Milenko Lasic is talking about the unfolding situation, unfolding
25 after what happened in Gornji Vakuf, and is requesting the military

Page 42734

1 police to establish check-points, to seize weapons, and to regulate the
2 passage of international convoys. What is he asking exactly in a
3 nutshell? He's asking the military police to do its basic job, which is
4 to control traffic. Is this what this document states?

5 THE WITNESS: [Interpretation] Your Honour, Judge Antonetti, of
6 course I read the document, but the only thing I can possibly respond to
7 is the question as asked. Milenko Lasic tells the military police to do
8 their job. The job is defined by the job description. It would have
9 been great for Valentin Coric to have been there with him to issue this
10 order together; nevertheless, it's Milenko Lasic facing this problem and
11 he is here telling the military police to do their job. He is the one
12 facing the problem and he is the one dealing with it by appealing to all
13 the various structures to continue to do their job. He's telling them to
14 do their job. It doesn't mean that he is necessarily in charge of those
15 bodies and structures. We can talk on about this until the end of time,
16 it won't change anything; I stick by my view and I know exactly how this

17 worked on the ground.

18 MS. TOMASEGOVIC TOMIC: [Interpretation]

19 Q. Mr. Praljak, I think a policeman, a military police policeman, at
20 a check-point could not possibly have known that Mr. Lasic was banning
21 anyone from entering the area until the officer eventually received this
22 order. It wasn't before they received this order that anyone was being
23 banned from entering the area, that this officer could possibly have
24 known that he was indeed supposed to stop people from entering, those who
25 were banned. How could he possibly have done this job without receiving

Page 42735

1 the order?

2 A. That is correct, but at his check-point -- while he was at the
3 check-point determined by the military police and chief of the military
4 police, the policemen of theirs, but they have to fulfil, quite
5 obviously -- or, rather, deal with the problem of people coming into
6 Mostar in an uncontrolled fashion. And then they go on to do the things
7 that Milenko Lasic refers to.

8 Q. Very well, Mr. Praljak. Let's move on to the next document which
9 is -- or actually, we can skip the next document and move on to -- just
10 let me take a moment to find the number. Well, we're going to skip two
11 documents and move on to document number 3 in the series, which is
12 5D03046. It is a document from Mr. Bozo Pavlovic who was the commander
13 of the Stolac forward command post, as far as I know, and this document
14 is dated the 15th of April. Ms. Alaburic is shaking her head, if there's
15 a problem. No there isn't? Right. Fine. Then we can move on.

16 Anyway, Mr. Pavlovic is the commander here and he's issuing an
17 order under. Under point 1 that:

18 "All vehicles with BH Army insignia markings be prevented from
19 progressing beyond the checkpoints."

20 And then he goes on to enumerate which ones.

21 And then in point 4 he says:

22 "All those who oppose this order shall be disarmed and taken into
23 custody to the Grabovina barracks."

24 The document was sent to the military police, and I think the
25 second PS means "police station."

Page 42736

1 Tell me, Mr. Praljak, does this document also relate to the
2 regular tasks that the military police perform?

3 A. Yes, it's a regular task, a regular duty, and except for the
4 announced BH Army vehicles that are due in, everything else should be
5 done according to this order because we're dealing with the 15th of
6 April, and quite obviously the command already has information about the
7 preparations underway in the BH Army for attacking the HVO. So he's
8 still not raising tensions, but he's also securing his back and ensuring
9 that the BH army does not attack and that would be it.

10 Q. Yes. I'm just waiting for the transcript. Now let's take a look
11 at the next document which is 5D04392. This is once again from Commander
12 Pavlovic dated the 3rd of July, 1993, in which pursuant to an order from
13 the commander of the 1st Knez Domagoj HVO Brigade is issuing this
14 subsequent order to members of the military police, all personnel of the

15 civilian police, and all other soldiers assisting in manning the
16 check-points in the area of responsibility of the Stolac forward command
17 post to prevent any theft of all movable and immovable properties, such
18 as military equipment and weapons. And he goes on to say that you are
19 required regularly to log all confiscated goods and hold them at the
20 check-point and imprison those who violate this order. And we see that
21 this was sent to the military police and also to the civilian police.

22 Tell us now, please, Mr. Praljak, is this another document
23 related to military police affairs and duties?

24 A. Both the civilian and military police units and in all the other
25 documents, the commanders are actually saying, You're not doing your job

Page 42737

1 properly, and, Go ahead and do your job properly. That's what these
2 orders are about. Commanders have seen that theft is taking place,
3 property being seized, and then he's telling everybody or they're telling
4 everybody to take measures to confiscate goods and apprehend the
5 perpetrators, and that's what a commander does when he sees that the
6 system is breaking down and not working properly.

7 Q. Mr. Praljak, do you know what I'm interesting in here looking at
8 this document, it's this: Apart from the military police and the
9 civilian police, all the other soldiers are mentioned which are at the
10 check-points and manned the check-points. So can you tell me who deploys
11 and distributes the soldiers among the various check-points?

12 A. Madam, on the 3rd of July, that means three days after the 30th
13 of June, at that time the BH army was behind the HVO's back --

14 Q. That's not my question. My question is: Who can, without going
15 into the reasons, place soldiers at check-points apart from the military
16 police and the civilian police? Who else could do that? Now you've
17 heard in this courtroom what happened on the 30th of June. I know what
18 you're trying to get at, you're trying to get at the security reasons.
19 But I am asking -- let's say the reason was completely justified, who
20 could do that?

21 A. The commander of the area could do that, whether the broader area
22 or the more narrow area, to prevent people from being killed, as happened
23 on the 26th in the rear in Capljina, that is his right but also his duty.

24 Q. All right. Fine. Now let's move on to the next document,
25 Mr. Praljak, which is P03160. 3160, the next document in that set. And

Page 42738

1 it's a document from the commander of Sector South, Mr. Obradovic, sent
2 to the civilian police. It is an order, in fact, according to which the
3 security of Stolac, Capljina, and so on, and their property, the security
4 of citizens and their property was placed in the hands of the civilian
5 police. Everybody can read the document. It speaks for itself. I don't
6 have to read it all out. We're not dealing with the military police
7 here, but I just showed it as an example because you were speaking about
8 crimes and law and order and so on. Were you aware of this situation,
9 although it was before your time, but did you know that the situation was
10 as it is set out here and Mr. Obradovic issued orders of this kind to the
11 civilian police?

12 A. No, I did not know that he issued orders of this kind. However,

13 he's asking the civilian police -- well, I don't know what is contentious
14 here. I think it's a good order and illustrates the wish on behalf of
15 the commander -- well, the civilian police has to protect citizens, and
16 if it's not doing that, whoever does do that is welcome and does the job.

17 Q. Now, Mr. Praljak, let's move on to the next document which is
18 P03 --

19 JUDGE ANTONETTI: [Interpretation] It might be time for a break.
20 It's 10.30. Let's break for 20 minutes. Thank you.

21 --- Recess taken at 10.29 a.m.

22 --- On resuming at 10.55 a.m.

23 JUDGE ANTONETTI: [Interpretation] You have the floor, Ms. Tomic.

24 MS. TOMASEGOVIC TOMIC: [Interpretation]

25 Q. Mr. Praljak, let's move on to the next document, which is P03135.

Page 42739

1 It's an order from Commander Colonel Nedeljko Obradovic, he's commander
2 of the 1st Knez Domagoj Brigade. The date of the order is the 3rd of
3 July, which means before you took up your duties. And here's what the
4 order says.

5 "Pursuant to the newly arisen situation in the areas of
6 responsibility of the 1st Knez Domagoj HVO Brigade and because of
7 increased crime and irresponsible behaviour on the part of certain
8 commanders and soldiers of the 1st HVO Brigade, and pursuant to the
9 unlimited powers conferred upon me over the civilian and military
10 structures in accordance with the expansion of the area of
11 responsibility, I hereby order ..."

12 I'm not going to read all the points of that order, just some of
13 them starting with number 1.

14 "All theft should be prevented or any other form of appropriation
15 of personal and other property of citizens in our area of responsibility.
16 And arrest the perpetrators and initiate criminal proceedings against
17 them through this command."

18 And item 3 now, please.

19 "Immediately prevent all violent behaviour and possible war
20 crimes by members of the 1st Brigade and units attached to it and other
21 persons who find themselves in the brigade's area of responsibility.
22 Arrest all violent -- bullies, disarm them, and institute criminal
23 proceedings against them through this command."

24 And now item 11 going down the line there, Mr. Obradovic says:

25 "For the -- all commanders shall be responsible to me personally

Page 42740

1 for the execution of this order."

2 Now, Mr. Praljak, my first question to you is this: Did you know
3 about this document, albeit you weren't there at the time?

4 A. No, I did not.

5 Q. Do you have any remarks to make with respect to Mr. Obradovic's
6 order or to you consider it to be a proper and correct order?

7 A. I consider that under the given circumstances this is a proper
8 and correct order regardless of the fact that he oversteps his authority
9 as brigade commander by issuing it. I don't know who gave him unlimited
10 authority, as he says here, but it's quite obvious that what he wants to

11 do is to prevent the situation of chaos and all the things that were
12 happening, but it does overstep the powers of a brigade commander. But
13 it's better that he acts this way rather than leaving the situation to
14 deteriorate without taking any steps or only taking steps within his
15 powers and authority.

16 Q. Mr. Praljak, let's move on to the next document which is 5D02009.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, Colonel
18 Obradovic in paragraph 1 and in paragraph 3 states that some proceedings
19 have to be instituted and it has to be looked into by the various line of
20 commands, so it says the military police you have to start some processes
21 and I'm going to send them to the military prosecutor. He may not have
22 been aware at that time of Article 7(3) of this Tribunal, but he's doing
23 everything so that one day he will -- it will not be held against him
24 that he did not take the necessary measures.

25 General Praljak, I asked you a few questions regarding the text

Page 42741

1 on the obligation for the brigade commander to send proceedings to the
2 military prosecutor. I did not have the text of this document before me
3 or I didn't have that in mind, but at the same time I felt that it made
4 sense for a brigade commander giving instructions and to institute
5 proceedings and for those to be sent to the military prosecutor. You
6 said earlier on that the order was adapted to the situation, but you felt
7 that Obradovic went beyond his duty or his role.

8 Are you really sure of that?

9 THE WITNESS: [Interpretation] Well, it's like this, Your Honour

10 Judge Antonetti. I don't know who gave him these unlimited powers that
11 are referred to here. Here -- obviously, he commands SIS and so on. So
12 in that sense establishment-wise he should have sent a paper there and a
13 paper here, but he did not overstep his powers as a commander who must
14 react. If he finds himself in a situation where things are happening, he
15 has to act morally and honourably and try and establish law and order at
16 any price. Obradovic was a former JNA officer and he's well-acquainted
17 with the Geneva Conventions and the United Nations Charter and so on and
18 so forth, which he says in item 4. So he is acting according to his
19 powers as a commander, but there's no way he can go through the whole
20 procedure asking permission from SIS and so on and so forth. But what
21 he's saying here is, Let's do our job. I think it's a good order.
22 That's how a commander should act and react.

