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1 Monday, 24 August 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 2.16 p.m.

7 JUDGE ANTONETTI: [Interpretation] Call the case, please,

8 Mr. Registrar.

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

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

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

14 Today, Monday, the 24th of August, 2009, I would like to greet
15 Mr. Praljak, Mr. Pusic, who has returned, Mr. Petkovic, Mr. Stojic, and
16 Mr. Prlic. I would like to greet the Defence counsel and Mr. Stringer,
17 who is currently conducting his cross-examination. And I wouldn't like
18 to forget to greet everyone else assisting us.

19 Mr. Stringer, I give you the floor.

20 WITNESS: SLOBODAN PRALJAK [Resumed]

21 [The witness answered through interpreter]

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

23 Good afternoon, Your Honours, Counsel, everyone else in and
24 around the courtroom.

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

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1 Q. General, good afternoon.

2 A. Good afternoon, Mr. Stringer.

3 Q. General, when we left off last week on Thursday, we were looking
4 at P04142.

5 And I see that you don't have the binder there with you, and I
6 would be grateful if the -- it's list 5. It's the -- yeah, I believe
7 we're now into the second binder, General, the smaller one. This was
8 P04142.

9 A. Perhaps it's in the second large one. I can't find it here.

10 MS. PINTER: [Interpretation] It's in the larger binder, the last
11 document.

12 MR. STRINGER: It might be the last document in the first binder.
13 The number again is 4142. Okay, I see that you have the document now,
14 General.

15 Q. And just to recap, this is a training programme for HVO
16 conscripts that was issued shortly after you took command of the HVO
17 Main Staff; is that correct?

18 A. Correct.

19 Q. And last week, when we were talking about this, we were talking
20 about the section on homeland education, and I was asking you about the

21 various topics that fell within the training on homeland education, and
22 so I'd just like to continue with that now.

23 Do you have -- let me give you a page reference that you can go
24 to, General. In your version, if you would turn to the page that ends
25 with the number 0839, which is page 14 of the English version. Do you

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1 have that?

2 A. Yes.

3 Q. And we talked about some of these parts already, so that I'm
4 going to skip over them so that we don't repeat. So I'm going to
5 continue -- if you actually continue looking down, then, you have various
6 topics which are identified. I'm looking at page 16 of the English.
7 There's topic number 1 and then topic number 2, relating to Greater
8 Serbian claims to Croatian lands. And then topic number 3 has to do with
9 the history of Croatian people and Croatian lands. This is now on
10 page 17 of the English.

11 So, General, just to get back to where we were, I'm looking at
12 topic 3, and since this is a training programme for the HVO, which is
13 very actively involved in military activities throughout the territory of
14 the HZ-HB at this period of time, late summer of 1993, what we see here
15 are many references to Croatian people, Croatian culture, Croatian
16 history in these areas, and no reference at all to any of the other
17 peoples who were inhabiting the areas of the Croatian Community of
18 Herceg-Bosna; isn't that true? No reference to Muslims, for example, or

19 even the Serbs?

20 A. Well, I wouldn't agree with that, Mr. Stringer. Under item 1,
21 there's an introduction to the history, the background of towns and
22 regions. Under 2, Greater Serbian claims to Croatian lands, and then
23 details are given about the books that deal with the subject. Then,
24 naturally, there's the -- there are more subjects about the Croatian
25 people. There's more information about the Croatian people, because

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1 given the history as it is, you can't study the history of the Croats if
2 you don't include the history of the other peoples who lived in the same
3 area. When dealing with these subjects, subject 3, for example, it says
4 very explicitly "Yugoslavia."

5 Q. Very well. Let's turn the page or move to the next topic, topic
6 number 4, which is on page 18 of the English. Now, topic number 4 is
7 entitled "Role and Importance of Church in the Lives of Croatian People,"
8 and this aspect of the homeland training for HVO conscripts involves the
9 christening of the Croats, the acceptance of the Pope as the superior
10 moral and spiritual authority, struggle for the Croatian language,
11 Croatian martyrs and saints. I'm just moving down.

12 General, it seems quite clear, wouldn't you agree, that based on
13 this aspect of the training programme, your intent is that the HVO, your
14 HVO, is not a secular armed forces, but is, in fact, a religious armed
15 forces or has a strongly religious orientation which, of course, is
16 toward the Catholic Church?

