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1 Wednesday, 19 August 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric and Pusic not present]

5 [The witness entered court]

6 --- Upon commencing at 9.00 a.m.

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

9 THE REGISTRAR: Good morning, Your Honours. Good morning,
10 everyone in and around the courtroom.

11 This is case number IT-04-74-T, the Prosecutor versus Prlic et
12 al. Thank you, Your Honours.

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

14 Today is Wednesday, the 19th of August, 2009. I would like,
15 first and foremost, to welcome Mr. Praljak, Mr. Prlic, Mr. Stojic, and
16 Mr. Petkovic, without forgetting Mr. Pusic, who is temporarily absent, as
17 well as Mr. Coric. I would also like to include in my greetings Defence
18 counsel, Mr. Karnavas more specifically, who's back, the OTP members and
19 Mr. Stringer, who is going to resume his cross-examination, without
20 forgetting all those people assisting us in these proceedings.

21 That said, I shall now give the floor to Mr. Stringer so that he
22 can resume his questions.

23 WITNESS: SLOBODAN PRALJAK [Resumed]

24 [The witness answered through interpreter]

25 MR. STRINGER: Thank you, and good morning, Mr. President. Good

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1 morning, Your Honours, Counsel, and everyone else in the courtroom.

2 Mr. President, I'd like to introduce to the Trial Chamber an
3 intern who has just joined our team for a few months. She's seated
4 behind me. Tamara Blagojevic has completed her legal studies. She's
5 working in the criminal court system in Belgrade, and she may be
6 appearing in the courtroom in the coming months.

7 JUDGE ANTONETTI: [Interpretation] The Trial Chamber welcomes her
8 and wishes her a good training with the OTP.

9 Cross-examination by Mr. Stringer: [Continued]

10 Q. Good morning, General.

11 A. Good morning, Mr. Stringer.

12 Q. General, before we continue with the topics that we were
13 discussing yesterday, I'd like to take a small detour to come back to
14 something that relates to a different part of your testimony yesterday.

15 At one point during your testimony yesterday, I think you'll
16 recall, I put it to you that hundreds or thousands of Muslims were
17 expelled from Mostar during the summer or spring months of 1993. You
18 were prepared to concede that that may have occurred with respect to
19 about 200 or 300 Muslims. Do you remember that?

20 A. No, I wasn't ready to accept it as such. If I recall correctly,

21 I said that it was based on what I heard here. You told me that evidence
22 was heard in the courtroom, and I followed up by saying that based on
23 what I heard in the courtroom, that would be the approximate figure. No
24 one counted them, 150 or so. I really don't know, but I did put the
25 hedge. I can tell you clearly that while I was down there, I never had

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1 any information of anyone driving people away while I was commanding from
2 the right bank to the left. I can also say that the efforts we put in,
3 including myself, along the chain of command to educate troops did bear
4 fruit, in spite of grave war conditions, and I know it for certain
5 because I had information showing that, that more than 7.000 Muslims
6 remained on the western side of Mostar throughout the war, and I am proud
7 of that.

8 Q. If you were to be shown documents, HVO documents, that indicate
9 that there was, in fact, a very dramatic reduction in the number of
10 Muslims living in Mostar during the period of spring to the end of 1993,
11 would that change your view?

12 A. In what way? If I had known it then or if I learn of that now,
13 what would that change in my view? I was discussing the time while I was
14 in command.

15 Q. All right.

16 A. And I'm telling you precisely about what took place at that time.

17 Q. Let's look at a document, then, just to round this off. We have
18 a new one that I believe has been distributed. It's P07500. It is a

19 report on the development trend of expelled persons and refugees in
20 Mostar municipality since the beginning of the homeland war, and it's
21 made by the Croatian Republic of Herceg-Bosna, Office for Expelled
22 Persons and Refugees. And it's admitted into evidence.

23 General, what I'd like to do is just to simply take you to one of
24 the tables that are found in this report; namely, it's table number VIII.
25 It's a Roman numeral VIII, on the English version it's page 8 of the

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1 English, and on the Croatian version it is on page -- excuse me.

2 General, if you manage to find table 8 in Croatian before I do, let me
3 know.

4 A. I found it.

5 Q. It appears to be on page 7 of the Croatian version.

6 And recognising that this involves some periods of time that
7 precede the time you were commanding the HVO from the 24th of July, if
8 you look in column number 4, table VIII, what you see is that beginning
9 from the 6th of March, 1993, according to these figures, you had 43.464
10 Muslims in the Mostar municipality, and that by the 23rd of October, you
11 had -- virtually three-quarters of that number was gone and you had
12 10.548 Muslims living in Mostar, and that figure then remained roughly
13 the same. And so first of all, General, wouldn't it appear that, in
14 fact, there were thousands of Muslims who, for some reason -- perhaps we
15 won't agree on what the reasons were, but for some reason about
16 three-quarters of the Muslim population in Mostar municipality moved away

17 or was no longer present in Mostar by the 23rd of October, 1993?

18 A. Mathematically speaking, it is correct that 23 per cent out of
19 the figure mentioned on the 6th of March to the 21st of March, 1993,
20 left. Mathematically speaking, that is correct. However, that's all one
21 can conclude from all that, especially if you see that this drastic
22 reduction obviously followed the ABiH attack on the HVO on the 9th of
23 May, 1993. Everything else needs much more thorough research to see
24 whether those people went to Croatia, whether they went to the east bank,
25 and what followed.

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1 In any case, the fact that is important is that while I was down
2 there, the figure was not dwindling and there was no mention of any
3 expulsions of Muslims as a phenomenon which could have been structured
4 thinking or effort on the part of the HVO to drive Muslims away.

5 Q. All right. So that, General, I doubt that it would be very
6 productive for us to discuss the reasons behind these numbers, and so I'm
7 not going to go there. But you would agree with me, then, that according
8 to this and based on what you know, there was a very significant drop in
9 the Muslim population of Mostar municipality, and that during the same
10 period of time there was actually an increase in the Croat population, as
11 reflected in column 3 of this table?

12 A. I cannot comment this table, except for the fact that I was
13 familiar with, and that is that the number of Muslims and Serbs remain in
14 the western part of Mostar, and I shared that idea with my soldiers.

15 Otherwise, I can't comment who it was who drafted the table, based on
16 what data, I have absolutely no knowledge about the figures therein.
17 Therefore, I cannot provide either a positive or a negative answer. This
18 goes beyond my knowledge. I shared with you what I knew, and I told you
19 that one really needs to know what the true reasons are for someone to
20 leave; for example, fear of being killed, et cetera.

21 JUDGE ANTONETTI: [Interpretation] Mr. Prlic would like to take
22 the floor.

23 THE ACCUSED PRLIC: I just want to say that the Prosecutor two
24 times make mis-characterisation of document. On page 4, line 15, 16, and
25 page 5, line 7, he mentioned that those data are related to Mostar

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1 municipality, which is not the case. It's very clear in both tables on
2 this page that it was said population of Mostar municipality who live
3 under control of HVO. And, second, in next table, also under control of
4 HVO. It does mean that it is not Mostar municipality. Mostar
5 municipality is the area under control of HVO, plus under control of Army
6 of BH, and plus part of municipality under control of Army of Republika
7 Srpska.

8 JUDGE ANTONETTI: [Interpretation] One moment.

9 Mr. Praljak, this had not escaped my attention, and I wanted to
10 say something about it. This table is important for the Prosecutor,
11 since it lies at the heart of its case; all the more reason for no one to
12 make a mistake. You do not challenge the figures which are reflected in

13 this table. Everybody factors these in, and these figures come from the
14 HVO.

15 We can see that in the months of March, there are 43.464 Muslims
16 in Mostar, but as Mr. Prlic says, Mostar is under the control of the HVO.
17 In other words, one may imagine that these are the Muslims in West
18 Mostar. And from October onwards, because in May there is no precise
19 data, but in October, when you are in command, as you know, there are
20 10.548, which means that, in mathematical terms, 30.000 people have left
21 West Mostar. These people have perhaps gone to East Mostar. If they
22 have gone over to East Mostar, these people still remain in Mostar, on
23 the face of it.

24 This table should be compared with a table which was established
25 during the census of 1991, but in 1991 was there a distinction made

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1 between East and West Mostar? I doubt that, because the table must have
2 included Mostar municipalities and its neighbourhoods. Therefore, this
3 table needs to be compared with the other one.

4 Whatever the case may be, there is an important piece of
5 information here. Do you agree with the Prosecutor that there are
6 approximately 30.000 Muslims less in Mostar under the control of the HVO?
7 These people have left. We don't know whether they've gone to East
8 Mostar or elsewhere. Can you agree with the Prosecutor on this matter?

9 One moment. I am putting the question to Mr. Praljak, so let him
10 answer. And, Ms. Alaburic, you can take the floor afterwards in order

11 not to take -- not to prompt his answer.

12 THE WITNESS: [Interpretation] Judge Antonetti, I simply cannot
13 answer that question by saying I agree or disagree.

14 I see a table before me, much as anyone else in the courtroom. I
15 didn't participate in its drafting. I don't know whether it is true or
16 not. I agree that the figures are as they are on this piece of paper.
17 That's the only thing I can confirm.

18 Secondly, I drafted a document for this Tribunal, and I handed it
19 over. The census was conducted per municipality. I drafted a table
20 showing how many Muslims there were in the 1991 census living in the area
21 of Western Mostar. You can see that precisely, per municipality. And as
22 far as I recall, and I can double-check, perhaps 2.000 Muslims lived in
23 the western part of Mostar, in addition to the figure shown here of
24 10.000, according to the census in 1991. In any case, I can bring that
25 tomorrow because I still have the tables. I even think that

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1 Judge Prandler asked me about that table. I remember that clearly when I
2 was showing it to the Court.

3 So what happened with those refugees who arrived in Mostar in
4 1992? What happened with them, where they went? Was there an exchange
5 during which the refugees were exchanged for those Croats living on the
6 east bank? How many left elsewhere? All these questions are important,
7 and this is a complex issue. In essence, one needs to know why people
8 left.

9 I know that numerous Croats left both Eastern and Western Mostar
10 in 1992, and many Serbs left as well, but just look at these figures in
11 here. Many of those Muslims who were still in Mostar were protected. Of
12 course, there were individual cases which were resolved differently.

13 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, you have the
14 floor.

15 MS. ALABURIC: [Interpretation] Thank you, Your Honour. Good
16 morning to everyone in the courtroom.

17 Judge Antonetti, I believe your question was exceptionally
18 important. In a way, I simply wanted to contribute to a better
19 understanding of this situation.

20 If we equate the right bank of the Neretva River with the
21 territory under control of the HVO, irrespective of the fact that there
22 were parts which were not, then we would have to compare the table at
23 page 2 of this document.

24 MR. STRINGER: Excuse me, Counsel.

25 For the record, Mr. President, I'm going to object to this sort

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1 of intervention which I think is inappropriate during the course of my
2 cross-examination. It's not in response to anything the Trial Chamber
3 said, and it's just commentary.

4 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic -- one moment,
5 Ms. Alaburic.

6 I thank you for having said that my question is an important one,

7 but all the questions I put are important questions. So you are stating
8 the obvious. But I recognise that it is a good thing that Defence
9 counsel think that it is important.

10 MS. ALABURIC: [Interpretation] If I may, one sentence,
11 Your Honour.

12 On the right bank, in 1991, there were a bit over 21.000 Muslims.
13 The table at page 7 that we saw mentions the figure of about 43.000
14 Muslims, and the 22.000 in excess were not domicile. They arrived in
15 Mostar at some point in time and then possibly proceeded on, looking for
16 a longer-term solution. Therefore, I believe it is completely
17 inappropriate, and this constitutes my objection to Mr. Stringer's
18 question, to use the data of 43.000 Muslims in Western Mostar in 1993, to
19 see all of that population is domicile which, in turn, then left Mostar.

20 JUDGE ANTONETTI: [Interpretation] All right. Ms. Alaburic, what
21 you were about to say, I was about to say also.

22 Mr. Praljak, if there had been ethnic cleansing, the population
23 in West Mostar amounted to such and such a figure. And if, after that,
24 the Muslim population in Mostar, in West Mostar, amounts to such and
25 such, the difference between the two, let's just say X and Y, could

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1 amount to ethnic cleansing if these figures are very high. That is the
2 principle which we put forward. I have studied sciences, and I believe
3 that you can only agree with me.

4 Now, to understand clearly what is happening here, it is

5 important to know, before the events occurred, what this first figure X
6 was. You said that you had prepared a table which, according to you at
7 the time, this X amounted to 12.000, and then if the X amounted to 12.000
8 in the month of October, we have the figure of 10.540, so there would be
9 a decrease of 1.500 people. Now, Ms. Alaburic stated this, but I was
10 about to say so. The 40.000 in the month of March amount to the Muslim
11 population that come from East Mostar, in addition to refugees who
12 aggregated the figures and were added to the Muslims already there either
13 because of the Serb offensive or for other reasons, and this figure of
14 40.000 did not amount to 40.000 Muslims at the time.

15 Do you agree with me here?

16 THE WITNESS: [Interpretation] I know that for certain,
17 Your Honour. I prepared the tables, and I can have them here for you
18 tomorrow. Therefore, there is a difference between these two tables,
19 too. In table II, it says the right bank of the Neretva, which includes,
20 I believe, Jasenica and Krusevo areas outside Mostar. The second table
21 speaks only of the right side of Mostar. One needs to be very precise.

22 I think I remember well that there were some 12.000 domicile
23 Muslims in the area of Mostar in 1991, in the part which later fell under
24 the control of the HVO. I wanted to make that calculation to show how
25 many of those Muslims, against the thesis proposed by the Prosecutor,

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1 would no longer be there in the later years. We have shown here several
2 times that the 30.000 refugees in 1992 arrived in the area of Mostar. I

3 showed you precise tables and where they came from. And after that,
4 there was movement en masse. Half a million of them ended up in Croatia,
5 in Brela, and elsewhere.

6 JUDGE ANTONETTI: [Interpretation] Whatever the case may be, I
7 remember that evidence was shown on the number of dead people. The Trial
8 Chamber will, therefore, purposefully look into the figures of dead
9 people in 1991 and the number of dead people, i.e., Muslims, in 1993. If
10 the number of dead people is the same, this may prove that the population
11 figures remain unchanged. If there's an important decrease in the
12 number, then something has most likely occurred. So we have a whole
13 series of data which help us understand the situation better.

14 That said, Mr. Stringer, you have the floor again. You can, of
15 course, if you so wish, go into greater detail in all of this.

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

17 First of all, I want to acknowledge that Dr. Prlic was absolutely
18 correct in pointing out that the table relates only to the HVO-controlled
19 parts of Mostar, and that's certainly a significant factor. And the
20 Trial Chamber, I think, will draw its own conclusions about what that
21 means in terms of the Prosecution's submissions on what happened in
22 Mostar, in terms of the Muslim population, both the refugees and people
23 who'd always been living there.

24 Q. General, just to maybe continue a little bit with this, because
25 it does -- there are parts of this that do relate to some of our

1 discussions even, I think, from yesterday and the day before, when we
2 were talking about demographics and your own testimony about wishing to
3 establish an autonomous Croat area with absolute and relative majorities
4 of Croat people. If you look at the text that's just above table
5 number VIII. Table number VIII is the table that we've been looking at
6 here, and if you look at the text -- if you read the text that just
7 precedes that table, so if you want to go to the previous page, I'll read
8 part of that to you and then ask you some questions.

9 They say:

10 "We consider it necessary to emphasise that according to the last
11 census statistics, 12.654 of the inhabitants of Mostar municipality, as a
12 whole, declared themselves as Yugoslavs. We may assert that the largest
13 number of these are Muslims and Serbs, while Croats make up only an
14 insignificant part of this figure."

