



Page 43561

1 Thursday, 20 August 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Pusic and Coric not present]

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

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

8 THE REGISTRAR: Good morning, Your Honours. Good morning
9 everyone. This is case number IT-04-74-T, the Prosecutor versus Prlic
10 et al. Thank you, Your Honours.

11 JUDGE ANTONETTI: [Interpretation] Thank you, registrar. This is
12 Thursday, August 20th, 2009, and I welcome Mr. Praljak, Mr. Prlic,
13 Mr. Petkovic, and Mr. Stojic. Mr. Pusic is not with us for the moment
14 for medical reasons. Of course I don't forget Mr. Coric, even though he
15 is not with us.

16 I welcome the counsels for Defence, all representatives of the
17 OTP in this courtroom, as well as everyone helping us.

18 Mr. Praljak, before giving the floor to Mr. Stringer, I have
19 something to tell you to make sure that all hearings run smoothly in the
20 future.

21 I personally want to tell you once again that when a question is
22 put to you, if you don't like the question, which might happen, well,

23 think about it for a minute. If you believe that the question is not
24 formulated correctly, which can happen, and I can tell you that sometimes
25 when I put questions to you I always tell you don't hesitate to ask me to

Page 43562

1 reformulate the question if you believe that I was wrong. However, if
2 you believe that the question was not put correctly to you, don't get all
3 het up immediately because the person putting the question to you might
4 be insulted. Maybe when putting the question to you this person made a
5 mistake without any hidden agenda behind it. This can happen to anyone.
6 So please don't be suspicious immediately of bad intents. These are very
7 complex matters, you know, and the person putting the question to you
8 might very well have just made a mistake.

9 If you find out that the question is not put correctly to you,
10 don't -- it doesn't suit you, just answer very quietly. Just say, "I
11 will answer your question, but for such and such reason I can't answer
12 your question." But be very quiet, be very calm about it and everything
13 will run smoothly. If you immediately become very harsh the person
14 putting the question might feel insulted, and then we end up with what
15 happened yesterday.

16 I'm not a psychology professor, you know, but use a little
17 psychology yourself when thinking about the person putting the question
18 to you. I'm sure you understand all this. The people putting the
19 questions to you are doing their job. They're in their own -- they're
20 trying to understand what's happening. They might be in a wrong avenue

21 and it's up to you to put them back on the right track if they were on
22 the wrong track, but it might be a question that's embarrassing. You
23 find -- you understand, you know that, and use your defence strategy to
24 put the right answer to the question.

25 I believe you understood, Mr. Praljak.

Page 43563

1 THE ACCUSED PRALJAK: [Interpretation] Your Honour
2 Judge Antonetti, the Honourable Chamber, I assure you - and I repeat -
3 from the very beginning to the very end, no amount of psychology at all
4 has been involved in the way that I've been answering questions, none at
5 all. As soon as a question enters my head, my logic comes to grips with
6 it, and I realise that by providing a certain kind of answer I might
7 violate facts or indeed violate a good logic for answering such
8 questions. I try to answer questions like that irrespective of the
9 person asking the question, with no ill intention whatsoever. If that
10 was the way I came across to Judge Trechsel or anyone else yesterday, my
11 deepest apologies. That's all I've got to say. It's got nothing to do
12 with psychology. It's just the way I think, the way I reason. Will I
13 present my facts and will the logic of my answer be a valid one in terms
14 of explaining the same facts to sufficient degree to be able to get at
15 the truth and meet the needs of justice. I want no more and no less than
16 that.

17 Anything else that may or may not occur during this drawn up
18 process that might be unpleasant or undesirable is certainly not through

19 my own doing or because I so intend. Sometimes because this is an
20 arduous process, there is a certain amount of spill-over and effects
21 arise that are not desirable which might be confusing to the people
22 listening to me, but I'm telling you why this is. That has been the
23 story of my entire life, and this is the own reason for it. I perceive a
24 question and the person asking the question no longer has anything to do
25 with it. The question becomes a part of my body and my mind. All I have

Page 43564

1 is the best effort I can make to answer the question. What exactly
2 happened, what the circumstances were, unfortunately, given the nature of
3 the war, the circumstances were far too many for me to define in a single
4 sweep. There were social circumstances and factors at work too.
5 Sometimes when I try too hard to understand someone, I'm afraid this
6 might result in me telling something that is not strictly speaking true.
7 That is the kind of misunderstanding that I'm trying to prevent.

8 JUDGE ANTONETTI: [Interpretation] Very well. I take due note of
9 all of this. Mr. Stringer.

10 MR. KARNAVAS: Just one minute, Your Honours. In light of
11 yesterday's exchange, just for clarification purposes because I do need
12 to -- to consult extensively with Dr. Prlic concerning what I perceive in
13 retrospect to be an invitation or potential invitation by the
14 Trial Chamber or by the President, before I could give proper thought and
15 advice to my client, I would need to know more specifically what the
16 Trial Chamber's intent is, what the modalities are, and of course the

17 Prosecution, as I understand it, would want to be heard. So that's
18 something that perhaps the Trial Chamber should consider and then get
19 back to us on that.

20 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, yesterday when I
21 wanted to talk to Mr. Prlic, I did convey correctly that I was the one
22 putting the question personally, and I even used the conditional tense in
23 French saying that I was personally putting the question.

24 As of today the Trial Chamber doesn't have a position on this
25 topic. It hasn't been dealt with yet, but as far as I'm concerned as a

Page 43565

1 Judge, sometimes I make proposals to my colleagues, you know, in order to
2 find solutions. I make suggestions. And before making these
3 suggestions, first I have to be absolutely sure of a few elements. I
4 have to collect these elements. And then in a possible suggestion that I
5 could make to my colleagues, I needed to know whether the element that
6 there might have been a theoretical possibility for Mr. Prlic if he came
7 as a witness, as a court witness, he would testify on his own report,
8 then if I had obtained his agreement on that, I would have been able to
9 tell my colleagues, well, there is a possibility, a theoretical
10 possibility that exists to integrate this report into our procedure.
11 This is an element in Mr. Prlic's defence case, and the legal solution
12 that we could find could be him coming as a court witness.

13 I was at the very beginning of all this -- of all this thought
14 process. So in French, I'm sure you understand some French now, and

15 French is very precise and there are a lot of nuances in French possible,
16 so in French I had used a conditional tense saying if, if, if, possibly,
17 and then also I added that this was very personal, this was a personal
18 suggestion.

19 Of course the -- Mr. Stringer is American, and unfortunately he
20 doesn't completely grasp all the nuances of French. He thought this was
21 the real position of the Trial Chamber, but no absolutely not. This was
22 not the position of the Trial Chamber expressed. It was myself who had
23 in my own mind said that there might have been a procedural possibility
24 to integrate the report later on. That's as far as it went. So
25 yesterday you stood up immediately and there you felt agressed, I don't

Page 43566

1 know. Maybe you hadn't really understood what I had meant, but this was
2 a very personal approach, this was a very personal suggestion in order to
3 know -- have all the elements at hand in order to tell my colleagues
4 later on, there might be this possibility and then we could discuss on
5 about it, either we will agree on it or not. That was as far as it went.
6 Do you understand?

7 MR. KARNAVAS: Yes, and --

8 JUDGE PRANDLER: Thank you.

9 Mr. Karnavas, I'm sorry to interrupt you, but I simply would like
10 to confirm that there is no change in the Chamber's position so far on
11 this matter. This issue has not been discussed and as it was again
12 outlined by President Judge Antonetti, we had not discussed this matter

13 and there is no change in the position as taken before. Thank you.

14 MR. KARNAVAS: Yes, and thank you, Mr. President. I certainly
15 wish to convey my apologies for perhaps being overly quick. It's unusual
16 for me to be in court where a Judge directly addresses my client and
17 bypasses me. I must say it hasn't happened before, and so for the
18 Trial Chamber to directly address my client caused me a bit of anxiety.

19 Be that as it may, we remain flexible and open to all sorts of
20 possibilities. Let me just say that. However, for me to properly advise
21 my client, we would need to know what the position is of the
22 Trial Chamber at some point. So I -- if the Trial Chamber were to come
23 to some sort of a position at some point, then I would be in a position
24 to properly advise. I need more information. I don't want to deal with
25 hypotheticals, especially with someone, you know, Dr. Prlic's background.

Page 43567

1 Being a diplomat, he doesn't deal in hypotheticals.

2 JUDGE TRECHSEL: Mr. Karnavas, I do not always agree with you,
3 but this time I do and I understand fully well that this looked like a
4 bait and you of course had to jump. That was absolutely understandable.

5 I would suggest that we leave the matter now, and if the Chamber
6 sees a possibility or envisages any change in its previous decisions in
7 this matter, it would signal this to you, and you would then sort of see
8 not green light but yellow. For the time being, I think it's still red.

9 JUDGE ANTONETTI: [Interpretation] Very well. Which doesn't mean
10 that you can't consult with Mr. Prlic, of course.

11 Mr. Stringer.

12 MR. STRINGER: Thank you, Mr. President. Good morning. Good
13 morning, Your Honours, Counsel, and everyone else around the courtroom.

14 WITNESS: SLOBODAN PRALJAK [Resumed]

15 [Witness answered through interpreter]

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

17 Q. Good morning, General.

18 A. Good morning.

19 Q. General, I see that you don't have the binder that we were
20 working with yesterday, and so I'm going to ask if the registrar could
21 provide you with the binder that we had yesterday. It was binder 1 of 2.
22 If it's binder number -- list number 5. That's right. Thank you. It's
23 the larger one there.

24 And, General, if you want to take a moment. We were looking at
25 Exhibit P04131. And I believe from your testimony yesterday, General,

Page 43568

1 you told us that you, I guess in coordination with General Petkovic,
2 issued this order. I think you might have been in the field somewhere
3 and he was the one who signed it for you or something like that but that
4 you accepted this as an order of yours; is that correct?

5 A. Yes, that's right. I do accept it as my order. Back in prison,
6 which I have by now begun to call home, I was trying to think back, and I
7 realised at one point that I had not made [as interpreted] in time to
8 sign this document. There was a war on. By the 13th, powerful attacks

9 had been launched by the BH Army in the south Mostar area. For some
10 reason of military urgency, I hadn't made it in time to sign this
11 document but the order reflects that.

12 Q. Okay. And we were working our way through this yesterday, and I
13 would like to continue. Yesterday we spoke about the operative zones
14 being directly subordinated to the Main Staff as indicated in paragraph
15 2, and then yesterday also we talked about the Bruno Busic and the Ludvig
16 Pavlovic regiments, if you'll recall, and you indicated I believe also
17 that those two units were directly subordinated to the Main Staff; is
18 that correct?

19 A. Yes, that's right. This order requires that that be done, and it
20 was supposed to be done. If you'd like me to, I can provide an
21 explanation about the background of this order and why it was drawn up.

22 Q. Well, let me just take you through the various units that are
23 identified, and that's primarily what I'm interested in.

24 The next unit that's -- that's indicated here is the rocket and
25 artillery regiment, and is it correct, General, that pursuant to this

Page 43569

1 order the rocket and artillery regiment is one of the units that's
2 directly subordinated to the HVO Main Staff?

3 A. This is the artillery. This was meant to establish the full
4 control, and that's why I asked that some of the artillery units be
5 resubordinated and placed under the command of the Main Staff in order
6 for us to achieve effective control to make sure they weren't doing

7 anything outside my control. Some of the artillery had to remain in the
8 operation zones and in the brigades themselves, but I wanted to some
9 elements from the artillery to be under my control just in case a
10 cease-fire was signed. So I made sure they weren't firing any more.

11 Q. Okay. General --

12 A. And I wanted to make sure that no one would be firing when not
13 allowed.

14 Q. Let me ask you a questions -- a few questions to follow up on
15 what you've just said. So you're talking about some of the artillery
16 units be resubordinated and placed under the command of the Main Staff.
17 So are we talking about individual or different units, artillery units,
18 that were placed in different locations throughout the -- the zone of
19 conflict? For example, perhaps some artillery units up in the North-west
20 Herzegovina operative zone, other units down in south-east with
21 Colonel Lasic? So these are different artillery units that were located
22 in different places?

23 A. You can't really say different units. The artillery was, of
24 course, a single whole throughout that area. Command and control over
25 that unit is exercised by the zone commander. There are certain mortars

Page 43570

1 that belong to a brigade, for example, or a battalion. When you say
2 different artillery units, I am not sure I agree with the use of that
3 term. There were several guns involved, long-range guns, and those were
4 the only ones that I wanted placed under my control.

5 Q. It seems to me that you're implying that prior to the date of
6 this order, these artillery pieces were under the direct control of the
7 operative zone commanders; is that correct?

8 A. Probably, yes. Look, Mr. Stringer, they remained under the zone
9 commands. The commander of the Main Staff or one of his deputies, for
10 example, are facing an incipient attack, and now they're waiting for this
11 artillery to start being used. It's not what it was like. Nevertheless,
12 I wanted to acquire a certain degree of control over these pieces and
13 then they had to go to my deputy or me or the Chief of the Main Staff.
14 Some things are happening, they should put it that way, and we need
15 long-range artillery to respond. These would have been too few still,
16 but nevertheless.

17 Q. When we talk about artillery here, maybe we should specify what
18 types of weaponry we are discussing. Are we talking about everything
19 from -- from mortars up to howitzer? Can you describe for us the
20 weaponry that you're referring to when you talk about artillery?

21 A. Three or four 130-millimetre guns.

22 Q. Then are you saying that the -- well, when -- just for the record
23 when you say 130-millimetre guns, that is something different than mortar
24 weaponry; isn't that correct?

25 A. Very much so, yes.

Page 43571

1 Q. So 130-millimetre guns, your intention was to put those under
2 more direct control of the Main Staff, whereas weaponry such as mortars

3 was going to remain more directly under the control of the operative zone
4 or the brigade that had those mortars?

5 A. Mr. Stringer, not just the mortars. All the other artillery as
6 well, the 105-millimetre guns, the tanks, and so on and so forth. You
7 can't take these things out of the operative zone because that would make
8 it impossible to run the army in a properly structured way. Even what
9 occurred was not really an established military practice. The commander
10 of an operative zone is responsible for his area and the brigade
11 commander is responsible for his own sector. One cannot afford to bide
12 their time and wait every time they want to respond to a rocket launcher
13 attack or a mortar attack or a 105-millimetre gun attack.

14 JUDGE TRECHSEL: [Interpretation] Excuse me if I intervene. I
15 think we have again a little problem of translation, because in the
16 English text we have rocket and artillery regiment, which gives the
17 impression of a relative large unit just under the brigade, between
18 brigade and battalion, under one command which has probably one or two
19 units of rockets and several units of howitzers, 130-millimetre guns, you
20 name it.

21 Now, if I look at the original text I see RTP, which we also have
22 in the translation, but then in quotation marks, something which I tried
23 to read as "Zrakoplovna Grupa," and that seems to me to be much less
24 technical an expression than rocket and artillery regiment. Would you
25 agree, Mr. -- what is your reaction to this, Mr. Praljak?

1 THE WITNESS: [Interpretation] Your Honour, there's a comma there.
2 There is the regiment and there's the "Zrakoplovna Grupa," two different
3 things. In my opinion one of the chief problems here is something that
4 I've mentioned before. The rocket and artillery regiment, when you put
5 it like that, that's accurate and can be translated into something that
6 exists in other armies across the world, but what do you really have
7 there? What did it mean in practical terms in the HVO, and what does
8 that mean when you compare it to the norms and standards that prevail in
9 the US army or the French army? It really had nothing to do with it. We
10 just used these terms. So the meaning was transferred from these other
11 armies, normal armies, to the HVO, and that's where misunderstandings
12 occurred, considerable ones. There were two 130-millimetre guns that
13 actually worked, that were operational, as far as I remember. What I
14 wanted to achieve was to get them a little more under control, that was
15 all.

16 JUDGE TRECHSEL: Was there a command for this group, "grupa"?

17 THE WITNESS: [Interpretation] No. They were subordinated to the
18 commander of the operation zone, then obviously he was the one in this
19 area that had the power to say target this or target that, and he still
20 could. But if there was any communication that he had with the Main
21 Staff, obviously he would have needed to raise the question first.

22 I didn't entirely make it impossible for him to use these. It
23 would not have been logical or indeed possible. Nevertheless, whenever
24 he had an opportunity to be in touch with me, Petkovic, or Tole, he would
25 invariably say, There is an attack going on here or there. There is a

1 concentration of units, there is enemy artillery activity from these
2 locations are those. I seek approval to respond with three, four, or
3 five shells. Even whenever he was not able to get in touch
4 directly, he would have still been allowed and entitled to use these
5 pieces anyway.

6 JUDGE TRECHSEL: Did you use the word "mortar shell" now?

7 THE WITNESS: [Interpretation] No.

8 JUDGE TRECHSEL: That's what I thought in the context, so again
9 the translation is perhaps not fully precise. Thank you.