17 A. That's completely wrong, Mr. Stringer. The topics here starts
18 with the christening of Croats who arrived in the area in the 8th and 9th
19 centuries. It has to do with accepting the authority of the Pope, and
20 that goes back to the 10th or 11th century, in the case of the Croats.
21 So this is history, such as it was, and in every Western European country
22 you can't study history if you do not at the same time study the religion
23 practiced in the church. The night of the St. Bartholomew can't be
24 interpreted if one isn't aware of the relationship with the Inugonauts
25 [phoen] and the Catholics and the Pope and so on and so forth. So here

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1 you have a reference to the Bogomils as well.

2 Q. There is a reference at the end of this to other religious
3 influences, and as you point out, you've identified the Bogomils as well
4 as the Islam and Orthodox religion, which were the religions of the
5 Muslims and the Serbs there, but in fact this is quite clearly a
6 programme which is intended to indoctrinate HVO soldiers in a way that
7 would suggest that they are Christian or Catholic fighters as members of
8 the HVO, isn't that true, with the other religions merely having an
9 influence on history, but no real -- certainly no orientation or
10 neutrality within the HVO in respect of religion?

11 A. That's not correct, sir. In Croatia, where the first mosque in
12 the Balkans was constructed at the time -- before the Second World War --
13 well, this is completely false. The 28 topics listed
14 here -- the 28 books listed here, well, we wanted to correct some

15 falsehood with regard to history, but there was --

16 Q. We'll get to the books in a moment. In terms of this training
17 programme, however, doesn't this indicate that an HVO conscript is being
18 trained or is somehow required or pressured to accept the Pope of the
19 Roman Catholic Church as the superior, moral, and spiritual authority?
20 That seems very clear on its face, doesn't it?

21 A. No, it's not clear on its face, not even when you go back to the
22 issue. It's about history, and you study history by studying historical
23 facts. What you have said isn't contained anywhere. This is not how
24 matters were understood. To accept the Pope as an authority, in the case
25 of the Catholic Church, goes back to the 10th century.

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1 Q. And my point, though, is that the HVO and the conscripts and
2 soldiers of the HVO were apparently supposed to accept the Pope as the
3 superior moral authority as well. Isn't that true? Weren't they trained
4 in this way?

5 A. It's not correct, sir. Croatia, from the very outset, was a
6 secular state. The HZ-HB is a secular organisation. It was part of
7 saving Bosnia and Herzegovina. But what you have said isn't referred to
8 anywhere. This is not how one proceeded.

9 Q. Very well. Now, I'm going to continue on, and on page 19 of the
10 English now there's a reference to Croatian and Herceg-Bosna as one
11 geo-strategic entity, and we spoke about that item last week. It was
12 raised initially by the President, and then I followed up, so I'm not

13 going to go back to that now. I think we covered it last week
14 sufficiently.

15 But we can, as you've suggested, General, just take a very brief
16 moment to look at the reading list or the suggested literature that
17 you've referred to, which is found on page 20. And I'm not going to go
18 through this list in any detail other than to again put to you, General,
19 that the message here is that the -- a Croat soldier -- or, excuse me, an
20 HVO soldier is a soldier who, in your HVO, is going to be a Croat soldier
21 who's going to have a solid grasp of Croat culture, history, and the role
22 of Croats in this region, and then it's essentially an HVO which excludes
23 other groups such as Muslims, other religions such as Islam. Isn't that
24 true? The HVO is to be an exclusively Croat-oriented military?

25 A. That's false, sir. Under item 5, reference is made to the war in

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1 Bosnia and Herzegovina and to the war in Croatia, so it refers to two
2 states. The current situation, on the Croatian and Bosnian-Herzegovinian
3 battle-fields. The HVO soldier was taught that these were two states,
4 and naturally there was a clear strategic link between those two wars.
5 So this is a subject I have discussed at length. And, sir,
6 Mr. Prosecutor, I quite simply don't understand where you draw such
7 conclusions from. I completely disagree with such conclusions because
8 they are erroneous.

9 Q. So you disagree with me, General, then, if I suggest to you that
10 your vision of the HVO, as set out in this training programme, is one

11 that excludes any possibility of a multi-ethnic armed forces? Isn't that
12 your vision of the HVO, as set out here, a mono-ethnic armed force, the
13 HVO?

14 A. No, sir. That was never the case for the HVO. The information
15 we have provided the Court with quite clearly demonstrate that the HVO
16 was the only real multi-ethnic military force in the territory of Bosnia
17 and Herzegovina.