15 I'll skip the next sentence, and then it continues:

16 "In the near future, in the next census, under conditions of
17 democracy and pluralism, it is very likely that the majority of Yugoslavs
18 will declare themselves according to the nation to which they previously
19 belonged. Should this prediction come true, and it is very likely that
20 it will, Croats would then become a minority people in the town of
21 Mostar. For this not to become a reality, it is necessary today, if
22 today is not already too late, to seriously begin thinking about and
23 taking all civilised measures to see that Croats do not move away from
24 the town and rural parts of the municipality, but rather keep living here
25 in the capital of their state in Mostar and Mostar municipality, and all

1 the one-time parts of that municipality which the former Communist,
2 anti-Croatian authorities administratively divided from Mostar."

3 And then the text continues on, General, with a discussion of
4 the - and I know that you've talked about this in the past - earlier
5 changes to the municipal borders which, in your view, were done in order
6 to make Croats a minority, and so the text goes on to discuss those --
7 what basically is the view that you've expressed, that the borders were
8 gerrymandered, if you will, in order to put Croats in the minority there.

9 I'm more interested in the text that precedes that, obviously,
10 that raises two questions that relate to our previous discussion on this
11 issue, because I asked you, I think it was yesterday, whether, in fact,
12 your vision of this autonomous Croat area, where Croats would be in the
13 majority, whether your own vision really required that there be a control
14 over the demographics in order to enable Croats to maintain those
15 majorities. And, in fact, here in the early part of 1994, in this
16 Croatian Republic of Herceg-Bosna, we're seeing just that, aren't we?
17 We're seeing, as a matter of policy -- or at least it's being suggested
18 that the policy be undertaken to, at the very least, facilitate the
19 maintenance of a Croat majority that prevails in Mostar at this time.
20 Isn't that true?

21 A. Mr. Stringer, you have been stating things for a page -- for a
22 whole page now. You started off by saying that I said somewhere that I
23 want to round off an area. There was some thesis of yours someplace

24 which I've already forgotten. In any case, I disagree with it, and
25 please do not put words in my mouth.

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1 Furthermore, I know, Mr. Stringer, that during the Communist
2 regime in the former Yugoslavia in Bosnia-Herzegovina, municipalities
3 were drawn, or their boundaries, so as to have a Serb majority in such
4 areas in which, under normal circumstances, they wouldn't have one. In
5 Mostar, this includes the areas -- excuse me. Your question was a page
6 long.

7 Q. I understand what you're saying about the previous changes to the
8 borders, and maybe you misunderstood me, because I was trying simply to
9 observe that some of the views expressed in this text are very similar, I
10 believe, to the views you've expressed on this -- on this issue of
11 changing borders to create Croat minorities, and so I don't think it's
12 necessary for us to talk about that again. You've already talked about
13 it in the past, and we understand that's the position.

14 I'm trying to focus on a different issue, which is the objective
15 that's indicated here of maintaining what is now a Croat majority in
16 Mostar, by whatever means, whether that would involve changing borders,
17 municipal borders, or restoring previous municipal borders, or
18 undertaking other policies. My point that I'm putting to you is this:
19 The fact is that this sort of demographic engineering is necessary in
20 order to maintain the Croat majorities that you envisioned for this
21 autonomous Croat area that you've been telling us about; isn't that true?

22 MS. TOMANOVIC: [Interpretation] I do apologise, but I have to
23 raise an objection.

24 At page 14, line 15, Mr. Stringer has just introduced a new
25 category, "by whatever means." I think what the document actually states

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1 is "by civilised means." It reads "by whatever means." That is not
2 exactly what the text says.

3 THE WITNESS: [Interpretation] Thank you very much, Madam. Of
4 course, I have noticed that. This is a vulgar and crude insinuation.
5 You may be the Prosecutor, but you are not God. You are simply making
6 things up as you go along, and you have no right to do that. It reads
7 here "by civilised means." That's the first thing.

8 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, Mr. Stringer may
9 have innocently used some words without seeing a problem to that, so
10 before he answers the objection, you are taking the floor immediately and
11 you're attacking him. Wait for him to answer and to state what was
12 really on his mind. Even sometimes Judges, you know, are called upon,
13 they wanted to say something, and counsel is going to misunderstand them,
14 and then there's going to be a huge -- you're making a problem out of
15 nothing. So just wait for the person challenged to explain himself, say,
16 This is what exactly I meant, rather than attacking him directly, saying,
17 You're a prosecutor. You're doing anything and everything. Please let
18 Mr. Stringer explain what he actually had on his mind.

19 Mr. Stringer, an objection was made. Could you please answer it?

20 MR. STRINGER: Thank you, Mr. President, for allowing me to
21 respond.

22 No, I didn't mean to imply that by this late period of time there
23 was going to be some policy of forcibly evicting non-Croats in order to
24 maintain a Croat majority. By -- when I said "whatever means," I was
25 simply, in my own mind, referring to the suggestion that there need to be

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1 policies in place for keeping Croats. Now, they said "civilised
2 policies," and I certainly accept that because that's what the text says.
3 So I didn't mean to imply that anything violent or vile was necessarily
4 being contemplated by this text.

5 Q. It's just -- it's simply the point I'm trying to make, General,
6 is here we are, we're very late in the conflict, we're actually getting
7 close to the end of the conflict between the Croats -- I should say the
8 ABiH and the HVO at the time this report is made in early 1994. The
9 point I'm making is that in order to establish and maintain this
10 autonomous Croat area, and I put this to you earlier, it's necessary to
11 control demographics, and so what I'm putting to you now is this: Aren't
12 we seeing just that, when we have people writing reports now keeping
13 track of the ethnic compositions and recommending policy as a way of
14 maintaining a particular demographic profile? Isn't this exactly
15 consistent with what I was putting to you earlier?

16 A. Mr. Stringer, I'll try to be as calm about this as possible. You
17 did say "by whatever means," which is something that we don't come across

18 anywhere in this document. That appears to be your position, however.

19 "By whatever means," would mean exactly what it says in any language, "by
20 whatever means." That's not true. I can't find that anywhere in this
21 document.

22 Further on, you go on to say "by various policies," or "by
23 political means." Well, hold on a minute there, please ask me the
24 question then. You can't -- Mr. Stringer, you can't toy around with me
25 and stage these soliloquies of yours. Please ask the question. I do not

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1 agree with anything that you said.

2 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, let me take the
3 floor, because in the Rules, Judges are here to control how witnesses are
4 questioned.

5 Mr. Stringer was asking you a very simple question. Any child
6 could put this question to you. He's saying, given the demographic
7 situation as it was, where, according to what he says, Croats were a
8 minority, don't you think that the HVO wanted to control this trend by
9 making sure that they would have control over demography through
10 different means, means such as the ones that are spelled out in the
11 document, civilised means? This is exactly what he wants to know. It's
12 a very clear question, so please tell him what your opinion on this is.

13 THE WITNESS: [Interpretation] My opinion on this problem is as
14 follows: The Croats constituted a majority or were on their way to
15 becoming a majority. By changing the borders within Mostar city, they

16 became a small minority. This was a practice that one had to fight
17 because it was an evil practice of suppressing people. I knew that at
18 the time; I know it now. I stood up against it then, and I stand against
19 it today.

20 Secondly, one must employ any civilised means - civilised means,
21 I say - to keep the number of Croats throughout Bosnia-Herzegovina from
22 being reduced. One must employ any civilised means, including preventing
23 any draining of capital, workers from abroad being brought in, and I can
24 talk about this for hours, the foreign currency being brought into
25 Bosnia-Herzegovina by workers from abroad. This is still 2 million

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1 German marks, but the exchange rate between the dinar and the mark was
2 very poor, unfavorable. No one was allowed to open any production lines
3 over there, that there was a lot of political persecution, and every time
4 there was a census it would turn out that the Croats now numbered 2 per
5 cent or 3 per cent less than in the previous ones. One must employ any
6 political means to fight the Communist state, as it was then, and I would
7 still say that even today we should employ any civilised means to keep
8 the existing Croat majorities in these territories which they have now
9 inhabited for over 800 years. I'm not saying "by whatever means,"
10 however. What I am saying is "by civilised means."

11 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, there's something
12 I don't understand in what you're saying.

13 You're saying that the Croats were a majority. Fine. Well, I

14 feel that according to this census, the Croats were a minority. Okay.
15 Now, you're saying they changed the borders of the town. It's line 13,
16 page 17. They changed the borders. When was it? During the Communist
17 regime; is that what you're saying?

18 THE WITNESS: [Interpretation] That's right, Your Honour, that's
19 right.

20 JUDGE ANTONETTI: [Interpretation] Very well.

21 THE WITNESS: [Interpretation] Three major villages, Ljuti Dolac,
22 Tepcici, Polog, were thrown out, thereby altering the ethnic make-up of
23 the city itself.

24 JUDGE ANTONETTI: [Interpretation] Fine. What's important for us,
25 as Judges, is to know exactly what prevailed in 1992, as of October, in

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1 Mostar. Could you tell us whether, in October, in Mostar, the Croats
2 were a majority? That's the crux of the matter.

3 THE WITNESS: [Interpretation] In October 1992, the Mostar city
4 municipality was established in a perfectly regular way, and the Croats
5 constituted a majority, if we don't take into account the refugees coming
6 in at the time.

7 JUDGE ANTONETTI: [Interpretation] Very well. You're saying that
8 in October 1992, the situation is such that Croats constituted a
9 majority, unless if you take into account the influx of Muslim refugees,
10 which changed the figures. Very well. I'm trying to find my way through
11 this flood of elements and figures and facts in order to really

12 understand what you're telling us.

13 Mr. Stringer, I will give you the floor.

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

15 The only -- the other --

16 MR. KOVACIC: [Interpretation] My apologies, Your Honour. If I
17 may just say a word or two. I tried not to intervene before the question
18 was asked, but there's one thing that I'd like to point out for the
19 benefit of the record.

20 The Prosecutor starts with his question at page 13, line 16, and
21 actually what the Prosecutor is doing there is putting forward his theory
22 that this was a question of an HZ-HB policy, an HZ-HB policy. Their
23 policy was, he said, and he did correct himself later on, to take any
24 civilised measures they could to preserve the ethnic make-up. He's
25 asking this question based on this document.

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1 If we take a closer look at this document, who it was produced
2 by, first of all, the Office for Refugees and Displaced Persons of HZ-HB
3 in Mostar, what I would say is that this is a very small administrative
4 unit. This is certainly not the political power within the HZ-HB. This
5 is just an office that does administrative work. As anywhere else in the
6 world, it is not an executive office and it does not devise policy. What
7 this office does is produce a report, because that's what this document
8 is called, a report. This is a simple matter of providing information,
9 and it's signed by two persons. The report deals with facts and makes

10 these known facts available, and so on and so forth.

11 And there is a particular reference that my learned friend has
12 drawn our attention to. All those people involved in this task make the
13 following suggestion. Some demographic policies might be devised, but
14 only by civilised means. But this is not an HZ-HB policy, so it's
15 erroneous on the part of the OTP.

16 Please, Your Honours, allow me to finish.

17 THE INTERPRETER: Microphone, please.

18 JUDGE TRECHSEL: Okay. I think it's not proper, Mr. Kovacic.
19 You are just pleading. You're giving arguments on this. You are
20 discussing the substance. You have the opportunity of doing that in
21 redirect and mainly in the pleadings, but I think now we are in question
22 and answers to the witness, full stop. And we must end this bad habit,
23 which is not in line with the basic procedural rules and customs, to
24 start discussing here. This is not the moment where issues are
25 discussed, and you were discussing issues now, as others have before. I

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1 have not intervened, I admit to that, but I think that we should let
2 Mr. Stringer to go forward. We'll never get anywhere if we start now
3 having pleading sessions in between the hearing of evidence.

4 MR. KOVACIC: [Interpretation] Your Honour, Your Honour, if I may,
5 if I may. Maybe I wasn't clear, myself.

6 JUDGE ANTONETTI: [Interpretation] Just a minute, Mr. Kovacic. I
7 fully support what my fellow Judge just said, but I also want to add

8 something.

9 I believe that what you just said is something you've already
10 said earlier. Earlier, you already said that those who were making
11 reports were civil servants, do not embody policies, as such. You
12 already told us all this months ago. This is no surprise.

13 MR. KOVACIC: [Interpretation] I do apologise, Your Honour. In my
14 desire to cut this short, I may have been less than specific. I was just
15 trying to argue my own objection to the way the question was phrased.

16 The question must not be allowed, because the Prosecutor is by
17 asking this implying -- or, rather, in his question he is clearly
18 suggesting that there was something, and I'm not going into what, was a
19 policy pursued by the HZ-HB, regardless of what exactly. I'm objecting
20 to that question. Why? Because that does not follow from the document.

21 I want to round this off by saying the following: A large part
22 of this whole discussion is headed that way: Was this a policy, was this
23 not a policy? What sort of demographic policy, civilised, not civilised,
24 permitted or not permitted? Simply because the question was erroneously
25 phrased. This is a question that must not be allowed. This is not an

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1 HZ-HB policy, and that is certainly not something that the document
2 suggests. If the Prosecutor believes so, perhaps they should bring up a
3 document that is politically natured, but this one isn't, and that much
4 is clear. That's why I have to argue my objection. The question must
5 not be allowed.

6 Thank you.

7 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

8 MR. STRINGER:

9 Q. Well, I'll put it to you, General, and in fact if it's not been
10 stated clearly earlier in my cross-examination, I'll directly put it to
11 you now. In order to maintain these Croat majorities, whether absolute
12 or relative, for this autonomous Croatian area that you were fighting
13 for, the fact is that it would be and it was, in fact, HVO/HZ-HB policy
14 to control the demographics, to increase Croat populations in these areas
15 while at the same time diminishing non-Croat populations; isn't that
16 true?

17 A. No, that's not true. These are insinuations. That's not true.
18 I don't know whether they ever drew up a document that -- what you're
19 suggesting is not true. Quite the contrary, in fact.

20 In 1992 and 1993, a large number of Croats left Mostar for
21 Croatia. They fled. They were afraid. Many of them had been killed.
22 You know, Mr. Stringer, this was a matter of life and death, and death is
23 an unnatural occurrence. Many people are afraid of dying, and that's why
24 they were leaving. Both groups, in fact, fleeing, if you like, which is
25 only natural. I can, however, give you my opinion. Personally, I would

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1 have committed myself to a policy to use any civilised means available to
2 keep the numbers of Croats across Bosnia and Herzegovina from being
3 reduced, any civilised means available. That's my position, if you want

4 to know. And there were certain injustices that had to be redressed,
5 injustices which had led to the numbers of the Croats decreasing year in
6 and year out. That was my nationalist, if you like, Croat policy.

7 Q. But the fact is that from November of 1991, when Mostar was
8 declared to be the capital of the Croatian Community of Herceg-Bosna, it
9 was absolutely imperative, if Mostar is going to be the capital of this
10 Croatian Community, that it be a town or a municipality where, in fact,
11 Croats were in a majority, and they needed to recover any earlier
12 majorities that they had. Isn't that true?

13 A. Why would that be crucial? We were talking about regions. When
14 Mostar was declared to be the capital, that was something which was in
15 keeping with the guide-lines provided by the international community.
16 The same thing applies to all those Croats remaining in other areas.
17 Nothing about achieving that objective was bad or under-hand, nor,
18 indeed, were any under-hand means used in the process.

19 Mostar did not necessarily have to be a majority city. It was a
20 Croat majority city, but some things had been done in a way that wasn't
21 good previously.

22 JUDGE TRECHSEL: If I may just ask a question.

23 Mr. Praljak, you have said, and this is still page 22, line 16,
24 just disappearing, that between -- in 1992 and 1993, Croats left Mostar.