10 Mr. Stringer.

11 MR. STRINGER: Thank you, Judge Trechsel.

12 Q. General, in the -- in the English that we just got, you were
13 talking about when a commander would come to you for permission, and we
14 were given the word "a mortar shell," and that's the reason why
15 Judge Trechsel followed up, because we're not talking about mortar here.
16 We're talking about a commander who wants to fire a shell from a
17 130-millimetre cannon or gun. That's the only weaponry we're talking
18 about here when we talk about your intention to place certain artillery
19 under the direct command of the Main Staff; is that correct?

20 A. Yes, that's right. Nevertheless, and I do have to repeat this,
21 if it was possible to reach me, Petkovic, or Tole without necessarily
22 precluding the possibility, if for whatever reason it wasn't possible,
23 because of the powerful attacks and the poor state of our communications,

24 the commander of the operation zone would have been entitled to use
25 these. I will explain later on what actually happened.

Page 43574

1 Mortars are anti-infantry weapons, and you can't take them out of
2 a unit when someone's attacking and then you respond by firing mortars.
3 That's supposed to prevent infantry from advancing. It's impossible to
4 separate them from the command of a unit in which the actual weapons are
5 multiple rocket launchers, mortars. These are infantry weapons. They
6 have to be used swiftly, and there is no time to make phone calls, try to
7 speak to someone, and such like.

8 Q. Okay. So then to just to try to sum this up, can we agree that
9 your intention here in this order in respect of the artillery is for the
10 Main Staff to exert greater control over the use of 130-millimetre guns,
11 recognising that under certain circumstances it may be appropriate for an
12 operative zone commander to use one of these gun us without first seeking
13 permission from the Main Staff?

14 A. That's right. If unable to get in touch with anyone from the
15 Main Staff, they might just use it, under the rules.

16 Q. And that smaller guns, such as 105-millimetre guns, mortars,
17 multiple-rocket launchers, those weapons at all times remained under the
18 direct control of the operative zone.

19 A. Of the operative zone and the brigade command, too.
20 60-millimetre, 82-millimetre mortars, under the command of the battalion,
21 whoever they were attached to. These are anti-infantry weapons for the

22 most part. They had to be used immediately with immediate effect.

23 They're always within a unit, and this unit that has these weapons

24 exercises command over those pieces as well.

25 Q. And so that because the operative zones, the brigades, the

Page 43575

1 battalions fall under the chain of command of the Main Staff, then those

2 smaller weapons that you've just described now would remain indirectly

3 within the chain of command of the Main Staff. Right? They're just one

4 or two steps further down the chain from the Main Staff, whereas the

5 130-millimetre guns, the intention was to place those guns at the level

6 the Main Staff in most circumstances; is that how it was?

7 A. Well, well, Mr. Stringer, I give you an accurate explanation and

8 then you talk about most situations. I'm talking about a very specific

9 situation. If they're not able to get in touch to establish

10 communication, they have the right to use anything that's available to

11 them to defend. Nevertheless, there was some cease-fires there. We

12 didn't look at my document when there were several artillery pieces that

13 I placed under my command in terms of them being under an obligation to

14 report to me whenever wanting to fire a shell or two, when the enemy

15 forces were concentrated. That was during some of the cease-fires that

16 were happening. I wanted to establish full control to keep someone,

17 something from firing a bullet or a shell, and then the other side would

18 say violation of the cease-fire and so on and so forth. I think I'm

19 perfectly clear about this, and I've told you everything about the exact

20 circumstances under which --

21 Q. Sorry to cut you off, I -- perhaps you misunderstood my question
22 or I didn't ask it well enough, because I think we have established and
23 were clear actually on what was the intention and the situation in
24 respect of the 130-millimetre guns. I was -- my follow-up question or
25 the last question was more directed at the -- the other forms of

Page 43576

1 weaponry, the 105, the 60s, and the mortars and the RPGs which remained
2 within the brigade or the battalion, and as to those weapons, simply the
3 question was that those were indirectly under the chain of the -- or they
4 were -- remained within the chain of command of the Main Staff, but they
5 were just farther down the chain. Isn't that a correct way of putting
6 it?

7 A. Yes, in part. Look, everything is within the chain of command of
8 the Main Staff. RPG is a weapon which a soldier is issued
9 with. A soldier would have been in charge with these pieces.
10 When under attack, obviously, formally speaking, it's all within the
11 chain of command of the Main Staff. Nevertheless, I'm not sure how to
12 simplify this.

13 Q. No. I think you've answered my question there.

14 JUDGE TRECHSEL: Mr. Praljak, I'm still trying to imagine how
15 this was going to work and my tentative hypothesis is that this order is
16 a bit helter-skelter order. It's not really a well-established military
17 order. For instance, the artillery pieces are not individual guns with

18 few people to operate it, but there is some infrastructure with it, there
19 are normally vehicles that can put it into position. One speaks of
20 wheels and barrels in control of artillery, and the ammunition is quite
21 an issue because its heavy and so forth. There is also normally infantry
22 protection of the positions and so forth.

23 Does this perhaps mean what you say here, that you take control
24 of the barrels, that is to say you say the General Staff principally can
25 stop shooting and order shooting secondary to, in certain cases, also the

Page 43577

1 operation zone, but the administration, the infrastructural part remains
2 with the OZ. Is that a correct interpretation of what you had in mind
3 when you signed this order, when you formulated this order?

4 THE WITNESS: [Interpretation] Yes. That's just right, Your
5 Honour. It remains in the OZ. It then requests ammunition from the
6 logistics base, whatever they could provide. 95 per cent of the time the
7 guns remained, they are rooted to the spot without being moved anywhere.

8 If I may just add this: This order was primarily written because the
9 system of command in the operation zones was beginning to cave in. If
10 you remember the document that I produced about the 21 units near Gornji
11 Vakuf, and then you asked how come you were exercising command over a
12 battalion or a company over there. That was precisely what was beginning
13 to fall apart. This order within the whole thing, the operation zone,
14 the brigade, and so on and so forth. I was angry, I do remember, so I
15 went to see Petkovic.

16 You see, at one point in time when this system was crumbling, you
17 had to do two things: First you react in order to save the day along the
18 front line, but what you keep trying to do throughout all the time is
19 bring order back to a system that should be there. At one moment you
20 command a company because there is nothing else you can do to defend a
21 certain area, but at the same time you're trying to bring order back to
22 the system, alter the part of the system that you will not be commanding
23 but rather the battalion commander, a brigade commander, an operation
24 zone commander, because of the fact that these units were scattered over
25 the area because people were exhausted, men were exhausted, because of

Page 43578

1 insubordination. Because of a system that was on the verge of a total
2 breakdown, I had to do two things at the same time. The needs of the
3 moment, on the one hand, and re-establishing the entire system and
4 getting it up and running again so to speak. So this is an attempt to
5 say the zone commanders are these and this here is what we will be
6 forwarding to the Main Staff. I'm not sure if that makes it any clearer.

7 THE INTERPRETER: Microphone, please.

8 JUDGE TRECHSEL: Thank you. You have long ago answered
9 satisfactory my question. Thank you.

10 Mr. Stringer.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, I have just
12 one brief follow-up question, which is a technical one. If I have
13 understood correctly, the artillery, 130-millimetre artillery, you say

14 that this was placed under the responsibility of the Defence Department,
15 and from what I understood, there were three such guns. Was it three
16 guns? You had three artillery pieces; is that right?

17 THE WITNESS: [Interpretation] Your Honour, as far as I remember,
18 that was bidden [as interpreted] in reference to the operation zone
19 around Mostar, first and foremost East Herzegovina. I think there were
20 three. That's the way I remember it. But then you said under the
21 Defence Department. It's not the Defence Department. It's the Main
22 Staff. I think you misspoke there.

23 JUDGE ANTONETTI: [Interpretation] The Main Staff. So this is not
24 the Defence Department. Right.

25 Now, these three artillery pieces, you mean there are three broad

Page 43579

1 categories. You have the Soviet M-46 artillery pieces or the American
2 artillery pieces, howitzers 155-millimetres. Were these American or
3 Russian artillery pieces that you had? You don't know?

4 THE WITNESS: [Interpretation] Some were Russian, some American.
5 There were some guns there that came from America back in 1954 when
6 Stalin and Tito clashed. The Americans provided Yugoslavia with over
7 8.000 barrels or guns that were still being used, and we had some of
8 those. All sorts of different calibres needless to say.

9 JUDGE ANTONETTI: [Interpretation] Very well.

10 MR. STRINGER:

11 Q. General, let's continue on. I think yesterday we -- I'm not

12 going to spend any real time on the air force group. I believe you
13 indicated yesterday that that was essentially helicopters that were used
14 to transport wounded people and that those, your intention was to make
15 sure that those were under the direct control of the Main Staff. Is that
16 a correct statement on the air force reference here?

17 A. Yes. Those helicopters were used for transport alone to
18 transport wounded people during my time as commander. I never allowed
19 myself to use the helicopter to get from one place to another. It was
20 just for the wounded, those from Mostar, those from Central Bosnia, those
21 from Rumboci right next to Rama, and so on and so forth. Many men killed,
22 many men wounded. It was quite a problem to get them all safely to
23 somewhere else and to save their lives.

24 Q. Now, the next reference here, and I'll read from my translation,
25 and hopefully it will correspond to the original language version, and

Page 43580

1 again just to repeat, this is part of paragraph 2 of your order in which
2 you're ordering that the Main Staff exerts direct command over certain
3 units, and here we get down to the Tuta ATG, and then I have:
4 "... artillery and DTG, sabotage-terrorist groups, outside operative
5 zones and brigades."

6 General, what you're saying there, are you saying that the Main
7 Staff has direct control or command over the Tuta ATG until that group or
8 part of it is actually deployed to a combat position within an operative
9 zone or brigade, and then at that point it becomes under the direct

10 control of the people on the ground there?

11 A. The Tuta ATG is actually Baja Kraljevic, you know, Predrag
12 Mandic. To be quite frank, I don't know why this reads Tuta ATG. It's
13 used colloquially, probably, but it was Baja Kraljevic. I'm sorry? Baja
14 Kraljevic, yes. Predrag Mandic, of course, I knew him from 1992, an
15 outstanding fighter, an invalid of war. He lost an eye.

16 As for this, the ATG outside the operation zones, quite frankly
17 when the operative system of the units in Jajce, for example, and cities
18 that were lost, near Travnik and so on, began to crumble, at one point in
19 time people belonged to no one at all.

20 Q. Excuse me, General --

21 A. For example, if you --

22 Q. You're giving -- you're giving more detail than I really need at
23 this point. Are you saying that for purposes of this order the Tuta ATG
24 is the same thing as the Baja Kraljevic?

25 A. That's right. This group referred to as Tuta is actually the

Page 43581

1 Baja Kraljevic unit.

2 Q. And --

3 MR. KOVACIC: [Interpretation] I apologise, but given the fact
4 that you're on your own today, Mr. Stringer, I would like to draw your
5 attention to the translation. There appears to be an error, a serious
6 one, and I think you have just been dwelling on that portion. I'm
7 talking about the translation of the document. Item 2 of the order under

8 discussion, the portion that you are now discussing, it reads: "RTP, the
9 air force group, and then the Tuta ATG," and then they go on to talk
10 about ATG -- DTG, and so on and so forth, and in English it's ATG
11 Tuta/artillery. Some artillery is there in the English document, which
12 makes it appear as though the Tuta ATG was about artillery, but that is
13 nowhere to be found in the original.

14 You can check the abbreviations in the Croatian original. Tuta
15 ATG, no artillery there. The next thing that follows is DTG. I'm just
16 saying this because it may give rise to a certain amount of confusion.

17 MR. STRINGER: Mr. President, could I suggest that we ask the
18 general simply to read the remainder of the paragraph in his own language
19 starting with the words: "The air force group..."

20 Q. General, could you just read starting with "The air force group,"
21 just read the rest of the paragraph for us. Read it out loud.

22 A. "The air force group," in inverted commas, "The air force group,
23 and the Tuta ATG, and the DTG, outside the composition of the operation
24 zones and brigades."

25 Q. Okay. So my question then about the Tuta --

Page 43582

1 MR. KOVACIC: [Interpretation] I'm sorry. I'm sorry. There is
2 just one thing that I'd like to clarify. We have a problem on the
3 transcript now. The air force group, line 12, the air force group, the
4 air force group, and the Tuta ATG. This "many" does not exist. There is
5 the air force group, ATG, Tuta, Tuta again in inverted commas. The

6 general should re-read this portion?

7 THE WITNESS: [Interpretation] All right. Inverted commas "The
8 air force group," and RTG -- ATG Tuta, under quotation marks, and DTG
9 outside the composition of the operation zones and brigades. Not DFG --
10 all right. It's been amended. All right.

11 JUDGE ANTONETTI: [Interpretation] There seems to be another error
12 because RTG has been added on before ATG.

13 MR. STRINGER: Let me just -- I'll try as best I can to clarify.

14 Q. General, starting with the air force, your intention here is to
15 place the air force, the Tuta ATG, and the DTG, those three groups, there
16 are three different units or groups, the air force, the Tuta ATG, and
17 thirdly the DTG, those are the three groups that are referred to in this
18 part of your order; is that correct?

19 A. Correct.

20 Q. And those are three different units or groups.

21 A. Correct.

22 Q. And then as to two of those, as to the Tuta ATG and the DTG,
23 those are under the direct command of the Main Staff when they are found
24 outside one of the operative zones or brigades; is that correct?

25 A. Correct. If I may, these are men who were away from the front

Page 43583

1 for a while with no weapons on them, living as civilians. But if they
2 were not available in some facility or other, for example, the Ludvig
3 Pavlovic facility in Capljina, or something like that, and then -- for

4 example, there was the problem of the breakthrough by the BH Army south
5 of Mostar, and when the commander of the operation zone, Mico Lasic,
6 could not issue an order to Ludvig Pavlovic, rather, they ask that Ludvig
7 Pavlovic be resubordinated to him for that particular assignment. And
8 someone from the Main Staff would draft an order, Ludwig Pavlovic hereby
9 resubordinated to the commander of the operations zone, Lasic, to carry
10 out a task in Blagaj, south of Mostar, or wherever else. The units were
11 not more mobile.

12 Q. And then is it correct, General, that the intention was to
13 establish or affirm the same procedure in terms of the Tuta ATG and the
14 DTG?

15 A. Baja Kraljevic, it was supposed to be the same procedure.

16 Q. So after the Main Staff ordered or agreed that, say, this unit
17 the Tuta ATG or the Baja Kraljevic, after the Main Staff agreed or
18 ordered that it would be deployed to certain operative zone or brigade,
19 once that unit arrived at the operative zone or brigade, they would then
20 fall under the direct command of that operative zone or brigade
21 commander?

22 A. Yes, that's right. Normally the sector, each theatre of war has
23 it's own sector. If they were sent to a sector, then the sector
24 commander would assume command over those.

25 Q. We talked about the military police a little bit we'll talk about

1 the military police more later but is it correct that this system in

2 place, for example, the Tuta ATG, Baja Kraljevic ATV [sic], it's a little
3 bit similar or it is indeed quite similar to an analogous situation that
4 existed as to military police units that could be deployed in an
5 operative zone on the approval of the Defence Department, but once that
6 military police unit arrived at the operative zone, it would be for
7 operative purposes subordinated to the operative zone or the brigade
8 command.

9 A. That's right. It was subordinated in an operative sense. They
10 had a task. They went about carrying out this task as soon as the as
11 task was completed, and during the execution of the task itself when they
12 weren't -- well, they were what they were, military policemen.
13 Therefore, this is a dual role, as simple as that. They weren't all
14 deployed along the front line. They worked in shifts. They were taking
15 turns. One battalion was providing manpower. You can't just be in a
16 trench for 24 hours at a time. It's very difficult to cope with an
17 experience like that, and it's not quite well, you know.

18 JUDGE ANTONETTI: [Interpretation] General Praljak, let me give
19 you another example. You said that you knew nothing about Doljani and
20 Sovici. So this is a purely theoretical question. If the ATG Tuta was
21 in Sovici and Doljani, this means that he must have been resubordinated
22 to the commander of the operational zone.

23 THE WITNESS: [Interpretation] I don't know the Tuta ATG was
24 there. Therefore, I can't say either way. Baja Kraljevic, that's the
25 one I'm talking about. I'm not sure what exactly could be behind this

1 name. To me this was the Baja Kraljevic unit, as I said. But when you
2 send the unit to a certain area, it is accurate to say that they are
3 resubordinated to the sector commander. If this is an area covered by a
4 brigade or by zone, of course there are different degrees involved. I
5 cannot simplify this any further. There is a sector commander. This is
6 the smallest unit -- in a battalion, is the smallest unit that could be
7 entrusted with a sector. If someone comes there, for example, if the
8 brigade commander happens to be within the sector too, then he's the one
9 exercising the command. If there are large-scale clashes going on in the
10 operational zone, commander would come over and say I'm commanding these
11 or I'm commanding those and then often so on and so forth. And this is
12 the sort of thing that --

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 MR. STRINGER:

15 Q. Okay. General, I've finished with that document, but I do want
16 to just stay with the same issue for a couple more minutes. I want to
17 take you back to some of your testimony earlier in this trial which you
18 gave on the 23rd of June of this year. I'm on page 41865 of the
19 transcript, and here you're talking about the artillery or the mortar
20 weapons in Mostar town. Let me just read to you what you said on the
21 23rd of June. You said: "I claim that on my order and on the order of
22 my commanders there was a minimal number of responses to their shelling,
23 and when we did that it was selective. We never targeted or hit the
24 hospital, because I never allowed my artillerymen to target their

25 mortars, which were placed there strategically and intentionally, hoping

Page 43586

1 that we would miss and that we would target and hit the hospital, and
2 then the whole world would talk about the criminal HVO."