23 JUDGE ANTONETTI: [Interpretation] One last question. If you look
24 at the last sentence where it says that all commanders have to be
25 informed as well as soldiers, so this order has to be brought to the

Page 42742

1 attention of each and every soldier. Is it general practice or do you
2 think that Colonel Obradovic wanted to stress on the content of this
3 order and make sure that all soldiers be informed?

4 THE WITNESS: [Interpretation] You saw the Siljeg order a moment
5 ago, Judge Antonetti, where it says photocopy a sufficient number of
6 copies and hand it down to the very last soldier. So it's always a
7 question of informing each and every soldier, telling them that they must
8 not violate the regulations, the laws, the Geneva Conventions, and so on.

9 They wanted to bring it right down to the grass roots and inform each and
10 every soldier, because not every soldier needed to know about orders
11 pertaining to action and operations, but each and every soldier needed to
12 know about this and that was more or less customary. That was what was
13 done.

14 JUDGE ANTONETTI: [Interpretation] Thank you.

15 JUDGE TRECHSEL: Mr. Praljak, the first question: Who is
16 competent to set into force the law of war? Normally in times of war
17 certain special legal provisions apply. Who has the power to declare
18 that they shall apply? If you don't know ...

19 THE WITNESS: [Interpretation] This must be done either by Mate
20 Boban or someone at the same level. At any rate, it cannot be Obradovic.
21 He's not at the required level to be able to say martial law shall apply,
22 although obviously he's quite prepared to do something along these lines.

23 JUDGE TRECHSEL: Thank you. Who else is on the level of Mate
24 Boban?

25 THE WITNESS: [Interpretation] As far as the military structure is

Page 42743

1 concerned, it could only have been Mate Boban perhaps at the proposal of
2 Bruno Stojic or pursuant to a government decision. I don't know. At any
3 rate, I myself could not have declared martial law or anything like that.

4 JUDGE TRECHSEL: Thank you. And second -- last question
5 regarding this document. It is ordered here to group the Muslim
6 population in your zone of responsibility. Can you -- do you understand
7 what exactly is meant, what it means in practice, and what the

8 justification or the motivation for this order is? It's point 7.

9 THE WITNESS: [Interpretation] Protection, Your Honour.

10 Protection. He says "group and secure." He must protect the men. It is
11 quite obvious that the situation was like that. Some people wearing
12 masks started appearing and a commander would have had no choice there.
13 He realises that the whole thing is going to the dogs in terms of the
14 civilian police. So he now must protect the civilian population and he
15 must secure these men. He has no other choice. It's that simple.

16 JUDGE TRECHSEL: Thank you.

17 MS. TOMASEGOVIC TOMIC: [Interpretation]

18 Q. Mr. Praljak, we shall be dwelling briefly on this document. The
19 President prefaced his question by saying that Mr. Obradovic hereby
20 issued orders to the military police.

21 MS. TOMASEGOVIC TOMIC: [Interpretation] Can we please go back to
22 paragraph 11.

23 Q. Could you please tell me who is being held responsible here for
24 carrying out this order?

25 A. All unit commanders.

Page 42744

1 MS. TOMASEGOVIC TOMIC: [Interpretation] Can we please go to the
2 previous page, paragraphs 1 and 3.

3 Q. Mr. Praljak, is it not true that neither in paragraph 1 nor in
4 paragraph 3 is there any mention of the SIS or indeed the military
5 police? It simply spells out what is to be done, and afterwards start
6 the appropriate procedure through this command.

7 A. Yes, that's precisely what it says, but I think that is, as a
8 matter of fact, in reference to both the SIS and the military police.
9 This is something that they must do.

10 Q. I don't know what Mr. Obradovic had in mind. I can only say what
11 I see written here in this order. Let's move on to the next document,
12 please, 5D02009. Again, an order by Mr. Obradovic, 5D02009. The date is
13 the 3rd of July; that's before your time. The title is: "Order
14 Regarding the Restriction of Passage and the Checking of Soldiers at
15 Check-Points Delivered."

16 Mr. Obradovic says:

17 "I hereby order:

18 "1. Every commander of a unit of the exit point from their zone
19 of responsibility further into the territory towards the Neretva River
20 shall set up a check-point of the battalion through which only his own
21 soldiers shall be allowed to pass who are in possession of a written
22 authorisation from him."

23 Paragraph 2 reads:

24 "Commanders of the civilian, active-duty, and brigade police may
25 pass through only those -- or may let through only those soldiers or

Page 42745

1 groups of soldiers who are in possession of written authorisation from
2 the unit commander, and these persons shall be allowed to pass these
3 check-points down further into the territory of the Neretva River."

4 Paragraph 3:

5 "The commanders of the units and police manning the check-points

6 shall be responsible for the implementation of this order."

7 We see that the order was delivered to all units, the commander
8 of the civilian police, and the commander of the Dretelj active police.

9 Mr. Praljak, today at page 32, line 16, you said that the
10 military police administration and its head were in charge of determining
11 the positions of check-points. If we look closely at this document we
12 see that it's actually Mr. Obradovic who determines these locations -- or
13 rather, he orders his own unit commanders to set up check-points.

14 Do you have any explanation for this? And by "this," I mean the
15 discrepancy between what you said and what this document reflects.

16 A. Mr. Obradovic is setting up a check-point deep in his own
17 territory because groups had been infiltrated by the BH Army and they
18 were operating behind the lines. However, as for these check-points
19 deeper into the territory, these exist already, and he tells us that
20 these existing ones further into the area should keep operating.
21 Obviously people were leaving their positions and deserting and he was
22 facing problems such as these. Therefore, he authorises his own military
23 police and everybody else to not let through anyone not bearing a written
24 authorisation from the commander allowing them to leave this territory.
25 That is how I read this document.

Page 42746

1 Q. Mr. Praljak, how far does the territory under any unit commander
2 extend?

3 A. That's at the commander's discretion, isn't it, and it depends on
4 the situation that a commander is facing.

5 Q. Let's move on to the next document, please, 5D021 --

6 MR. STRINGER: I apologise for the interruption, counsel,
7 Mr. President.

8 Just with respect to this document 5D02009, I think there's a
9 mistake in the English translation, and while we're on it I thought I
10 could raise it to see if I'm right, then we can get the translation
11 corrected. And maybe with counsel's help or the witness's help I'm
12 looking at the preamble which in the English version says:

13 "With the aim of executing the order of the Main Staff HVO that
14 all soldiers-Croatians have to be permanently on the filed," f-i-l-e-d, I
15 think that probably should the word "field," f-i-e-l-d, but I think it's
16 a typo in the English translation; and if so, maybe we can correct that.

17 JUDGE ANTONETTI: [Interpretation] It seems that everyone agrees
18 that it was a typo.

19 Please proceed.

20 MS. TOMASEGOVIC TOMIC: [Interpretation]

21 Q. Mr. Praljak, 5D02189, another one that's before your time and
22 again the person involved is Colonel Obradovic. This is an order to
23 obscure roads --

24 MS. TOMASEGOVIC TOMIC: [Interpretation] If my learned friends
25 right in front of me could keep their voices down. I can't even hear

Page 42747

1 myself speaking. Thank you.

2 Q. This is an order to secure roads and secure work at check-points.
3 Mr. Obradovic here issues an order. What I want to know about is

4 paragraph 1(e), item e in relation to the military police. It reads:

5 "The Capljina civilian police, the Dretelj active-duty military
6 police, and the command of the Capljina Home Guards:

7 "Under the command of the Capljina civilian police and in
8 coordinated action with the above, as well as the brigade military
9 police, shall secure the following road: Klepci - Tasovcici - up to and
10 including Zitomislici, using the existing check-points. Also leave the
11 stronger check-point at Pocitelj.

12 "Along the remaining part of the road, every 800 metres, post a
13 group of five to six men for security purposes."

14 Paragraph 4:

15 "The commanders of the 1st, 2nd, 3rd" and so on, he now
16 enumerates the commanders, "shall be responsible for implementing this
17 order." The list includes the commander of the Dretelj active-duty
18 military police.

19 Mr. Praljak, this is yet another document where we witness
20 Mr. Obradovic, in this case Mr. Obradovic personally issues an order as
21 to where a check-point could be set up. Can you comment on that, please.

22 A. Yes, that's quite right. While using the existing check-points,
23 and given the situation that he now found himself in where at one time 26
24 of his men had been killed behind the lines, massacred due to the treason
25 of the Muslims within the HVO, and the entirely uncertain situation that

Page 42748

1 prevailed behind the lines along the entire front line, this document is
2 perfectly proper given the context. All he's saying here is telling

3 everyone to do their job because he was in a position where he had no
4 choice but to put in a fast reaction, a dreadfully fast reaction.

5 Q. In addition to using the existing check-points, he also says here
6 that a check-point is to be set up at Pocitelj; right?

7 A. Yes, that's accurate.

8 Q. All right. Let's move on to the next one --

9 JUDGE ANTONETTI: [Interpretation] General Praljak, I have two
10 questions on this document. First there's something I'm not too sure
11 about. Regarding Capljina it seems that the entire set-up is placed
12 under the command of the civilian police. So if we understand this
13 correctly there will be check-points with mixed controls, but it's the
14 military police that's in control and commanding. Is this routine or is
15 there a special reason for this?

16 THE WITNESS: [Interpretation] Your Honour, this wasn't something
17 that was routine. This document shows exactly a situation where a system
18 has to be bypassed. The date is the 30th of June and that's what makes
19 the document comprehensible. I'm not again going into what happened on
20 the 30th of June. I found out at a later stage based on documents and
21 stories I heard from people. At one point in time, you will remember 26
22 HVO soldiers deep in the territory behind the lines near Capljina just
23 across from the Neretva River were ambushed and massacred by renegade
24 groups of Muslims who were part of the HVO. Back then one had no idea
25 how many of those groups were around. They were wearing uniforms and

1 could in no way be distinguished from everyone else. It's not like their

2 skin was of a different colour. They were people with all the same
3 features. No racial distinction. They were armed, they were in HVO
4 uniforms, and poised to massacre everyone behind the lines. There was
5 this one single incident in which they killed 25 or 26 men. So that's
6 what we see reflected in this order. He's setting up check-points here
7 at 800-metre intervals with armed men so that they could put up a fight.
8 That's your answer.

9 JUDGE ANTONETTI: [Interpretation] Very well. At the end of your
10 answer you were pre-empting my second question. When looking at this
11 document we see that there are four battalions who are on the field,
12 they're deployed on the field, and what's interesting is he's asking for
13 small groups of five to six soldiers to be set up, placed every 800
14 metres. Basically, the armed forces seem to be deployed on the field
15 with six soldiers every 800 metres. This is very far from a traditional
16 check-point where you check the traffic. Here, obviously this operation
17 is meant to secure the field. So this securing operation associating
18 civilian and military police must also involve soldier. There's not
19 enough military policemen to be deployed every 800 metres; right? Do you
20 agree, yes or no?