25 If I look at table VIII, I see, for 6 March 1993, 29.105 Croats,

1 and then for 11 December of the same year, 35.968. I find it difficult

2 to interpret this as a reduction, so it seems to be in contradiction to
3 what you have just declared. How do you explain this?

4 THE WITNESS: [Interpretation] There is no contradiction,
5 Judge Trechsel.

6 In 1992, Croats were leaving Mostar in considerable numbers. You
7 remember those buses and all the children leaving, people moving out.
8 Nevertheless, this information is from October --

9 JUDGE TRECHSEL: Please stick to the question. The question
10 relates to 1993. You have said 1992 and 1993, and my observation and
11 question relates to 1993. So, please, don't go into 1992.

12 THE WITNESS: [Interpretation] With all due respect,
13 Judge Trechsel, it's impossible to answer your question unless we take
14 into account what was going on in the actual war at the time. You want
15 to reduce things to a model that simply doesn't make sense.

16 At first, the Croats were leaving Mostar, and then there were
17 other areas from which they had been expelled. They were coming in --
18 well, listen, you can't make me, you can't make me.

19 JUDGE TRECHSEL: Mr. Praljak, I note you do not answer the
20 question, and that's it.

21 Mr. Stringer, please continue.

22 THE WITNESS: [Interpretation] Your answer makes -- your question
23 makes no sense at all. It is a static question. It is not a question
24 which takes into account the dynamics of the situation.

25 JUDGE TRECHSEL: You are here as a witness. It's impertinent and

1 contemptuous of Judges for you to criticise their questions in this way.

2 So you --

3 THE WITNESS: [Interpretation] No.

4 JUDGE TRECHSEL: -- have to answer the questions of the
5 Prosecutor. That is your role, and you have not to teach us what your
6 role is. If at all, it's vice versa.

7 THE WITNESS: [Interpretation] I'm not trying to be --

8 JUDGE TRECHSEL: I'm sorry. I think --

9 THE WITNESS: [Interpretation] Please, don't shout.

10 JUDGE TRECHSEL: Yes, well --

11 THE WITNESS: [Interpretation] Don't yell at me. I'm not -- no,
12 all I'm telling you is don't yell at me. I'm not some servant of yours,
13 and I'm certainly not a thing just sitting here. I'm talking about your
14 question, not about your person. In my opinion, your question makes no
15 sense. If that's what I think, I'm going to say it as well. You are an
16 honourable person, but your question may or may not be one that lends
17 itself to a reasonable answer. I respect you, but it doesn't depend on
18 the actual person. When I notice a question that isn't --

19 JUDGE PRANDLER: Listen to us. You are going to be the laughing
20 stock of this Tribunal if you are continuing this way.

21 You are a witness. Your role is very clear. You undertook an
22 oath, and you are -- you have to do whatever the Rules prescribe for you
23 to do so. And that is why I really ask you to stop this pleading, to
24 stop this discussion. It is not a debating club here, it is a tribunal,

25 and I believe that it is high time that everybody would take this into

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1 account.

2 So let us proceed. Mr. Stringer, you have the floor.

3 JUDGE ANTONETTI: [Interpretation] I believe that as my fellow
4 Judges are taking the floor, I also must take the floor.

5 Mr. Praljak, you are here to answer the questions put to you. It
6 might that sometimes -- you know, that when I am putting a question to
7 you, if I make a -- I always tell you if I'm wrong, please correct me. I
8 always say that. But the Prosecutor's time is precious. He has an
9 allotted time to put questions to you, you know, and the time for the
10 questions and the answers are deducted from his whole time. So if you're
11 making pleadings during your answers, then the Prosecutor will not be
12 happy with that, and of course he will say so.

13 When Judges are putting a question to you, you might think that
14 maybe the Judge is wrong in putting this question, or maybe put a wrong
15 question to you, and then you can say, Well, for this year, I can't
16 answer, but for another year, I may. But don't reformulate the question.

17 Yesterday, we saw a video, and I wanted to take the floor, but I
18 decided not to. But I thought over it, I thought about it overnight, and
19 I believe that I absolutely must talk to you about it.

20 The Prosecutor asked you a series of questions from this video,
21 and they were essential questions. Everyone understood that, and you
22 understood it very well also. At one point in time, there was a Catholic

23 priest making a speech to the soldiers on this video, and I wondered
24 about this. I said this is quite surprising, to have a Catholic priest
25 speaking to soldiers, notably if Mr. Praljak had come in order to spell

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1 the good words from Zagreb, as the Prosecutor put it to you. I believe
2 that this would have deserved a few words from you. You should have
3 explained the role of the Catholic clergy in all this. You should have
4 explained -- you might have explained what this priest was there for.
5 You said it was -- according to you, it was a mistake or an error, but
6 you didn't really explain why he was here.

7 So there are some very important moments where you must take the
8 floor and explain, but sometimes you just decide to take the floor at any
9 moment, and there you might irritate those listening to you.

10 Another example. Yesterday, you told us about the 30 weddings
11 with the Libyans, and my fellow Judge took the floor and said, This is
12 totally irrelevant. While you mentioned it, and probably because you had
13 a good reason for that, but you mentioned it because you said, This was
14 the -- this corresponds to the situation I expected. Well, the fact is
15 that we don't know what the situation is today.

16 The Trial Chamber went to Mostar once with the counsels. We saw
17 the sites, we toured the sites, but we did not analyse the political
18 situation prevailing in 2007, 2008, or 2009. So when you're telling us
19 that this situation corresponds to what you expected, this leaves us in
20 the dark. This doesn't provide us with anything, and this is totally

21 irrelevant for us, at least on the face of it. It might have some
22 relevance, but then you have to explain and demonstrate what you meant,
23 saying that, What is happening is Islamisation and that in 1992 and 1993,
24 in the Republic of Bosnia-Herzegovina, this was what was happening
25 through the imams and the Mujahedins and so on, but you didn't say that.

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1 So you're trying to make speeches, you're trying to plead, but
2 you're handicapping yourself, because there were some elements that you
3 could highlight, and you don't do that, and, on the other hand, you
4 irritate everyone. So, please, listen to the questions carefully.

5 Mr. Stringer is doing his job perfectly. He's putting very clear
6 questions, in a very quiet fashion. So listen to the question, think
7 about it, and answer very coolly to the question. If you want to add
8 anything, you know that there is redirect, and you have excellent
9 counsels. They're listening to all this, and they will put these
10 questions to you later on. There's no need for speeches, because your
11 counsels are there, you know, to put these questions to you later on in
12 the redirect.

13 Please do not -- please answer the question precisely. It will
14 be more effective. If there's anything you want to develop, you can tell
15 Mr. Stringer, I can answer you by yes or no, but if you wish, I may
16 expound on this. And he might say, Yes, do so, or, Don't. Because as my
17 colleague -- my fellow Judge Trechsel said, you are now in the space
18 where you totally belong to the Prosecutor. The Prosecutor is in charge

19 of his cross-examination, and you're here to answer his questions, and
20 only that.

21 I hope you understand what I'm saying. This is in your interest.

22 Mr. Stringer, please resume.

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

24 Q. General, on this -- maybe the discussion has evolved to a place
25 where it would be useful for us to go back to one of the exhibits from

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1 yesterday, and so it might not be one that everybody has with them in the
2 courtroom because it was at the very end of the previous binder. It was
3 the census data that we were looking at a little bit -- I think that was
4 yesterday. P10519. And even if we don't have it in the courtroom,
5 I think in e-court, if we could just simply put up the data, the census
6 data for the Mostar municipality, which is on page 9 of the document.
7 And if they could just blow that up, maybe we can all look at those
8 numbers on the screen and work from that.

9 MS. PINTER: [Interpretation] I would kindly ask Mr. Stringer to
10 provide the general with the binders. Yesterday, all of the documents
11 were taken away from him. Therefore, now he cannot make use of the
12 documents.

13 THE WITNESS: [Interpretation] You took the documents away
14 yesterday, Mr. Stringer. Perhaps it would be a good idea for me to have
15 them again.

16 MR. STRINGER: If it's still in the courtroom, we can give it to

17 the general. I can give him my page, just to move this along faster.
18 It's just simply the Mostar numbers that I'm interested in. I can give
19 the general mine, and I can just look off the screen. I'll work off the
20 screen, if my eyes are good enough. Okay, that's --

21 MR. KHAN: Your Honour, if it assists, my learned friend is more
22 than welcome to have our hard copy. It may facilitate matters and make
23 it a little bit easier on his very young eyes.

24 MR. STRINGER: I appreciate counsel's offer. They've blown it up
25 on the screen, and this is fine. Thank you.

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1 Q. General, just a couple questions on this, because you've been
2 talking about this -- the reduction or the departure of Croats. And
3 I think it's worth noting here, recognising that these figures go back
4 only about 20 or 22 years from the time of the conflict, but if you at
5 least -- if you look at the Mostar municipality, in fact, what you see
6 is, would you agree with me, first of all, as between Croats, Muslims,
7 and Serbs, pretty consistent -- pretty static numbers, not a lot of
8 change in any direction among any of the three groups? Isn't that true?

9 A. No. The figures are increasing; 32.000, 36.000. So there was
10 this natural growth of the population, and a number of people arrived as
11 well since at that time Mostar became a university centre with schools,
12 hospitals, et cetera. There were many things taking place in the
13 meantime, but that would take away our time if I started discussing them
14 now.

15 Q. Sure. You correctly note that the overall population does
16 increase from about 90.000, in 1971, to over 126.000 in 1991. I'm more
17 interested in the percentages, because it looks to me as though the
18 Croats and the Muslims are very close throughout this entire 20-year
19 period, both of them sort of hovering around the mid 30s, in terms of the
20 percentage of the overall population. Would you agree with me on that?

21 A. Yes, in terms of percentages, that would be approximately so.
22 There were more or less the same numbers of Croats and Muslims in Mostar.

23 Q. And you've talked about the departure of Croats, and there is
24 a -- about three percentage points reduction in the Croat portion from
25 1971 to 1981, I notice, going from 36.6 down to 33.5 per cent. But would

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1 you agree with me, General, that this shows that during the same period,
2 there was actually almost twice as much of a reduction in the Muslim
3 numbers? The Muslims were also leaving Mostar during that 10-year
4 period, going down to 31 per cent of the population from 37. Actually,
5 more Muslims were present, but their overall percentage of the population
6 went down by over 6 per cent; isn't that true?

7 A. Sir, the Muslims increased in number by some 10.000, and the
8 percentage went from 37 to 34 per cent. As far as I can do my math, I
9 believe that's 3 per cent less.

10 Q. Actually, I was looking at Croats and Muslims both for the 10
11 years from 1971 to 1981, and during that period both of them went down,
12 in terms of percentage. Isn't that true?

13 A. In terms of percentages, yes. The absolute figures were
14 increased, but in terms of percentages, that was reduced.

15 Q. And then finally for the period of 1981 to 1991, and I know that
16 you challenge the census figures for 1991, but again this would indicate
17 that we have roughly an equality as between the Muslims and the Croats,
18 and we've had roughly an equality in percentage throughout this entire
19 20-year period; isn't that true?

20 A. As for 1991, that census, as I said, is not legally valid because
21 the census procedure was not completed, and there are some other reasons
22 why I see it as untrue. As for the other part of your assertion, I
23 wouldn't agree with that. There are small changes, in terms of
24 percentages, but it's only by a few points of inhabitants increasing or
25 numbers going down.

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1 Let's not see this in any philosophical way. These are simple
2 figures, indicating simple things.

3 As to the reduction of the number of Croats, I wasn't talking
4 only about Mostar, which is rather specific. I was discussing this
5 occurrence at the level of Bosnia-Herzegovina as a whole. There were
6 significant numbers of Croats departing abroad to work. If, say,
7 10 per cent of Croats, 100 thousand Croats go to work abroad, then that
8 would represent 11 per cent of the entire Croat population. But when 100
9 thousand out of 2.4 million Muslims go to work abroad, then that is 3.5
10 per cent or 3 per cent of the population, and so on...

11 This is a bit more complicated than we are trying to explain.
12 Unfortunately, I don't want to take this any further, although it does
13 require further attention.

14 Q. And perhaps to try to round this off and to bring it back to the
15 original exhibit, which was P0 --

16 JUDGE ANTONETTI: [Interpretation] I have a follow-up question.

17 Still looking at the same table, Mr. Praljak, we see the figure
18 of 12.768, which amounts to 10 per cent. Is this a figure which
19 coincides with the people that declared themselves Yugoslavs?

20 THE WITNESS: [Interpretation] Yes, that's what it says.

21 JUDGE ANTONETTI: [Interpretation] Very well. The 12.760 that
22 declare themselves Yugoslavs, according to the document we saw a while
23 ago, this document which gave rise to a lot of reactions, P7500, there's
24 a slight mistake because the authors who were supposed to turn this into
25 a book say that there were 12.650, whereas here we have 12.760. The

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1 figures don't tally. But out of these 12.768, if the majority are
2 Muslim, 34.6 of them or 34 per cent of them could very easily increase,
3 and then the Croats are in the minority. What do you have to say to
4 this, excluding all passion and exchange of views?

5 THE WITNESS: [Interpretation] The number of people who declare
6 themselves Yugoslavs, as you can see, changed depending on the current
7 political propaganda. People were encouraged to declare themselves
8 Yugoslavs. So as you can see, in 1981 the figure rose from 2.000 to

9 16.000 later in 1991, and then the figure went down, and later on they
10 almost completely disappeared, they were left in negligible numbers.
11 This was an attempt of the Communist ideology to come up with a
12 completely new nation.

13 JUDGE ANTONETTI: [Interpretation] Yes, but you're not answering
14 my question. In mathematical terms, the fact that out of 12.768, a
15 majority would be Muslim, in that case these Muslims must be added on to
16 the 34 per cent, and therefore, in Mostar in 1991, the majority is a
17 Muslim majority, not a Croatian majority?

18 THE WITNESS: [Interpretation] There is no evidence that among
19 these 12.768 there were mostly Muslims. There is no proof of that
20 whatsoever. Actually, quite the contrary, I assert that a lot of people
21 who were in mixed marriages, who originally were Croats, then declared
22 themselves Yugoslav, because the most difficult thing there was to be a
23 Croat.

24 JUDGE ANTONETTI: [Interpretation] Whatever the case may be, you
25 and your counsel, you will have time to read this report again. But the

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1 authors of the report say, and this is black on white, and they say that
2 the greatest number are Muslims and Serbs, whereas the Croats constitute
3 an insignificant part. This is what is stated here. This is what they
4 both say.

5 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, I did
6 see that, but I don't agree with their interpretation. They are not

7 putting forth a single scientific argument for their assertion. This is
8 an arbitrary argument. I am familiar with such ideas, and I can pretty
9 much guarantee you that it's incorrect.

10 JUDGE ANTONETTI: [Interpretation] All right.

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

12 You, in fact, anticipated my next question on this, which was to
13 factor in this -- the figures on the Yugoslavs, so I don't think I need
14 to follow up on that. And after nearly the first session, I think I'm
15 ready to actually go back to the HVO structure issues that we -- that we
16 were talking about yesterday.

17 So, General, I see you don't have the binder in front of you from
18 yesterday. It is the binder that is the big one.

19 JUDGE ANTONETTI: [Interpretation] Wouldn't it be a good idea,
20 then, to have the break now? I think it's probably better to have the
21 break now, and then we shall get back to that binder.

22 Right, we shall have a 20-minute break now.

23 --- Recess taken at 10.19 a.m.

24 --- Upon commencing at 10.47 a.m.

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

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1 Mr. Stringer, you have the floor.

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

3 Q. General, I see that you've been handed the binder of the current
4 set of documents we're going to be talking about. Before we get into the

5 binder again today, you'll recall from yesterday I was asking you about
6 various units within the HVO structure or where they might fall within
7 that structure you. Do you recall that, in general?