3 General, when you said that you had communications and you gave
4 orders in respect of the use of artillery and mortars in Mostar, are you
5 telling us that you in fact did, as the commander of the HVO Main Staff,
6 have command authority over the artillery and the mortars that were
7 positioned in Mostar town after the 24th of July, 1993?

8 A. Mr. Stringer, unfortunately it's entirely impossible to answer
9 this question. It's impracticable. I said what I said and I stand by
10 that. Based on what I was endlessly repeating and requesting, hoping
11 that they would hear me out, that they shouldn't, that they couldn't.
12 You can't issue orders of that kind, because fundamentally this is
13 inherent to the rules of war that I adhered to. But whenever I saw my
14 commanders and my soldiers, and I spent all of my time among my soldiers
15 and my commanders, each day, each minute, each break they took, I kept
16 telling them how to fight, what the rules were that applied, and about
17 all the ways in which we should not be fighting and must not be fighting.
18 It was based on all of that, and because I felt their understanding and
19 in a way even respect. There were only ever perhaps exceptional and very
20 sporadic violations, if at all. And the reason for that is simple,
21 Mr. Stringer, I was convinced --

22 Q. Well, the Judges will make their findings about the number of

23 incidents or whether there were crimes involved in the shelling of
24 Mostar. I'm more interested in your relationship to the people who were
25 using the artillery and the mortars in Mostar. Now, what you're telling

Page 43587

1 us, sir, isn't it true, is that you had direct communications, direct
2 contacts with, and you knew who -- and were in charge of the people who
3 were using the HVO artillery and mortars in the Mostar town; correct?

4 A. That cannot be true during a war, in any case, not the way you
5 put it. There is and chain of command. There is a system of use of
6 pieces. It is known who issues orders, at what level, and with what
7 purpose.

8 What I am talking about was an example I gave you, and I was
9 trying to educate those using it how to use it. People learn about how
10 they should behave in the course of a war.

11 As for the use itself, the way you put it, that I was at each and
12 every mortar position and knew every operator, that is a question that I
13 cannot answer in any meaningful way. What were they to do if they were
14 in Mostar and came under attack and I was elsewhere in a different
15 location? It is impossible to answer that, not in the situation of such
16 a war.

17 Q. But what you told us on the 23rd of June, and I'm quoting, you
18 said: "I never allowed my artillerymen to target their mortars." And
19 you say target their mortars. I believe you're saying you never allowed
20 your artillerymen to target the mortars on the ABiH side. But what that

21 means, General, is that you in fact did exert directly command and
22 control over the HVO artillery that were positioned in Mostar town.
23 Isn't that true?

24 A. It is completely incorrect. Direct command over each artillery
25 piece is exercised by the commander who was initially assigned by that

Page 43588

1 piece. I was trying to educate them by conversing with them.

2 You can say there are mortars at -- next to the hospital. Fire at them
3 irrespective of how many shells would land on that hospital. In any case,
4 that would be permissible under the laws of war, because the guilty side is
5 the one keeping mortars next to the hospital. The guilty side is the one
6 placing its command posts among the people. Command posts are military
7 targets which may be destroyed. But still I told my men, Do not target
8 those positions, because that would amount to civilian casualties. Only if
9 you come under a direct threat, respond with a minimum number of shells. I
10 was simply trying to educate them.

11 Q. So you were educating them as the commander of the HVO Main
12 Staff; correct?

13 A. Yes. I was trying to teach them how to wage a war even in
14 situations in which the enemy side is using civilians as a shield. We can
15 see what the regular armies of other countries behave in the wars nowadays.

16 Q. General. General, sorry, but you're starting to move away, too far away.

17 A. Very well.

18 Q. Because they were HVO artillery and mortars, they fell within the

19 chain of command of the HVO Main Staff which you were commanding; isn't
20 that true?

21 A. That is incorrect, incorrect and absurd in the military sense.

22 Q. Let me repeat the question, because I respectfully don't agree at
23 all with what you've just claimed, and in fact, it's completely
24 inconsistent with what you've already told us. You've already told us a
25 few minutes ago that the HVO artillery, and the mortars, the guns, big

Page 43589

1 and small, were all within the chain of command of the Main Staff; isn't
2 that true?

3 A. The chain of command of the Main Staff. Well, everything was
4 within that chain, but that doesn't answer the question who issues orders
5 about the use.

6 Q. I understand that, General, and I think that we're -- we're
7 talking at cross-purposes. I'm not claiming that you were boots on the
8 ground in West Mostar 24/7 telling people where to shoot their artillery
9 guns and mortars, but the fact is that you were the highest-ranking HVO
10 commander responsible for the HVO artillery and mortar that were deployed
11 and used in Mostar. Isn't that true, from the 24th of July, 1993?

12 A. In what sense responsible? What does that word mean militarily
13 speaking? I do not understand your question, not in the least. It
14 misses its target completely in the military sense. It goes against the
15 structure of any army, including the HVO.

16 Q. In the military chain of command of the HVO, the HVO artillery

17 and mortars that were deployed in Mostar town fell within the direct
18 chain of command of the HVO Main Staff. True or not true?

19 A. I told you a hundred times that that is incorrect. Each piece is
20 assigned to a person who has his first superior, second superior, third
21 superior, et cetera.

22 Q. And --

23 JUDGE TRECHSEL: Mr. Stringer, if you look at your last question,
24 perhaps you want to reformulate, because here you put together artillery
25 and mortars and direct commander, whereas earlier on you have made, and I

Page 43590

1 think correctly so, a distinction, artillery, direct mortars, indirect.
2 So I think it is dangerous to -- to mix it up like this.

3 MR. STRINGER: I'll reformulate. Thank you, Your Honour.

4 Q. I'm talking about the chain of command, General, the chain of
5 command. All right? Just work with me here, if I can borrow one else's
6 phrase. No, no, let me ask --

7 A. [No interpretation]

8 Q. Let me ask --

9 A. Excuse me. Mortars are artillery pieces as well.

10 Q. All right. General, let me ask a series of questions, and I'll
11 do my best to be as clear and as specific as I can.

12 The HVO had artillery. For purposes of this conversation the
13 artillery consists of 160-millimetre guns, 105-millimetre guns, some
14 60-millimetre guns, mortars, and multiple-rocket launchers, and maybe

15 there are other pieces as well.

16 A. There were no 160-millimetre guns, and there are no 60-millimetre
17 guns.

18 Q. All right. You tell me what was the HVO artillery. Tell me
19 everything you had.

20 A. I don't know. There are documents to that effect. I'm supposed
21 to enumerate everything 18 years later? There were 60-millimetre
22 mortars, 82-millimetre mortars, 120-millimetre mortars. There were some
23 tanks which were mostly used as artillery. There was some 105-millimetre
24 guns, some 76-millimetre guns. There were multiple-rocket launchers of
25 105-millimetres. As far as I know in the zone around Mostar there were 3

Page 43591

1 130-millimetre guns. There were several guns of 155 or 152-millimetre
2 calibre. More or less, that was the HVO artillery. At some point, I
3 asked together with Petkovic to control these 130-millimetre guns in the
4 area of Mostar town. That's it.

5 Q. I simply asked you what were the -- what was the artillery. You
6 told us.

7 Now, my next question is this: The other day we were looking at
8 the chart of the HVO structure, and there was a box for the Defence
9 Department and there's another box for the Main Staff. Is it correct
10 that all of the HVO artillery that you've just identified, we can put
11 that in the box of the Main Staff?

12 A. That is correct.

13 Q. Now, in Mostar town, from the time you became commander of the
14 HVO Main Staff, to the best your recollection what HVO artillery was in
15 Mostar town?

16 A. In Mostar town itself there were no artillery pieces. One
17 doesn't keep artillery pieces in a town but outside because of their
18 greater range, and we did not place artillery pieces in proximity to
19 civilians as opposed to the Army of Bosnia-Herzegovina.

20 Q. All right. Then tell me what were the locations of HVO artillery
21 in West Mostar, on the west side of the Neretva River in the area of the
22 town of Mostar.

23 A. To repeat, in Mostar town we did not have artillery pieces. As
24 for questions such as this, Mr. Stringer, one needs a map and documents,
25 and you can ask me to prepare all that for you, although I don't know why

Page 43592

1 I should do that. The weapons were placed in certain locations outside
2 Mostar town. Now, I would have to be able to recall all that and go
3 through all the documents.

4 Q. To the best of your recollection, what are the locations that
5 you've just referred to where the HVO artillery was deployed, recognising
6 that you could move it around.

7 A. Seven or eight kilometres or ten kilometres as the crow flies
8 from the Neretva. You -- we have to check that on the map and see where
9 the individual positions were. It is always best that mortars be behind
10 a hill, because then they are not directly visible and their trajectory

11 is such that it -- the shell goes up and then lands, but it's up to
12 artillerymen to choose their positions according to the best angle they
13 can cover, the best protection they can get to protect themselves against
14 enemy artillery. They try not to be detected by way of hiding the fumes
15 or the flames which occur when shells are fired.

16 Q. To the best of your recollection what are the HVO artillery
17 pieces? What types of artillery were directed at Mostar town?

18 A. Nothing was directed at Mostar town. It was directed at the
19 positions of the Army of Bosnia-Herzegovina. One moves barrels to the
20 point where the attack on their part began so as to repel that attack and
21 to cause --

22 Q. Well, you didn't -- you didn't --

23 A. -- losses --

24 Q. General --

25 A. -- which would deter them from --

Page 43593

1 Q. -- you're becoming really evasive now, you're not answering my
2 questions. I asked you a specific question. What types of artillery
3 pieces -- I'll rephrase it, if it will make happy, what specific HVO
4 artillery pieces were deployed for targeting ABiH positions in East
5 Mostar?

6 A. There were 60-millimetre mortars, 82-millimetre mortars,
7 120-millimetre mortars. There were some RPG weapons of 105 calibre or
8 perhaps 125 calibre. There were 76-millimetre guns called ZIS, these are

9 smaller calibre guns. There were tanks, a few of them, and they moved
10 from one position to the next according to the need, and they were mostly
11 used as artillery pieces unless they were malfunctioning because these
12 were old tanks of Russian make, T-55s dating back to World War II. That
13 was it pretty much, and there were of course the 130-millimetre guns.
14 There were two or three of them. I think at first we had two and perhaps
15 another one arrived later.

16 Q. Was there a T-55 tank positioned at a place called Stotina?

17 A. I have no idea. I did not position tanks over -- across the
18 operational zone. A tank can come and go a dozen times a day.

19 Q. Thank you.

20 A. And you should put that question to someone else.

21 Q. So from what you've said that -- from what you've said, there
22 were no 130-millimetre guns directed at HVO positions in East Mostar. So
23 then does that mean, General, that all of the other HVO artillery that
24 you've just identified for us fell within the chain of command of the HVO
25 Main Staff and was under direct control of the operative zones, the

Page 43594

1 brigades, and the specific units that were in possession of those
2 weapons, that -- whose job it was to use them?

3 A. What was your question, please? First of all, I didn't say that
4 the 130-millimetre guns were not at their positions. I told you that
5 there were two or three of them, so you should go back and read it again.
6 That's what I said.

7 Secondly, after the statement of yours, do put a question one at
8 a time. Let's make things simple. You come up with six theses and then
9 you ask me whether that was so or not. Which one do you have in mind?
10 For the fifth time you're asking me the same thing.

11 Commanding artillery falls under the responsibility of the person
12 to whom that particular piece was assigned for a particular time and area
13 to execute a task, an artillery piece of any sort.

14 Q. But of course, General, based on -- from -- I'm just looking at
15 what you've just said. You don't deny that if that individual soldier or
16 group of soldiers uses artillery in an illegal way, and does so
17 repeatedly, that they're the only people who are criminally responsible
18 for using artillery in an illegal way; correct? Responsibility for
19 unlawful use of artillery just doesn't end with the people who are firing
20 the guns, does?

21 MR. KOVACIC: [Interpretation] Your Honours, I think Mr. Stringer
22 should reformulate the question. It seems to me that the question only
23 deals with the legal qualification of a certain event. He can ask about
24 the facts which would lead him to a conclusion he wants to have, but he
25 cannot ask about the legal qualification of it itself.

Page 43595

1 THE WITNESS: [Interpretation] I don't know a single case of an
2 American commander being held accountable for what happened in Iraq
3 when -- where hundreds and thousands of civilians were killed due to
4 reckless use of artillery. If you applied that logic to this case, I'll

5 be immensely happy.

6 MR. STRINGER:

7 Q. General --

8 A. The concept of the so-called collateral damage. But it seems to
9 be -- this seems to employ a different logic. First of all, a group of
10 people or a unit. A group of people is -- anywhere in the world can
11 commit a crime, if that means that the entire social structure.

12 Q. Excuse me, General --

13 A. Well, you did ask me about the legal formulation.

14 Q. I'm not going to accept these sort of long rambling speeches.

15 You're getting specific questions from me, and you may not like them, and
16 it may be that there's someone here who could ask them better, but we're
17 going to have to work together on this. We're going to have to get
18 through this.

19 You've testified a lot about your knowledge of the laws of war.

20 You've told us that you know a lot and that you sought to educate others

21 on the laws of war. We both know, General, don't we, that responsibility

22 for the unlawful use of artillery does not necessarily end with the

23 people who fire the weapons, that it can -- responsibility can, under

24 certain circumstances, go to higher levels? Can we agree on that?

25 A. We cannot. The responsibility of a senior level, if I have to

Page 43596

1 answer that, exists only if an order arrived there that level or if by

2 its silence it did not prevent such an incident from happening. In any

3 other case, save for fascist societies, the person responsible is the
4 individual who broke that particular rule. I don't know whether your
5 opinion is different, but that was my interpretation of the laws of war.
6 Responsibility lies only with the person who either issued an order or
7 tacitly --

8 JUDGE ANTONETTI: [Interpretation] General Praljak, the Prosecutor
9 is mentioning a legal issue that has to do with the responsibility,
10 liability of the hierarchical superiors -- commander --

11 THE INTERPRETER: Of the commander, interpreter's correction.

12 JUDGE ANTONETTI: [Interpretation] It's a very complex question.
13 I'm sure that the counsel has consulted with you on this, and he must
14 have told you and he -- if he didn't he should have, but I'm sure he did.
15 He should have told you that in the indictment you're also prosecuted
16 under Article 7(3) of the Statute, and in Article 7(3) the -- there is a
17 command responsibility under certain circumstances. That is the main
18 principle here, and this is what the Prosecutor is actually talking
19 about. Have you understood this?

20 THE WITNESS: [Interpretation] That is correct, Your Honour
21 Judge Antonetti. Even before the war I knew precisely what one can find
22 in terms of responsibility in the laws of war. It is crystal clear where
23 that responsibility is and where it ends.

24 JUDGE ANTONETTI: [Interpretation] Very well. Then you perfectly
25 understand where the Prosecutor is going and what he wants to check with

1 you. So please answer his questions.

2 Mr. Stringer. This is where you were going; right?

3 MR. STRINGER: Yes, it's where I was going, Mr. President, but I
4 think that I'm going to try to actually move away from the legal and back
5 to some of the more factual before the break.

6 Q. General, I'm just looking at your testimony from a few minutes
7 ago when you identified the various forms of HVO artillery that were
8 targeting ABiH positions in East Mostar, and you're right, you said that
9 there were --

10 A. And not only in East Mostar.

11 Q. Well, no. My question was about the artillery pieces that were
12 targeting ABiH positions in East Mostar. That was my question, and I'm
13 only interested in that right now. So let's go through the list you gave
14 me, and if in fact it was something that was not deployed for ABiH
15 positions in East Mostar you tell me. Okay?

16 A. The purpose of all weapons --

17 Q. No, no, no.

18 A. -- was solely to repel the attacks of --

19 Q. I'm not asking you that. Now, you said that there were
20 60-millimetre mortars. Those were deployed and were targeting ABiH
21 positions in East Mostar after 24 July 1993. True or not true?

22 A. It is not, Mr. Stringer. The 60-millimetre mortars are small
23 pieces which are not directed --

24 Q. General --

25 A. Well, I can't help you if you are ignorant of the use of a

1 60-millimetre mortar.

2 Q. Let me read --

3 A. I kindly ask the Judges to protect me from this type of
4 ignorance. A 60-millimetre mortars is carried on one's back and moves
5 back and forth. Could you please protect me from this type of ignorance.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, earlier the
7 Prosecutor asked you to list all artillery pieces and you did so. You
8 agree with that. You told him there was a 60-millimetre, 82-millimetre,
9 120, and so forth and so on. That was the first step.