21 THE WITNESS: [Interpretation] Entirely, Your Honour, yes. This
22 is about securing the terrain against infiltrated terror groups. You
23 remember the situation in which I was looking for hunters, local hunters
24 to give us a hand because we didn't have enough military police or
25 civilian police to cover the entire area. So I asked the local hunters

1 to join us.

2 MS. TOMASEGOVIC TOMIC: [Interpretation]

3 Q. Next one up P02836. Thank you. This is a document by Battalion
4 Commander Mijat Tomic. This is part of the Herceg Stjepan Brigade. The
5 date is the 18th of June, 1993. It's addressed to the Jablanica HVO
6 military police. In this document we see this battalion commander issued
7 the following order:

8 "The Jablanica HVO military police shall set up a check-point at
9 Sovicka Vrata where it will check passing traffic and people" and then
10 there's a bit that's illegible, "to members of the military police. The
11 check-point will be secured by ten soldiers from the battalion."

12 Paragraph 2 reads:

13 "Set up a check-point along the Risovac-Kuharnica road" I'm not
14 sure the place name is correct. It's difficult to read. "The objective
15 to check the passing traffic and people as well as any material and
16 technical equipment, wood and wooden material, to be carried out by a
17 single member of the military police. The check-point shall be secured
18 by two soldiers from the battalion."

19 Paragraph 3 reads:

20 "Set up two MP patrols consisting of two military policemen each
21 to carry out patrols in" a number of villages that are specified.

22 Paragraph 4 reads:

23 "The order shall take effect immediately. Military Police
24 Commander Jerko Azinovic shall be responsible for the execution of this
25 order."

1 Mr. Praljak, do we in fact not see this commander as well setting
2 up check-points and ordering the military police as to where those
3 check-points should be set up, how they should be secured, and what their
4 tasks would be in the area?

5 A. That's correct. He's asking the military police to assist him
6 and to do its job, and he noticed -- well, he noticed a fire and asked
7 the firefighters to put it out. It's the same story. Well, that's his
8 duty to issue this order and to demand -- well, if it said request or
9 demand it would be a different story. It says order here and they're
10 duty-bound because it is within their purview to set up a check-point
11 there where he noticed that some timber is being stolen. There's nothing
12 controversial here.

13 Q. Yes, precisely. All those commanders actually issue orders, all
14 of them. They do not warn or caution. There is a document that is
15 called a caution in the army. You will agree with me that they might
16 have sent a document entitled "Caution" or "Request," they all know that
17 very well yet they all issue orders?

18 A. Well, they issue orders to the firefighters to put out fires.
19 The military police is there at their disposal to be told what to do once
20 it has learned that something is going on, and then it is supposed to do
21 that because it's part of its personnel structure, policy, and so on.

22 JUDGE ANTONETTI: [Interpretation] General Praljak at several
23 locations you mention the firefighters that are asked to put out the
24 fire. That could be an example, that's true, and using this example I

25 will apply this to check-points. Was it absolutely necessary to give

Page 42752

1 orders when the task must be executed? It's absolutely normal to check
2 roads. Is it necessary to issue orders to that end?

3 Then secondly, I've just taken a look at all these orders and
4 they seem to have to do with military objectives and try to meet military
5 objectives. You're telling -- you told us so, you know, on June 30th
6 there was the desertion of Muslims from HVO ranks. You said that 26 HVO
7 soldiers were killed on that day. That's the document that was dated
8 June but there are others. So all in all, all these documents that deal
9 with the military police, it seems that these are actually documents that
10 have to do with military operations that have to be executed on the field
11 in order to secure the field, to prevent the enemy from deploying its
12 troops rather than regular check-point that would be there just to check
13 the ID of people passing by.

14 THE WITNESS: [Interpretation] You're right, Your Honour. It is
15 simply -- before the commander noticed that somebody was stealing timber,
16 there was no need for the check-point. He says -- well, there is a fire.
17 He doesn't say anything more than that. Go out and fight the fire. He
18 learned that at that spot some thieves were passing, stealing timber,
19 it's a timber-rich area, and everything else. Well, I used the
20 firefighters as my metaphor. I can use other things -- well,
21 firefighters have a structure, and if a civilian reports that there is a
22 fire, they go out to fight it. They have their equipment, they have
23 their command structure, they have everything. But they go out and put

24 out a fire when they learn or when they see there's a fire, but they
25 cannot see everything although they have their observation posts. Of

Page 42753

1 course, the military police does its job wherever they see there's a
2 problem. But a commander -- each commander, when they see that there's
3 something wrong, they inform the military police in the form of an order.
4 Well, so be it.

5 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honours --

6 Q. Mr. Praljak, what you said about stealing of timber, you said
7 that because in item 2 of this document it says, well - in brackets -
8 that the traffic of people, material, and equipment and timber and timber
9 products is also being monitored. Is this something that you recalled?

10 A. Yes.

11 THE INTERPRETER: Interpreter's note: There's something wrong
12 with the sound in our earphones.

13 THE WITNESS: [Interpretation] Well, somebody's obviously making
14 money and out of smuggling.

15 MS. TOMASEGOVIC TOMIC: [Interpretation] I can see that there's a
16 problem with microphones. I have two microphones on because we were
17 asked to have two microphones on because -- by the interpreters. I don't
18 know if there's another microphone on. Yes, now it's better. I don't
19 know if the interpreters hear me if there's only one microphone on.

20 THE INTERPRETER: Interpreter's note: Yes, we can hear well.

21 JUDGE ANTONETTI: [Interpretation] Resume with the two
22 microphones, please.

23 MS. TOMASEGOVIC TOMIC: [Interpretation]

24 Q. Let us move on to P02836, Mr. Praljak -- no, we've already gone
25 through that one. The next document P03548. It's a document dated the

Page 42754

1 19th of July, 1993. Again, the same gentleman that we saw in the
2 previous order, but this time he's identified as the deputy commander of
3 the Mijat Tomic brigade, Herceg Stjepan, and he orders as follows in item
4 1:

5 "The check-point at Sovicka Vrata is to be manned exclusively by
6 the military police in line with the instruction for the work at
7 check-points issued earlier.

8 "I appoint Miro Maric as the check-point commander, and he shall
9 be responsible together with the military police commander, Jerko
10 Azinovic, for any omissions that might happen or infractions that might
11 happen there at the check-point."

12 Then item 3:

13 "Set up a check-point at the Prosina sector" -- well, I don't
14 have to read that.

15 In item 4 he says:

16 "The remaining military police personnel is to be deployed to
17 carry out their day-to-day activities in town and on the front line at
18 Kosne Luke.

19 "This order shall come into force immediately."

20 And it is sent to the military police commander Jerko Azinovic
21 and Miro Maric.

22 Mr. Praljak, is this an order, just as the previous one, and do
23 you give the same answer? Because we see here that a check-point is
24 ordered to be set up by the deputy commander of the brigade, and we can
25 also see that he is disposing of the military police personnel as he sees

Page 42755

1 fit, he dispatches some of them to the front line, some of them are
2 supposed to do their day-to-day job, some of them are to man those
3 check-points?

4 A. It is correct -- well, these two orders are slightly different.
5 It is obvious that he removed his soldiers, probably because he doesn't
6 trust them. Some of them may have been actually doing it, and he trusts
7 that the military police would do a better job on its own. Signatures
8 are different. Now this is the deputy commander of the battalion signing
9 in -- on behalf of the commander, Stipe Pole, so the signatures are
10 different. But other than that, I maintain what I've already said in my
11 previous answer. My explanation remains the same.

12 Q. Very well, Mr. Praljak. Now I would like to conclude this topic.
13 We have gone through three operational zones --

14 JUDGE ANTONETTI: [Interpretation] General Praljak, as your -- the
15 counsel just said, she went through three operational zones and we have
16 seen a number of orders asking the military police to check the roads or
17 maybe check other areas. This is quite interesting. But for anyone from
18 the outside, just like us as Judges, when you look at all these orders,
19 we wonder why there's so many written orders. Orally the sergeant or
20 some officer could have been told, Tomorrow post yourself on this road

21 with two or three soldiers, execution of the order.

22 Why is it that in the HVO there's this need for drafting written
23 orders when, you know, just giving the order orally would have solved the
24 problem? It seems sometimes it's just to keep people busy, get them to
25 write orders. What's your take on this?

Page 42756

1 THE WITNESS: [Interpretation] Well, I also think, Your Honour,
2 that there were too many orders, written orders. I personally conveyed
3 many more orders in oral form, and I intervened directly by either
4 explaining things to people or whatever. But the system of the army and
5 of the Yugoslav People's Army -- well, there was this huge proliferation
6 of paperwork that, in effect -- well, decisions, the self-government
7 communities, these were units or -- that were based on hyper-production
8 of paperwork. The more paperwork, the worse the system; that's what it
9 meant.

10 JUDGE ANTONETTI: [Interpretation] Very well. It's a principle
11 that could maybe also be applied to this Tribunal.

12 Ms. Tomic, you have the floor.

13 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

14 Q. Before I move on to our next topic, two brief documents I would
15 like to look at. The first document is the next document you have. It's
16 your document that was shown to you in the course of your
17 examination-in-chief. It's document P05188. That's your order. We can
18 see that it was sent to all operational zones, to all units subordinate
19 to the Main Staff, and to the military police chief. The order is dated

20 the 18th of September, 1993, and in this order you in the preamble,
21 before you say "I order," you invoke the order from the president of the
22 HR HB, Mate Boban.

23 Do you recall having seen this in your examination-in-chief?

24 A. Yes.

25 Q. Now I would like to ask you, Mr. Praljak, to look at the next

Page 42757

1 document, that's P05104. It's an order by Mr. Mate Boban three days
2 before the previous order that you yourself issued, and it's addressed to
3 the Defence Department and the Main Staff of the armed forces. And I
4 would like to know whether this is the order that you invoke in your --
5 in the order that you issued?

6 A. Yes.

7 Q. Thank you very much, Mr. Praljak. Now I would like to move on to
8 the next topic.

9 A. Will you be asking me any questions about that?

10 Q. No, no. I just wanted to confirm that this is the order because
11 we had this order when we were looking at the other one. I just wanted
12 to check what is it that you were referring to.

13 A. Very well.

14 Q. Mr. Praljak, let me now move on to the topic of prisons. At
15 pages 41048 of the transcript and 41049 of the transcript, you said the
16 following, and I will read the English so that we avoid any confusion.
17 So you said:

18 [In English] "The brigades, the HVO had no authority whatsoever

19 over the prisons, the army over the prisons, none. Frankly speaking, I
20 don't know who it was that did have power over the prisons. I know that
21 we had no power over the prisons."