8 A. I do, Mr. Stringer.

9 Q. And one aspect of that that I want to spend a little bit of time
10 on now relates to a gentleman named Mladen Naletilic, whose nickname or
11 his nom de guerre was Tuta. You've mentioned him already in your
12 testimony, particularly in connection with a meeting that occurred, I
13 believe, on the 9th or 10th of May, 1993. Perhaps you could clarify
14 again for us the date of that meeting with Mr. Tuta.

15 A. The 11th of May, 1993.

16 Q. Now, on the 26th --

17 A. And it wasn't a meeting with Mr. Naletilic. I came to attend a
18 meeting, a separate meeting. Hence, it wasn't a meeting with him. He
19 was just present there.

20 Q. All right. I understand that, and I recall that at least part of
21 your testimony about the meeting was given in private session. So we
22 have your testimony on that, and I'm not going to ask you about that at
23 this point.

24 I do want to take you back to your testimony of 26 May, in this
25 case, 26 May of 2009. And Judge Antonetti asked you, and this is

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1 page 40761 of the transcript, Judge Antonetti asked you:

2 "Mr. Praljak, since you mentioned the functions of the different

3 people, could you please tell me exactly what was Mr. Naletilic's
4 position?"

5 And your answer was:

6 "No, I cannot. I have no idea what his function in the HVO was,
7 and in -- in what capacity he was there, I don't know that, either."

8 Do you recall that testimony, General? Is that still your
9 position in respect of Mr. Naletilic?

10 A. Yes, I do recall having said that, and I stand by it.

11 Q. And that testimony, where you said you don't know what his title
12 is -- his function was, you say you don't know what his function in the
13 HVO was or what capacity he was there, does that apply to all periods
14 during 1992, 1993?

15 A. I didn't understand your question completely. What did you mean?

16 Q. I'm trying to distinguish between the period of time when you
17 were the commander of the HVO Main Staff and the period of time before
18 you were commander of the HVO Main Staff. And so when you told the Trial
19 Chamber that you did not know what Mr. Naletilic's function was, are you
20 referring to the period that you were the commander of the Main Staff, or
21 to the period of time prior to your command of the Main Staff, or were
22 you talking about both of those periods of time?

23 A. Even before that, I didn't know his exact function. I did know
24 he had a unit of his. And as far as my information went, at the
25 beginning until mid-1993 or, to be more precise, until May 1993 -- well,

1 in any case, I can't answer your question precisely. I didn't know what
2 his function or position was throughout that period. Anything I say
3 would be speculation. I simply didn't have the facts pertaining to his
4 position within the HVO. As I said, during the time I was in command, I
5 had no command over him and I did not contact him.

6 Q. General, would you agree with me that Mladen Naletilic, Tuta, did
7 command soldiers who fought as part of the HVO armed forces? Can we
8 agree on that?

9 A. With a degree of certainty, I could tell you that his units, in
10 1992, fought as part of the HVO.

11 Q. And, now, when you say "1992," I think it's important for us to
12 distinguish which conflict. Are you now referring to the operations
13 which led to the liberation of Mostar and the defeat, if you will, of the
14 Serb forces there in the summer of 1992?

15 A. That is correct, that's what I had in mind, the operation
16 organised by that unit. It was the liberation of Orlovac in 1992. That
17 was the beginning of the process of liberation of the right bank of the
18 Neretva, and following that I assumed command of the whole operation.

19 Q. General, for the purposes of our discussion now about
20 Mladen Naletilic, Tuta, I'd like to restrict that to the period that
21 begins in, let's say, October of 1992, just prior to the conflict
22 breaking out in Prozor, and then the period of time that follows -- the
23 months that follow until the time you left the HVO Main Staff in November
24 of 1993. Okay? So I'd like for our discussion about Mr. Tuta to be
25 restricted to the conflict between the HVO and the ABiH. Okay?

1 A. You can put your questions, and I'll answer.

2 Q. So if -- I'll tell you specifically if I'm referring to the prior
3 period of time during the summer of 1992.

4 So, again, just to clarify that, your testimony that you didn't
5 know what Mr. Naletilic's function was, are you saying that you didn't
6 know what his function was during the entire period of the HVO-ABiH
7 conflict?

8 A. The issue of function is something I've already answered. I
9 didn't know his function. I did know, however, in 1992 that he commanded
10 a unit, and I told you precisely that that unit participated in the
11 liberation of Orlovac, where I was present. They prepared it. They came
12 to see me and asked me about certain things. And if you're asking me
13 about the places where I was, that I can answer, to the extent of what I
14 know about such things. We have to bear in mind what my functions were
15 at each period of time and what was my reason for coming to Bosnia and
16 Herzegovina.

17 Q. From October of 1992 until the 9th of November, 1993, is it true
18 that Mladen Naletilic, Tuta, was in command of soldiers who fought as
19 part of the HVO armed forces?

20 A. Sir, I've already answered that question. As of October 1992, I
21 simply don't have any knowledge about it because I held no position at
22 that time. But as of the moment I took over command, I have explained
23 that to you, and there's nothing further to add. You can put the

24 question as many times as you like and I'll always answer the same. How
25 can I discuss this period in 1992 and 1993 when I became commander on the

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1 24th of July? And in the meantime when I was there, I was busy with some
2 completely different things. First and foremost, I was trying to bring
3 the conflict under some kind of control.

4 Q. From the period of time that you were commander of the HVO
5 Main Staff, 24 July 1993, until the 9th of November, 1993, did
6 Mladen Naletilic, Tuta, command soldiers who fought as part of the HVO
7 armed forces?

8 A. As far as I'm concerned, I did not command Mr. Mladen Naletilic,
9 Tuta. As to whether he had units and what sort of units these were, that
10 is something I cannot answer.

11 Q. Your testimony, General, is that during the period of time that
12 you were the highest-ranking military officer of the HVO armed forces,
13 occupying the position of commander of the HVO Main Staff, you're telling
14 us you do not know whether Mladen Naletilic was in command of soldiers
15 who formed a part of your HVO? That seems hard to believe.

16 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I'm sorry to
17 interrupt, but I had asked a question earlier and you did not answer it
18 at the time. And justly so, the Prosecutor is coming back to this.

19 Something that escaped me, but I note that on paragraph 36 of the
20 summary read by the Judges during the Naletilic judgement, the following
21 was said, and it's public. I think I can read it. This is a public

22 judgement. Listen carefully.

23 Tuta was a close friend and a collaborator of Gojko Susak,
24 minister of defence, and thanks to this he had access to
25 President Franjo Tudjman. He was connected to Mate Boban, president of

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1 HDZ in BH. And this had escaped me, but it seems that Mr. Naletilic was
2 a friend of Mr. Susak. You were also a friend of Mr. Susak. Are you
3 telling us that you never met Mr. Naletilic?

4 THE WITNESS: [Interpretation] Following the incident on the 11th
5 of May, 1993, I hadn't met him again for at least a year. We would need
6 to go into private session for this, Your Honour.

7 JUDGE ANTONETTI: [Interpretation] Let's move to private session.

8 [Private session]

9 (redacted)
10 (redacted)
11 (redacted)
12 (redacted)
13 (redacted)
14 (redacted)
15 (redacted)
16 (redacted)
17 (redacted)
18 (redacted)
19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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1 (redacted)

2 (redacted)

3 (redacted)

4 [Open session]

5 THE REGISTRAR: Your Honours, we're back in open session. Thank
6 you.

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

8 Q. General, the reason you don't want to associate yourself with
9 Mladen Naletilic is because he and his units committed crimes during HVO
10 operations in Sovici/Doljani in April 1993, they were actively involved
11 in the expulsion and the arrests of Muslims in Mostar, beginning on the
12 9th and 10th of May, 1993, and in addition, he and his units fought as
13 part of an HVO operation in Rastani in August of 1993 in which war crimes
14 were committed. Isn't that true, and isn't that the reason why you don't
15 want to associate yourself with him?

16 A. That is not the reason. Were the crimes committed in Sovici?

17 That was up to the Court to establish. I had no knowledge of the crimes

18 at the time. Were there crimes that were committed in Rastani? That is
19 what you say. I have no information indicating that. I don't think any
20 crimes were committed. Based on everything that I knew at the time, it
21 was a militarily-legitimate operation. I do not know whether any of his
22 units were involved in that. It wasn't that simple, really.

23 There was some units that called themselves the Tutici, or
24 something like that, but there is a confusion in terms there. I said
25 that units changed, people came and went. It's not as simple as all

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1 that.

2 I can certainly say that I had no knowledge of any crimes that
3 were committed during the war. It's not that I hadn't heard, but in
4 order to legally establish who the perpetrators were, and in what way,
5 that is not the kind of knowledge that I had.

6 Q. What crimes did you hear of?

7 A. Well, the crimes that simply -- this man was killed or that man
8 was killed, and then there was an investigation that was launched. So,
9 please, don't, Mr. Stringer. Of course, one hears things like that, a
10 man was killed, a house was set on fire, and it's all investigated. But
11 the fact that you hear of a crime does not mean you can do anything else
12 but make sure an investigation is launched according to a certain set of
13 rules that apply, regardless of the fact of how difficult this actually
14 was at the time, what the town -- what the times were like, what the
15 means were for doing this available to us, and what sort of personnel we

16 had.

17 Q. Can you tell us specifically, General, what are the crimes you're
18 referring to committed by Naletilic or his units, and where did those
19 take place, and when or how did you order that an investigation be
20 undertaken?

21 A. You are perverting entirely the meaning of what I told you. What
22 I said is they were not under my command, I had not heard of them
23 specifically committing any crime. Based on the documents that I
24 tendered, when I was there, when I was present, or when I heard that
25 someone had committed an infraction or whatever, I always wanted that

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1 person's name. I ordered that this person be seized, thrown into jail,
2 and investigated. What you're saying is not something that I said. You
3 are putting words into my mouth. I never said a single word about this.
4 Quite the contrary, in fact, I'm claiming that's not true.

5 Q. Well, General, I'm looking at the bottom of page 41 line 23, and
6 you say just now:

7 "I can certainly say that I had no knowledge of any crimes that
8 were committed during the war. It's not that I hadn't heard. But in
9 order to legally establish who the perpetrators were and in what way,
10 that is not the kind of knowledge that I had."

11 So I'm asking you to specify for us, what are the crimes that you
12 heard about? When did they take place, where? You mentioned that some
13 men were killed.

14 A. Are you expecting me after all these years, 20 years, to remember
15 that I had heard about a house being set alight in Prozor or something
16 like that, whatever? Please, don't, don't.

17 Q. Well, you've mentioned Prozor, and we're talking about
18 Mladen Naletilic. Is it true that Naletilic or members of -- or his
19 subordinates were present in Prozor, taking part in any HVO operations in
20 that area?

21 A. When?

22 Q. At any time from October 1992 until 9 November 1993.

23 A. No, I am not aware of that. I do remember one incident, or more
24 than one, described in the document in quite specific terms. If you can
25 hand the document back to me, and I believe it's an exhibit before this

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1 Trial Chamber, I can tell you more about it. During my time as commander
2 there, then I was spending the best part of my time in that area, there
3 were no units that were in any way related to Mr. Naletilic.

4 Q. The operation in Rastani on the 24th of August, 1993, took place
5 while you were commander of the HVO Main Staff. After that operation --
6 well, let me ask you this: Were you aware -- did you order that
7 operation to take place, taking Rastani on the 24th of August, 1993?

8 A. I know of the operation. I think I appointed its commander, in
9 fact, telling him to liberate Rastani, which constituted a grave danger
10 in terms of disrupting the whole front-line around Mostar at the time.

11 Q. And you're aware, sir, that war crimes were committed by HVO

12 soldiers, particularly subordinates of Tuta, during that operation? Did
13 you at any time become aware that war crimes were committed in that
14 operation?

15 A. No. You're claiming that war crimes were committed. I had not
16 heard about those, and I have not seen a shred of relevant evidence to
17 the effect that crimes were, in fact, committed. It was a well-defended
18 settlement, well defended. Attacks were launched against the HVO from
19 it. There was a danger that a military operation might be launched, so
20 the decision that I took at the time still strikes me as logical and
21 justified. I had not heard of a single crime. I had not received any
22 reports indicating that crimes had been committed. I am, as yet, still
23 unaware of any judgement or conviction that indicates that --

24 Q. All right.

25 A. -- except for your own claim, needless to say.

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1 Q. Do you know where the offices of the Defence Department were
2 located in Mostar?

3 A. Yes.

4 Q. Did you ever go there?

5 A. In 1993, well, I can't remember specifically. I can't claim that
6 I wasn't there. I may have been there once, but I can't remember a
7 single time that I went there during my time as commander, the simple
8 reason being I would spend 20 hours a day on the ground, trying to
9 exercise control over our lads in a bid to ward off the offensive that

10 had been going on for 85 days at a stretch.

11 Q. Were you aware that Mr. Naletilic was acting as a security
12 adviser to Bruno Stojic and that he had an office in the Defence
13 Department in Mostar?

14 A. I wasn't aware of that at all.

15 Q. I'm looking at the transcript, page 14800, the testimony of
16 Josip Praljak on the 27th of February, 2007, line 11, and we can talk
17 about the time-frame. We'll get to the time-frame with some documents.
18 He says:

19 "At the time, I considered that Bruno Stojic was the president of
20 the office and that Mr. Mladen Naletilic, Tuta, was an adviser to
21 Mr. Bruno Stojic for security matters."

22 "For security matters." Did you know that to be the case,
23 General, at any time from October of 1992 to November of 1993?

24 A. I've answered that question. I had no knowledge of that at all,
25 not at the time, not now.

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1 Q. And Josip Praljak said that when you enter the building, and this
2 is where the Defence Department is located, on that first floor, on the
3 right-hand side was Mr. Bruno Stojic's office, and straight from the
4 stairs on there was the office of Mr. Mladen Naletilic, Tuta. They were
5 next to each other. Now, did you see Mr. Naletilic's office there at the
6 time you went to the Defence Department?

7 A. Why would I try to imagine the location of this office if all we

8 have is Mr. Josip Praljak's word? Nor, indeed, do I wish to even try.

9 You asked Josip Praljak, and he answered what he answered. We can just
10 stick to that, because I know nothing about that. I don't think I even
11 went there during my time as commander.

12 Q. Okay. And this testimony of Josip Praljak relates to a report he
13 made, and it's Exhibit P06170, which is in your binder, General. If you
14 could take a look at that document, that will give us the time-frame that
15 he's talking about.

16 Mr. President, I think the general needs to take a short break.

17 JUDGE ANTONETTI: [Interpretation] Very well. In the meantime,
18 Mr. Stringer, can I ask you in which binder we can find this?

19 [The witness stands down]

20 MR. STRINGER: It's in the first of the two binders that were
21 just most recently distributed. It's the one that says "Binder 1 of 2."
22 It's the larger binder, list 5.

23 JUDGE ANTONETTI: [Interpretation] I'll take the opportunity to
24 put a question to Mr. Prlic.

25 Mr. Prlic, I am currently reading the report which you prepared,

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1 which has not been admitted into evidence. On a personal note, I would
2 like you to know this is an assumption, of course. If the Trial Chamber
3 were to decide to hear you as a witness, would you accept to testify as a
4 witness?

5 MR. KARNAVAS: Mr. President, before he answers that question, I

6 must advise the Trial Chamber that he has a lawyer representing him,
7 and -- he's got two lawyers, in fact, and all questions of that nature
8 should be posed to the lawyers and not to the client. And I regret to
9 have to make this observation, but I do believe that I'm not here sitting
10 as a potted plant.