10 Second step: Mr. Stringer is now asking you to tell us
11 whether -- where these artillery pieces were deployed, positioned. And
12 you said, "I can't help you if I don't have a map," et cetera, et cetera.
13 The Prosecutor is now telling you, Very well, we don't have a map at
14 hand, but as far as you recollect could you locate these artillery
15 pieces. And then you told him, well, they were directed against the
16 enemy, directed at the enemy. Fine, of course. And you gave no
17 additional detail. But then the Prosecutor is pressing on and saying,
18 I'll go through this case by case, you know, and he's going into details
19 now. He's doing his job just like anyone else would have done, and he's
20 now telling you about those 60-millimetre mortars, were they directed
21 towards ABiH forces, and the answer must be yes or no. If you say no,
22 you can explain why. If you tell us 60-millimetre mortars cannot be
23 directed towards -- the city of East Mostar because the range is

24 insufficient and so forth and so on, tell us. Say so. Then you're
25 providing information to the Prosecutor and to the Trial Judges also.

Page 43599

1 They're not technicians.

2 Personally speaking, I can tell you I can't make a difference
3 between a 62- and an 82-millimetre mortar. I have no idea, and I expect
4 you to tell me, you to tell me a 60-millimetre mortar -- 60-millimetre
5 mortar is such kind of artillery piece, has such and such range, can or
6 cannot hit Mostar -- East Mostar, et cetera, et cetera. Do you
7 understand me?

8 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, that's
9 why I've been saying this. There is a question asked about the
10 60-millimetre, which is hand carried or slung over the shoulder. It can
11 move along with the units five times a day. That's what it takes. It's
12 not targeting anything specifically. There's an infantry attack that's
13 launched, it takes a minute or two to mount it right there in front of
14 you and then you fire it at whoever is attacking. How am I supposed to
15 answer something like that, and the same thing applies to artillery
16 weapons. If you have information indicating that the enemy is moving
17 southwards, then you will be likely to check the multiple rocket launcher
18 which is actually on wheels wherever it is that you are expecting an
19 attack.

20 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, why didn't you
21 tell Mr. Stringer what you've just said? You should have told him that

22 the 60-millimetre mortar is used by a soldier who is not turning it
23 against any particular target. He only uses it if he is being attacked
24 and if he receives an order. So this type of weapon does not have a
25 target which has been set in advance.

Page 43600

1 THE WITNESS: [Interpretation] Well, I'm trying but then I'm
2 interrupted. I'm not here to harm anyone.

3 MS. PINTER: [Interpretation] Your Honours, page 36, line 25, and
4 page 37, the beginning, what the general just said to you is exactly what
5 he started telling Mr. Stringer but was then interrupted and not allowed
6 to finish. It's not that the general refuses to answer, he was
7 interrupted in midstream.

8 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, Mr. Praljak is
9 telling us that this artillery piece does not have a predetermined
10 target. It is used by a soldier according to the circumstances that
11 occur. This is what the answer is.

12 We shall have the break now, because we've overstepped the time
13 and we shall resume after a 20-minute break.

14 --- Recess taken at 10.33 a.m.

15 --- On resuming at 10.57 a.m.

16 JUDGE ANTONETTI: [Interpretation] We shall resume.

17 MR. STRINGER:

18 Q. General, I hope -- [B/C/Son English channel].

19 MR. STRINGER: I think we're getting the B/C/S on the English

20 channel.

21 JUDGE TRECHSEL: It seems okay now.

22 MR. STRINGER:

23 Q. General, I want to come back to the various types of HVO
24 artillery that we've been talking about, and in an effort to hopefully
25 clarify and then be able to move on, I want to ask you -- ask it to you

Page 43601

1 this way, and let's -- for our purposes I'm not interested anymore in
2 where the artillery was located, okay, or whether it was moved. I want
3 to ask you about the HVO artillery that was targeting ABiH positions in
4 East Mostar from the 24th of July, 1993, until the 9th of November, 1993.
5 So understanding that there are complications in discussing the locations
6 of where those were, I'm not asking you to tell me where they were
7 located, but I'm asking you about the types of artillery that were
8 targeting ABiH positions in East Mostar during that period of time. So
9 that's what my questions will be about.

10 Now, earlier when I asked you about artillery that was targeting
11 East Mostar ABiH, you mentioned 60-millimetre mortars; is that correct?

12 A. Mr. Stringer, if I may just set the record straight in relation
13 to one thing. The 60-millimetre, I classified it as such, not to
14 simplify but let's not oversimplify, is not an artillery weapon. It's an
15 infantry weapon. It's hand-carried or handheld or slung over one's back.
16 It's not trained on anything. It's simply taken to wherever the unit is
17 on its way to and used, and the same thing applies to other weapons. It

18 gets moved around. It's not trained on something. A multiple-rocket
19 launcher is stationary, covered with a piece of tarp when it's raining
20 and it's not being used.

21 Each weapon has a purpose, a use --

22 Q. Thank you, General.

23 A. -- a certain degree of mobility.

24 Q. Let's forget about the 60-millimetre mortar then. Now, I'm
25 looking at the transcript of the list that you provided us earlier, and

Page 43602

1 you said that there was an 82-millimetre mortar. Can we agree that
2 during the period of time that you were commanding the HVO Main Staff,
3 82-millimetre mortars were used by the HVO to target HVO positions in
4 East Mostar?

5 A. The 82-millimetre mortars were used to ward off attacks launched
6 by the BH Army. That's the accurate answer. They weren't targeting East
7 Mostar. They were targeting -- well, I mean --

8 Q. This is BH Army attacks from East Mostar?

9 A. Why are we always talking about East Mostar? That's where the
10 4th Corps was, the 4th Corps of the BH Army. The units were mobile.
11 They attacked in the south. They attacked in the city itself. They
12 attacked -- how am I supposed to answer that one. It's just --

13 JUDGE ANTONETTI: [Interpretation] General Praljak, we are wasting
14 our time, because you say yes to the question and then you provide us
15 with additional details. You've just told us that the ABiH, the

16 4th Corps, was in East Mostar. You said that they were firing at you.
17 And since they were firing at you, you retaliated. So you answered the
18 Prosecutor's question by saying yes, 82-millimetre mortars did fire at
19 the ABiH. That's your answer, isn't it?

20 THE WITNESS: [Interpretation] Yes, that's true. Every time there
21 was an attempt by the enemy to do anything in a military sense there was
22 firing and targeting. I'm crystal clear about this. This was a war with
23 two sides clashing, 82-millimetre mortars were used, 120-millimetre
24 multiple rocket launchers. I'm not challenging that. I'm challenging
25 the purpose of their use, the way they were used, the locations and so on

Page 43603

1 and so forth. It's a lot more complicated than that moving this sort of
2 equipment about. I'm just trying to put you in the picture of how this
3 actually worked in a war setting, no more than that.

4 MR. STRINGER:

5 Q. The problem, General, is I'm not asking you about all of that
6 additional information. I'm simply asking you what was used in respect
7 of the ABiH positions in East Mostar. It's for others to decide whether
8 the purposes and the methods and the means were appropriate or lawful,
9 and I'm not asking you about any of that. I'm simply asking you what was
10 the HVO artillery that was used against the ABiH that was in East Mostar,
11 and I'm talking about the east side of Mostar town along the Neretva
12 River, as well as, I guess for purposes of this discussion, the ABiH
13 position that was along the narrow strip of the west side of the Neretva

14 River. So now you've told us, in answer to Judge Antonetti's question,
15 that the 82-millimetre mortars were used for that purpose. My next
16 question is one that I think you've actually already answered. Maybe
17 not.

18 Were the 100 -- 120-millimetre mortars also used for the same
19 purpose?

20 A. During the attacks launched by the BH Army, everything was used
21 to ward off these attacks, everything that I've listed, to the extent
22 that was sufficient to actually ward off an attack: I have already
23 confirmed that in purely military terms this was a bare minimum and this
24 is also suggested by the overall number of shells as counted by SpaBat.
25 There was nothing more than that. What was used was everything allowed

Page 43604

1 under the rules of war to fend off attacks by the BH Army.

2 Q. In order to fend off attacks by the -- of the ABiH, as you put
3 it, General, then you determined that it was appropriate and approved or
4 authorised the use of HVO artillery to fire into East Mostar; correct?

5 A. No, that's not correct.

6 Q. All right. You left it to your subordinates to determine what
7 would be the use of HVO artillery in order to fend off ABiH attacks from
8 East Mostar. Is that a better way of putting it?

9 A. Under the law of war, they had every right and every
10 responsibility to use any means available and allowed under those rules
11 to fend off an enemy attack.

12 Q. All right. And so I take that as an answer -- your answer is yes
13 to my question, whether you left it to your subordinates.

14 JUDGE ANTONETTI: [Interpretation] General Praljak, I'm not
15 quoting any specific example. With the various documents we have at hand
16 I could, but let me give you an isolated case.

17 One day, for instance, in the month of August 1993, the ABiH
18 fires from East Mostar and sends a projectile on the HVO. The unit which
19 is standing close to where the projectile landed, if I understand what
20 you are telling us, retaliates. The unit then uses one of its artillery
21 pieces, whether it be 80 or 60-millimetre mortars, then fires back in the
22 direction where it felt the projectile had come from. Without asking for
23 any authorisation from the chain of command to do so, they shoot. Is
24 that how things happened?

25 THE WITNESS: [Interpretation] Yes, that's right with the

Page 43605

1 following proviso: They had my oral orders to the effect that any
2 response had to be kept to a minimum in every way, precisely because the
3 BH Army often used forms of protection, and they fired from right in the
4 middle of their own civilians, and that's why very often there had to be
5 no response at all. For example, we're talking about Marsal Tito Street,
6 or there had to be a minimal response if we were looking at a settled,
7 built-up area.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, you know
9 better than anyone that there were army servicemen and civilians. I'm

10 just quoting a theoretical example. Let's assume that an ABiH unit, a
11 mobile unit, starts shooting knowing full well that there are civilians
12 not far away, but they shoot and then they run away. The HVO retaliates.
13 The HVO projectile will land on the civilians. Was this kind of example
14 ever taken into account by the command?

15 THE WITNESS: [Interpretation] Yes, and I am putting it to you,
16 Your Honours, that we targeted any soldiers walking around -- if we had
17 targeted any soldiers walking around East Mostar, we would have been
18 firing thousands and thousands of shells incessantly throughout. We were
19 not firing, and it was strictly forbidden to fire at soldiers walking
20 about East Mostar or, for example, if a single shell or two shells were
21 fired from there. Even near the hospital there was some launchers
22 positioned there, but there was no response from us, because it would
23 have put the hospital in harm's way.

24 All of their military -- had all of their military targets been
25 destroyed, which would have resulted in the deaths of thousands and

Page 43606

1 thousands of civilians, and we ourselves would have used up thousands and
2 thousands of shells. There are lists of the overall number of shells
3 fired, and there was a minimum use of artillery fire, and this precisely
4 was the reason, to keep the civilian casualties down to nothing, if
5 possible. There were zillions of BH Army soldiers in East Mostar, and
6 if -- even if we had been applying the rules of war consistently
7 throughout, I had every right in any of these situations to say, Fire

8 away, it's a soldier over there, but I'm saying here under oath that is
9 precisely what we were not doing. All we would resort to was the
10 necessary response, and we tried to keep this outside any civilian areas
11 to the extent that it was possible. If we had set about trying to
12 destroy Donja Mahala, which contained their positions, nothing would have
13 been left of it. Regardless of that, Donja Mahala was definitely a
14 military target. That's the way the cookie crumbles a hundred times
15 over.

16 MR. STRINGER:

17 Q. General, if you would move to the next document in the binder.
18 It's P01424. General, we've been talking about different units or
19 components of the HVO and recognise that this is a document that is from
20 the period of time prior to your taking command of the HVO. This is from
21 the 5th of February, 1993. It's an order of Bruno Stojic or for Bruno
22 Stojic, and it's an order on the formation of units, and then it relates
23 to municipalities under the jurisdiction of the Croatian Community of
24 Herceg-Bosna. And it's a rather simple question and not probably the
25 most important one. There's a reference in paragraph -- well, there's

Page 43607

1 1.5, which is on the formation of units, and then item number point 1, I
2 believe, or 1.1 says: "In all the municipalities under the jurisdiction
3 of the HZ HB, Home Guard units in the organisational form posed by the
4 Main Staff of the HVO, Croatian Defence Council."

5 And then the next paragraph says that relates to in the first

6 stage up to 28 February 1993, in all municipalities form Home Guard units
7 as temporary bodies. And then I'm going to skip down where it says
8 "Explanation of order," and then it says:

9 "As a special part of the HZ HB armed forces, the Home Guard
10 units are established to protect territories and facilities of special
11 significance for the defence and provide support for the around forces."

12 General, the question is simply whether the Home Guard units that
13 are referred to here formed part of the organisation or structure of the
14 HVO armed forces.

15 A. Yes, obviously.

16 Q. Thank you. Now, General, the next document, unless there's any
17 questions about the Home Guards based on that, is P00289. And we're
18 going to change gears just a little bit here to talk about the HVO in
19 perhaps more global terms.

20 This is the first decree on the armed forces. It was later
21 amended in October of 1992, General, but first question would be whether
22 you were familiar with this document, say during the period of time
23 October 1992 through June of 1992. Were you familiar with this document
24 prior to the time you became commander of the HVO Main Staff?

25 A. I was not familiar with this document as such, but I was aware of

Page 43608

1 the fundamental guidelines regarding the armed forces. The basic
2 structural framework that I thought I should be familiar with. I was
3 familiar with that kind of thing.

4 Q. Did you ever actually read this document or read the amended
5 version of it that came out on the 17th of October, 1992?

6 A. No.

7 Q. Okay. Well, since you've indicated that you were familiar with
8 the fundamental guidelines regarding the armed forces, I'll ask you a few
9 questions about this, and if it's something you don't know about, just
10 tell us.

11 Just there in Article 2 it says that: "The defence system of the
12 HZ HB shall be a unified form of organisation of the armed forces,
13 administrative bodies, and legal entities with a view to ensuring the
14 timely and organised prevention of attack or any other form of danger to
15 the HZ HB."

16 And then it says:

17 "The armed forces shall be the main vehicle of armed resistance."

18 So what this suggests, General, and you can tell me if you agree
19 or not, is that the defence system, as a whole, has different components,
20 different bodies, and those different bodies include the armed forces of
21 the HVO that you were most closely linked to, but that it included other
22 bodies, administrative bodies, and legal entities such as, perhaps, the
23 Defence Department, and that those all formed a unity or a unified form
24 of defence.

25 Is that how you understood it to be based on what you saw?

Page 43609

1 A. That is actually stated here quite accurately. The armed forces

2 are made up of -- well, obviously some of it is the HVO and some other
3 bodies are purely administrative but legal entities. Within the armed
4 forces you get civilian police, military police, civil protection units
5 and so on and so forth. A part of the armed forces is also constituted
6 by the army itself to call it that, the HVO proper.

7 Q. Now, we have to be careful about distinguishing between, as
8 you've just put it, the army itself, the HVO, but then of course there's
9 another HVO, if you will, which is the HVO HZ HB, which was, if I can put
10 it this way, the government of the HZ HB, an executive or a civilian
11 body; is that correct?

12 A. When I use the term, I limit myself to using it in relation to
13 the military component of the HVO.

14 Q. But in fact, the HVO had an armed component or a military
15 component as well as a civilian component; is that correct?

16 A. Yes.

17 Q. And we see that reflected in Article 9. Can we agree on that?
18 For example, we see here that the Croatian Defence Council shall do a
19 number of things, and I wanted to try with you to see if we could
20 distinguish between things that would fall within the competence of the
21 military component and whether there are other tasks or responsibilities
22 that fall within the responsibility of the civilian component.

23 So where it says the Croatian Defence Council shall, number 1,
24 adopt the defence plan of the HZ HB, General, would that be something
25 that would fall within the responsibility of the HVO military, the HVO

1 civilian, or both?

2 A. Well, I'll repeat. The document is self-explanatory to varying
3 degrees, depending on the person. I have no desire or intention to
4 comment on it, the simple reasoning I wasn't one of the people who
5 actually produced it. This document came into existence at a time when I
6 held no official post at all.

7 I would like to limit myself to talking about the tasks that
8 actually concerned me, meaning the role and the location of the HVO Main
9 Staff.

10 Q. General, I think that if you only commented on documents that you
11 were actually involved in drafting, your direct testimony would have been
12 a great deal shorter than it actually was. So we're going to stay with
13 this, and I am going to insist on your comments here as someone who was
14 highly active at the highest level of the military component of the HVO
15 throughout 1992 and most of 1993.

16 So recognising that you didn't write this, I'm asking you, based
17 on what you saw, based on what you observed to be the practice and the
18 things that -- the way things were operating, which body adopted the
19 defence plan of the HZ HB? Was that the HVO military, the civilian
20 component, or both?

21 MR. STRINGER: And I'm going to insist, Mr. President, that -- or
22 that accused -- or if the accused who are making remarks, that the
23 remarks be translated and put on the record.