22 [Interpretation] That's the first quote. And the next quote is
23 at page 41616, and here you say:

24 [In English] "And as far as the detention centres are concerned,
25 besides Heliodrom, I was fully convinced that those were prisons. I did

Page 42758

1 not have any control over the prisons. The prisoners did not have
2 anything to do with the Main Staff or the army, when it came to their
3 setting up control, investigations."

4 [Interpretation] Now, Mr. Praljak, do you recall having said
5 this?

6 A. Yes.

7 Q. Now I would like us to look at some documents. Again let us go
8 to all three operational zones. I will always indicate whether the
9 document is from your period, and any documents that are not from your
10 period I will first check with you whether you were aware of it. The
11 first document is 5D04379. This is a document issued by the commander
12 of -- from the command of the north-western Herzegovina Operational Zone,
13 Mr. Govorusic. We can see that the document was sent to a number of
14 brigades and also to an independent battalion from Posusje, and to the
15 2nd Military Police Battalion. The date of this document, well, I don't
16 know if I've indicated it, it's the 21st of April, 1994 [as interpreted].

17 And it says that:

18 "Pursuant to the order of the Main Staff of the HVO, number
19 01-659/93 of the 20th of April, 1993, and as regards the rights and
20 obligations of the Red Cross, I hereby order" as follows.

21 And item 4 reads:

22 "Report to the ICRC the identity of all prisoners or captives and
23 allow their representatives to visit them."

24 And in item 7:

25 "All subordinate units under your commander are to be once again

Page 42759

1 familiarised with this order."

2 So my first question for you, Mr. Praljak, is whether you were
3 aware of this document.

4 A. No.

5 Q. Since this is a document that was outside of your period and you
6 were not aware of it, would you like to comment on it or should I move on
7 or can I ask you anymore questions about it?

8 A. Well, any which way you please.

9 Q. So, Mr. Praljak --

10 MS. TOMASEGOVIC TOMIC: [Interpretation] I would really like the
11 colleagues sitting in front of me, if they could really keep it a bit
12 lower because I really can't concentrate when they speak.

13 Q. Mr. Praljak, I've read out to you what you said, and you said
14 that the military had nothing to do with the prisons. Well, prisons are
15 not mentioned in this document. That's true. There is talk about
16 captives or prisoners, and it is stated that they should be visited or

17 that the ICRC representatives should be allowed to visit them, but then
18 the assumption is that they are kept somewhere in detention or that they
19 are captured, killed in captivity. How come that you told us that the
20 military had nothing to do with prisons - I'll use that term - yet in
21 item 4 we read what we've just read and this document was sent to the
22 brigades? Why is Mr. Govorusic sending this document to the brigades if
23 the army has nothing to do with that, as you've told us?

24 A. At the request of the Red Cross you had to write an order like
25 this and the items relating to the brigade are item 1, to all areas; item

Page 42760

1 2; item 3; item 4, this was sent to the 2nd Battalion of the military
2 police. I simply don't know whether a prison existed there and whether
3 they had authority -- anyway, I stand by my position that according to
4 the establishment and rules, no military unit of any rank could have nor
5 did it have authority over prisons. Now, whether somebody somewhere at
6 some point in time outside any establishment system secretly had
7 something like that or not, that would be the subject of an investigation
8 and inquiry, both then and now.

9 Q. I'd like us to see that precisely, Mr. Praljak, by looking at the
10 documents. You've slightly changed what you said. You said it wasn't
11 that way according to the establishment, but now let's have a look at
12 what this situation was like according to individual documents. I have a
13 document not in my binder which I'd like to remind you of. It was put to
14 you by Ms. Nozica. We can pull it up on e-court. It's a short document.
15 It is P03234. We'll have it up on e-court and on our screens --

16 MR. STRINGER: Excuse me, I apologise for the interruption. I
17 noticed with the last document, 5D04379, the original-language version is
18 dated 21 April, 1993, whereas the English translation is dated 21 April
19 1994, so it's a pretty significant difference, and we'd ask if the Coric
20 Defence team -- I think this may be one of their translations, if they
21 could correct this one as well. Thank you.

22 JUDGE TRECHSEL: Perhaps one could add that the English document
23 in the introductory paragraph also refers to a order of the chief of the
24 Main Staff of 20 April 1993, which increases the presumption that the
25 number 1994 might be wrong.

Page 42761

1 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honour, the date is
2 wrong, and I'd like to thank Mr. Stringer for bringing my attention to
3 that. It was probably a typo error because obviously looking at the
4 original document we see that it was 1993 and we'll put that right as
5 soon as possible.

6 Now may we have called up on e-court the next document which is
7 P03234.

8 Q. This is a document from Mr. Siljeg. It is dated the 6th of July,
9 1993. It is an order for arresting and detaining all Muslim men aged
10 between 16 and 60, and for the implementation of this order, it will be
11 the military police and SIS of the Rama Brigade who will be held
12 responsible. This is a document that Ms. Nozica put to you earlier on.
13 Did you know about it? Did you know about this order?

14 A. No.

15 Q. Fine. Then let's move on to the next document which is P02649.

16 Mr. Praljak, I'm taking this in chronological order, documents
17 related to Prozor, so that everybody can see what was happening within
18 the sequence of events and the days. This is from the Rama Brigade
19 commander, Marinko Zelenika, it is an order dated the 6th of July, 1993,
20 so the same date as the previous order by Mr. Siljeg, sent to the head of
21 Dekorativa and the civilian protection commander, and Mr. Zelenika is
22 here ordering that all premises be secured for the accommodation of
23 Muslim persons in the Dekorativa storehouse. And the director of
24 Dekorativa and the civilian protection commander shall be held
25 responsible for the execution of this order.

Page 42762

1 Mr. Praljak, this is before you took up your post, but did you
2 know about this document? Is it familiar?

3 A. No.

4 Q. Very well. We can move on to the next document then, which is
5 P03266. Once again a document signed by Commander Marinko Zelenika from
6 the Rama Prozor Brigade, once again issuing an order to the civilian
7 protection organs. He says:

8 "Order,

9 "Based on the present situation in the area of the Rama-Prozor
10 municipality and dealing with the accommodation of military-age members
11 of Muslim ethnicity."

12 He says:

13 "I hereby order:

14 "The civilian protection to organise accommodation for the above
15 persons (secondary school).

16 "2. That the civilian protection should organise meals for the
17 above.

18 "3. ... that the commander of the civilian protection shall be
19 held responsible for carrying out this order ..."

20 This is an order of the 7th of July before you took up your
21 duties. Did you know about it?

22 A. No.

23 Q. Very well. Then we can move on to the next document which is
24 P03270. It is a document once again dated the 7th of July and once again
25 written by Marinko Zelenika, the commander. This time he is issuing an

Page 42763

1 order to the Home Guards. And he says:

2 "Based on the present situation in the area of Rama-Prozor
3 municipality, and in connection with providing security for the detained
4 Muslims, I hereby order:

5 "1. That the Home Guard command organise security for the
6 secondary building in which the detained Muslim members are being
7 accommodated.

8 "2. ... the home guard commander shall be held responsible for
9 carrying out this order ..."

10 Now, Mr. Praljak, this was before your time but did you know
11 about this order?

12 A. No.

13 Q. Very well. Then we can move on to the next document, which is
14 P03286 dated the 7th of July, 1993, and once again we have Rama Brigade
15 commander Marinko Zelenika issuing an order to the medical corps this
16 time, the chief of the medical corps, and he says:

17 "I hereby order:"

18 Item 1, that:

19 "The medical corps shall provide regular visits by physicians to
20 the facility where the arrested Muslims are being kept."

21 Item 2, he says that:

22 "For the execution of this order the chief of the medical corps
23 shall be held responsible. His name is Mario Budimir."

24 Mr. Praljak, this is the 7th of July, once again before your
25 time, but did you know of this order?

Page 42764

1 A. No.

2 Q. Very well. Let's move on to P03477, having skipped over the next
3 document, and here once again we have an order from Commander Marinko
4 Zelenika of the Rama-Prozor Brigade, once again before your time. The
5 date is the 15th of July, 1993, and he says:

6 "I hereby order," that's the order, "I hereby order that the
7 security of the detained Muslims in the SSC, secondary school centre, be
8 provided by:

9 "Three civilian policemen.

10 "Three military policemen.

11 "And three Home Guards."

12 And the dead-line for carrying out the order is immediately.

13 "The order shall come into effect immediately, and the commanders
14 of the specified units shall be responsible to me for carrying it out."

15 The document was sent to the civilian police, the military
16 police, and the Home Guards Company, once again before your time but did
17 you know about this document, Mr. Praljak?

18 A. No.

19 Q. Very well. Let's move on to the next document which is 2D00899.
20 It is a document dated the 26th of July. The number is 2D00899. Let me
21 repeat the number. As I was saying, this document is dated the 26th of
22 July, 1993, two days after you took up your duties, once again an order,
23 once again from the Commander of the Rama Brigade, Marinko Zelenika, in
24 which he states as follows.

25 "Order.

Page 42765

1 "On the basis of the demonstrated need and to have more effective
2 functioning of the detention facility.

3 "I hereby appoint:

4 "Mato Zadro, son of Ambros, born the 25th of October, 1942, in
5 Dobrosa village, Prozor municipality, to the post of detention warden."
6 The order comes into force on the day of its issue.

7 Mr. Praljak, this was after you took up your post. Did you know
8 about this document, this appointment?

9 A. No.

10 Q. Let's move on then to the next document which is P03954. Once

11 again the same author, Commander Marinko Zelenika. The Rama-Prozor
12 Brigade. The document is dated the 4th of August, 1993. The order was
13 sent to the Home Guards commander and here is what it says:

14 "Order.

15 "On the basis of the present requirements and situation with
16 respect to providing security for the facility where members of Muslim
17 ethnicity are being detained, I hereby order:

18 "That the Home Guards from Rostovo listed here below be deployed
19 and placed at the disposal of the Prison Commander Mato Zadro ..."

20 And then at the end it says:

21 "The order shall come into effect on the day of its issue and the
22 commander of the Home Guards shall be held responsible for the
23 implementation of this order."

24 Did you know about this document, Mr. Praljak?

25 A. No.

Page 42766

1 Q. Very well. Let's move on to the next document then which is
2 2D00268. It is a document from the commander of the Rama Brigade
3 Ante Pavlovic, dated the 13th of August, 1993 --

4 JUDGE ANTONETTI: [Interpretation] General Praljak, my apologies.
5 I would like to come back to the previous document. We're talking about
6 the prison wardens and 14 of them are actually listed. I've look at
7 their date of birth and I see that they could have rather been judges
8 than prison wardens because they are of a certain age, to say the least.
9 So how could we have all the persons being prison wardens while in a

10 detention centre you could have law and order issues, rebellion issues,
11 so I was wondering whether the HVO had to draft all the persons to carry
12 out this task because they did not have enough staff, or did they feel
13 that it was because it was not a military activity. You see they were
14 born in 1941, 1946, 1936, 1938, these are the year of their birth.