11 JUDGE ANTONETTI: [Interpretation] This was a personal question I
12 was putting.

13 Mr. Prlic, before you answer my question, you can seek advice
14 from your counsel. You have told us that you were representing yourself,
15 in part. This is why I have put this question to you. But in light of
16 Mr. Karnavas' comment, you can say that you would like to talk to him
17 about it first and not reply straight away. This is not that urgent.

18 MR. KARNAVAS: Again, I must advise, either we withdraw from the
19 case, and I would be perfectly happy to pack my bag and walk out this
20 courtroom this instance, or we adhere to the Rules. He is represented by
21 counsel. Until such time as I am relieved as counsel, I will not allow
22 my client to directly answer such questions posed to him. That's my
23 position.

24 Now, as far as him taking the stand and acting as a witness, at
25 this stage of the game, I must also advise the Trial Chamber that I had

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1 specifically asked for a certain amount of time. You, in your collective
2 wisdom, refused - I underscore that word - refused to give us the
3 allotted time necessary for us to put on a defence.

4 You then went on, Mr. President, to say at one point, that had
5 you been defending Mr. Prlic, you would have put him on the stand with
6 fewer witnesses, and I must go back to our original and continuous
7 discussion concerning the procedure. This is an adversarial party-driven
8 procedure with some aspects of civil law tradition. This is not a civil
9 law tradition. There lies the problem.

10 We have a case. We try to put on the case. We try to manage our
11 time the best we could, given that we felt we had a lot of documents that
12 we needed to put forward, because we needed to put on a defence, we
13 needed to put on these documents, because you again, in your collective
14 wisdom, decided not to allow us to put our documents during the
15 Prosecution phase of the case. And there are motions and there are
16 motions and there are motions on that, and the decisions continually come
17 back and say, You can do that on your defence.

18 So in light of all of that, to now make a suggestion, in open
19 court, on the record, that Mr. Prlic entertain the notion of being a
20 witness, while at the same time he's sitting here as an accused, given
21 the fact that the Prosecution at that point, and I do believe they would
22 be entitled to say as long as he -- once he takes the oath, they should
23 be entitled to ask anything and everything under the sun, because they
24 have an obligation. And so at this stage of the game, to be making these
25 sorts of suggestions, Mr. President, I must say with all due frankness

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1 and respect, that I don't think this is a matter that can be taken

2 lightly, it's not a matter that should be discussed in this format.

3 JUDGE ANTONETTI: [Interpretation] Two things.

4 First of all, you address the question of time again. As you
5 know, the Trial Chamber granted you 95 hours, almost twice as much as the
6 accused. When these 95 hours were given to you, a huge amount of work
7 was done by the Trial Chamber, because on the basis of your witnesses and
8 on the basis of the fact that Mr. Prlic was likely to testify, we had to
9 decide how much time needed to be granted to you in an ideal world, so we
10 spent a lot of time on this and the Trial Chamber decided that you would
11 have 95 hours. And, believe me, when these 95 hours were given to you,
12 the four Judges on this Bench, we were convinced that Mr. Prlic would
13 testify, and to our surprise we looked at the witness list and
14 Mr. Prlic's name was not on that list.

15 Then this report, famous report, came in, and you know that for
16 procedural reasons we were unable to admit it into evidence. This was
17 confirmed by the Appeals Chamber. But as a Judge, I feel that there is
18 an important document that has been drafted by an accused in support of
19 his defence, and this document is not part of the proceedings.

20 What instruments do we have which would enable us to introduce
21 this document, given that your time to put your case is over? So we have
22 only one procedural possibility, and that is for your client to be called
23 as a witness of the Court. He is entitled to refuse, of course. He can
24 disagree. He can consult his lawyer. That's the only question I was
25 putting to him.

1 So you stand up and, as usual, make such blanket statements, and
2 all we are trying to do is trying to find a solution for a thorny issue.
3 Because of this problem, for a number of days Mr. Prlic was absent, which
4 I believe is a prejudice for him, which prejudices him, and once again
5 I'm trying to find a solution as regards this report.

6 Of course, we can do without this report, if that is what you
7 wish. It's whichever way you would like it to be.

8 MR. KARNAVAS: Mr. President, with all -- with the most respect,
9 the last comment that was made, I must say, was uncalled for. We have
10 made every particular effort to get it in. We have tried to be as
11 innovative as we possibly could, given the Rules. And I must say a great
12 deal of improvisation is going on in this courtroom as well as other
13 courtrooms because of time constraints.

14 Now, when we were allotted a certain amount of time, we had to
15 make certain decisions. And so, you were not present in the field when
16 we met these witnesses, you were not present when we saw the mountains of
17 documents presented to us, you were not there when we were out
18 investigating. We had to put a case based on the allotted amount of time
19 given to us. We didn't come up with just a number out of the blue. We
20 studied the situation rather carefully. The number that we gave was
21 rather precise. It was precise, based on experience, experience as trial
22 lawyers; not as academicians, not as theoreticians, not as diplomats, not
23 as judges, not as lay people, but as defence lawyers having gone through
24 this process recognising that it takes a certain amount of time to get

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1 Now, when the Trial Chamber made its decision, you will note we
2 did not appeal that decision, because we knew that that is a
3 discretionary issue based, you know, on the Trial Chamber's observations,
4 and so we recognised that even to have appealed, as others did, the
5 Appeals Chamber was not going to do anything. So given that amount of
6 time, we had to make some very painful choices, and we made them.

7 And this is an adversarial process, I keep trying to inform the
8 Trial Chamber, and once we make certain strategic, tactical, and
9 operational decisions, at this point it's very difficult to then try to
10 undo certain things. Now, if, by any chance, we were to entertain that,
11 certainly I would be asking for an additional amount of time to get all
12 these other documents in. We would be opening up certain other
13 possibilities that we think we were not given at the time, as far as
14 putting on our entire case.

15 I should also say that as Mr. Prlic sits here, he is not some
16 witness that the Trial Chamber can just call. He is an accused, and he
17 has some certain fundamental rights.

18 Now, I want that report in, he wanted it in. We tried to present
19 the report as an extension of his oral statement, given that we did not
20 have a sufficient amount of time. Frankly, I must say that I think the
21 Trial Chamber, with all due respect, was absolutely wrong. The fact that
22 the Appeals Chamber came back and said that you had the right to exercise

23 your discretion, I think -- I see nothing wrong -- there's no
24 contradiction there. I think the Trial Chamber could have very easily
25 have said, Fine, exercising our discretion, we allow it, we'll give it

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1 whatever weight. For whatever reason, the Trial Chamber made that
2 decision.

3 All right. Now, I understand you want to try to get certain
4 things in from the report. We would like to do the same thing. But this
5 sort of issue cannot simply be brought up while Mr. Praljak takes leave
6 and then put us in a position where I'm having to sit here to defend
7 Mr. Prlic, and then to add insult to injury and say, Well, if you don't
8 want the report in, then so be it. I just don't think that it is fair to
9 the Prlic Defence.

10 And I understand that there may be some aggravation on the part
11 of members of the Bench that certainly do not like my approach to
12 advocacy, but I can assure you that everything that we do, we do with
13 deliberation. We may not do it perfectly, but we do it with
14 deliberation. And I'm trying to be as respectful as I possibly can,
15 while I'm trying to convey that we may have a cultural clash, cultural in
16 the sense of two different legal cultures, the adversarial versus the
17 civil law system.

18 And I appreciate the Trial Chamber extending this invitation. I
19 will certainly have a lengthy discussion with Mr. Prlic. But it's not a
20 matter of me trying to hide something, or me not wanting something in,

21 but I think the manner in which this was posed, out of the blue, does
22 cause me a considerable amount of anxiety.

23 Thank you.

24 [The witness takes the stand]

25 JUDGE ANTONETTI: [Interpretation] You can discuss this at length

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1 with Mr. Prlic, and you will let us know what your position is. This was
2 just something I did on a personal note. And then we will see,
3 afterwards, what it's to be.

4 Let's proceed with Mr. Praljak, who has returned.

5 Mr. Stringer.

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

7 Before I continue with Mr. Praljak, I would like to express,
8 recognising that this has just been raised as an initial possibility,
9 grave concern on the part of the Prosecution, as a party to the case, to
10 the extent that there may be some indication that the Trial Chamber is
11 considering, if I can put it in a way, bending the Rules by calling an
12 accused or facilitating a procedure whereby an accused can essentially
13 augment his case as a vehicle to get additional exhibits tendered into
14 evidence which, for whatever reason, right or wrong, were not
15 successfully admitted into evidence during that accused's own case. It
16 seems to me a very slippery slope, Mr. President, and I'm sure that the
17 Prlic team is not the only party in this case that wishes it had more
18 time and more opportunities to put on more evidence and to get more

19 documents into evidence that were rejected during its own case.

20 And so clearly the Prosecution would have views on such a
21 procedure, if the Trial Chamber were wanting to consider that. And,
22 again, that's just for the record at this point.

23 JUDGE TRECHSEL: Also for the record and in an effort, perhaps,
24 to calm things down a bit further, I want to say that this was a very
25 spontaneous reaction of the Chamber President. It has not been discussed

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1 among Judges at all at any moment, and it is, therefore, rather daring to
2 attribute it to the Chamber, as such. I'm not -- I'm not -- I do not
3 want now to take any personal position on this. We're not in the habit
4 of discussing matters in the courtroom and in public. But I just want to
5 make it clear that it's perhaps premature to panic.

6 JUDGE ANTONETTI: [Interpretation] My fellow Judge is perfectly
7 right. The other Judges have nothing to do with this question I put to
8 Mr. Prlic, but any Judge is entitled to put questions.

9 Mr. Stringer.

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

11 Q. General, we were talking about this testimony of Josip Praljak
12 and about Mr. Tuta -- Mr. Naletilic having an office and a position in
13 close proximity to Bruno Stojic. And for the time-frame, I can inform
14 you, and this is from page 14801 of the transcript, that this testimony
15 about -- from Josip Praljak relates to Exhibit 6170 -- P06170, which
16 I think now, General, you have the document in front of you; is that

17 correct?

18 A. Yes.

19 Q. And this document, this is a report of Josip Praljak, deputy
20 warden of the Central Military Prison. It's dated the 27th of October,
21 1993. Do you see that?

22 A. I do, Mr. Stringer. That's what the paper says.

23 Q. And so this is a report on the work of the Detainee Release
24 Commission, and it's a report that's drafted during the period of time
25 that you are commander of the HVO Main Staff; correct?

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1 A. But without the implications of the Main Staff having to do
2 anything with this report. You can say, During the time while you
3 commanded the Main Staff, two sheep dropped dead, and now you should be
4 held responsible. Well, I've read the document, and to tell you the
5 truth, I have no knowledge about it. I don't know anything about the
6 event, and I did not receive such documents. Mr. Stringer, I can't or
7 won't tell you anything about this document. That would be just
8 speculating. You're telling me that I was somewhere at some time, and,
9 for example, you asked me about the level of the Neretva River at the
10 time.

11 Q. Excuse me. Let me just continue with a few more questions,
12 because I know that sometimes it seems rather a formality, but I do need
13 to make a record on this. And for the record, can you agree with me that
14 the date of this report, 27 October 1993, is a date during which you were

15 in the position of commander of the HVO Main Staff?

16 A. I can agree with that.

17 Q. Clearly, the extent to which the Judges wish to draw any
18 connections between you and this document is left to them.

19 The last question on this document is at the very bottom of the
20 document or at the end of the document, and what we see here is that
21 Josip Praljak is addressing this report both to Mladen Naletilic, aka
22 Tuta, and also Mr. Bruno Stojic. So do I understand correctly from your
23 testimony that you had no knowledge about any role Mr. Naletilic was
24 playing in respect of the Detainee Release Commission that's referred to
25 in this report?

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1 A. I have no idea --

2 Q. All right.

3 A. -- and I never did.

4 Q. General, in the binder, the next exhibit is --

5 JUDGE ANTONETTI: [Interpretation] We have a document before us.
6 The Prosecutor draws a conclusion thereof. Mr. Praljak, on looking at
7 this document, if you look at the first sentence, we understand why this
8 report was drafted. Seemingly, Mr. Stojic gave an order on the 6th of
9 August and referenced number 963/93, where clearly a commission is being
10 established. This report relates to this commission. Now, whether --
11 the fact that Mr. Naletilic is an addressee of this report would confirm
12 the idea that he was an advisor to Mr. Stojic.

13 According to you, as the document states, can this have to do
14 with the work conducted by the commission, without you having taken any
15 part in this and without having any knowledge of it, either?

16 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, Your
17 Honours, these small problems you sometimes have with me occur precisely
18 because I want to provide you with an answer that would give you as much
19 of the factual truth as possible. Hence, I have no knowledge about this.
20 I never did. I'm simply looking at a document that anyone can read, and
21 I can't tell you anything about it that would not be speculation.

22 MR. STRINGER:

23 Q. General, the next exhibit in the binder should be P03910, 3910.
24 Just take a moment, General. This exhibit actually consists of several
25 different handwritten letters or fax messages, so why don't you take a

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1 moment to look those over and then I'll ask you a few questions about
2 them.

3 A. I had a look at it.

4 Q. All right. Now, General, these all appear to be from early
5 August of 1993; at least the first two do. The first of these is a fax,
6 and it's a handwritten message from Tuta to Minister Stojic, and what
7 he's doing is making an assessment or a recommendation that a particular
8 individual is suitable for the post of commander in Ljubuski. Do you see
9 that?

10 A. Yes, I can see it.

11 Q. Recognising that you're --

12 A. Excuse me. It says on the top the 3rd of August, but that
13 doesn't necessarily need to make you conclude that this was sent on the
14 3rd of August. There is no date of reception, and sometimes the sending
15 and receiving of documents was at odds, as you can see on the very next
16 document. It was drafted on the 21st of July and received on the 3rd of
17 August. Obviously, someone was stamping it upon receiving in the way
18 they saw fit.

19 Q. That's a good point, General, and you've noted it for us.
20 I think my interest in this is a little more general than the specific
21 dates, although obviously I agree that this straddles the period of time
22 prior to and after which you became commander of the HVO Main Staff.

23 To the extent that Mladen Naletilic was sending messages to
24 Bruno Stojic on recommendations for those fit to command, were you aware
25 at any time that Mladen Naletilic played such a role for the Defence

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1 Department?

2 A. I didn't know that that was his role. This does resemble Tuta's
3 signature, but still I don't know whether it is authentic, whether this
4 document was sent at all. Mr. Stringer, there is nothing I can tell you
5 that would be of any relevance about this.

6 Q. Well, I recognise -- and sometimes I ask you questions, I'm
7 interested to know -- it's interesting for me even if you don't know.
8 Okay, so I know that there are a lot of things that you do know, but I'm

9 interested sometimes if you don't know. And my question simply here is:
10 Did you know, as is indicated here, if Mladen Naletilic recommended
11 persons for command positions to Bruno Stojic? If you didn't know that,
12 just tell us.

13 A. I didn't know that, Mr. Stringer.

14 Q. Now, the next one of these messages appears to have been received
15 or stamped in the Main Staff -- or, I'm sorry, in the Defence Department
16 on the same day, the 3rd of August. And as you've pointed out, it was
17 sent on the 21st of July to Zagreb. And this appears to be a handwritten
18 message to Gojko Susak from Tuta, and what he's doing here is asking that
19 a couple of individuals, Mr. Mandic and Mr. Budimir, be allowed to join
20 him. This raises an issue that's already been raised today by the
21 President, which relates to the relationship between Mladen Naletilic and
22 Gojko Susak.

23 General, I think it's not in dispute that the three of you,
24 yourself, Gojko Susak, and Mladen Naletilic, all knew each other or knew
25 of each other as children back in Siroki Brijeg, when you were quite

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1 young.