24 JUDGE ANTONETTI: [Interpretation] General Praljak, the Prosecutor

25 would like you to answer his questions based on this document. You have

Page 43611

1 told us that this document is not something you authored. We know that.
2 You don't have any direct knowledge of it, and you would like to stick to
3 the purely military aspects of it. Military aspects are mentioned in
4 different articles of this document. There are a number of articles
5 which I believe you are able to comment about. If you don't know, just
6 say so, but please contribute to these -- to these proceedings and help
7 us establish the truth. This is what you have said when you started out.
8 Insofar as you can, please answer these questions.

9 Mr. Stringer, please proceed.

10 MR. STRINGER:

11 Q. General, let me just put my question to you again so that it's
12 fresh. Recognising that you didn't write this but based on what you saw,
13 based on what you observed to be track the practice, the way things were
14 operating, which body adopted the defence plan of the HZ HB? Was that
15 the HVO military, the civilian component of the HVO, or both?

16 A. The defence plan was obviously adopted at a time when I wasn't
17 there. I'm afraid I have to say that between the 24th and the 15th of
18 October, and please don't for a moment forget this, throughout that time
19 I would spend 20 hours a day waging war with no time to -- well, I can't
20 possibly tell you something that I don't know. The HVO adopts a defence
21 plan. Well, it must be written there. Surely it is.

22 MS. TOMASEGOVIC TOMIC: [Interpretation] My apologies, Your

23 Honour, but I think we might be able to keep things less nervous if the
24 Prosecutor asks the general if he knows about this plan, if he has seen
25 it, knows whether it was adopted. We are talking about this plan

Page 43612

1 assuming that the general knows about all of this. Thank you.

2 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, was there a
3 defence plan or wasn't there, because it is mentioned in the document,
4 but was there one in fact?

5 MR. STRINGER: Well, it's not for me to say, I don't think. I'm
6 asking the general about a defence plan, Mr. President, and I'm asking --

7 JUDGE ANTONETTI: [Interpretation] I agree with you.

8 MR. STRINGER: -- about who was responsible for drafting a
9 defence plan. Now, I can back up and ask the general does he know
10 anything about a defence plan as referred to here.

11 Q. Do you know anything about the defence plan, general?

12 A. No.

13 Q. So if there was one, you never saw it.

14 A. No.

15 Q. All right. What about number 2, stipulating measures for the
16 improvement of the defence. Did you ever see whether any part of the HVO
17 did that?

18 A. I don't know.

19 Q. And then on determining the manner in which funds shall be raised
20 and the level of funds needed to finance the tasks and needs of the

21 defence. Now, surely, general, you must have knowledge of that side of
22 things. Raising funds, allocating funds for the needs of the defence,
23 would you agree with me that was largely within the sphere of
24 responsibility of the HVO Defence Department?

25 A. In part I would agree, in part I wouldn't. I'm aware of the

Page 43613

1 problem. It was an enormous problem within the HVO, the simple reason
2 being this was causing additional chaos, utter chaos within the whole
3 framework.

4 Q. I'm not asking to tell about the financial difficulties. I'm
5 asking you primarily or essentially which body or bodies were responsible
6 for dealing with that, and I asked you specifically is this something
7 that fell largely within the sphere of the ministry of defence, the
8 Defence Department, or not? I don't need to know how difficult things
9 were. I just need to know who's job it was to try to sort it out.

10 A. The job of finding money and, please, this is only in very
11 conditional terms, that was down to the Finance Minister, and then
12 probably he should have assigned this to the Defence Department, and the
13 Defence Department was supposed to distribute this across the brigades in
14 operation zones to meet people's needs, but there was no money to go
15 around. We have an imaginary structure, again, in place here which has
16 nothing to do with what goes on the ground. They go to Germany to
17 collect money, and then one municipality has money, another municipality
18 has no money, and now what are we trying to do? We're trying to get away

19 from the truth and straight into speculation. So what do you expect me
20 to do now.

21 Q. General, we're looking at the document. I'm simply asking you
22 under the terms of the document what were the various responsibilities
23 for these -- these activities? Skip down to item number 6, the Croatian
24 Defence Council shall decide on carrying out mobilisation. Now, was that
25 something that was part of the military component, the civilian component

Page 43614

1 of the HVO, or -- or both?

2 A. The Main Staff did not deal with mobilisation.

3 Q. Thank you. Do you know which body did?

4 A. I don't know, not with certainty.

5 Q. Now, item 7 is the HVO shall draw up plans to prepare the terrain
6 for military operations, and then continuing to number 8, and undertake
7 the other measures necessary --

8 A. Excuse me, you should read out precisely. You read out
9 Article -- item 7 wrongly. It draws up plans to determine the territory.
10 I have no idea what it means, but it definitely doesn't mean what you
11 said. You have to be precise too. I would like the interpreters to
12 translate item 7 the way I read it out. It establishes plans to organise
13 the territory. As I say, I have no clue what it means, but I know that
14 it doesn't mean what Mr. Stringer said to the effect that it organised
15 the territory in the military sense. I'm sorry, Mr. Stringer.

16 MS. ALABURIC: [Interpretation] Your Honours, if I may.

17 Mr. Stringer is correct because he's reading the English translation, and
18 the English translation is simply wrong. We have the words "for military
19 operations," which seem to be added in the English translation and
20 they're into the there in the original Croatian text.

21 THE WITNESS: [Interpretation] Number 7 says "determines plans to
22 organise the territory." It has nothing to do with the army. What does
23 that mean? In any case, this was simply copied from a different
24 document.

25 MR. STRINGER:

Page 43615

1 Q. Okay. So that -- item number 7, whatever it means, is something
2 that does not fall within the sphere of the HVO military; correct?

3 A. Correct.

4 Q. And then item number 8 --

5 MS. TOMANOVIC: Just a second, sorry. [Interpretation] At this
6 moment, I would kindly ask the Prosecutor, since this is his document, to
7 use the appropriate procedure through the Registry to have the correct
8 translation of this article so as to avoid any possible confusion in the
9 future. Thank you.

10 MR. STRINGER: Of course we'll do that, Mr. President.

11 Q. General, item number 8 says that the --

12 THE INTERPRETER: Please have it on the screen so that we can
13 translate it; the interpreters.

14 MR. STRINGER: Can we put Article 9 of P00289 in e-court, if it's

15 not already there. Article 9, item number 7.

16 Q. Now, General, can you read item number 7 again from the text
17 that's in front of you. Just read it without comment.

18 A. Yes, I can. Article 7, it determines the plans for the
19 organisation of the territory.

20 Q. Very well.

21 A. If I may add, I have no clue what it means, and I'm not sure the
22 person writing this knew either.

23 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, the English
24 translation seems to be a problem. "Draw up plans to prepare the terrain
25 for military operations." Draw up the plan to prepare the terrain for

Page 43616

1 something else. It has nothing to do, in fact, with the military
2 operations. Actually, this translation is very strange. It's quite
3 appalling, actually, you know, because this is really very different. Of
4 course, you're not responsible for this translation. Fortunately, we
5 have bilingual counsels, and sometimes they can find out these errors.

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

7 Q. General, what I want to do now is it turn to another part of this
8 decree on armed forces. If you would turn to Article 21.

9 THE INTERPRETER: The interpreters ask for the Article 21 to be
10 put on the screen.

11 MR. STRINGER: Okay. If we could blow-up Article 21 so that the
12 interpreters can follow along as well.

13 Q. General, Article 21 of this Decree on Armed Forces says that:
14 "The armed forces of the HZ HB shall constitute a form of organisation
15 and preparation of citizens for armed struggle." Then it goes on to say
16 that: "The armed forces of HZ HB shall protect its sovereignty, defend
17 its territorial integrity." And concludes by saying that: "Every
18 citizen of the HZ HB who, in an organised manner and in conformity with
19 international law by bearing arms or in some other way, participates in
20 resistance against the enemy shall be considered a member of the armed
21 forces."

22 General, what I want to do, bearing that text in mind, is to take
23 you to the next exhibit in your binder, which is from the Constitution of
24 the Republic of Bosnia and Herzegovina, Article 162 of Exhibit 1D01236.

25 Do you have Article 162 there?

Page 43617

1 A. Yes, I do.

2 Q. And I believe, actually, we looked at this during an earlier --
3 or you commented on this during an earlier part of your testimony prior
4 to this cross-examination, and recognising that the text is not identical
5 as between Article 162 of the RBiH Constitution and Article 21 of the
6 decree on armed forces, I do want to compare and contrast these two
7 provisions for a few moments.

8 If you look at the third sentence or the third clause found in
9 Article 162 of the RBiH Constitution -- do you have that?

10 A. What words are there at the beginning of the clause that you're

11 referring to.

12 Q. Article 162, the third clause says: "Every citizen who with arms
13 or otherwise participates in resistance to the aggressor shall be
14 considered a member of the armed forces of the republic."

15 A. Yes, I can see that.

16 Q. And actually this article starts off by saying what the overall
17 role or responsibility of the armed forces is, which is to protect
18 independence, sovereignty, territorial integrity, unity, and the
19 constitutional order of the republic.

20 So you may or may not agree with me, General, but it would appear
21 that although the text is not identical, these two provisions, one from
22 the decree on armed forces and one from the R BiH Constitution, lay out in
23 broad terms what is the role of the armed forces. Can we agree on that
24 in broad, general terms? They seem to be roughly analogous provisions, I
25 guess, is what I'm saying.

Page 43618

1 A. There is similarity. However, I have to tell you something I
2 have already stated before this Tribunal. You start with the presumption
3 that this is the Constitution of the Republic of B and H, and I assert
4 that it is not.

5 Q. All right. Well, let's -- let's look at the next clause, the
6 fourth clause in Article 162. It says:

7 "With regard to the officer corps and appointments to the high
8 command in leading positions in the army of republic, the principle of

9 maximum proportional representation of the peoples of Bosnia-Herzegovina
10 and other peoples living in the country shall apply."

11 Now, when I was looking at this provision earlier in your
12 testimony, it occurred to me that that part, that provision or something
13 like it is not found in the Decree on Armed Forces. There are not any
14 provisions in the Decree on Armed Forces which mandate a principle of
15 maximum proportional representations of the -- representation of the
16 peoples.

17 Would you agree with me that that is true, there is no mandate
18 for maximum proportional representation of the peoples within the
19 structure of the HVO armed forces?

20 A. Such a provision does not exist, and there was no need for it,
21 because the HZ HB was not a state and did not need to regulate such
22 matters by way of provisions. It was implemented in practice, though, as
23 the only armed force out of the forces in Bosnia-Herzegovina.

24 Q. Well --

25 A. It was done for the most part throughout the armed forces as

Page 43619

1 opposed to the Army of Bosnia-Herzegovina, and I believe I have managed
2 to show you through the documents that it did not comprise any Croats.

3 Q. So it was sort of a voluntary thing then in the HVO armed forces.
4 There was no mandate or assurance, but it was something that could be
5 done if the leadership of the HVO armed forces wanted to do that. Is
6 that what you're saying?

7 A. In Article 21 there is no mention of ethnicities or peoples but
8 of citizens. The HZ HB, much as its armed force, was based on its
9 citizens, not peoples and ethnicities, and this is strictly prescribed in
10 the provisions we saw. All citizens participating in it were equal.

11 Q. All right. And are you telling us that all of the Muslim people
12 or all of the non-Croat people in the HZ HB were citizens of the HZ HB?

13 A. Of course. All citizens of HZ HB, as far as I know, were equal.
14 As for the armed force, in terms of refugees, training, supply, to the
15 extent I participated in Capljina and Stolac, as well as according to the
16 witnesses we heard, no distinction was made between the citizens who
17 chose to fight in that area.

18 Q. Right. But you didn't answer my question. My question was
19 whether you're saying that all of the non-Croat people such as the
20 Muslims who were living in the HZ HB, whether all those people were
21 citizens of the HZ HB.

22 MS. TOMANOVIC: [Interpretation] I apologise. I realise that
23 Mr. Stringer can be at odds with General Praljak because of the
24 interpretation. I will repeat again. Legally speaking there is a great
25 difference between the word "gradanin" and the word "drzavljanin." The

Page 43620

1 word "gradanin" that General Praljak keeps referring to, and that can be
2 found in all HZ HB documents, means an inhabitant of a certain area. The
3 word "drzavljanin," in our language, means that that person belongs or
4 has the nationality of a certain state. I believe that the interpreters

5 should use the word "gradanin" as "resident" in the English language
6 rather than "citizen," because in that case Mr. Stringer is speaking at
7 cross-purposes with General Praljak, wasting his words.

8 I believe -- or, rather, I know that Mr. Buntic testified to
9 this. I'm not testifying. I'm merely repeating a testimony we heard.

10 MR. STRINGER: Well, Mr. President, this is -- counsel made the
11 same intervention a few days ago or a couple of weeks ago. I can't
12 remember exactly when it was, and I know that's the position of the
13 Defence. It's my impression that the interpreters have a different
14 position. They continue to give us the word "citizen" in English. And I
15 don't want to put the interpreters in the middle of this, but maybe -- I
16 don't know if it's possible to get some sort of an advisory opinion or
17 some formal statement from the CLSS as to their position on the
18 interpretation of these terms, but it may be that that's what's required,
19 because otherwise we're going to continue to have this debate.

20 JUDGE ANTONETTI: [Interpretation] Well, it's a complex problem,
21 because it all depends on the meaning that you give to the word. When
22 Mr. Praljak is using in his own language the word that is translated into
23 English by "citizen," and when it seems that in reality he's talking
24 about an inhabitant, then there might be a problem.

25 In legal terms, a citizen is someone that has a nationality of a

Page 43621

1 country, and a resident can live in another country -- can live in a
2 certain country, can be a resident, an inhabitant of this country without

3 having the nationality of this country.

4 Let me give you an example. An American living today in Croatia
5 would not be a Croatian citizen but would be an inhabitant or a resident
6 of Croatia. So people use these words with different legal meanings, but
7 when everything is translated we simplify everything and just say
8 citizen. We don't know whether it's a full-fledged citizen or whether it
9 is just an inhabitant and so forth.

10 So, Mr. Stringer, to avoid the problem when you're really
11 interested in all this, ask the witness what exactly he means by the
12 word, because this is not the first time that counsels are raising to
13 their feet. I believe that Mr. Kovacic already stood up, and it's always
14 the same problem that crops up.

15 All three Judges on the Trial Chamber come from countries where
16 this idea of nationality is very well integrated. When you're a citizen
17 of a state, it means that you have the nationality from the state. But
18 when you're just a resident, a resident in the United States, it doesn't
19 mean that you're a US citizen.

20 MR. STRINGER: Mr. President, this wasn't really an issue that I
21 was intending to go to -- into in depth with the general, and he was
22 actually the one that was talking about equality for citizens, or at
23 least that's how it was interpreted for me. So in order to avoid further
24 spending time on this, I just propose to move on, and I would propose
25 that perhaps we should follow up with the CLSS, which possibly would be a

1 more productive way of getting to the bottom of it.

2 JUDGE TRECHSEL: I would still like to ask a question of
3 Ms. Tomanovic who is here a sort of self-appointed but certainly
4 knowledgeable language expert. Have I understood correctly that
5 "gradanin" would be the resident, or have I mixed it up?

6 MS. TOMANOVIC: [Interpretation] Yes. The word "gradanin" means
7 inhabitant or resident. If you discuss -- if you recall the discussion
8 with Mr. Buntic, it was about whether the HZ HB had the elements of a
9 state or not. If the HZ HB in its documents speaks of "drzavljanin" --

10 THE INTERPRETER: Interpreter's note: Nationals.

11 MS. TOMANOVIC: [Interpretation] -- then it has elements of a
12 state, but it keeps referring to "gradanin," and that was what the
13 discussion was all about with Mr. Buntic. Hence with all due respect
14 towards the CLSS and its interpreters, I would suggest that this is not a
15 matter of interpretation but of legal principle, and I believe the CLSS
16 would not be fully competent to be the judge of it. I believe we have to
17 go back to the testimony of Mr. Buntic, the attorney.

18 JUDGE TRECHSEL: I'm strongly reminded of the difference of
19 "podrucje" and territory, where at one point the witness has told us that
20 it was the same, actually. But coming back to this specific issue, that
21 would mean that according to Article 21, every resident must be prepared
22 for war, including the American who lives in Bosnia-Herzegovina, and I
23 must tell you I find that a very, very surprising proposal. I don't know
24 of any country which regards residents, irrespective of nationality, as
25 potential soldiers in the army of that country.

1 MS. TOMANOVIC: [Interpretation] I will respond given that I am a
2 resident, and I have been a resident of that state for 50 years. The
3 system of All People's Defence in our country was a unique one. There is
4 no such like in the world. When we were 14, all of us were being
5 prepared for any potential defence. This includes myself and all other
6 colleagues sitting in this courtroom. I know that surprises you. That
7 is why Dr. Prlic's Defence attempted to explain to you what a defence
8 plan is. They provided you with the text of the Law on All People's
9 Defence so that you would be able to see where things stood before the
10 war. The HZ HB simply copied what had already existed in
11 Bosnia-Herzegovina prior to the war.