15 THE WITNESS: [Interpretation] They were the Home Guards, and the
16 Home Guards were all elderly persons who were reinforcement for
17 detention. And if you look at some documents -- well, I don't know why
18 Siljeg took the decision to detain a certain number of Muslims in the
19 first place, but this was handed over to the civilian protection organs
20 and it was quite normal to provide security, to send a doctor, and so on.
21 So all this is about detention. This is the first time that I see that a
22 prison warden has been named and appointed. First of all, they did not
23 think that there would be any rebellions or anything like that, except
24 that there were instances of people escaping. But those prisoners, you
25 know, those detainees -- well, the Home Guards -- let me say, first of

Page 42767

1 all, the HVO did not have enough soldiers to provide people to do this
2 kind of work during the war; and secondly, the Home Guards were trained
3 and established to stand guard over certain facilities, buildings, areas,
4 and so on, and to act as reinforcements, in this case providing security
5 for the prison.

6 JUDGE ANTONETTI: [Interpretation] Thank you. And those older
7 persons were carrying weapons, because I see for number 1 it says
8 "automatic rifle," number 2 and 3 there's nothing; number 4 there's

9 automatic rifle as well.

10 THE WITNESS: [Interpretation] Yes, some of them were armed. That
11 is indeed correct.

12 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

13 Q. Now, Mr. Praljak, the next document we said was 2D00268.

14 JUDGE ANTONETTI: [Interpretation] [Previous translation
15 continues]... please.

16 MS. TOMASEGOVIC TOMIC: [Interpretation] 2D00268 is the next
17 document.

18 Q. I'd just like to ask you briefly -- well, we've read these
19 documents before, they're signed by Mr. Marinko Zelenika. Let me just
20 ask you. Do you know whether he was the commander of the Rama Brigade in
21 July 1993, do you remember that, any recollections of that?

22 A. Yes, I do remember that Marinko Zelenika was -- well, Ante
23 Pavlovic replaced Zelenika as brigade commander. He was brought in from
24 Zagreb on a voluntary basis because he was actually born in Rama --

25 Q. All right. That's fine, Mr. Praljak. We have this document

Page 42768

1 2D00268 which is one that is signed by Ante Pavlovic who replaced
2 Mr. Zelenika as commander of the Rama Brigade, and a few moments ago we
3 saw the other order on the appointment of Mr. Zadro as prison warden.
4 And this is a new order on appointment which says:

5 "Based on the need that has arisen for introducing law and order
6 into the facilities where persons have been temporarily detained and
7 prisoners of war.

8 "I designate:

9 "1. Mr. Petar (Tome) Baketic ... as prison warden."

10 This document is dated the 13th of August, 1993. Did you know,
11 Mr. Praljak, about this appointment and about this document?

12 A. No, I didn't.

13 Q. Let's move on to the next one, please, P04156. Again, the
14 document is signed by Ante Pavlovic, commander of the Rama Brigade. The
15 date is the 13th of August, 1993. It reads:

16 "Based on the demonstrated need to control prisoners of war and
17 persons temporarily detained:

18 "I hereby order:

19 "1. All persons temporarily housed in the secondary school
20 building shall be moved to UNIS, (the nuclear shelter), and the prisoners
21 of war to the MUP premises ..."

22 And further down:

23 "The chief of the SIS, the commander of the logistics company,
24 and the brigade police shall be responsible for the execution of this
25 order.

Page 42769

1 "The accommodation shall be provided by the chief of the
2 logistics company, and food by the head of the Rama Brigade central
3 kitchen ..."

4 Mr. Praljak, were you aware of the existence of this document?

5 A. No, I wasn't, but if I may say something: He is here handing
6 POWs over to the MUP. He's separating the temporarily detained persons

7 from POWs, whom he's handing over to the MUP.

8 Q. Yes. He decides that they should be put up on MUP premises here,
9 and then what food they shall be fed so on and so forth, but he decides
10 to put them there. All right, let's move on to the next document, please
11 P04193 --

12 JUDGE TRECHSEL: [Microphone not activated] -- with regard to
13 this document because if we look -- I start again because the microphone
14 did not work at the beginning.

15 I see something that is not clear to me with regard to number 1,
16 because one speaks of two categories of prisoners, namely, on the one
17 hand persons temporarily housed and on the other hand prisoners of war.
18 And it said that the prisoners of war are to be transferred to MUP
19 premises. But I do not see that the other prisoners, the first group
20 mentioned, are also handed over to the authority of MUP. I wonder how
21 you read the document, Mr. Praljak. It was you who raised this aspect.

22 THE WITNESS: [Interpretation] I don't have a specific answer.
23 The way I see it, he's not just sending the POWs to the MUP premises but
24 also handing them over to the MUP, as witnesses here have testified. I
25 can't say with any degree of certainty, but I think that at the time a

Page 42770

1 decision had already been taken to set up the prison in Rama. I think
2 there was a decision already, but I can't remember specifically.

3 JUDGE TRECHSEL: Can we then agree that what you said in one of
4 your last interventions, namely, that the prisoners were handed over to
5 MUP, applies only to part of the prisoners mentioned in this order?

6 THE WITNESS: [Interpretation] That's right. All the rest were handed
7 over to the civilian protection unit, as stated earlier. The temporarily
8 detained persons were handed over to the civilian protection, and the brigade
9 provided logistical support by providing a physician, by providing some food,
10 and so on and so forth, by securing members of the home guard and suchlike.

11 JUDGE TRECHSEL: Thank you.

12 THE WITNESS: [Interpretation] It's the securing of the Home
13 Guards, and so on and so forth.

14 MS. TOMASEGOVIC TOMIC: [Interpretation] I do apologise. I think
15 Judge Trechsel's microphone was on for a minute there. All right. My
16 apologies. It's all right now.

17 Q. Mr. Praljak, you just provided some explanations to
18 Judge Trechsel as to who was handed over to the civilian protection unit
19 and who was handed over to the MUP. You say that you did not see these
20 documents earlier on?

21 A. But I read them.

22 Q. That's fine. I'm about to ask my question. I'm just waiting for
23 the interpretation to catch up. What you've just been saying to
24 Judge Trechsel is something that based on what you just read in this
25 courtroom as I was showing you these documents; right?

Page 42771

1 A. Yes, that's right.

2 Q. Next one up P04193. The date is the 14th of August, 1993, again
3 from the Rama Brigade commander, Ante Pavlovic, addressed to the prison
4 warden and the brigade's military police. He hereby orders, paragraph 1:

5 "All detained persons under 15 or over 60 years of age and those
6 who are seriously ill (at a physician's proposal) shall be released and
7 treated as temporarily displaced persons."

8 Paragraph 2:

9 "This order shall take immediate effect. The warden of the
10 detention unit and the brigade's military police shall be responsible for
11 its execution."

12 Mr. Praljak, were you aware of this document?

13 A. No, I wasn't. But if I may add something, Pavlovic is here
14 implementing a decision previously taken by the Rama civilian
15 authorities.

16 Q. Yes, that's actually reflected in the header. Now that we've got
17 that straight the next document up is P05621. Again, one of Ante
18 Pavlovic's documents, and as we know he is the commander of the Rama
19 Brigade. The date is the 4th of October, 1993. It reads:

20 "Order ..."

21 This is a document from your time, so listen carefully, please.

22 Subject: "Order.

23 "Pursuant to an order by the commander of the Main Staff of the
24 HVO and with the aim of protecting the Muslim population.

25 "I order:

Page 42772

1 "1. All Muslim men fit for military service shall be taken into
2 custody and kept under surveillance.

3 "2. Men who have a regular work assignment shall be taken into

4 custody upon the completion of their work.

5 "3. The order shall take immediate effect, the military police
6 commander, the MUP commander, and the chief of the security and
7 information service in the brigade shall be responsible for its
8 execution."

9 And these are the three addressees. Mr. Praljak, did you know
10 about this? Do you remember anyone issuing an order like this on behalf
11 of the Main Staff as conveyed by Mr. Pavlovic?

12 A. It's not just someone from the Main Staff. It's me. I was the
13 one who issued this order to Mr. Pavlovic, for him to carry it out, the
14 reason being all the protective structures had begun to cave in of the
15 Muslim population in Rama municipality. I was fully conscious of this as
16 well as of my responsibility in this regard. I believe then, as I do
17 now, that given what the situation was people needed protecting, even if
18 what it took was bringing them in, detaining them, and keeping them under
19 surveillance. On the 4th of October, 1993, after everything that had
20 been happening in Grabovica, Uzdol, Hudotsko, and Doljani, there was
21 nothing left in place, no structure protecting the civilian population.
22 Everything had fallen apart.

23 Q. Mr. Praljak, lest there be any confusion, these are Muslim men
24 fit for military service; right?

25 A. Yes, no matter how this may look, I was in no position to take

Page 42773

1 women and children. It was far more difficult to commit a criminal
2 offence against those. All those who were potential evil-doers thought

3 that men might be a more fitting target for something like that since men
4 made potential fighters.

5 Q. Mr. Praljak, could we then say that you issued an order to
6 pre-emptively isolate these persons?

7 A. Yes, that's right.

8 Q. The date is the 4th of October, 1993. Can we please move on to
9 the next one, but please do bare the date in mind. It's a document by
10 Mr. Siljeg. The number is P06203. Mr. Praljak, was Mr. Siljeg superior
11 to Mr. Ante Pavlovic, the gentleman from the previous document?

12 A. Yes.

13 Q. You studied this document with my learned friend Ms. Nozica.
14 Nevertheless, I would like to go through this again briefly. The date is
15 the 28th of October, 1993, meaning the same month of the previous order.
16 Mr. Siljeg here writes: "To the Assistant Chief of the Defence
17 Department - Health Section."

18 It reads:

19 "Much esteemed gentlemen:

20 "While appreciating your efforts regard your order dated the 28th
21 of October, 1993, which was not even registered or given a protocol
22 number which concerned the inmates of detention centres and centres for
23 pre-emptive isolation, I believe it is my duty to inform you of the fact
24 that the specified institutions do not exist, nor indeed do any such
25 persons exist in the area of our military district unless they are

1 private. Even if they did exist, they are not within our competence."

2 Mr. Praljak, could you explain, or rather, are you aware of this?

3 And then you can go on to say whether you can explain it, explain how

4 Mr. Siljeg on the 28th of October is here seen as saying what I have just

5 read out? Under a month before his own subordinate is seen issuing an

6 order to the effect that all Muslim men fit for military service should

7 be brought in and kept under surveillance, which you termed "pre-emptive

8 isolation."