18 Q. But not in the territory of the Croatian Community of
19 Herceg-Bosna; correct?

20 A. When I say the HVO, wherever the HVO was, well, it was
21 multi-ethnic from the very beginning to the end; naturally, a little less
22 so after the ABiH launched the attack it launched and betrayed the
23 course, but it didn't lose its multi-ethnic character. At the time,
24 wherever the HVO was in existence, it was open to the Muslims and to the
25 Serbs as well. There was such cases, indeed.

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1 Q. Well, we'll talk about this again later, General. But the fact
2 is that throughout the North-West Herzegovina Operative Zone and the
3 South-East Herzegovina Operative Zone, there were no Muslims in the HVO
4 as of this point in time, August of 1993, because they had all been
5 arrested and disarmed pursuant to orders issued by your predecessor,
6 General Petkovic; true?

7 A. There were much fewer Muslims in the HVO after the betrayal on
8 the 30th of June or earlier on when they were preparing for this, and

9 that's correct, but it's not cause. This was the HVO's intention; it was
10 because of the betrayal of the plan of the 30th of June. The Muslims and
11 the HVO -- not all of them, but many of them attacked the HVO from the
12 rear. They disarmed them and took over territory that they had, up until
13 that point in time, been defending jointly.

14 Q. Now, General, the next section in this training programme is
15 entitled "Serviceman in the HZ-HB Armed Forces."

16 JUDGE ANTONETTI: [Interpretation] Just a minute.

17 General Praljak, the Prosecutor has emphasised the issue of
18 religion, the influence that the Catholic Church exercised, and we can
19 see in the list, at page 18 in the English version, the role of someone
20 called Alojzije Stepinac. As you are well aware, he was a cardinal in
21 Zagreb, he was declared a martyr by the Pope, but in 1946 the Yugoslav
22 authorities convicted him for having collaborated with the Ustasha. This
23 is a well-known public fact. So having referred to him in a document
24 intended for use by soldiers who, a priori, have no particular
25 confession, even if most of them were Catholic, well, the fact that this

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1 was done, doesn't it mean that a signal is being given? Why is this
2 reference made to the cardinal?

3 THE WITNESS: [Interpretation] For his moral position,
4 Judge Antonetti. Naturally, I know about the work and the life of
5 Cardinal Alojzije Stepinac, I know a lot about that. His stance in the
6 course of the Second World War, his stance after the Second World War,

7 his stance at trial -- well, later he was poisoned in prison, and he died
8 as a result of this poisoning, but his guardian in prison, the guardian
9 of all those prisons at the time the cardinal was there, well, it was
10 Mr. Manolic, who has testified here. So he was
11 beatified. And because of his moral position expressed in court in
12 relation to all other counts, and he stated that his conscience was
13 clear, and I'll repeat this before this Court, although naturally I can't
14 compare myself with the cardinal, well, because of this position this is
15 the reason for which we -- or, rather, I wanted to make a reference to
16 this moral position. And under item 7, it says you have to be dedicated
17 to order, you have to have a moral position, you have to opt for freedom,
18 peace, and democracy for the future, and so on and so forth. This is a
19 text that I stand by fully. There was absolutely nothing that would be
20 tantamount to religious indoctrination here.

21 As you can see from the list of literature, most of the authors
22 are professors who published books of various political kinds. Dusan
23 Bilandzic, for example, is included, who was a Communist. Bilandzic's
24 book couldn't be a book referred to in the HVO as he was a Communist
25 ideologue, and if there had been indoctrination in the HVO, we couldn't

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1 have referred to that book.

2 I won't go into other details now.

3 JUDGE ANTONETTI: [Interpretation] Very well. If I have
4 understood you correctly, in your opinion he represented moral authority.

5 The Prosecution pointed this out to you, but he didn't insist on the
6 fact.

7 We can also see that you referred to the role of other religions;
8 the Bogomils, Islam, the Orthodox religion. To your knowledge, who
9 instructed the soldiers with regard to the existence of these other
10 religions? Did you have any imams visiting? Did you have any Orthodox
11 priests to instruct them, to provide them with explanations? Who
12 provided them with lessons with regard to these other religions?

13 THE WITNESS: [Interpretation] Professors of history instructed
14 them about everything. There were no professors from churches, not from
15 a single church. The people who instructed them were all laymen. They
16 had an academic background. They were professors of history, and they
17 addressed these issues, they instructed them. But, Your Honours, when a
18 subject is discussed, and this is the case in all countries -- when you
19 discuss French history, well, then it has to do with the history of the
20 relationship with the Germans and the Spanish, and so on and so forth.