12 JUDGE TRECHSEL: Let's leave it at that for a moment. We cannot
13 go into a long discussion, but there are several points that ...

14 JUDGE ANTONETTI: [Interpretation] Mr. Prlic would like to take
15 the floor.

16 THE ACCUSED PRLIC: [Interpretation] It is difficult for me to
17 speak out among so many lawyers, but perhaps a suggestion having in mind
18 the example of an American citizen living in any given territory. In our
19 legal system two terms need to be differentiated. One is permanent
20 residence, and temporary residence being the other. "Prebivalijte" is a
21 place of permanent residence. "Boraviste" is something that can be given
22 to an American. Our legal system was quite detailed in that fashion. It
23 stipulated absolutely everything. For the most part it did not provide

24 much room for interpretation. I don't know what translation of it is,
25 but there is the word "prebivalijte" as opposed to "boraviste". However,

Page 43624

1 a foreigner could not have been given the status of someone who has
2 "prebivalijte," i.e., permanent residence.

3 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, if a foreigner who
4 in 1993 would live in Bosnia-Herzegovina, according to Article 21, could
5 he be integrated into the HVO for All People's Defence, which is what
6 Ms. Tomanovic has explained?

7 THE WITNESS: [Interpretation] If that person had permanent
8 residence, he or she could. Am I putting this correctly? And if that
9 person was temporarily a resident there, if he there for, let's say, six
10 months, spending a certain amount of time only in the country, then that
11 person could not be integrated into the armed force. However, if that
12 person was to be there for a longer period of time and hence was given
13 permanent residence for whatever reason, say they got married but without
14 receiving the nationality of that country, then that person could have
15 been recruited into the HVO. That at least is my interpretation.

16 JUDGE ANTONETTI: [Interpretation] If I understand you
17 correctly -- let me sum things up. Let's talk about a Pole, for example,
18 who would have been living for 15 years in Mostar. A Polish person with
19 a Polish passport but he's been living in Mostar for 15 years so he has a
20 resident card. Could he be integrated into the armed forces of the HVO?

21 THE WITNESS: [Interpretation] Yes. Your Honour, many Muslims who

22 had their permanent residence in, say, Rijeka or Split, working in the
23 shipyards there, joined the Croatian army.

24 JUDGE ANTONETTI: [Interpretation] So you're telling us that in
25 Croatia this case actually occurred, because Muslims working for example,

Page 43625

1 in the shipyard in Split or in Rijeka -- [B/C/S on English channel].

2 Can you hear me now? Can you hear me now? Can you hear me now?

3 You can hear me. Very well.

4 So let's talk about a Libyan working in Split, a person from
5 Libya who would have been living in Split for 15 years. According to you
6 he could be incorporated into the Croatian army.

7 THE WITNESS: [Interpretation] That's right, Your Honour. In
8 Sunja, for example, I had a person named Dr. Eid, who was a physician
9 with the Croatian army, and he served in the local unit, and he was from
10 Lebanon or some place like that. He obtained his degree in Croatia, and
11 he just stayed on. He had a Lebanese nationality, obviously, but he was
12 also part of the Croatian army.

13 JUDGE ANTONETTI: [Interpretation] Very well. I think it's a bit
14 clearer now.

15 MR. STRINGER:

16 Q. General, we had just been looking, as you know well, at Article
17 21, and I had asked to you about the fact that this principle of maximum
18 proportional representation was not included within the decree on armed
19 forces, and I believe you -- you said that that's because it wasn't

20 necessary to have such a provision; is that correct?

21 A. It was included in the provision concerning citizens. We did not
22 want to write anything about proportional representation which no one
23 would adhere to, as opposed to this definition as citizens, as
24 inhabitants of a certain area or whatever else you like to call it.

25 So they were represented in proportion to the number of citizens

Page 43626

1 belonging to various ethnicities who are in the area. I will continue to
2 challenge this version of the BH Constitution, though. There is no law
3 under which this Constitution could be adopted, not as far as I know.

4 Q. If you please turn to Article 28 of the Decree on Armed Forces.
5 This says that the Croatian language and the Latin script shall be used
6 in the armed forces of the HZ HB.

7 Now, the fact is that you said wasn't -- the principle of maximum
8 proportional representation wasn't included in here. The fact is that
9 the addition or the requirement of the use of the Croatian language was
10 indeed intended as something that would signal that in fact the armed
11 forces of the HVO was to be largely or primarily or in its essence a
12 Croatian armed forces.

13 A. That is not necessarily what follows. In Bosnia-Herzegovina at
14 the time, Serbo-Croatian or Croato-Serbian, if you like, was the official
15 language. Given the power scale and method of the aggression carried out
16 by the JNA or the army of RS, it would have been quite impossible for
17 anyone at the time to accept to use the language of an aggressor.

18 Unfortunately, Muslims and Bosniaks did not at the time have a name for
19 their own language. It came later on.

20 Q. Well, General --

21 A. But at the time anything else was entirely ruled out other than
22 that.

23 Q. The fact is that I know that -- I don't want to -- it can be a
24 delicate subject and I don't want to offend anybody, but the fact is that
25 during this period of time, in the summer and the fall of 1992,

Page 43627

1 throughout 1993, whether you were a Croat or a Muslim or a Serb, you
2 could be speak and you could be understood easily by someone who was a
3 member of a different ethnic group, and the fact was there's no need at
4 all to specify or to mandate any particular language in order to ensure
5 that members of the armed forces could communicate; isn't that true?

6 A. The use of language in the armed forces must be defined. Your
7 interpretation of language in terms of who understands who else and what
8 follows from that displays a method and a level that unfortunately
9 prevents me from contributing to this in any way because of the level of
10 questions asked. Each of the various ethnic groups in Yugoslavia had
11 every right to call their language whatever they liked.

12 Q. And this particular provision, was it taken with any sort of
13 consultation or input from people who didn't consider themselves to be
14 Croatian? Is there any accommodation made for them, or do you know?

15 A. I don't know. But I do know that at the time no conclusion was

16 adopted about what language the Bosniaks would be using. In Tuzla, if I
17 remember correctly, Mr. Prlic's witness -- one of Mr. Prlic's
18 witnesses -- fine.

19 Q. General, the next exhibit is P004 --

20 JUDGE ANTONETTI: [Interpretation] General Praljak, we have just
21 seen a series of articles, Article 21 and 28. Remember, Mr. Buntic had
22 also talked about these.

23 As far as I remember, all these decrees had been prepared by the
24 competent departments and had then been adopted at two meetings since it
25 was on the agenda, and without any more ado all these articles had been

Page 43628

1 adopted. Based on that, one can assess this in two ways: The
2 Prosecutor's position is that all these articles reflect the joint
3 criminal enterprise; namely, to establish a Croatian community that is
4 autonomous, that has its own territory, and so on. That is why Article
5 28 stipulates that the Latin script and the Croatian language should be
6 used. That would be the first theory.

7 The second would be more of a constitutional nature. Do all
8 these articles comply with the Constitution? The Prosecutor prepared
9 Article 21 with Article 160, I believe, of the Constitution, and as far
10 as the language issue is concerned, he did not mention Article 4 of the
11 Constitution which entitles anyone to use Serbo-Croatian, Croatian-Serb,
12 the Cyrillic transcript, the Latin transcript, and/or both since all
13 these should be equal, and the following question came to my mind: The

14 person who drafted this, I don't know whether the person who drafted this
15 text was perhaps an intern, a legal expert, I don't know, and he is being
16 asked to -- he or she, to draft Article 21. The person in question takes
17 the text of the Constitution and sees that the armed forces of
18 Bosnia-Herzegovina are in charge of the protection of the integrity and
19 sovereignty of the territory, and he just uses the same terms and places
20 them in Article 21, and in the Constitution there are also provisions
21 relating to the use of -- to -- of the Serbian, Croatian, and Bosnian
22 language. This is not mentioned, however.

23 Do you think this is plausible or was everything thought through?
24 There is in Article 21 a very heavy charge here. "The armed forces of
25 the HZ HB must protect the sovereignty and defend the integrity of the

Page 43629

1 territory," which means that Herceg-Bosna in this case has its
2 sovereignty and territory. So you understand what I'm saying. These are
3 the exact words of the Constitution. So I wonder whether the people that
4 drafted this article understood everything or whether this meets the
5 requirement of a very precise plan which is the case put forward by the
6 Prosecutor. What do you have to say to this?

7 THE WITNESS: [Interpretation] Of course, when one looks at this
8 individually and when there is mention of the word "sovereignty,"
9 obviously, this might indicate that this entity has the ambition of
10 becoming a state, but, Your Honours, we cannot dwell on a single word in
11 this trial. At the same time, the HZ HB, within the framework of Bosnia

12 and Herzegovina, remains right there until a final determination is made.
13 On the other hand, territorial integrity is a phrase that was probably
14 adopted from somewhere else. It was copied. There was no territorial
15 integrity to speak of in the case of the HZ HB. These were 30 minor
16 entities within Bosnia-Herzegovina. If one defends the sovereignty of,
17 for example, a part of the Bosnia and Herzegovina, recognising itself to
18 be in Bosnia-Herzegovina, you thereby defend Bosnia and Herzegovina, a
19 country which had broken up.

20 Secondly, even if it were possible to assume that a thing like
21 this might contain some sort of criminal enterprise, how is it possible
22 to create Republika Srpska in Dayton as a part of that state? This is
23 the very implementation of a criminal enterprise or criminal plan. All
24 people who did that should be brought to face this court and we should
25 abolish Republika Srpska because it ended up implementing a criminal

Page 43630

1 enterprise that is not even mentioned here. My -- my brain is facing a
2 conundrum. I have no problem admitting that. There are whole parts and
3 portions of this trial and phrasings such as these that I fail to
4 understand. Citizens. We got citizens organised to defend our very
5 livelihood, our lives. It was within the framework of Bosnia-Herzegovina
6 that we actually managed to preserve that country.

7 And secondly, Your Honours, everyone seems to be referring to the
8 1991 census which the assembly never legally ratified because it didn't
9 have the last item there and cannot be used. Likewise, this is not the

10 BH Constitution. We keep saying that --

11 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I stop you there,
12 because my question was a very precise one and now you are talking about
13 the 1991 census, and you've explained to us already what all of this has
14 to do with -- you have answered my question. I'm satisfied with that,
15 and my colleague would like to ask a question.

16 JUDGE TRECHSEL: I cede precedence to you.

17 MS. NOZICA: [Interpretation] Thank you. Your Honours, if I may,
18 and I do apologise for interrupting and springing to my feet before you
19 ask your question, but there is one thing that I find to be of
20 considerable significance, something I had expected Mr. Praljak to say
21 and he didn't, and this is because of Judge Antonetti's question. When
22 you --

23 MR. STRINGER: I'm going to object to this, Mr. President.

24 THE INTERPRETER: Microphone for counsel, please.

25 MR. STRINGER: I apologise for the interruption, but I don't

Page 43631

1 think it's appropriate for counsel to jump up and to -- to supplement or
2 to add to something that Praljak didn't say that she was expecting him to
3 say. I don't think that's appropriate. It's -- we've exhausted this
4 issue, and now counsel are beginning to testify and we object.

5 JUDGE ANTONETTI: [Interpretation] You are quite right. You are
6 right. One moment, Ms. Nozica. Mr. Stringer is right. You cannot
7 interrupt now to add to what Mr. Praljak should have said. However, if

8 there is a mistake or something important in that line, that you can
9 mention. I don't know what you wanted to say.

10 MS. NOZICA: [Interpretation] Indeed, Your Honour, there is, an
11 enormous error, the error being one needs to look at the dates.
12 Throughout this cross-examination by my learned friend, I was bearing
13 this in mind. I thought it might be observed at some point. One must
14 look at the date of the decree on the armed forces of the Croatian
15 Community of Herceg-Bosna and also the date the Constitution was adopted.
16 Mr. President, you asked why the Decree on the Armed Forces did not
17 include any provisions of the Constitution. That would have been
18 impossible. However, because the decree on the armed forces, which is
19 P289, was not adopted before the 3rd of July. The next Decree of the
20 Armed Forces of the HZ HB was adopted in October 1992; whereas, the
21 Constitution being shown to us by my learned friend, Mr. Stringer, was
22 adopted as clearly seen on page 1 on the 24th of February, 1993.
23 Therefore, this cannot be prepared and cannot be cross-examined on in
24 terms of whether these provisions were supposed to constitute a
25 substantial element of the BH Constitution.

Page 43632

1 JUDGE ANTONETTI: [Interpretation] Right. We could have actually
2 used another document which would have been the Yugoslav Constitution,
3 because a lot of the parts of the Bosnian Constitution stemmed from the
4 Yugoslav Constitution. There was a fair chance that the articles we've
5 seen were most certainly part of the Yugoslav Constitution. We haven't

6 actually seen that, but my colleague would like to take the floor.

7 JUDGE TRECHSEL: Thank you. Yes, and it relates to Article 28,
8 the article on the language in the army, and you have said that it was
9 necessary to state this.

10 My question is: Are you aware of any other than the Croat
11 language and any other script than the Latin script being used in
12 Herceg-Bosna?

13 THE WITNESS: [Interpretation] No. No, I'm not aware. I don't
14 know if the Serbs, as these days in Croatia, were entitled to use their
15 own Cyrillic script or not. This is only about the armed forces. In the
16 former Yugoslavia there was a single language to be used by all the
17 peoples.

18 JUDGE TRECHSEL: Thank you. Thank you.

19 JUDGE ANTONETTI: [Interpretation] It might be the right time to
20 have a break now. In ten minutes' time.

21 MR. STRINGER: Ten minutes, Mr. President.

22 Q. General, I'm going to put this to you, and I'm putting it to you
23 and it's also in a sense a response to some of the comments made by
24 counsel for Mr. Stojic now, who pointed out that the decree on armed
25 forces, both versions, came into existence prior to the time of this --

Page 43633

1 of the RBiH Constitution.

2 I'm putting to you, General, that in fact it doesn't matter what
3 these two documents -- the difference in these two documents, the armed

4 force -- Decree on Armed Forces on the one hand and the RBiH Constitution
5 on the other, the difference in the texts show us what were the
6 differences in the approach that were in the heads of the people that
7 wrote these documents.

8 I'm going to put it to you that on the HVO side we do not have
9 any principle of maximum proportional representation because that's not
10 something that the HVO leadership were interested in having in its Croat
11 armed forces. Isn't that true?

12 A. Of course it's not true. In each and every municipality,
13 everywhere based on what I've heard here and what I knew back then,
14 everything was in keeping with the election results and the
15 representation of Croats, Muslims, and Serbs was equal; all those who
16 went to the elections. And anyone could join the HVO -- and I could give
17 you examples, if you like, to illustrate this. From Mostar's commander,
18 who was a Muslim, Croats --

19 Q. I'm going to put the Prosecution case to you and I expect that
20 you'll disagree with me. Secondly, I want to put it to you that in fact
21 the provision in the Decree on Armed Forces imposing the Croatian
22 language and the Latin script is there, and that it differs so
23 significantly from the analogous text in the Constitution of the Republic
24 of Bosnia-Herzegovina, which the President pointed out, those very huge
25 differences in approach on language are also a result on the HVO side of

1 a desire or an intention to have an exclusively Croat or an essentially

2 Croat armed forces in the HZ HB; isn't that also true?

3 A. Most certainly not. In addition to that, at the time there is no
4 such things as Bosnia and Herzegovina. There is nothing actually called
5 Bosnia and Herzegovina at the time. A large part of one of the peoples
6 involved attacked the two other peoples --

7 Q. All right. General --

8 A. Just in order to mobilise -- all right. I entirely disagree with
9 you, and most of all what you're putting to me and what you're trying to
10 prove is not accurate.

11 Q. The next exhibit is P00441. And, General, this is an HVO
12 training plan and programme for conscripts that was approved by your
13 predecessor, Brigadier Milivoj Petkovic. It's dated the 1st of
14 September, 1992, so this came out about seven weeks or so before you went
15 to Prozor, and I want to talk about some parts of this as we further
16 discuss the essence or the vision of the HVO armed forces that was being
17 formed as of this period of time. Have you ever seen this training
18 programme before, General?

19 A. I think I stole a cursory glance. My assistants were busy
20 working on a programme that I signed much like this one, perhaps a little
21 more specific. I seem to remember that at the time I cast a quick glance
22 over it. The previous one, too, of course. They had it right there on
23 their table. I may have, but I can't be entirely certain. I think for
24 the best -- best part at one point in time I did leaf through it, yes.

25 Q. You have -- have actually -- you've referred to your own training

1 programme that you and your people put together, and we're going to get
2 to that. That's the next document that's in your binder. So we'll talk
3 about General Petkovic's programme first and then we'll talk about yours.

4 General, the part in this exhibit, P0441, that I'm interested in
5 is the section on the upbringing in the spirit of patriotism which
6 there's a reference to it here in the first table that appears in the
7 document. It's on page 5 of the English translation. It's under the
8 section on the plan. And then moving to page 7 of the English, General,
9 do you see a section in this document concerning the upbringing in the
10 spirit of patriotism?