2 A. It is true that we knew each other.

3 Q. And I know that you -- I think it was yesterday you said that
4 Mr. Tuta -- Mr. Naletilic was a couple of years younger and you didn't
5 really go to school with him, but you knew each other.

6 A. I left Siroki Brijeg when I was 15 and a half. At that time,

7 Mladen Naletilic could have been 12 or 12 and a half. Between that time
8 and 1992, I did not see Mladen Naletilic, Tuta, so it was probably
9 between 1960 and 1990. Let us not attach any attention to it that would
10 only seem relevant.

11 Q. You're aware that Mr. Susak and Mr. Tuta had similar experience,
12 in that both of them left from the former Yugoslavia, they went abroad
13 and lived outside of Yugoslavia, for many years, isn't that true,
14 returning at the time that Yugoslavia began to fall apart?

15 A. A similar path in that respect, yes. I know that Mr. Susak was
16 also an emigre. I don't know which year, though. I know that Naletilic,
17 Tuta, also left Yugoslavia at some point and lived abroad. In that
18 regard, their life paths were similar, but not in any other aspect; I
19 don't think so.

20 Q. Now, here we see in this message that Mr. Naletilic is sending a
21 handwritten fax message. He addresses the minister of defence as
22 "Gojko," so they appear to be on a first-name basis. Do you know whether
23 they were good friends or whether they became good friends by virtue of
24 their childhood background and other similar life experiences?

25 A. I cannot give you a precise answer. I personally think that they

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1 were not friends. It's one thing to have similar childhoods, which can
2 serve as a precondition for a friendship, but Mr. Susak lived in Canada,
3 Mr. Naletilic lived in Europe. What sort of connection they might have
4 had, I don't know. This is a time span of about 20 years. In my view,

5 one cannot call that a friendship.

6 Q. Do you know if Mladen Naletilic had meetings with Gojko Susak in
7 Zagreb?

8 A. I can't say either "yes" or "no" to that question.

9 Q. Do you know -- well, I'll put this to you: The fact that he can
10 send handwritten fax messages to Gojko would indicate that Mr. Naletilic
11 has some degree of influence with the Croatian Ministry of Defence.
12 Would you agree with me that Mr. Tuta -- Mr. Naletilic did, in fact, have
13 a level of influence with the Croatian Ministry of Defence during this
14 period of time, July/August 1993?

15 A. No, I never had any information that would confirm your thesis
16 that he had any sort of influence within the Ministry of Defence of the
17 Republic of Croatia. As for anyone writing texts such as this one in
18 handwriting, well, that says more about that person trying to impose a
19 certain type of communication. It says more about that person than about
20 the document itself, or Mr. Susak, or the Ministry of Defence in Croatia.

21 Q. Now, recognising that -- well, if I understand correctly,
22 General, you resigned from your position as assistant minister of defence
23 for the Republic of Croatia at or about the time that you took command of
24 the HVO Main Staff; is that correct?

25 A. That is correct.

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1 Q. So can you tell us whether on the 21st of July, 1993, were you
2 still holding the position of assistant minister of defence?

3 A. No.

4 Q. Right. However, by virtue of the fact that you had held that
5 position for a number of months prior to July 21st of 1993, I have one
6 question to ask you about the handling of this document.

7 General, it appears that the document was faxed from Naletilic to
8 Mr. Susak at the Croatian Ministry of Defence, as you pointed out, on or
9 about the 21st of July, 1993, and we have at the same time a stamp of the
10 Defence Department of the Croatian Community of Herceg-Bosna from the 3rd
11 of August, 1993. So the question would be, General, whether you're aware
12 of a procedure whereby documentation coming in to the Croatian Defence
13 Ministry like this would have then been forwarded to the Defence
14 Department of the HZ-HB.

15 A. No, I think that is completely impossible. I simply won't
16 discuss whether the document is correct or not, whether it was planted or
17 falsified. This should have a receipt stamp of the Ministry of Defence
18 of Croatia. This is obviously in Singen, which is close to the Boden
19 Lake where I worked, it's a German hotel or something of that sort.
20 Obviously, Naletilic brought this with him.

21 This shows the style. If the contents are correct, still I have
22 to tell you that I can't testify to any aspect of this document. I can't
23 tell you whether it was received in Croatia, whether it was sent, whether
24 it came from Tuta, whether it was falsified. There's nothing I can tell
25 you about it. You're trying to build on my ignorance. Methodologically

1 speaking, it is incorrect.

2 Q. These two gentlemen, Captain Budimir and Lieutenant Ivica Mandic,
3 do you know whether they ever came down to join Naletilic in action, as
4 he's requesting here?

5 A. I simply did not have that information. I have no idea that Mate
6 Budimir and Ivica Mandic were down there.

7 Q. Do you know either of those gentlemen or did you know them at the
8 time?

9 A. There were many -- too many names that I had to keep in my head
10 at the time. Therefore, I no longer remember the name. Perhaps if you
11 showed me a photograph, I could tell you that I know them or I don't.
12 But simply based on this, I can't say that I do.

13 Q. General, I'm going to ask you to take the next document in the
14 binder. I'm going to skip over one.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, you did not
16 answer Mr. Stringer's question. It was a technical question.

17 He sees these documents. These documents are faxed to Mr. Stojic
18 and Mr. Susak. You will note that both documents are recorded on August
19 3rd in the Department of Defence, number 942/93, but a question springs
20 to mind. These documents are recorded at the Department of Defence, but
21 the document addressed to Mr. Susak, could you tell us whether this
22 document is directly going to be faxed to Zagreb, through the DOD? That
23 was the question that was asked to you, and you did not answer it. Maybe
24 you don't know, but then please say so. Or you might have ideas as to
25 what has happened, and then tell us.

1 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, you
2 said that it was sent through? I'm afraid I didn't understand. By what
3 means? I didn't understand the technical aspect of your question.

4 JUDGE ANTONETTI: [Interpretation] Very well. Let me come back --
5 go back on this.

6 Mr. Naletilic is sending two documents, handwritten documents.
7 We both have these two documents at hand. These two documents arrive at
8 the Department of Defence on August 3rd. There's a recording number,
9 there's a log number. The first one is for Mr. Stojic. Whether
10 Mr. Stojic read it or not, that's another problem. But the second one is
11 for Mr. Susak. Could you tell us what's going to happen to this? Is it
12 going to go into the waste basket because Mr. Susak has nothing to do
13 with the DOD, or is it going to be forwarded by fax to Zagreb? I believe
14 that this is what Mr. Stringer wanted to know, and the Judges also would
15 like to know what could have happened to this document.

16 THE WITNESS: [Interpretation] First of all, if you sent this to
17 Zagreb, then that must have been received and archived in Zagreb, or
18 maybe Gojko Susak simply threw it away. But if this was an official
19 document received by the Ministry of Defence, it should have been
20 archived. That's one thing.

21 Another thing. My question is: If the assumption is correct
22 that Tuta was next-door to Bruno Stojic, why would he have to write to
23 him? He would just go through the door and say, Listen, Mr. Stojic, I

24 want this and that. I'm simply thinking logically.

25 I know that in the Ministry of Defence, once a document was

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1 received by fax, it needs to be archived. Whether this was archived or
2 stamped 9 or 12 days later, that's completely unclear to me.

3 JUDGE ANTONETTI: [Interpretation] Very well.

4 Mr. Stringer.

5 THE WITNESS: [No interpretation]

6 MR. STRINGER:

7 Q. General, if you would please turn to the next document in the
8 binder. It's P01572, and this is the telephone directory of the Mostar
9 HVO Main Staff. That's what's indicated on the front page. And then
10 there are entries for various persons and phone number extensions within
11 the Defence Department of the HZ-HB. And this one relates to March of
12 1993, so recognising that it's not the time that you were commander of
13 the HVO Main Staff, although it is a time that relates to our case.

14 If you look within the Defence Department, you'll see that it has
15 Mr. Stojic as the head, and then it has his deputy, Slobodan Bozic. This
16 is -- the ERN number for the page, the relevant page, General, ends with
17 the number 4306. Do you have that?

18 A. Yes.

19 Q. So here on this -- on this telephone list, underneath the deputy
20 of the Defence Department, we see an entry for "ATG-Tuta," and then it
21 has the name "Mladen Naletilic" there and it's got his telephone

22 extension number. So, again, this relates to a couple of questions I've
23 asked you in the past.

24 First of all, this "ATG-Tuta," that's referred to, do you know
25 whether that would indicate that the "ATG-Tuta" would fall within this

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1 group of units that were classified as professional or special-purpose
2 units on the chart I was showing you yesterday?

3 A. I don't think that would automatically follow. I can't say. It
4 reads "ATG-Tuta," "Mladen Naletilic," March 1993. How would one arrive
5 at that? Why would that automatically mean that? Why, then, do other
6 units not have their phone numbers right there? No, I don't think so.
7 I think the logic is a bit twisted if we conclude, by default, that that
8 is what it means. I can't give you any reliable information on this. As
9 far as the logic of this is concerned, I think you can deal with the
10 Judges, as far as that is concerned. My logic is not the same as yours.
11 Mine, for instance, is not the same. I'm trying to look into the facts.
12 You're asking me about the facts. You can give us your theories, and
13 then it will eventually be down to the Chamber to tell us what they think
14 about your logic and whether the weight of the documents is more on the
15 side of my guilt or on the side of my innocence.

16 Q. If you'll turn the page, for section number 4, there's a section
17 there for the Main Staff, HVO Mostar. Do you see that?

18 A. Yes.

19 Q. And, of course, being from March of 1993, this would have

20 Milivoj Petkovic as the commander, and then it continues down.

21 A. Chief, chief of the Main Staff.

22 Q. Chief. And if you turn the page, we see other units, such as
23 Bruno Basic, for example, which is one of the ones we were talking about
24 yesterday. So, General, the question is whether, and I think you've
25 already given the answer, whether this document, in your opinion, is one

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1 that we can rely on or look to if we're looking to classify the various
2 units of the HVO armed forces, and whether they would have been more
3 closely linked to the Main Staff or to the Defence Department. I think
4 your answer is, no, that we cannot make any conclusions based on this
5 document; is that correct?

6 MS. ALABURIC: [Interpretation] Your Honours, if I may, I have an
7 objection.

8 If one looks closely at this directory, you will see, under
9 number 4, the Main Staff, and then there is an independent, number 5,
10 individual military units, the Bruno Basic Regiment and onwards. I don't
11 think it is fair to see these two, number 4 and number 5, as one. Thank
12 you.

13 MR. STRINGER: Well, we agree on that, Mr. President. I think
14 that was the reason for my last question to the general, where I
15 suggested that you cannot use this document as a way to classify the
16 various units.

17 Q. Would you agree with me, General?

18 A. I would, sir. Based on this, one can draw no inference other
19 than that there were phones. I told you everything I knew about the
20 Bruno Basic unit.

21 Q. Were you aware -- would you have been aware that in March of
22 1993, Mr. Naletilic appeared in that location on this phone list, with
23 his own telephone extension within the Defence Department?

24 A. I was in no way aware of that at the time. I came and I went, I
25 did some work there. You know the periods of time involved. It is only

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1 logical that I would not have gone into anything like that, and I wasn't
2 interested. I was entirely involved in something altogether different.
3 I had no knowledge of that whatsoever.

4 Q. The next Exhibit is P09533. And, General, you'll see this is
5 also a telephone directory. It's for a later period of time, which
6 appears to be the 27th of September, 1993, as the date -- as a date
7 that's written on the document. And, of course, this relates now to the
8 period of time that you're commander of the Main Staff. And here, again,
9 we see "Tuta," on this telephone directory, again, within the Defence
10 Department, according to this. So the question, then, is: During this
11 period of time, October 1993 -- excuse me, September 1993, when you were
12 commander of the HVO Main Staff, were you aware that Mladen Naletilic,
13 Tuta, maintained a telephone extension and his name appeared on the
14 telephone list within the HVO Defence Department?

15 A. No, sir, I have no information indicating anything like that,

16 about how the numbers were copied. But what I find noteworthy is there
17 is no fax number next to Tuta's name, so which fax was it that he used to
18 fax his documents? I don't know. But then, again, I do have to say I
19 really have no idea.

20 Q. The next exhibit, General, is P090 --

21 JUDGE ANTONETTI: [Interpretation] There's a small detail here in
22 this document. We have material evidence here.

23 Mr. Praljak, we know that offices always have extensions. You
24 know, if you visit the office of the Judges, will you see that there is a
25 number -- an office number, office number. There's an office number for

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1 Mr. Tuta. Obviously, his office number is 24, which means that
2 physically, materially, he did have an office.

3 MS. NOZICA: [Interpretation] Your Honours, I do apologise. I do
4 apologise for this intervention.

5 It reads here "local number," local number at the switchboard.
6 That is not the office number, what you read as 24. It's the specific
7 number of the specific office, it's the number that is used at the
8 switchboard to reach a particular office.

9 JUDGE ANTONETTI: [Interpretation] Very well.

10 In your own language, Mr. Praljak, what does "lokal" mean? Is it
11 "extension"?

12 THE WITNESS: [Interpretation] It means you call the switchboard
13 and you ask for this internal number, or you dial it yourself. There's a

14 beep, normally, or you speak to the operator, and then you ask to be put
15 through to this internal number. That's what it means, "lokal," internal
16 number. This goes through the switchboard. A lot of numbers go through
17 the switchboard, and the switchboard couldn't handle all these numbers
18 were it not for these internal numbers. That's what it means, or
19 in-house numbers, if you like.

20 I can provide more detail, if you like.

21 But, Mr. Stringer, if you look at this: "HVO Mostar Main Staff
22 commander," you see what it says there. I was never based -- my command
23 was never based in Mostar, but rather in Citluk. This was probably
24 copied or Xeroxed just like that. This is not true. It reads "27th of
25 September, HVO Mostar Main Staff commander." The commander and the

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1 Main Staff were, in fact, in Citluk, not in Mostar.

2 MR. STRINGER: All right, General, but getting -- I apologise,
3 Mr. President. Should I continue?

4 JUDGE ANTONETTI: [Interpretation] Yes, please do.

5 MR. STRINGER:

6 Q. So getting back to the main point for me --

7 JUDGE TRECHSEL: Excuse me. Just coming back on this last
8 question, there is, in the first column, something which I would suppose
9 is something like the area code, and we see that there are two different
10 area codes used. One is "058," and the other is "088." I just wonder,
11 pure technically, whether Tuta having 058, but it's the same as the

12 president, but probably not -- could not be a different location, could
13 it? This must be a Mostar office?

14 THE WITNESS: [Interpretation] No. 058, if you remember,
15 Your Honour Judge Trechsel, was a prefix for the Split switchboard, and
16 then you would call them, they would put you through to Zagreb, and you
17 could speak to the entire world. 088 was the local switchboard, the old
18 one. Those who didn't have 058, the call sign, could only make local
19 calls, but you needed to get through to 058 in order to reach anyone
20 outside Bosnia-Herzegovina, be it Vitez or Sarajevo you were calling
21 from. If you wanted to call someone from the outside world, as it were,
22 you needed to go through that.

23 After 1992, the switchboard in Mostar was destroyed and the
24 coaxial cable was hit, and then the switchboard, and then the directional
25 linked to Sarajevo, and so on and so forth. But there were few of these

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1 numbers because it was a small switchboard, and one used the 058 as a
2 call sign and then you had 02032, and you could use small local offices
3 to use those small devices to switch on to the operator.

4 JUDGE TRECHSEL: Thank you. It then follows that this prefix
5 gives no indication as to where the ultimate telephone apparel is
6 located. Thank you.

7 THE WITNESS: [Interpretation] No.

8 MR. STRINGER:

9 Q. But it does indicate, General, that if someone has the 058 area

10 code, then that person has a greater ability or a greater range of places
11 he or she can contact; is that true?