9 A. Sure, I can, Madam. It is my prerogative and responsibility

10 then, as now, before this Chamber to explain the reasons, should anyone

11 care to ask, for my decisions which Pavlovic then implemented. Why I

12 decided to place Muslim men fit for military service under

13 surveillance --

14 Q. Mr. Praljak, I do understand that. The one thing that I don't

15 understand is how Mr. Siljeg here is saying that they were not under his

16 competence, that those facilities might have been private, if any;

17 whereas, in the previous document his own subordinate determines that

18 those men should be brought in and kept under surveillance. What I want

19 to know is why Mr. Siljeg is here writing something that is patently not

20 true if we compare the two documents. You can tell me you don't know why

21 Mr. Siljeg wrote this. But that's not what I'm asking. The only thing I

22 am asking is it is quite obvious that there is a discrepancy between the

23 two documents?

24 A. No, there isn't.

25 Q. Right. Okay. Why is there not any discrepancy? Explain that,

1 please.

2 A. As for surveillance over those people, my responsibility stops.
3 It is down to the SIS, the military police, and the MUP. It's their
4 duty. You keep confusing two issues here and then you're asking me about
5 the discrepancy. There is the military police who in terms of their
6 structure --

7 Q. Mr. Praljak, you've told us all of this before. So it is your
8 position that they were not under the surveillance of the army despite
9 the documents that have so far been shown. My view is different. We
10 seem to be unable to agree. You stick to your opinion and I stick to
11 what I've read in the documents --

12 A. I'd like to be given an opportunity to present my opinion.

13 Q. And so you have time and again --

14 A. Fair enough.

15 Q. All right. Let's move on to our next document P0 --

16 JUDGE ANTONETTI: [Interpretation] General Praljak, the document
17 from Colonel Siljeg is such that when we read it now, it seems very
18 straightforward, the one dated October 24th, 1993, he's telling the
19 department of defence health section that there's no establishment or
20 centre that is within the competence of the military. This is very
21 straightforward. Mr. Coric's counsel is showing you the previous
22 document also where his deputy is saying that the Muslims must be kept.
23 Is there a contradiction between these two documents -- well, Mr. Coric's
24 counsel seems to say so, and you're saying that according to you there is
25 no contradiction. Now, for Judges to be able to rule on this maybe

1 there's just one thing missing. The intervention of the civilian police
2 with, if need be, other civilian authorities or the military prosecutor
3 with military investigating judge and the fact that these people would be
4 placed in military prisons. Any individual being arrested must have some
5 kind of legal status, either he's a suspect and then he's under
6 investigation, either a civilian or military investigation; and he
7 must -- there's some kind of authority must decide to place him in
8 detention, either a civilian authority or a military authority.

9 In Ante Pavlovic's order where we see that all Muslims must be
10 kept under surveillance, there's something missing. Who's going to take
11 care of them afterwards? Are they going to be interrogated by the
12 military police, by the SIS? Is there going to be some kind of procedure
13 launched against them? Is a judge going to decide to place them in -- to
14 jail them? So what do you think of this? Can you confirm that these two
15 orders are in line with each other, there's no contradiction? But if
16 that is so, isn't there some element missing?

17 THE WITNESS: [Interpretation] No, there's no contradiction if you
18 look at those two orders and there's nothing missing there. The moment
19 when the institutions that were set up specifically for that purpose, and
20 that is the MUP, the SIS, and the military police, take over the people
21 who were brought there to be protected for their own protection, from
22 that moment on -- well, they have the rules and they act in accordance
23 with those rules, just as you did when I was brought here. There are
24 rules. Nobody needs to tell you what to do. I am brought here. The

Page 42777

1 counsel do their job. What is meant here is that if you put somebody in
2 isolation and inform the military police and the SIS, well we don't care.
3 You can do -- you can go on doing what you want. No, that's not true.
4 Those institutions have to do their job. If they don't do their job,
5 they're responsible for the failure to do their job. There's no
6 collision, there's no contradiction, except if there is lack of effort
7 and whether in addition to the chief of the Main Staff who spent
8 countless hours there, if the minister of the interior, Brana Kvesic came
9 up there, or Valentin Coric, the chief of the military police, well if
10 they didn't do their job, it's their responsibility, not responsibility
11 of Ante Pavlovic.

12 In accordance with my order, Ante Pavlovic was responsible only
13 for the proper performance of their duty up until the moment when those
14 people were turned over. His responsibility stops there. He could have
15 been asked to provide the home guard to guard them. He had a doctor,
16 doctor was duty-bound to help anyone there and to provide them with food
17 if he had a kitchen. So -- but that's aid, assistance. But
18 responsibility begins when people are given their -- their clear orders
19 to do so in an institutional manner. That's clear to me.

20 JUDGE ANTONETTI: [Interpretation] I believe that we will soon
21 have to have a break. It's 12.30. Well, we will break for 20 minutes.

22 Let me tell Ms. Tomic that so far she's used up four hours and
23 two minutes. Thank you.

24 --- Recess taken at 12.30 p.m.

25 --- On resuming at 12.52 p.m.

Page 42778

1 JUDGE ANTONETTI: [Interpretation] The court is back in session.
2 It's ten to 1.00. We'll stop at 1.45. Regarding the time allotted, I
3 told you before the break that you had used up four hours and two
4 minutes. The -- we had allotted you four hours and 45 minutes, 45 extra
5 minutes for you just like any other.

6 Now, if you don't finish because you don't have enough time, all
7 the time that you will use beyond four hours and 45 minutes -- of course
8 you can use it, but then we deduct it from the credit of time that has
9 been allotted to you as a whole. It's quite simple, right. Did you
10 understand?

11 MS. TOMASEGOVIC TOMIC: [Interpretation] Yes, I understand you
12 perfectly, Your Honour.

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 Mr. Praljak, we can always use the breaks to our benefit and
15 think about what you told us earlier. So we understood what you told us
16 earlier. We know what your case is. Your position seems to be very
17 simple. Whenever the HVO captures a prisoner, this prisoner is handed
18 over to the military police or the SIS or another party, another --
19 someone else, and then as of that moment the commander of the brigade is
20 no longer responsible of this prisoner, at least that's your position.
21 Now, let's assume that there are prisoners who've been handed over to the
22 SIS or the military police. According to you, what is their fate? What

23 is going to happen to these people? Where are they going to be detained
24 or accommodated?

25 THE WITNESS: [Interpretation] As far as I know, Your Honour, as

Page 42779

1 early as in 1992 I think that four prisons were established, military
2 investigative prisons or central prisons, whatever they were called. And
3 they were supposed to be taken to those prisons, and now further
4 procedure is stipulated by the relevant conventions. Of course, as far
5 as I know, the SIS was supposed to interrogate some people, to learn some
6 intelligence, and if they learned that some crimes were committed by any
7 of them indictments are handed down -- well, the procedure is followed in
8 the treatment of prisoners, captives, or persons who were placed in
9 isolation for the purpose of their own protection.

10 JUDGE ANTONETTI: [Interpretation] To your knowledge, could you
11 tell us whether the military prison -- under which responsibility are the
12 military prisons? And just three minutes, you know, I can sum up hours
13 of discussion.

14 THE WITNESS: [Interpretation] Well, Your Honour, Your Honours, my
15 answer is as follows. The Main Staff of the HVO and the army did not.
16 We did not have control, we did not receive reports. Now, in the more
17 complex part, at least as far as I'm concerned, as to what the justice
18 ministry, the military prosecutor's offices, and the Defence Department
19 are doing -- well, I don't want to go into trying to get explanations as
20 to whose -- who did what and to what extent, we heard witnesses here and
21 things are not entirely clear to me. But not a single report, not a

22 single control, appointment, or anything of the sort had anything to do
23 with the Main Staff of the HVO or with any other structures in the
24 military sector, the brigades or operational zones. Well, it was logical
25 to ask that food be prepared because the logistics was in place or to

Page 42780

1 provide a physician, and the physician was duty-bound to treat anyone,
2 including enemy soldiers as you have seen, or for a certain number of
3 Home Guards to be attached by way of providing assistance to whoever is
4 in charge. So these were the three elements.

5 JUDGE ANTONETTI: [Interpretation] Very well. Therefore, the
6 military prisons have no connection with the Main Staff of the HVO or
7 with the military structures of the operational zones. However, you're
8 telling us that logistics could be provided to these prisons. Does this
9 sum up your position?

10 THE WITNESS: [Interpretation] That's correct.

11 JUDGE ANTONETTI: [Interpretation] Very well. Now I think
12 everything is clear.

13 Ms. Tomic.

14 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

15 Q. I will now follow-up briefly to the questions asked by His
16 Honour. Could you tell me, Mr. Praljak, the prison warden, is he the
17 person that bears the most responsibility for the situation in the
18 prison?

19 A. Yes.

20 Q. As far as I was able to understand your logic so far, whoever

21 appoints a person -- in fact, the appointed person is then held
22 responsible by whoever appointed them, and this person can then remove
23 them from office and so on?

24 A. Yes, that's correct.

25 Q. Over the past half-hour we looked at documents and we saw two

Page 42781

1 documents where the brigade commanders, the commander of the Rama
2 Brigade, first one; and then another, appoint two prison wardens in
3 Prozor. And now if we follow your logic - and that's not only your
4 logic, it sounds logical indeed - if the prison warden is responsible for
5 the situation, the conditions in the prison, and if a brigade commander
6 appoints the prison warden, and if you are held responsible or if you're
7 responsible to whoever appointed you, then it would follow that the
8 prison warden is responsible to the brigade commander; is that correct?

9 A. With a certain amount of reservation, yes. The first warden was
10 from the civilian protection and the second was from the military police.

11 Q. That's not correct, Mr. Praljak. Let me go back to both those
12 documents. Can we -- I'll ask my colleague to find those two documents
13 and we'll get on with something else, not to waste the Court's time. But
14 let me remind you -- well, I'll remind you about it but let's move
15 forward, let's move on. Document P06569 is the next one I'd like us to
16 look at.

17 The last document we were looking at was the Siljeg document,
18 where he says that if centres for preventive isolation existed, that the
19 detainees did not come under his authority. Now, this is a document

20 dated the 10th of November, 1993, which is to say 12 days after the
21 document by Mr. Siljeg that we looked at earlier on. The document is
22 signed by the Rama SIS centre, Mr. Luka Markesic and it is addressed to
23 the command of the military district of north-west Herzegovina, that is
24 to say Mr. Siljeg. The document is titled "Information," and I'm just
25 going to read some parts. Here is what it says:

Page 42782

1 "Subject: Position of Muslims in the area of responsibility of
2 the SIS Rama centre ..."

3 You knew who Mr. Markesic was and that he occupied that position?

4 A. Yes, I did know.

5 Q. Fine. Now, Mr. Markesic goes on to say as follows, second
6 sentence:

7 "There are 306 military recruits -- military conscripts, of which
8 209 are detained in the MUP prison, 23 are detained in the brigade police
9 prison ..."