11 A. I can't locate that. What page is that in the Croatian document?

12 Q. I'll see if I can direct you to that. Do you see the table here
13 where we have "Training subjects," and then we have different --

14 A. Can you look at the page number up there, please.

15 Q. I'm looking at the table. Do you have a table in yours?

16 THE ACCUSED PRLIC: [Interpretation] R103927.

17 THE WITNESS: [Interpretation] All right. I'll try and find that.
18 3927. I don't have any tables there. Oh, right, right, right. Yes,
19 yes, yes. I see it.

20 MR. STRINGER:

21 Q. And then you'll see another table that relates to the subject
22 of -- under -- under paragraph 1.3. Do you see paragraph 1.3?

23 A. What page is that? Can I have the ERN number --

24 MR. KOVACIC: [Interpretation] Number 4, table 1.3 is on page 4 of

25 the Croatian.

Page 43636

1 THE WITNESS: [Interpretation] All right.

2 MR. STRINGER:

3 Q. And, General, actually, if you'll continue on. The page that I
4 want to take you to is stamped with the RR103927?

5 MR. KOVACIC: [Interpretation] Page 6 in the Croatian.

6 MR. STRINGER: Correct. Thank you.

7 Q. General, are you with me on page 6 of your version, "Upbringing
8 in the Spirit of Patriotism"?

9 A. Yes.

10 Q. Now, it says here that the goal of the subject is to lift and
11 strengthen feelings for the homeland as well as morale and psychological
12 characteristics of the training programme to inform the training
13 participants about the history and the present times of the Republic of
14 Croatia and the Croatian Community of Herceg-Bosna.

15 Now --

16 A. That's not quite how it reads. Since we're quoting, can we
17 please try to be accurate. Subject number 1, subject number 2, subject
18 number 3.

19 Q. Well, I think you're jumping ahead of me, General, so if you'll
20 just bear with me. I'm looking at a topic called "Upbringing in the
21 Spirit of Patriotism." Underneath that I'm looking at words that say
22 goal and task of the subject. Do you see that?

23 A. Yes.

24 Q. And then the part I just read.

25 A. Oh, all right. I see.

Page 43637

1 Q. Now, what this means, General, is that the reference there to the
2 homeland is in fact a reference at the very least to the Croatian
3 Community of Herceg-Bosna. Isn't that true?

4 A. That's what it says. To be familiarised with the history of the
5 Republic of Croatia and the Croatian Community of Herceg-Bosna, but
6 Herceg-Bosna extended all over Bosnia and Herzegovina, so there's no
7 reason to -- but, then again, I have to say that in addition to the
8 political structure and the defensive character, Herceg-Bosna was the
9 same as Bosnia and Herzegovina. We don't know whether this is in
10 reference to -- Your Honours --

11 Q. General --

12 A. I don't know these texts which -- yes.

13 Q. I'm going to have to --

14 A. I don't.

15 Q. -- questions --

16 A. Yes.

17 Q. I'm sure we'll ask Mr. Petkovic about this when he testifies, but
18 I'm asking you about it now as someone who was highly active within the
19 HVO and -- during the period of time shortly after this was issued. The
20 fact is, General, isn't it that the training programme of the HVO, as

21 from September of 1992, really did not have any goal, the building of any
22 sort of spirit of patriotism or feelings for the true homeland of the
23 people who were living in the Republic of Bosnia-Herzegovina, which was
24 in fact the Republic of Bosnia-Herzegovina. Isn't that true? This is
25 only about the homeland being a narrow part of that country called

Page 43638

1 Herceg-Bosna.

2 A. That's not what follows from this. Herceg-Bosna might here be
3 synonymous with Bosnia-Herzegovina. Then again, I challenge your right
4 to tell me what my homeland is. Country and homeland is not the same
5 thing. Bosnia and Herzegovina was drawn up in Berlin.

6 Q. Very well.

7 A. Obeying the wishes of Bismarck and all the rest of them. You
8 can't go telling me what my homeland means, whereas you can't force me --
9 force upon me a definition of what my state or country will be. These
10 are two different things. You drew up countries as you saw fit, but
11 there's nothing you can do about homelands.

12 JUDGE TRECHSEL: Mr. Praljak, I recall what the President has
13 warned you this morning. Listen carefully to the questions.
14 Mr. Stringer has not spoken of your personal homeland at all, not at all.
15 So you don't have to complain that someone else is trying to attribute or
16 not attribute any homeland to Mr. Slobodan Praljak. It was another
17 question.

18 MR. STRINGER: Mr. President, maybe it's a good time for the

19 break.

20 JUDGE ANTONETTI: [Interpretation] Very well. Let's have a
21 20-minute break.

22 --- Recess taken at 12.31 p.m.

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

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

Page 43639

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

2 Q. General, when we had the break we were looking at the training
3 programme for the HVO that was approved by General Petkovic on 1st of
4 September, 1992. And just to continue with this programme on upbringing
5 in the spirit of patriotism, if you move down from the text we were
6 reading before, you get to the "Programme subjects." And there is number
7 1 is an introduction, and then number 2 is the various topics involved,
8 which include the Republic of Croatia and the Croatian Community of
9 Herceg-Bosna in the war for freedom. Second topic is history of Croats
10 in the Croatian Community of Herceg-Bosna. We see the other topics, 3
11 and 4, on the armed forces, training on the defence -- decree on defence
12 of the HZ HB under topic 4. Topic 5 is HZ HB foes, which includes facts
13 about anti-Croatian activities, Serbian political parties, et cetera.

14 Now, General, do you know, and maybe you don't, was this training
15 applicable even to Muslims and non-Croats who were members of the HVO
16 armed forces at this time?

17 A. Yes. As long as that was possible, it applied to all HVO units
18 from Bihac, Tuzla, or anywhere else in Bosnia-Herzegovina. There would
19 be a total of five hours, which amounted to 2 per cent of the overall
20 training time. An insignificant amount of time to cover these five
21 topics. To be perfectly honest, I subscribe to all of this.

22 Q. Perhaps it's not insignificant if you're a Muslim member of the
23 HVO who's been putting his life on the line up to this point in time
24 fighting against the Serbs, and then he shows up at this programme and
25 all he's going to hear about is the history of Croats and the Croatian

Page 43640

1 Community of Herceg-Bosna.

2 It elevates one group above the others, doesn't it, within the
3 HVO arms forces among the conscripts, the foot soldiers themselves.

4 A. I think not. Why? The history of Herceg-Bosna is a history
5 shared by Croats and Muslims alike. As for the tasks of the armed forces
6 of the Croatian Community of Herceg-Bosna, they were meant to protect the
7 Croatian Community of Herceg-Bosna. It had to do with the Muslims, the
8 Croats, and the Serbs as long as they wanted to be a part of this
9 enterprise. I do remember quoting some literature in the document that I
10 produced. The attempt here was to spend as least time as possible to --

11 Q. Okay. You just made reference to your own training programme.
12 You've indicated that you subscribed to the programme that we just looked
13 at from General Petkovic. So let's go ahead and look at your programme,
14 which is P04142.

15 A. Yes, I subscribed to this programme. There is talk there of
16 moral backbone, and there are further topics that are elaborated.

17 Q. Now, General, 4142, which for the record is also Exhibit 3D01229,
18 and, General, you testified about this document already on the 2nd of
19 June, according to my notes. Do you remember seeing this and talking
20 about it during an earlier part of your testimony?

21 A. I do remember a little, yes. I'll take your word for it.

22 Q. And I'm looking at the third page of the English, just at the
23 very beginning of the document, which is the -- I guess the order, if you
24 will, in which you direct that this programme is to come into effect on
25 the 12th of August, 1993. This is at the very beginning of the document.

Page 43641

1 So for purposes of the time-frame, General, can we agree that you had
2 this training programme prepared, you approved it, and you ordered that
3 it come into effect within a fairly short period of time after you took
4 over the command of the HVO Main Staff?

5 A. We can agree on that, yes.

6 Q. And I'm going to move to page 10 of the English language version
7 which in your version, General, is the page that has the ERN stamp which
8 ends with 0837. If you could look at the stamped number 0837. Have you
9 found that?

10 A. Indeed I have, Mr. Stringer.

11 Q. And this is under V, the training programme, and it's got a list
12 of eight topics or subject areas in which the trainees are to receive

13 training, and here we see -- I'm going to focus on item number 2, which
14 is the "Homeland education" part for the time being, but perhaps at this
15 point, General, would it be correct to say that the training that these
16 conscripts are to receive, your intention is that they receive basic
17 military training on how to hold and fire a weapon, how to perhaps move
18 throughout the terrain, how to work in groups, various basic aspects
19 of -- of military training that conscripts or people who are just joining
20 the military for the first time would received? Is that sort of your
21 target group for this programme?

22 A. It wasn't just for those who joined the programme, but also those
23 who had not previously been properly -- properly trained or undergone
24 appropriate training. Even in the middle of a war, the circumstances
25 being what they were, we tried to raise both the moral and the cognitive

Page 43642

1 levels of the soldiers to make sure that they were familiar with all the
2 elements that a confrontation like this normally entailed, leaving them
3 fully prepared.

4 I'm not going to read on, but it was about the stress relief. It
5 was about fear. It was about respect. It was about adherence to
6 regulations of the rules of war, the rules of engagement, everything that
7 was required, and we tried to achieve this as swiftly as possible.

8 Q. Now, among the course titles indicated under this training
9 programme, what we do not find and what we do not find throughout this
10 entire document is a reference to training on the rules, the laws of war

11 that would apply to soldiers and the way in which they are to treat
12 civilians, the way in which they're to conduct themselves lawfully in
13 carrying out their activities as soldiers. Isn't it true you failed to
14 include international humanitarian law, the law of war, in your training
15 programme?

16 A. That is entirely untrue. If you like, at the very outset make
17 sure the soldiers are able to behave as regular proper soldiers. That
18 was part of the moral education section. And then there were several
19 seminars that were organised, and every time there was talk of the Law of
20 War.

21 Q. So are you telling us, General, that those seminars and that
22 training would take place separately from this training programme that
23 we're looking at now?

24 A. Both within the framework of the programme, and then there were
25 separate special seminars with the Red Cross people. Tens of thousands

Page 43643

1 of booklets and brochures were distributed on these occasions, and that
2 was going on right from the very outset.

3 I have said a number of times already I worked on that even while
4 I was still with the Croatian army, and I have already provided all the
5 evidence to that effect.

6 Q. General, then to focus in on the programme on homeland education,
7 since this is your document and since you reacted to my last question
8 about the homeland part of General Petkovic's programme, let me ask you,

9 when you wrote or approved this programme on homeland education, what
10 homeland were you referring to?

11 A. Anything that had to do with an accurate rendition of the history
12 and area covered by the former Yugoslavia and the Croats in it, as well
13 as the Serbs and the Muslims. Forty years of history twisted and
14 inaccurately interpreted. We only have very few hours to work with, very
15 little time, but we had to do something to have all of this established
16 on a sounder foundation than used to be the case.

17 Q. Now, turning to page 14 of the English, this is page 0839 of your
18 version, General. This gives us more information about the homeland
19 education programme, and the objective and task as set out in this is to
20 "participate in the formation of such intellectual, moral, professional,
21 and personality features of the Croatian soldier (the HVO soldier) that
22 promote patriotism and motivation required for successful and efficient
23 implementation of task."

24 It goes on to say: "Provide basic knowledge of Croatian history,
25 civilisation, culture, and state-building tradition ..." and then "...

Page 43644

1 the centuries-old arduous struggling of Croatian people and the moral
2 values of Croatian lands."

3 Now, General, I recognise that this document that you're issuing
4 around the 12th of August, 1993, is one that comes after the events of 30
5 June 1993, and so that I think we could agree that by this point in time
6 the gloves were off as we say, back where I come from, in terms of

7 outright and full conflict between the ABiH and the HVO; correct?

8 A. In part. There was not a full conflict between the ABiH and the
9 HVO, and it was not a conflict. It was an attack by the BH Army on
10 certain components of the HVO, and, yes, the gloves were off in that
11 respect, especially as concerned certain units of the BH Army, certain
12 commanders, and certain policies that were perceived. Not overall,
13 though, as we have witnessed.

14 Q. I accept that correction on your part. What we do know is that
15 by this point in time all Muslim members, men who had been members of the
16 HVO in the areas of the North-west and South-east Herzegovina operative
17 zones had been disarmed. They'd been removed from the November and had
18 been put into detention facilities. Can we agree that that was the
19 context, that's what's happening at or about the time that this training
20 programme came out?

21 A. I wouldn't go into anything that occurred before my time. Most
22 Muslims in the HVO did what they did on the 30th of June, 1993, but by no
23 means all of them. A number still remained in the area, a number of
24 Muslims in the ranks of the HVO.

25 Q. Okay.

Page 43645

1 A. Particularly in the area of Posavina and so on and so forth.

2 Q. I -- in my last question I limited it deliberately to the area
3 falling within the North-west Herzegovina and South-east Herzegovina
4 operative zones, and so that's what I want to limit our discussion to at

5 this point. I certainly recognise that the situation in the Posavina was
6 different. But within those areas of the south-east and north-west
7 operative zones, we had a virtual complete disarming and detention of
8 Muslim males who had been members of the HVO; isn't that true?

9 A. I can't confirm that what you said about complete disarming and
10 detention simply because I did not have any accurate information
11 regarding that after I came. Disarming, yes, but detention, no.

12 Q. Okay. We'll be talking about that later. The point for purposes
13 of the discussion now is that really by the 12th of August, 1993, the
14 gloves are off as -- as we've said, at least within this area of
15 North-west and South-east Herzegovina operative zones, so that really the
16 fact is that by this point the HVO armed forces are an exclusively, or
17 virtually exclusively, Croatian armed force and so that the training and
18 the homeland formation that's going to be given relates exclusively to
19 Croatian people; isn't that true?

20 A. The term that you employed, the gloves are off, is a diplomatic
21 term and has no meaning whatsoever in the military context. What I know
22 is this: At the time there was an aggressor and someone else who was
23 defending. Be it moral values, be it general behaviour, be it criminal
24 offences, be it history, nothing whatsoever was changed in the education
25 programme in relation to what it would normally have been. There was no

Page 43646

1 training indicating any changes like that. Quite simply one had to make
2 sure history was interpreted faithfully.

3 Q. Thank you.

4 A. There had been a twisted interpretation of history for the
5 previous 40 years and that misinterpretation was used for ideological
6 purposes.

7 Q. Well, wouldn't you agree with me, General, that the entire
8 orientation of this training, whether it's yours or whether it's
9 General Petkovic's, is an orientation toward exclusively Croatian people
10 and Croatian soldiers as members of the HVO based on what we're seeing in
11 these documents?

12 A. I don't know what it is that you're seeing in these documents.
13 If there's something you're seeing as you say, please point it out to me.
14 Obviously one needed --

15 THE INTERPRETER: Interpreter's note: Could the general please
16 be asked to repeat this. We didn't understand. Thank you.

17 MR. STRINGER:

18 Q. Excuse me, General. The interpreters didn't quite catch what it
19 was you were just saying. I was going to cut you off anyway, to be
20 perfectly honest with you.

21 You said -- you said -- I put it to you that this was an
22 exclusively Croatian orientation in these documents. You wanted me --
23 you suggested that I wasn't pointing you to specific parts of these
24 documents that I had in mind, but let me point you very -- right back to
25 these two provisions that we've just looked at, that we've just read out,

1 that this training on homeland education relates to training on
2 participation in the formation of the various features of the Croatian
3 soldier, the HVO soldier, or here the Croatian soldier is equated with
4 HVO, and then the next passage that involves providing basic knowledge of
5 Croatian history, civilisation, culture, centuries-old arduous struggle
6 of Croatian people, the moral values of Croatian lands. The fact is that
7 these passages make it clear that the HVO is nothing but an exclusively
8 Croatian militia whose orientation is towards the Croatian people alone;
9 isn't that true?

10 A. Sir, what this is about is showing the truth. Homeland education
11 is about showing the truth, and these topics are designed in such a way
12 as to expose the truth that had led to the war. It is not only an
13 attempt to defend the Croats. It is also an attempt to defend the 10.000
14 Muslims in West Mostar, the 3.000 Serbs in West Mostar. The talk here is
15 about honour, loyalty, order, structure, morale, freedom, peace,
16 democracy, future. These are topics that must be addressed by any
17 civilised human being. These are truthful topics. This is not just some
18 sort of Croatian-only policy.

19 Q. And in Bosnia-Herzegovina of all places, do you think it's
20 possible to give an accurate treatment to all of those issues when you're
21 talking only about one group of people, Croatian people and their
22 history? The fact is it's impossible to do that unless you're wishing to
23 provide an exclusive orientation that instills in these conscripts only
24 one, only one objective which is to defend Croatian people and Croatian
25 territory. That is what this is about, isn't it?