12 A. Yes, as far as America or even further afield.

13 JUDGE ANTONETTI: [Interpretation] One moment. I'm not fully
14 convinced, Mr. Praljak.

15 Let's assume that someone calls Mr. Tuta. In order to call him,
16 he will dial 526-574, I assume, with the Mostar area code before that.
17 This then reaches the Defence Department. The switchboard operator will
18 then, on his keyboard, transfer the call on number 24. You are a
19 telephone expert. What can you tell us about this?

20 THE WITNESS: [Interpretation] 058 is a direct link to -- if you
21 go through that, you can choose anything that is switched on to that
22 switchboard and goes to Split. If you call 088, you go to the
23 switchboard first, and then they put you through, regardless of whether
24 you're inside the building or outside the building. It depends on how
25 the switchboard is structured. They put you through because you use a

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1 smaller number of telephone lines.

2 For example, Your Honours, if we have no lines for all the Judges
3 and all the persons in this courtroom to actually have a connection,
4 we'll try to get one line up, or three, and then we'll branch from these
5 to individual connections for everyone: Judge Trechsel, number 2;
6 Judge Antonetti, number 1. You will get these numbers. And then this
7 man calls and he says, I want to speak to Judge Trechsel, and then he

8 switches over to number 2. There is a socket there, you remember the old
9 type of socket that we used, or there is automatic dialing, there is a
10 sound signal. And then you dial to "2," and then this switchboard, the
11 internal switchboard, directs this to a particular individual, because
12 the outgoing connections were too few.

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 My fellow Judge tells me that it is time to have a break, and it
15 is 20 past 12.00. We will take this opportunity to place some phone
16 calls.

17 --- Recess taken at 12.19 p.m.

18 --- Upon commencing at 12.42 p.m.

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

20 Mr. Stringer.

21 Yes, Mr. Praljak.

22 THE WITNESS: [Interpretation] With Your Honour's leave, and
23 Mr. Stringer's, of course, during the break there were two things that
24 occurred to me, if I may be allowed to present them.

25 First of all, I'm looking at these pages that were faxed. There

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1 is nothing on them indicating that they were faxed. Each time you send
2 something through a fax machine, what you get on that page is two things;
3 the date the fax was sent and the phone number from which it was sent.
4 There is also the number of pages that eventually got through.
5 Unfortunately, I don't see these marks on any of these pages that

6 allegedly Mr. Naletilic faxed. That is the first thing I wish to say.

7 The second thing is this: I'm looking at this fax that he
8 allegedly sent to Gojko Susak. It reads:

9 "Dunja, send the document through to my fax number, 700-128."

10 And then what I did, this -- the first three digits, 700,
11 indicate a place in Bosnia and Herzegovina. "700" stands for
12 Siroki Brijeg. If you look at the directory, you can clearly see that
13 that is the case. It reads: "Siroki Brijeg, commander of the Signal
14 Centre, MUP Military Police," 701, 704, starting with 088, 700, all the
15 numbers are like that. It is with a high degree of suspicion that I can
16 state that this wasn't, in fact, faxed, because it bears no standard fax
17 marks.

18 Secondly, Mr. Naletilic refers to a phone number here, and the
19 phone number is obviously in Siroki Brijeg for this to be faxed back to
20 him, if anything at all.

21 These were the two technical matters that I wished to raise, and
22 I can elaborate if necessary.

23 MR. STRINGER: And for the record, the general was talking about
24 P03910, which we discussed earlier today.

25 Q. General, just staying with this exhibit for a moment, now that

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1 you've brought us back to it, can you and I agree that they appear to
2 have been received within the Defence Department of the HVO on or about
3 the 3rd of August, 1993?

4 A. The stamp is there. Nevertheless, based on all of the
5 aforementioned, I have a well-founded suspicion, Mr. Stringer. It is
6 quite clear here that he refers to a fax number in Siroki Brijeg. How
7 that reached the Defence Department, I simply don't know. It wasn't by
8 fax. Did someone perhaps bring the pages over, physically? I don't
9 know, but my suspicion is great. If this had been faxed anywhere else,
10 the fax number would have been clearly legible.

11 Q. General, the next exhibit is P0 --

12 MR. KOVACIC: Just a moment, please.

13 If I may help, probably, because the stamp is not really readable
14 completely, but it looks like it is the stamp -- on the top of the
15 document, it is the stamp in Bosnia and Herzegovina, whatever institution
16 that might be. It is not stamped of an institution in Zagreb. Even
17 though it is not very clear, but it looks like the words are here "Bosnia
18 and Herzegovina."

19 MR. STRINGER: No, that's correct, I agree. I think this is the
20 stamp of the Defence Department of the Croatian Community of
21 Herceg-Bosna, Republic of Bosnia-Herzegovina.

22 MR. KOVACIC: Okay. I just thought that maybe it would help to
23 clear up that.

24 MR. STRINGER: Fine.

25 JUDGE ANTONETTI: [Interpretation] When I asked my question,

1 remember that I had talked about the Defence Department, so it is clear

2 that the stamp can only be that of the Republic of Bosnia-Herzegovina.

3 MR. STRINGER:

4 Q. General, the next exhibit is P09043 in your binder. General,

5 I think --

6 A. I'm sorry.

7 JUDGE ANTONETTI: [Interpretation] General, you don't have flu, do
8 you?

9 THE WITNESS: [Interpretation] No, no, Your Honour. I smoke too
10 much.

11 JUDGE ANTONETTI: [Interpretation] I'm reassured.

12 THE WITNESS: [Interpretation] I smoke like a chimney.

13 MR. STRINGER: Well, you should stop.

14 THE WITNESS: [Interpretation] Yeah, I should, I suppose.

15 MR. STRINGER:

16 Q. General, this is a photograph. It was shown to you, actually,
17 when you testified in the Tuta Stela trial back in April of 2002. Do you
18 recognise this photo? Do you remember seeing this before?

19 A. Yes, I do.

20 Q. And is this a photo that was taken at the time of the funeral of
21 Mario Hrkac, whose nickname was Cikota, that occurred in April of 1993?

22 A. I think so. It's been a long time, though. I can't be positive
23 about it, but it's highly probable. I had to go to dozens, evens
24 hundreds of funerals. In our culture, it's just something that you must
25 do. When you knew a person and that person died, or their family, you

1 had to go to that funeral.

2 Q. And Mario Hrkac was a commander of HVO soldiers who was killed
3 during the operation at Sovici/Doljani in mid-April of 1993; is that
4 correct?

5 A. I don't know that, sir. I had heard that he was killed. I knew
6 him from back in 1992, the operation near Mostar. I probably went for
7 that reason. This was a time when I was in Mostar. I went over to the
8 eastern side, so I attended the funeral.

9 Q. And this funeral, where did it take place?

10 A. The Siroki Brijeg cemetery, I think, the Catholic cemetery at
11 Siroki Brijeg.

12 Q. And then after this funeral and in the weeks that followed, is it
13 correct that an HVO unit was named or perhaps renamed as the Mario Hrkac,
14 Cikota, brigade or unit in honour of this person?

15 A. I don't know, sir. That might be the case, but I don't know.

16 Q. Now, in this picture we see an elderly couple standing in the
17 front, and then behind them we see some men standing in camouflage
18 uniforms. And can we agree, General, that you're the person who, on this
19 photo, appears in the far left corner?

20 A. Yes, far left corner, that's me.

21 Q. And then standing next to you, the man also in camouflage who is
22 balding, who is that?

23 A. Vice Vukojevic.

24 Q. And was Mr. Vukojevic a member of the -- well, you tell me,

25 General, did he hold a position in the Croatian government at this time?

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1 A. I think not.

2 Q. Do you know Mr. Vukojevic?

3 A. Yes, I do. We go back to way before the war. He spent a lot of
4 time in prison. He was an individual who was marked out as a
5 nationalist. Those were the charges against him. In the former
6 Yugoslavia, I think he spent a total of six to seven years in prison for
7 that.

8 Q. Now, he's with you, standing, in a uniform. Did he hold a
9 position in the HVO at this time?

10 A. I don't know.

11 Q. Did he hold a position in the Croatian Army?

12 A. Not as far as I know. I think for a while he held a post in the
13 Ministry of the Interior of the Republic of Croatia, but I don't know
14 which post exactly or, indeed, at what time-period.

15 Q. And then next to him there's a gentleman in camouflage uniform,
16 wearing glasses. Can you tell us who that is?

17 A. Yes, Mr. Andabak, one of the Andabaks mentioned. Ivan Andabak,
18 that's his name.

19 Q. And his position was that of deputy commander of the Convicts
20 Battalion; is that correct?

21 A. At the time, he called me to check the plan for the liberation of
22 Orlovac, and that operation, in 1992, he was the commander. That was my

23 information. At the time, there was fighting with the JNA in Capljina.
24 He was involved in some talks with UNPROFOR. He was quite fluent in
25 Spanish.

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1 Q. General, let me repeat my question. At the time of this funeral,
2 Ivan Andabak held the position of deputy commander of the Convicts
3 Battalion; is that correct?

4 A. I don't know, sir. As I said, at the time I talked to him in
5 1992, he was a commander. He was the commander of the Convicts
6 Battalion, or at least that's how he was introduced to me at the time. I
7 don't know what post he held at this particular point in time depicted in
8 this photograph.

9 Q. And then standing next to him, as we continue to move to the
10 right across this photograph, there's another man a bit shorter with
11 glasses. Can you tell us who that is?

12 A. That is Mladen Naletilic.

13 Q. And what was -- well, I was going to ask you what his position
14 was at this time, and I think you've already given us your evidence on
15 that, that you don't know what his position or his function was; is that
16 correct?

17 A. Correct.

18 Q. Is it true that soldiers under his command were active in the
19 operation in Sovici/Doljani that occurred on or about the 16th/17th of
20 April, 1993?

21 A. I have no knowledge of that, nor did I at the time. Anything
22 else would constitute speculation on my part. My answer simply has to
23 be: I don't know.

24 Q. Very well. The next exhibit, General, is P02902.

25 And I should say that this document, being a report of the

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1 Spanish Battalion, is confidential, so that I believe we can --

2 JUDGE ANTONETTI: [Interpretation] General Praljak, your previous
3 answer was somewhat surprising. The Prosecutor asked you whether you
4 knew anything about Sovici/Doljani. You say, No. Fair enough. You go
5 to the funeral. Like all of us, we've all attended funerals. When you
6 attend a funeral, generally you ask what the person died of, normally
7 speaking.

8 THE WITNESS: [Interpretation] No, no, I didn't say -- well, first
9 of all, I did not hold a post at the time, at the time of this funeral in
10 April. That was when I switched over to the left bank. I explained
11 about that. These weren't my soldiers, nor did I, in fact, hold any sort
12 of position, nor, indeed, was I aware of what was going on in Sovici or
13 anything like that.

14 JUDGE ANTONETTI: [Interpretation] I agree with you. But you
15 attend this funeral, and on this photograph we see Mr. Naletilic,
16 Andabak, and other people, so you are all mourning the person. And,
17 generally, after the funeral, you shake hands with the bereaved and then
18 people discuss matters. And you didn't think of turning to Naletilic and

19 Andabak and asking how he had died. Perhaps he died in -- whether he
20 died in action or not; you didn't discuss this at all?

21 THE WITNESS: [Interpretation] No, sir, not at the funeral. I did
22 hear that he had been hit by a sniper on a hill, and then I went away.
23 The funeral was not the place to discuss that, especially because I was
24 there only for a short time. I did know that guy. In 1992, he
25 participated in the liberation of Orlovac. And then we moved on to

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1 liberate the whole of the right bank of the Neretva, for which purpose I
2 used all of the HVO units.

3 JUDGE ANTONETTI: [Interpretation] All right.

4 MR. STRINGER:

5 Q. General, P02902 is a report of the Spanish Battalion. We can
6 talk about it in court, but it's confidential and so it can't be shown
7 outside the courtroom on the monitors. General, this one is dated the
8 23rd of June, 1993, and I want to take you to -- actually, it's -- the
9 actual report that we're going to look at is dated the 22nd of June,
10 1993. I'm looking at page 3 of the English version. Under paragraph 1,
11 "Area of Responsibility," if you continue to move down you'll see
12 paragraph 1.2 is for areas, and the first area there is Mostar. And if
13 you continue down through the document, the next area that's mentioned is
14 Jablanica/Konjic. That's the part where I want to ask my first question.

15 What this says is:

16 "Jablanica has continued to be shelled throughout the day,

17 shelling being more intense between 9.00 and 11.00."

18 Do you see that, General? Are you with me?

19 A. Yes.

20 Q. "The main targets are the Unis factory, hydroelectric
21 power-station, [indiscernible] hotel, Policija Headquarters, and the
22 hydro-electrical power-station offices."

23 And then it gives an indication of where the shelling is coming
24 from. And then it says:

25 "Other information:

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1 1. Fierce fighting in the area of Boksevica is continuing. HVO
2 troops are under the command of General Praljak and Colonel Miro Andric.
3 In the area, there are HVO troops of Jusuf Prazina, Juka, and
4 Mladen Naletilic, aka Tuta."

5 Now, General, I know you've told us that you don't know what
6 Tuta's function was during this period of time. Is it true that he was,
7 in fact, fighting with HVO units with you in the Boksevica area in June
8 of 1993?

9 A. No, that is not correct. When I arrived at Boksevica as a
10 volunteer, an individual, I later received approval from Mr. Stojic
11 [as interpreted], but Boksevica had been completed by that time. The
12 operation was supposed to include the regaining of territory on that
13 mountain which had been lost for the HVO so as to be able to extract
14 civilians. Mr. Miro Andric, the colonel, was not at Boksevica, that is

15 not correct, and Jusuf Prazina and Mladen Naletilic, Tuta, were not with
16 me either.

17 MS. ALABURIC: [Interpretation] If I may, I have a correction to
18 make.

19 THE WITNESS: [Interpretation] And it's not the HV, but the HVO.

20 MS. ALABURIC: [Interpretation] Page 80, line 1, it says that
21 General Praljak received approval of Mr. Stojic, whereas the witness
22 actually said "Mr. Petkovic." This is to avoid any confusion.

23 MR. STRINGER:

24 Q. General, is that correct, that you said "Petkovic" and not
25 "Stojic"?

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1 A. It is, I said "Petkovic," and not "Stojic." And you said "HV
2 units," but it should be "HVO units."

3 Q. Well, if I said "HV," I meant to say, "HVO," so that's my
4 mistake. And I don't think you need to elaborate further, General.

5 So what you're saying is that you dispute this document to the
6 extent that it says that Tuta was fighting in the area of Boksevica at
7 the time you were there in June of 1993; correct?

8 A. That is correct. While I was there, Mr. Mladen Naletilic, Tuta,
9 was not there, and Miro Andric wasn't there, either.

10 Q. The next thing I want to ask you about in this document is
11 actually in the preceding section. Just above "Jablanica-Konjic,"
12 there's a comment, and it says:

13 "There is a continuous accumulation of HVO weapons and material
14 in the city, reaching levels that lead us to think that there may be
15 major operations in the not-too-distant future."

16 General, recognising that you were not in Mostar, itself, but
17 that you were in the vicinity of Mostar, in the Boksevica area, were you
18 aware, sir, that - this is prior to the 30th of June, 1993 - the HVO
19 continued to amass weapons in Mostar in potentially a preparation for
20 major military operations against the ABiH?

21 A. First of all, Mr. Stringer, Mount Boksevica, where I spent many
22 days, was completely cut off. No information could reach the top of the
23 hill, where there were only two shacks and corpses of animals rotting
24 away. No information could come in, except for the one when we decided,
25 together with the commanders, to pull the soldiers and inhabitants out.

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1 That was the only purpose of it.