10 And down below he gives some other facts and figures. And then
11 it says:

12 "In Pidris there are 16 prisoners under the control of the 4th
13 Ljubuski Brigade which are used as a work unit ..."

14 And then three paragraphs lower down -- three paragraphs before
15 the end Mr. Markesic goes on to say:

16 "As in the Rama SIS centre area, there is no proper accommodation
17 for a larger number of detainees. We propose that a number of prisoners
18 be transferred to the military prisons of Herceg-Bosna."

19 Now, Mr. Praljak, did you know about this?

20 A. You mean did I know about this order?

21 Q. About this piece of information.

22 A. No, I did not know about this information, but I did know roughly
23 what the situation was like down there.

24 Q. Mr. Praljak, who in your opinion would be responsible for seeing
25 to the fact that those prisoners were transferred to the military

Page 42783

1 prisons?

2 A. The chief of SIS, Mr. Ivo Lucic, with the help of the military
3 police because this is the SIS centre. It's no longer -- well, it's the
4 SIS centre that has been set up to manage those affairs ex officio.

5 Q. All right, Mr. Praljak. Let's see who transferred them. Look at
6 P06662, the next document, now please. It says SIS of the Rama Brigade
7 dated the 14th of November, 1993, and we're going to look at two
8 consecutive documents because they're linked, so it's important that we
9 look at them together. It says:

10 "Report.

11 "Due to lack of space for accommodation of prisoners, another 105
12 Muslim prisoners from Prozor were dislocated on the 13th/14th November
13 1993 at around 0100 hours.

14 "These same people were relocated to the Gabela prison."

15 Now, let's look at the next document because as I said we have to
16 look at these documents together. This document was dated the 14th of
17 November. Now look at P0666 -- or rather, 6658 is the document number,

18 P06658, which is a document of the Rama Brigade dated the 14th of
19 November, 1993, sent to the commander of the 1st Knez Domagoj Brigade,
20 Capljina. And the document reads as follows:

21 "In the night between the 13th and 14th of November, 1993 --"

22 P06658 is the document.

23 "In the night between the 13th and 14th of November, 1993, 105
24 Muslim prisoners will arrive pursuant to General Tole's order.

25 "It is necessary to accommodate them in the military prison in

Page 42784

1 Gabela. You are requested to inform the prison warden urgently with
2 regard to this matter so that I can undertake the necessary measures on
3 time ..."

4 Now, Mr. Praljak, the first document that we looked at was dated
5 the 10th of November and it was from Mr. Luka Markesic, who was writing
6 to the military district, asking that people be relocated, that is to say
7 the prisoners. Now, after that we have another report dated the 14th of
8 November, in which it says that they have already been relocated. And
9 now finally a document with the same date from the Rama Brigade sent to
10 the commander of the 1st Brigade Knez Domagoj from Capljina. Now, a
11 moment ago you said with very great certainty that this was done by the
12 SIS and the military police. Would you tell me whether you still stand
13 by that and maintain what you said having seen these three documents and
14 did you know about them?

15 A. No, I'd already left by that time, but I do stand by what I said
16 earlier on which is that the chief of SIS, Markesic and Kovacevic, and

17 their superior officers by -- in organisational terms, that is, the SIS
18 centre, did not do the job that they were supposed to do, so most
19 probably Tole took it upon himself. So it was the irresponsibility on
20 the work of these structures that forced another structure to take over
21 their responsibilities. And now you're telling me that that's how it
22 should have been establishment-wise.

23 Q. I'm not talking about establishment at all. We were dealing with
24 P06569 two documents ago, Mr. Markesic's document, and explain to me if
25 you will if it was the SIS chief who was in charge and the Defence

Page 42785

1 Department, why then do we have Mr. Markesic sending out this piece of
2 information only to the command of these military district of north-west
3 Herzegovina?

4 P06569 is the document I'm referring to, two documents back.

5 A. First of all, I don't know if it was addressed to SIS because it
6 might have been another document; and the second point is most probably
7 because his service wasn't working properly, wasn't working as it should
8 have been working. The SIS centre was established in the first place to
9 deal with problems of that kind, and he provides information only --

10 Q. I'm not talking about who -- what was established for what
11 purpose. I'm just looking at who did what. So let's go back to those
12 documents, short documents, on e-court about the two appointments to
13 allow us to look at it all together. 2D00899 is the first document.

14 Mr. Praljak, take a look at this document once again,
15 Mr. Praljak. Now, in this document we can see that the brigade commander

16 is appointing an individual to be warden of the detention facility.
17 There's no mention of any military police here. If you like, we can take
18 a look at the second document straight away, and that document is
19 2D00268.

20 Once again, and this time another commander, Ante Pavlovic, is
21 appointing a warden for the prison, and he is Mr. Petar Baketic, and he
22 sets out what his tasks will be, he does that in point 2.

23 Now, Mr. Praljak, let me repeat my question, the one I asked you
24 a moment ago now that you've refreshed your memory as to the documents.
25 We said that the most responsible person for the situation in a prison

Page 42786

1 was the warden and that the responsible person was responsible to the
2 person who appointed him. We see that the warden was appointed by the
3 brigade commander. And so let me ask you once again: Does that in fact
4 mean that the warden was responsible for his work to the brigade
5 commander?

6 A. In this particular case I think that Baketic was a member of
7 the military police in actual fact, and since this was sent to SIS the
8 other structure should have seen whether Baketic was up to the task or
9 not and if not to replace him.

10 Q. That was not my question.

11 A. Well I gave you an answer.

12 Q. My question was a very clear one: Is he responsible to the
13 person who appointed him in the first place. You can say no and we can
14 move on if you think the answer is no.

15 A. In this particular case, no.

16 Q. All right. I don't he agree with you and it doesn't tally with
17 what you've been telling us so far, but let's move on to the Central
18 Bosnia operations zone and look at document P01478.

19 This is a document signed by the warden of the prison, Zlatko
20 Aleksovski. We can see that next to his signature there's the stamp of
21 the Central Bosnia Operation Zone. The document is dated the 12th of
22 February, 1993. The document is being sent to all the commands from the
23 Central Bosnia Operations Zone, all the battalion commands, and all the
24 military police units to the command and headquarters of the Central
25 Bosnia Operations Zone. The document is titled "information," and under

Page 42787

1 item 1 it says:

2 "In keeping with the organisation of the Central Bosnia
3 Operations Zone and following the establishment of the military prison,
4 Colonel-General Tihomir Blaskic issued an order, part of which I am
5 quoting:

6 "(a) command of the prison shall be the responsibility of the
7 Central Bosnia OZ command;"

8 And:

9 "(c) the order comes into effect immediately and for its
10 execution the prison warden shall be responsible to me ..."

11 And it is signed by Tihomir Blaskic. That is what it says in the
12 document.

13 Now, Mr. Praljak, did you know about this document although it's

14 before your time?

15 A. No, except for the fact that I knew Aleksovski was a military
16 policeman.

17 Q. We have the Central Bosnia Operations Zone stamp here. Now,
18 we'll skip the next document. We don't need to dwell on that, and move
19 on to P06114 which is a document dated the 25th of October, 1993, P06114
20 is the document number. This is a document signed by the commander of
21 Operations Group 2, Ivica Rajic. It is an order sent to the brigade --
22 the Bobovac Brigade commander, the president of the HVO of Vares, the
23 commander of the police station, and the commander of the military police
24 of Vares. And he says -- the document is dated the 25th of October,
25 1993, as we have said. Mr. Rajic says as follows:

Page 42788

1 "Pursuant to the order from the HVO General Staff commander of
2 the HR HB, reference number 02-2/1-02-314/93, dated the 23rd of October,
3 1993, I hereby issue the following order ..."

4 And let's look at item 6 of that order.

5 "All authorisation with respect to the detained and imprisoned
6 persons shall be taken over by the brigade commander or the person whom
7 he authorises to act in his stead."

8 Now, Mr. Praljak, did you know of this document? Are you
9 familiar with this order?

10 A. No, no, and I'm not quite clear on the basis of which order of
11 mine he went on to write this particular order. So it would be a good
12 idea if you were to show me the original order because it says pursuant

13 to that previous order. And secondly, the 25th of October was when Vares
14 fell, so orders of this nature are issued in extraordinary military
15 circumstances.

16 Q. My colleague has come up with the document, and there's a
17 difference in one of the figures, one of the numbers, but let's look at
18 it together. It is document for e-court, we've just found it, there's a
19 difference in the numbers. You'll see what I mean in just a moment.

20 MS. TOMASEGOVIC TOMIC: [Interpretation] So could the usher help
21 me out and put on the ELMO the document which Mr. Praljak has before him,
22 P06114 is the document number. And on e-court we're going to call-up the
23 following document P06028. So P06028 for our screens on e-court, and the
24 other document to be placed on the ELMO. Thank you.

25 Q. There you go, Mr. Praljak. The filing numbers and the date. The

Page 42789

1 date on the document is the same. The filing number is the same apart
2 from a single digit, the one on our screens following 314 we have 7, and
3 the order invoked by Mr. Rajic does not have that last number, the number
4 7 digit is missing.

5 Can you please have a look at both and tell me whether in your
6 opinion the two documents are related or perhaps Mr. Rajic is invoking an
7 entirely different document here which you don't know.

8 A. I don't know how the document got this many headings, the
9 document that I handwrote to be sent to Petkovic. I do not understand
10 who took this handwritten order that I produced that was to be sent to
11 Petkovic -- rather, not an order. It was a request for information or a

12 proposal, and who distributed that to all these various addressees. In
13 my message sent to Petkovic, no one else was addressed but Petkovic
14 himself. Therefore, I can't specifically answer your question. This was
15 accurately copied, what I wrote down there, but that was meant for
16 Petkovic and no other addressees were given in my -- well, it wasn't an
17 order but whatever you choose to call it. It wasn't supposed to go to
18 anyone else. Who added Kiseljak, Blaskic, Vitez, Kordic? Who knows. I
19 can't answer that question.

20 Based on what it says here one could glean the conclusion that
21 the situation was to be dealt with, but Petkovic was the first to get it
22 and he knew what I meant. Who added all these addressees and what was
23 Rajic's interpretation of all of that, that is something I am unclear
24 about to this very day.

25 Q. Mr. Praljak, we'll be skipping the next one and going straight to

Page 42790

1 P03063. We're moving on to operation zone south-east Herzegovina -- or
2 rather, we'd probably do well to skip this one too in order to save time.
3 It's not indispensable. Just move on to P03151, the next document up.
4 This is a document signed by the commander of Sector South, Colonel
5 Nedeljko Obradovic. The document is dated the 3rd of July, 1993,
6 therefore, before your time. We see that it was distributed to
7 active-duty military police. It reads:

8 "On the basis of the newly arisen situation involving the
9 Muslims, as well as an order of the HVO Main Staff, and in order to
10 restructure brigade units, I hereby order:

11 "1. Immediately, with your commanders and SIS assistants, select
12 the Muslims who could possibly stay in the units, bearing in mind the
13 following ..."