1 A. No. Defending Croats across Bosnia and Herzegovina, Croats and
2 all the other men defending -- being defended by those units throughout
3 the area including Zenica, Tuzla, Sarajevo, and Bihac. When you talk
4 about the history of the Croats, sir, it is not possible to say nothing
5 about all the others, about Garasanin, about Karadzic, Moljevic, the
6 Chetnik Movement and so on and so forth. I'm all too familiar with this
7 topic, and what you see listed here is everything that is helpful terms
8 of allowing these people to know the truth, the truth that was being
9 built on as a political topic and which led to the war. It was for these
10 people to know what they would be killed for. And also, among other
11 things, Mr. Stringer, to defend all the Croats wherever they were. That
12 much is true, but not just the Croats, not the Croats alone. It was
13 about getting themselves killed. For the refugees also. For the 500.000
14 Muslim refugees not to be trampled underfoot the way they were in
15 Bosnia-Herzegovina. That's what we were getting ourselves killed for and
16 that's what this homeland education was for. The wounded, the weaponry.
17 One needed to lay a proper foundation for all of this because only that
18 made sure there was a proper approach to all these things, and I still
19 stand by that.

20 Q. And yet these conscripts, the message is, you just said it, is
21 that they've got to stop and prevent themselves from being trampled
22 underfoot the way they were in Bosnia-Herzegovina. The message is that
23 these conscripts aren't fighting for a Bosnia-Herzegovina are they.

24 They're fighting for that autonomous Croatian area that we've been
25 talking about all week long where the Croat people were going to have the

Page 43649

1 majority ethnic composition so that they could govern this autonomous
2 area and that's what these conscripts are being taught to fight about, to
3 fight for. Isn't that true? This has nothing to do with
4 Bosnia-Herzegovina, which is the country in which you find yourselves?

5 A. Not true. This was taught both in Sarajevo and in Tuzla, and in
6 Posavina, and in Bihac, and in [indiscernible]. What were they defending
7 there? Why all the casualties in these areas that could never possibly
8 have become what you referred to as the Banovina or indeed territory
9 belonging to the Croatian Community of Herceg-Bosna.

10 Q. Well, let's move to the bottom of this section, then, and look at
11 the last phrase that appears in this section. We're going to skip down
12 two bullet points. This is still under number 1, Objective and Tasks of
13 Homeland Education. Now, the last point in that section says: "On the
14 basis of information acquired, guide and motivate soldiers to actively
15 participate in the defence and development of HZ HB."

16 Now, General, what you're telling us now is not true. There's
17 nothing in here about Bosnia-Herzegovina. There's nothing in here about
18 Tuzla or the Posavina or anywhere else. This is your HVO, and the fact
19 is, General, that your HVO is only about Croat people defending this
20 Herceg-Bosna that's going to be your autonomous Croatian area. Isn't
21 that the way it really was?

22 A. No. The HZ HB all -- was made up of all the municipalities that
23 joined the organisation, and there's a list of that. When I led the
24 attack on the Neretva's left bank, where there were relatively few
25 Croats, I wasn't just defending the Croats there. We used 90 per cent of

Page 43650

1 the HVO's entire manpower to fight for Bosnia and Herzegovina and all the
2 citizens that were being subjected to this aggression. I put my life on
3 the line each and every day there for that country, for each and every
4 citizen, of course including my own people.

5 Q. But not during the time that you were commander of the HVO Main
6 Staff. The fact is, General, that during late 1992 and throughout 1993,
7 you had very little, if anything, to do with any of the conflicts that
8 were taking place outside the territory of the HZ HB. You were not in
9 Tuzla. You were not in Posavina. You were moving back and forth from
10 Herzegovina to Zagreb. You were coming back down to Prozor,
11 Tomislavgrad, Gornji Vakuf, and throughout that period of time you only
12 addressed yourself and your activities to this area of the Croatian
13 Community of Herceg-Bosna and not any other Croatian community anywhere
14 else; isn't that true?

15 A. No. I fought hard in Posavina in the summer of 1992 as well. I
16 was in Vares as well. I was in Kiseljak. I offered to help lift the
17 siege of Sarajevo to Alija Izetbegovic. Wherever I went --

18 JUDGE TRECHSEL: Excuse me, Mr. Praljak. I could repeat myself.
19 Listen carefully to the question before you start answering. The

20 question explicitly was limited to the time when you were at the head of
21 the HVO, and now you have spoken of previous times. That was not
22 included in the question.

23 MR. STRINGER:

24 Q. General --

25 A. I do apologise. I thought it was a more general question.

Page 43651

1 That's the way it struck me, relating to the entire period, but we should
2 check the transcript. I thought it was about me only moving about those
3 areas, including earlier on in the way specified by Mr. Stringer. I may
4 be wrong though, but during the time that I was commander of the Main
5 Staff, I never went beyond the borders that were sort of marked and
6 established by the aggression of the BH Army. There was no way I could
7 cross those borders.

8 Q. Well, General --

9 A. Even in those conditions we allowed the BH Army weapons to go
10 through immediately and permanently and unconditionally just in order not
11 to see them lose the war to the Serbs.

12 Q. Let me put it to you this way, General: Certainly from October
13 of 1992, you were only in place where there was conflict between the
14 HVO and the ABiH, Prozor, Gornji Vakuf, Mostar, North-west Herzegovina
15 operative zone, South-east Herzegovina operative zone. And the fact is
16 you were never were areas where the HVO, the Muslims and the Croats were
17 fighting well alongside each other against the Serbs; isn't that true?

18 A. That is also not true. There were no clashes in Mostar at the
19 time. Among other things, I was involved in the joint defence of the
20 Croats and Muslims in Travnik after the fall of Jajce. You've heard
21 evidence to that effect. I helped allay the tensions to do with the
22 clashes that had erupted, and I was very successful in bringing about a
23 lull in the fighting. There are plenty of documents showing that. Up
24 until the very last minute I worked on the cooperation between the HVO
25 and the Supreme Command of the BH Army. I made an enormous effort to

Page 43652

1 keep clashes from erupting to see how the state itself would be
2 structured to avoid clashes and so on and so forth. Every single thing
3 that you have just put to me is untrue.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a
5 follow-up question for you. Mr. Stringer's question, well, until now I
6 had not contemplated your situation as it appears now. Mr. Stringer puts
7 a question to you. If he puts a question to you, is -- it is to inform
8 everyone. He sees you in Mostar, Prozor, Gornji Vakuf, in areas where
9 there is only fighting against the Muslims. You're not seen anywhere
10 else, despite the fact that there is a front line with the Serbs. This
11 seemed interesting.

12 Does this mean that General Praljak was only in charge of the
13 ABiH, or as the commander of the HVO, did he need to face the Serbs as
14 well? You answered by saying, "No, I was doing something else," but you
15 have an intangible evidence to demonstrate that you went to the front

16 line to visit the Serbs, or was the main -- your main purpose to deal
17 with the BiH? Do you have any detailed information you -- which would
18 enable you to say that you dealt with the Serb offensive in such and such
19 a place at such and such a time? Do you have any specific -- anything
20 specific to tell us about this?

21 THE WITNESS: [Interpretation] Thank you for asking, Your Honour.
22 Please allow me to say how absolutely stunned I am by this question after
23 three years of trial.

24 Capljina, Mostar west bank, Mostar right bank and left bank,
25 Operation Bura, all fighting the Serbs. Tomislavgrad, the defence of

Page 43653

1 Travnik after Jajce, Posavina, the preparations at Jablanica.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, you are saying
3 that you are dumb-struck. We actually have an indictment which relates
4 solely to the ABiH, HVO. The conflict between the Serbs -- with the
5 Serbs is here as a background. Here we are rather limited. So you are
6 surprised by the question. What you've just said about Tomislavgrad is
7 not mentioned in the indictment. We have no evidence relating to that.
8 What I'm interested in is during the period in which you were a
9 commander, did you go to any front line where you faced the Serbs, and
10 you said to HVO troops, and perhaps even the troops of the ABiH because
11 we know that sometimes they were together, this is what needs to be done?
12 Did you act this way at any time?

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

14 we had a line facing the Serbs in Livno, in Tomislavgrad. In Stolac the
15 problem with the Croatian army, that was against the Army of Republika
16 Srpska as well. This whole -- this whole area was affected by our fight
17 against the Army of Republika Srpska and also the BH Army, then they were
18 attacking us at the same time. When Kupres was liberated at a later
19 date, I had another prominent role to play when we fought the VRS, and
20 then the liberation after the Ljiven [phoen] field and then Operation
21 Storm, again we were fighting the VRS, but the indictment talks about the
22 joint criminal enterprise back in 1991 when I was in Sunja fighting the
23 VRS, the liberation of the Capljina barracks, the liberation of Stolac
24 where I was involved at a later stage, Mostar right bank, Mostar left
25 bank where I was in command. The defence of Travnik following the fall

Page 43654

1 of Jajce where I had a prominent role to play, and you can read about
2 this later on, and so on and so forth, and a number of other things like
3 that; Prozor, calming the situation, Vakuf calming the situation. What
4 on earth are we talking about? I'm really entirely at a loss.

5 JUDGE ANTONETTI: [Interpretation] I don't need to hear anymore.
6 A follow-up question: While Mr. Stringer was putting questions to you
7 based on this document relating to the training of the soldiers, and I
8 looked at your answers. I also looked at the document. I was quite
9 impressed by various literary references. This is on page 11 of your
10 document and on page 20 of the English version where you quote the author
11 of this document which you have signed, and a number of people who have

12 written about the history of the country, Bilandzic, Boban, Foretic,
13 Hacelo [as interpreted], and so on. There are a whole series of authors
14 mentioned. And I looked at the name of the authors and the titles of
15 their books. I -- I would have read these 28 books with a keen interest
16 on -- 27, because there's also an encyclopedia. I might not have read
17 the entire encyclopedia, but I would at least have read the 27 books.
18 Unfortunately, I don't read your language. And I have noticed that there
19 is no book on the Republic of Bosnia and Herzegovina, on the Muslims, on
20 Izetbegovic. There is nothing at all, not a single book. Everything
21 focuses on Croatia, perhaps even the Serbs, but there is no mention of
22 the Muslims, whereas you are there to instill the spirit of patriotism in
23 these soldiers that are fighting to defend the Republic of Bosnia and
24 Herzegovina, but nothing is mentioned about this. There's nothing about
25 the emerging state. There's nothing at all. So I wondered whether at

Page 43655

1 the time the sole objective was the struggle against the Serbs and the
2 Serbs were the real enemy. The rest was secondary.

3 When patriotism is mentioned, how is it that the patriotic values
4 of the country in which one lives are not upheld? In this case it was
5 Bosnia-Herzegovina. This republic did exist, but there is no mention of
6 this at all. What do you have to say to this?

7 THE WITNESS: [Interpretation] The state had been recognised, but
8 it did not exist. Seventy per cent of that state tried by an act of
9 aggression to keep the 70 per cent and take more territory. The

10 literature that I'm mostly familiar with talks about the history of
11 Bosnia-Herzegovina. Your Honours, imagine if I had included studies of
12 the Islamic Declaration of Alija Izetbegovic. That would have been
13 the -- a step taken against the Muslims, if I had said, Look at what
14 Alija Izetbegovic's theories are and how Bosnia-Herzegovina is supposed
15 to be structured. That would have introduced an element of chaos into
16 this whole thing. This is the most honourable and moderate approach that
17 I could have achieved at the time. How can I teach love for Bosnia and
18 Herzegovina if you have 70 per cent of those Serbs killing whoever and
19 whatever they could. I don't know. I think I'm at a loss. I fail to
20 understand. I must be stupid, perhaps I'm stupid.

21 There is talk there of the Serbian teachers, Moljevic Garasanin
22 and all of those, all of which amounts to history of aggression against
23 everyone else politically. I'm not saying all Serbs, nor indeed did I
24 ever say or mean that. I'm telling you that no fairer treatment of the
25 subject is possible than this in the middle of a war. I subscribed to

Page 43656

1 that whatever that means and wherever that leads to. My sentencing and
2 conviction, whatever. I approved this book. I subscribed to this book.
3 It is as fair as it can be, at least the way I understand. Moral values,
4 history, the rights of peoples, the rules of war, the Law of war, or
5 anything else. In that respect, one should harbour no illusions. I will
6 not try to stand up and defend myself from a text like this that I
7 authored.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, in this
9 document - and then I will have finished my question - this is on page 19
10 of the English version. The fact that Croatia and Herceg-Bosna
11 constitute a geostrategic entity is referred to. When you tell this to
12 young soldiers who are in their 20s, who know nothing about life, and you
13 tell them, "Well, Croatia and Herceg-Bosna constituted geostrategic
14 entity," what are they going to think?

15 It's in the document. It's here, written down on paper.

16 THE WITNESS: [Interpretation] Correct. It is a single
17 geostrategic entity. If that guy is not defending his own in Mostar or
18 Stolac, the aggressor would break out to the Croatian border, to the belt
19 which towards the sea is only three kilometres wide, and there's been
20 decades of thought along the lines that Dubrovnik is a Serbian rather
21 than Croatian town. They did take everything, everything that was not
22 defended by arms. He had to fight in Tomislavgrad so as to prevent those
23 coming to Split according to the plans I showed you.

24 JUDGE ANTONETTI: [Interpretation] So you say that this was
25 written down here because it was important for them to understand that

Page 43657

1 there was a Serb offensive, and because of the Serb offensive there
2 needed to be this entity. I have factored in what you have said, and I
3 have this question while looking at this passage.

4 I shall give the floor back to Mr. Stringer. I apologise for
5 having put these questions, which were a follow-up to the previous

6 questions.

7 MR. STRINGER: Thank you, Mr. President. Actually, the questions
8 on the book list and the geostrategic entity, I was going to get to those
9 anyway, so ...

10 Q. And just to follow up on your response on the last point, this is
11 page 19 of the English, page 0841 of your version, General, "Croatia and
12 Herceg-Bosna as one geostrategic entity."

13 Now, clearly the reference here to Herceg-Bosna is Herceg-Bosna,
14 the Croatian community, the 30 or so municipalities that are identified
15 in the decree establishing the HZ HB, your reference here to Herceg-Bosna
16 is not one where you're equating Herceg-Bosna with the Republic of
17 Bosnia-Herzegovina; correct?

18 A. Herceg-Bosna is part of the Bosnia-Herzegovina the way I
19 explained. Under such conditions, one needs to motivate a person to lay
20 down their life but only explaining to him the area that he is in a
21 position to defend. There is a single enemy --

22 Q. General. General, you're doing an exceptionally good job of
23 confusing things today. I must hand it to you. We've only got a couple
24 minutes left, and my sense is that you're going to win the day here.
25 You're going to get to manage us to get through the end of the week

Page 43658

1 without answering my question.

2 Herceg-Bosna here is the Croatian Community of Herceg-Bosna, the
3 30 or so municipalities, correct? It's not some reference to the entire

4 Republic of Bosnia-Herzegovina, which is what you suggested to us
5 earlier.

6 A. Yes. The reference is to the entire Republic of Bosnia and
7 Herzegovina. In each heading of Herceg-Bosna it also reads
8 Bosnia-Herzegovina, and Herceg-Bosna was supposed to
9 be a temporary defence solution that was supposed to be viable with the
10 people living in it. You are --

11 Q. Excuse me, General. So what you're telling your conscripts here
12 is that Croatia and the Republic of Bosnia-Herzegovina are one
13 geostrategic entity? I mean, are you really seriously suggesting that
14 that's the intent behind these words?

15 A. Do you mean actually suggesting? If I write something you're
16 asking me whether I'm actually suggesting, whether I'm being serious? Of
17 course I was. If an HVO member is not killed in Livno according to the
18 plans I put to you, Split will fall. The conqueror had clearly
19 prescribed the borders they wanted to reach. In any military textbook --

20 Q. All right, General --

21 A. -- you can find that a single enemy is fought in a unified
22 manner. You want to divide the states and then first to see
23 Bosnia-Herzegovina fall with its arms embargo and then Croatia --

24 Q. Mr. Praljak --

25 MR. STRINGER: I think it's pretty clear what's happening here.

1 I have to wait for the interpretation to come and he's clearly taking

2 advantage of that just to continue to rattle on in order to burn my time,
3 and I'm going to ask to get some time back from these last 20 minutes.

4 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we shall finish
5 for today. Try and be accurate when you answer the questions in the
6 future because you answer part of the question and then you add something
7 else, and the Prosecutor says that this is affecting the time he has.
8 Wait for the end of the interpretation, because Mr. Stringer needs to
9 follow your answer, but do not provide too many lengthy answers. I
10 believe that Mr. Stringer will address this topic again next week. Isn't
11 that the case? You're going to be looking at this document again.

12 We shall meet again next Monday at a quarter past 2.00. I wish
13 everyone a pleasant afternoon. We have been told that there would be a
14 heavy storm this afternoon.

15 Mr. Praljak, you've raised your hand. What do you wish to say?
16 We have no more time left.

17 THE WITNESS: [Interpretation] Partiality leads to untruths.
18 Thank you.

19 JUDGE ANTONETTI: [Interpretation] We shall reflect on this in the
20 next few days. Thank you for this profound statement.

21 --- Whereupon the hearing adjourned at 1.41 p.m.,
22 to be reconvened on Monday, the 24th day of August,
23 2009, at 2.15 p.m.

24

25