2 Secondly, the HVO had no weapons to amass anywhere. Everything
3 the HVO had had already been deployed, and we were always short of it.
4 Whenever we received anything, it would be sent to the lines immediately.
5 These were wrong conclusions of someone from a different army which was
6 structured and supplied differently. This has nothing to do with the HVO
7 whatsoever. How could we amass weapons when we hardly had any weapons of
8 any quality?

9 Q. Continuing to move upward, I've got a question about some of the
10 text that is in the section on Mostar. And under the Mostar section, it

11 says, in paragraph 1, that:

12 "At 22 1000 --"

13 JUDGE PRANDLER: Excuse me, Mr. Stringer. I am very sorry to
14 interrupt you. I only would like to ask a follow-up question here
15 concerning the very last sentence of the answer given by Mr. Praljak.

16 He said, and I will quote, in his answer:

17 "How could we amass weapons when we hardly had any weapons of any
18 quality?"

19 Now, I somehow -- I feel that I'm at a loss when I heard this,
20 and I re-read it again, this sentence because as we know, we have heard
21 from a number of witnesses here who have already told us and who have
22 witnessed to the transfer of weapons to the BiH Army, so that is why I
23 see a certain contradiction in itself, if Mr. Praljak now says that, How
24 could we amass weapons when we hardly had any weapons of any quality.
25 And I hope that he will clarify this point.

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1 Thank you.

2 THE WITNESS: [Interpretation] Your Honour Judge Prandler, when
3 you compare what a regular corps of any professional army has, this is
4 what I had in mind. And when you compare that to what an HVO corps had,
5 the HVO was below any level. When -- in a corps you have seven or eight
6 tanks, individually speaking, these are quality pieces, but seven or
7 eight tanks deployed along a 100-kilometre line is insignificant. It
8 cannot amount to amassing weapons. One could amass weapons if you had

9 100 tanks in supply and you transfer 50 of them to the lines. But if you
10 have 10, 12, or 15 guns covering that area which had already been
11 deployed, then we cannot talk about any amassing of weapons. "Amassing"
12 means bringing in, in the military sense, bringing in of new forces and
13 new tanks from another area. We didn't have any of that. We were
14 stretched out. And the same, of course, applied to the Army of Bosnia
15 and Herzegovina. Some weapons did come in, but if you compare that to
16 the staffing and amounts of weaponry possessed by an American or a French
17 brigade, that is incomparable.

18 JUDGE PRANDLER: Thank you.

19 MR. STRINGER:

20 Q. General, this report talks about an incident that occurred on the
21 22nd of June at 10.00 in the morning, which I believe that's correct,
22 with the format that they use in here. It says:

23 "At 22 1000, when the incoming company was making its way to the
24 detachment to proceed with the relief operation, the last three armoured
25 half-tracks were detained at the check-point at the southern entrance on

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1 the main road. Personnel manning the check-point made an attempt to
2 search the interior of the vehicles before allowing them through."

3 And then the next paragraph talks about SpaBat officers who met
4 with representatives of the HVO, including, it has here, Mr. Lukic, head
5 of security for the HVO:

6 "After talks, the company was allowed to proceed into Mostar."

7 Secondly:

8 "In a Croatian Television broadcast this afternoon, viewers were
9 told that ammunition and mortars had been discovered inside the vehicles
10 detained at the check-point on the access road to Mostar and that the
11 weapons, in its opinion, were being transported by UNPROFOR to the Muslim
12 Army. The truth of the matter is that these vehicles belonged to the
13 company's Mostar section which was making its way to Mostar."

14 And then skipping down to the last paragraph of this section,
15 there's a comment that says:

16 "How the Croat community will react vis-a-vis UNPROFOR after the
17 propaganda broadcast over Croat TV cannot be predicted. There might well
18 be a further worsening in relations which are already at a low ebb."

19 Now, General, I want to take this incident, this report, to put
20 to you that the HVO, first of all, controlled access to Mostar, despite
21 what you say. It controlled access to Mostar both from the north and the
22 south, and that if -- well, let me just put that to you. Isn't that
23 true? Because you've indicated otherwise in your testimony.

24 A. Where is the north mentioned anywhere in here? You say "from the
25 north and the south." I was quite precise. As of the 30th of June, when

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1 the Army of Bosnia and Herzegovina attacked the HVO, the army had an open
2 way to the north throughout the conflict. This is what I can confirm.
3 Therefore, we can only discuss the south.

4 Secondly, not even the elementary facts of this report are

5 correct. There is no "Akram" in the HVO. It was probably Mr. Akrap.
6 Then there was no Lukic who was chief of security. It was probably
7 Ivo Lucic. So even that personal information is incorrect. And they had
8 discussions with those people for months preceding that.

9 Thirdly --

10 Q. Excuse me. Let me just finish this. I'm going to try to cut you
11 off to stream-line this a bit.

12 Are you telling us -- I recognise you're challenging the report.
13 Are you telling us that you reject the Spanish Battalion's report here,
14 which indicates that they were stopped at an HVO check-point and had to
15 negotiate their way through? Can we at least agree that that is
16 something that the SpaBat would at least know about?

17 A. It is highly likely that the information about them being stopped
18 at a certain point towards the south is correct because they transported
19 mortars which belonged to their mortar section, and the HVO believed,
20 whether reasonably or not, that they intended to give or sell those
21 mortars to the Army of B and H. There was such information to that
22 effect. I don't know whether this one was, but most of it proved to be
23 correct because we came across such weapons. It was because of that,
24 probably, that they were stopped and everything followed from it. But I
25 don't think anything of the sort could have happened towards the north,

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1 especially not after the 30th of June.

2 Q. And the fact is that after talking with these high-level --

3 fairly high-level people within the HVO, including the head of its
4 Security Sector, Mr. Lucic, that the HVO used this incident to spin it
5 into a propaganda incident that was then broadcast on Croat TV to create
6 tensions and quite possibly to put UNPROFOR in a more dangerous situation
7 vis-a-vis the Croat population there; isn't that true?

8 A. First of all, it was not an HVO television. Secondly, any
9 television station is free to present information any way they see fit.
10 Because of the fact that someone saw some information or heard some
11 information on TV, that is not enough to bring you to any conclusions.
12 The issue at hand is that they had mortars. Whether they intended to
13 sell them or hand them over, I don't know. I know about some information
14 from Croatia that millions of litres of oil were sold to the Serbs by
15 UNPROFOR.

16 Q. So it's your position here that the mortars on these SpaBat
17 vehicles were, in fact, going to be turned over to the ABiH forces on
18 East Mostar? Is that the accusation you're making?

19 A. No, not in my wildest dreams. I only said that those who
20 probably did this had their reasons to suspect, and they wanted to see
21 whether any weapons were being transported to the enemy side. I would
22 never assert anything of that sort without solid proof, but there may
23 have been grounds for suspicion, and then that needs to be followed up.

24 Q. Now, in your answer a few moments ago, you said that:

25 "First of all, it was not an HVO television."

1 And I don't know if I misspoke, but I don't think I said that.

2 The report here is that it's Croat television, not HVO television. But
3 the fact is that the publication of this sort of propaganda, as it's
4 classified here, would, indeed, put UNPROFOR forces in Mostar and the
5 region in danger, if in fact the public thought that SpaBat was equipping
6 the ABiH with artillery; isn't that correct?

7 A. Not necessarily. Why would that put a well-armed force in
8 danger? And, secondly, that doesn't need to be propaganda, but a report
9 broadcast, and dozens of TV stations had their broadcasts and sent
10 information of their choosing which, for the most part, was in keeping
11 with the policy of their respective countries and governments. And I
12 have seen that in quantities beyond any tolerable measure.

13 MR. STRINGER: Unless there are more questions on this document,
14 Mr. President, I'm ready to move to the next one.

15 JUDGE ANTONETTI: [Interpretation] Go ahead.

16 MR. STRINGER:

17 Q. P04131, General, I believe is the next document in your binder,
18 4131. Do you recognise this, General? This is an order that you issued
19 on the 12th of August, 1993?

20 A. This order was signed by General Petkovic. I signed it as well.

21 Q. Do you accept this as an order that was issued by you or with
22 your -- based on your authority as commander of the HVO Main Staff?

23 A. I would have no reason to change this order. I only think that
24 the ATG-Tuta, whatever it was called, was shorthand for Baja Kraljevic,
25 the unit commanded by Mr. Predrag Mandic. But if Mr. Petkovic comes to

1 testify, you could ask that of him.

2 MS. PINTER: [Interpretation] I apologise, Mr. Stringer. I have a
3 correction for the transcript. I have a correction, nothing more.

4 Page 87, line 10, to your question the general said:

5 "This is an order that was signed by General Petkovic."

6 And I don't want to suggest any answers to the general, but I
7 would kindly ask him to repeat what his relationship with the order is.

8 THE WITNESS: [Interpretation] My name is typed there. Since I
9 was absent, General Petkovic must have signed it on my behalf. I agree
10 with all of its contents, save for the "ATG-Tuta" reference which I
11 believe was the unit called Baja Kraljevic, but in shorthand the other
12 term was used.

13 Mr. Petkovic is better equipped to explain this, should he find
14 himself in this seat.

15 MR. STRINGER: All right.

16 Q. General, I'd like to go through this document in greater detail.
17 It's an order related to the command structure in the Armed Forces of the
18 HZ-HB. It's issued by you or with your approval somewhat early on, after
19 you've taken command of the HVO Main Staff, and so my first question to
20 you is why it was deemed necessary to issue such an order or whether this
21 order constitutes some sort of a change in the hierarchy from that which
22 existed previously.

23 A. Mr. Stringer, you can see the orders on the implementation of

24 disciplinary measures and the laws of war is something that kept
25 reoccurring, and that was for the reason that the overall social and

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1 military system of Herceg-Bosna was on the verge of breaking up. One
2 could hardly even call it a system. And here we have assumptions that
3 this was some sort of an American system or something of that nature,
4 whereas it wasn't.

5 From the outset, we had to repeat same things all over again,
6 because the system was caving in. The social pillars could no longer
7 bear the weight of that war. Much as in cases of natural disasters,
8 things kept caving in, and then you start building again and then it
9 caved in again, so it was going back and forth.

10 Q. I'm trying to let you speak so that you can give the fuller
11 answer that you want, but you've got to try to be a little more selective
12 in the number of words that you use. I'm trying to focus on this
13 specific order. Correct me if I'm wrong. Is it correct, then, based on
14 what you've just said, that the intent of this order was to try to
15 reaffirm or reassert a particular chain of command within the HVO armed
16 forces?

17 A. Probably, yes, who, by what means, et cetera.

18 Q. And then in paragraph 1 here, it states that the Main Staff of
19 the HZ-HB armed forces shall be directly subordinated to the supreme
20 commander of the armed forces of the HZ-HB. Now, that supreme commander
21 is Mate Boban; correct?

22 A. Correct.

23 Q. So this just confirms, again, what you've said previously, that
24 you had a direct -- it was Boban who was your direct superior and not,
25 for example, Bruno Stojic, even though Stojic was the head of the Defence

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1 Department?

2 A. Correct.

3 Q. And then this continues in the next paragraph to say that the
4 Main Staff exerts direct command over the operative zones, and it lists
5 the operative zones there. Then it continues to identify professional
6 units. Well, let's just go through this one by one. We've covered this
7 some already in the testimony yesterday with the chart.

8 This is consistent with what you said yesterday, that the
9 Main Staff exerts direct command over the operative zones; correct?

10 A. Correct.

11 Q. And then the next is professional units, Bruno Busic and Ludvig
12 Pavlovic Regiments, and again you indicated to us yesterday that those
13 were two professional units over which the Main Staff exerted direct
14 command; correct?

15 A. Correct, speaking of the time when I was there.

16 Q. The RTP, which I have as Rocket and Artillery Regiment, and also
17 the Air Force Group, these are units that are directly subordinated to
18 the Main Staff, then; correct?

19 A. The Air Force Group was the one that had helicopters and

20 transported those wounded only. The ATG-Tuta, to repeat -- sorry, that
21 was not the question? Sorry? Yes, I'm tired.

22 Q. There's a conversation taking place here between the witness and
23 his counsel, and I'm not a party to it, which makes me uncomfortable.

24 General, before you jump ahead to the Tuta ATG, I'd like to stay
25 for a minute with the Rocket and Artillery Regiment. Okay?

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1 A. Yes. Please, I'm just a little tired. Did you ask me about the
2 other thing? That was the only issue. Please don't hold it against me.
3 I do not mean any harm. This has gone on now for several hours, so I am
4 getting a little worse for wear.

5 MR. STRINGER: All right.

6 MR. KOVACIC: [Interpretation] My apologies.

7 Perhaps, given the fact that the time is near -- Mr. Praljak
8 seems a little tired. He claims we can press on, but it still might be a
9 good idea to call it a day.

10 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak,
11 it's up to you. I've already said so. You know, answering questions
12 over for hours and hours, especially when you're under stress because
13 you're an accused, it's just something that is exhausting. If you're
14 exhausted, tell us if you want to stop and we can just stop the
15 proceedings. There's just 10 minutes left. It's up to you, really.

16 THE WITNESS: [Interpretation] Well, I have the poor habit of not
17 being able to eat in the morning, and then I smoke a number of

18 cigarettes, and then sometimes some details of the questions escape me a
19 little, slip my attention. I'm much better off, in that respect, in the
20 afternoon because I'm more attentive. I think it might be a good idea to
21 stop the proceedings, just to prevent any confusion from arising.

22 MR. KOVACIC: [Interpretation] Before we stop, there is a
23 technical request that I have.

24 General Praljak was given another two binders yesterday with
25 questions from the Prosecutor. Many of these documents are comprehensive

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1 documents; presidential transcripts, reports, SpaBat reports, and
2 such-like, a lot of it in evidence already. I think we might be saving a
3 lot of time if we allow General Praljak to take these binders with him.
4 We had yesterday at least three situations where we couldn't agree on the
5 correct pages or which transcript we were talking about, and it took a
6 while to resolve. Most of these documents have been disclosed already;
7 no surprises there. Nevertheless, it might be a good idea for the
8 general to have a look so we can move along faster tomorrow. I see no
9 reason for the Prosecutor to oppose this, especially given the fact that
10 most of these documents have been exhibited already.

11 JUDGE ANTONETTI: [Interpretation] It all depends on Mr. Stringer.
12 He's in charge of his cross-examination. It's up to him to decide.

13 Mr. Stringer.

14 MR. STRINGER: Your Honour, as the Trial Chamber knows and as all
15 of the counsel know, throughout this long trial, the practice has been

16 that the witnesses do not take the exhibits away with them on
17 cross-examination. I don't think it's fair to put this witness, even
18 though he's an accused, in a favoured position in respect of all of the
19 other witnesses, both Prosecution and Defence, who've appeared and who've
20 not been allowed to take documents away and study them in advance of
21 being cross examined about them, and so the Prosecution position is we
22 would oppose that. I don't think it would save much time. Actually,
23 I think it's gone fairly smoothly with the current practice.

24 MR. KOVACIC: [Interpretation] I do accept that. I do take the
25 Prosecutor's word that that was the norm. Sometimes General Praljak must

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1 be allowed sufficient time to study the documents and see what they're
2 about.

3 Thank you.

4 JUDGE ANTONETTI: [Interpretation] Very well.

5 THE WITNESS: [Interpretation] I don't mind, myself.

6 JUDGE ANTONETTI: [Interpretation] So the binders will stay in the
7 courtroom. They'll stay here, anyway.

8 And we'll resume tomorrow at 9.00.

9 [The witness stands down]

10 --- Whereupon the hearing adjourned at 1.37 p.m.,
11 to be reconvened on Thursday, the 20th day of
12 August, 2009, at 9.00 a.m.

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