14 And he goes on to list about three bullet points. And then he
15 goes on to say:

16 "Those you decide not to leave in the units are to be disarmed
17 and imprisoned."

18 At the end of the document in paragraph 4, Mr. Obradovic goes on
19 to say:

20 "Commanders of the directly subordinate units shall be personally
21 responsible to me for the execution of this order."

22 Mr. Praljak, were you aware of this document?

23 A. No.

24 Q. Let's move on to the next one, please, P03222. Again, Colonel
25 Nedeljko Obradovic. The date is the 6th of July, 1993. It reads:

Page 42791

1 "An addendum to the order on how to treat the Muslims across the
2 brigade units, I hereby order:

3 "If you have any remaining Muslims in your unit, they are
4 immediately to be struck from any existing records, disarmed, and
5 imprisoned. This means that the first paragraph of my order number
6 1100-01-01-93-486 dated the 3rd of July, 1993, is hereby abolished."

7 Paragraph 2:

8 "For the implementation of this order, I hold responsible
9 personally all unit commanders.

10 "Submitted to:

11 "All units.

12 "Head of the brigades SIS.

13 "Assistant brigade commander for IPD.

14 "Assistant for structural and personnel matters ..."

15 Mr. Praljak, let us just quickly compare this order and the
16 previous one, the filing numbers -- the filing numbers specifically
17 invoked in the 6th of July order, saying that paragraph 1 of the 3rd of
18 July order was abolished. This is precisely the filing number from
19 P03151 which I read from before. Do you see that it is indeed the same
20 thing?

21 A. Yes.

22 Q. Mr. Praljak, were you aware of P03222? Were you aware of this
23 order? You said no in relation to the previous one. I'm asking about
24 this one now.

25 A. No. What are the questions?

Page 42792

1 Q. I just want to know if you were aware of it or not. All right.

2 Let's move on to the next one 5D04096. Again, commander Colonel
3 Nedeljko Obradovic. The date is the 17th of June, so this one precedes
4 the other documents, 17th of June, 1993. Sent to the wardens of the
5 Gabela and other HVO prisons. The heading is: "Order to allow access to
6 prisons for the purpose of collecting intelligence."

7 It reads:

8 "I hereby order:

9 "1. The wardens of the Gabela and other HVO prisons are required
10 to allow military intelligence service chief, Bruno Krvavac, access to
11 their prisons as well as his advisor, Mato Zekusic, and to enable them to
12 question prisoners whenever they so require."

13 Paragraph 2:

14 "They are furthermore required to provide a special room for the
15 purpose of questioning; if there is no room available, the prisoner in
16 question is to be made available to these two persons from paragraph 1 so
17 that they can question the prisoner on their own premises, with the
18 obligation of sending the prisoner back immediately upon the completion
19 of their questioning."

20 Paragraph 3:

21 "The wardens of the Gabela and other HVO prisons and the chief of
22 the VOS brigade shall be responsible to me for the execution of this
23 order ..."

24 Mr. Praljak, can you please explain what VOS stands for?

25 A. Military intelligence service.

Page 42793

1 Q. It is part of a chain of command. Whose chain of command?

2 A. The military chain of command.

3 Q. Who was the direct superior of the VOS chief, Bruno Krvavac, who
4 was immediately above him?

5 A. Probably Nedeljko Obradovic.

6 Q. Just one more question about this document. Mr. Praljak, did you
7 know about this document? It was produced before your time as well.

8 A. No, I didn't.

9 Q. Next one up P04838. P04838. A document by Mr. Coric dated the
10 6th of September, 1993. He is writing this to Colonel Obradovic. The
11 subject is "Request - Urgent," obviously invoking an earlier document.
12 It reads: "Subject: Request - Urgent ..." and then there's a reference
13 here to an earlier document. It reads:

14 "For the purposes of investigative procedures concerning prisoner
15 Dr. Mehmed Kapic, I hereby request his transfer from the district prison
16 in Gabela to the central military investigation prison in Ljubuski."

17 Mr. Praljak, I have two questions in relation to this. The first
18 is: Were you aware of this?

19 A. No, I wasn't.

20 Q. My other question, if we follow the thread of your evidence so
21 far and the way you've been answering questions, why would Mr. Coric need
22 to send a request to Colonel Obradovic if the prisoners are indeed under
23 the competence of the military police administration, why wouldn't
24 Mr. Coric just go there and simply get Mr. Mehmed Kapic and take him away
25 from Gabela? Why does he need to go to Colonel Obradovic to ask for

Page 42794

1 this?

2 A. I don't know.

3 Q. Let's move on to the next one P03119, again an order by Colonel
4 Nedeljko Obradovic. The date is the 2nd of July, 1993. This is an order
5 to secure the Dretelj prison and barracks. Based on the need to guard
6 the Dretelj prison I hereby order - and the date is the 2nd of July.

7 "1. Immediately set up a Home Guards unit numbering 40 men to
8 guard the prison in Dretelj and the Dretelj barracks."

9 Sir, did you know about this document?

10 A. No.

11 Q. Next one up P03161, again Colonel Nedeljko Obradovic in his
12 capacity as commander of Sector South. The date is the 3rd of July,
13 1993. Mr. Obradovic says:

14 "Due to the newly arisen situation in the prisons and with the
15 objective of preventing any contacts with prisoners during the
16 investigation procedure,

17 "I order:

18 "1. All and any visits or access to prisoners by unauthorised
19 persons in our prisons are banned.

20 "2. All prison wardens shall be held personally responsible by
21 me for the execution of this order."

22 It was distributed to the wardens of Gabela prison, Dretelj
23 prison, Heliodrom prison, and Ljubuski prison. This was before your
24 time, Mr. Praljak. Were you aware of this document?

25 A. No, I wasn't.

Page 42795

1 Q. Next one, P03197. Again, Colonel Nedeljko Obradovic, commander
2 of Sector South. The 5th of July, 1993. It's an order to set up a
3 medical committee for prisoners. The order was distributed to the chiefs
4 of the medical corps of the 1st and 3rd HVO Brigades. The order reads:

5 "For the purpose of providing medical care for the prisoners, I

6 hereby order:

7 "1. To immediately set up a medical committee for the treatment,
8 examinations, and suggestions for further treatment of the prisoners at
9 Gabela, Dretelj, and Heliodrom Mostar prisons, as follows:

10 "After the prisoners undergo medical check-ups, you are to refer
11 back to me with a written request with an explanation in relation to
12 those most seriously ill and those who, according to your estimation,
13 should be released or sent for treatment.

14 "2. Chief of the medical corps of the 1st and 3rd HVO Brigades
15 is responsible to me for the execution of this order ..."

16 Mr. Praljak, were you aware of this document, before your time?

17 A. No.

18 Q. We're skipping the next one and moving on to P04266. Again, a
19 document by Colonel Nedeljko Obradovic dated the 17th of August, 1993.

20 It reads:

21 "Pursuant to an order issued by Mr. Zarko Tole, the Chief of the
22 Main Staff of the HVO, dated the 17th of August, 1993, at 1300 hours,
23 regarding the use of the Klis Battalion.

24 "I hereby order:

25 "1. By 1800 hours on the 18th of August 1993 at the latest, take

Page 42796

1 over the positions and other commitments that the men from Konjic have
2 held up to now ..."

3 And then a list of who is going to what positions. For example,
4 the guard at Gabela prison, the warden of Gabela prison, military police

5 at Dretelj, the commander of the Dretelj military police."

6 Paragraph 2:

7 "The commander of the 4th Battalion, the warden of Gabela prison,
8 and the Capljina home guard commander shall be responsible for the
9 execution of this order."

10 Mr. Praljak, did you know about this -- about this document?

11 A. No, I didn't. I did know about a document in which I requested
12 that these men from the Klis Battalion who had previously fled and gone
13 to all sorts of different places to stay should all return to their units
14 so that they might further be deployed in other military units. I know
15 that I was the one who launched this initiative to get these people back
16 together, the men from the Klis Battalion and the Tomic Battalion,
17 because as a matter of fact these people had deserted and then they set
18 up camp in all sorts of different places, and I wanted them all gathered
19 up from all these different places that they'd previously gone to and
20 sent back to their original unit, because under the regulations that
21 prevailed no one had the right to give them any jobs or do anything like
22 that with these men without previously obtaining approval from their
23 unit.

24 Q. Mr. Praljak, let's move on to P03201 --

25 JUDGE ANTONETTI: [Interpretation] From this point in time, all

Page 42797

1 the time that you're going to use will be deducted from your overall time
2 allocation because you've used four hours and forty-five minutes. We
3 only have two minutes before the end of this hearing for today, so

4 perhaps you have time to show us another document, but if it's a new
5 topic maybe we could start tomorrow.

6 MS. TOMASEGOVIC TOMIC: [Interpretation] I'm not moving on to a
7 new topic, Your Honour. I would like to use up the remaining two or
8 three minutes. I have one or two short documents to go through.

9 P03201, it's right on our screens, again the commander of Sector
10 South, Colonel he Nedeljko Obradovic. The 5th of July, 1993.

11 Q. Order to release from prison. It reads:

12 "I order:

13 "No one shall be released from your prison without my personal
14 signature."

15 Distributed to the warden of the Gabela prison, Dretelj,
16 Heliodrom, and Ljubuski. Did you know about this situation, Mr. Praljak?

17 A. No, I didn't.

18 Q. Next one --

19 JUDGE ANTONETTI: [Interpretation] I think that we're going to
20 have to stop. It is 1344. You will resume tomorrow.

21 I'm turning to Counsel Ibrisimovic for the accused Pusic; is that
22 correct?

23 MR. IBRISIMOVIC: [Interpretation] Your Honour, Mr. President,
24 we'll go through our notes again. I would not like to repeat any of the
25 topics raised and studied. In view of --

Page 42798

1 THE INTERPRETER: Interpreter's note: There is far too much
2 background noise for us to interpret. We can't hear counsel. Thank you.

3 MR. IBRISIMOVIC: [Interpretation] We will be informing you of our
4 final decision tomorrow. We have already informed Mr. Stringer and
5 perhaps he might start tomorrow.

6 JUDGE ANTONETTI: [Interpretation] Very well.

7 Mr. Stringer, please be ready tomorrow because in case Counsel
8 Ibrisimovic does not use all the time tomorrow you will have to start.

9 MR. STRINGER: We'll be ready, Mr. President.

10 JUDGE ANTONETTI: [Interpretation] Very well. So I wish you a
11 good afternoon and we will resume tomorrow at 9.00.

12 --- Whereupon the hearing adjourned at 1.45 p.m.,
13 to be reconvened on Thursday, the 9th day of
14 July, 2009, at 9.00 a.m.

15

16

17

18

19

20

21

22

23

24

25