21 It's not necessary to say, We're going to study French history and
22 Spanish history. You study about French history and then you also study
23 about the relationships that France had with other countries, naturally.
24 And the Catholic Church, or the church in general up until the creation
25 of modern states, played one of the most important roles in the history

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1 of all states. This is something that one can't avoid. It's not a
2 matter of indoctrination. This was particularly the case in peoples who

3 were not independent. Sometimes this was the only stronghold for
4 preserving culture and language of a certain people in a certain
5 territory. So this is what was studied. There were priests -- no
6 priests of any kind who provided instruction at the seminars that we
7 organised or at military academies.

8 JUDGE ANTONETTI: [Interpretation] Thank you, very well.

9 Mr. Stringer.

10 JUDGE TRECHSEL: If I may just go one step further.

11 You have said that the Church, the Church, in general played one
12 of the most important roles in the history of all states. I would like
13 you to explain to the Chamber what importance they played for the
14 Bosnians and for the Serbs. What you say is convincing for the Croats,
15 but how about the Bosnians and Serbs?

16 THE WITNESS: [Interpretation] The situation was the same,
17 Judge Trechsel. However we look at the situation, Ottoman's conquest
18 that extended to the west up until -- as far as Vienna, well, the
19 Muslims, as a religion, came into existence as a result of this conquest,
20 they were converted, and this went on for centuries. The last cases were
21 in the 19th century. I can provide you with evidence of this. So
22 conversions in Mostar and Dreznica, according to our sources, took place
23 in the 19th century. After the famous Battle of Kosovo, when the Turks
24 defeated the Serbs, many Serbs moved out of that area and moved to
25 Hungary. This was under the Carnojevici. They moved as far as Hungarian

1 territory. They moved in the direction of the west, people sort of
2 fleeing more and more towards the west for three centuries. There was
3 constant movement of --

4 JUDGE TRECHSEL: I'm trying to stop you because you're going in a
5 direction which I do not find is answering my question.

6 Is it your point that what you have told us now, the conversion
7 to Islam and what happened to the Serbs, that this is the work mainly of
8 the Catholic Church, which you say has a paramount importance in history
9 of all states?

10 THE WITNESS: [Interpretation] With all due respect,
11 Judge Trechsel, I can't explain four centuries of history in three
12 sentences, no matter what I do. The conversion was carried out by the
13 Osmanlijas, not the Turks, the Osmanlijas, and this was done by taking
14 the children to the "janjicari."

15 JUDGE TRECHSEL: I'm sorry, you're not answering my question, and
16 I take that as a fact.

17 And please, Mr. Stringer, continue.

18 THE WITNESS: [Interpretation] I apologise, but I don't know what
19 your question is. The Catholic Church didn't convert them. The
20 Osmanlijas did, whether it concerned the Orthodox or the Catholic people,
21 and this is how the Muslims came into existence in Bosnia-Herzegovina,
22 through conversion. So the people who came from Istanbul carried out
23 administrative functions. When this empire fell, they returned.

24 JUDGE TRECHSEL: This does not in any way contribute to the tasks
25 of the Chamber.

1 Please, Mr. Stringer.

2 MR. STRINGER: Thank you, Your Honour.

3 Q. General, I actually want to come back to something you said in
4 response to one of the questions from Judge Antonetti.

5 In terms of the role of the church, you said sometimes this was
6 the only stronghold for preserving culture and language of a certain
7 people in a certain territory, so this is what was studied. This the top
8 of page 11 of today's transcript. So, General, my question is: You've
9 talked about the role that the church played, the Catholic Church, in
10 preserving culture and language. I'm assuming your reference is to the
11 Croatian people. Your view of the HVO, and I'm putting it to you it's
12 quite evident from these texts we've been going over, is that the HVO
13 was -- also intended to play a role -- the same role that the armed
14 forces had to play a role in preserving Croatian culture and language in
15 these Croatian territories and lands that are referred to in your
16 training programme; is that true?

17 A. We are not a tribe down there for the HVO to protect the Croatian
18 language. I even consider your question slightly insulting, but I have
19 to answer the question because I have to do that.

20 We are a people that have its own language. I'm talking about
21 history, a difficult history, a centuries-old history, and we have to
22 discuss it within a time-limit of three or four minutes, questions that
23 it is very difficult to explain in such a short period of time. The HVO

24 and the Croats had their own language, and it was called "Croatian."

25 Q. Well, let me rephrase the question, and I know this is a delicate

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1 or it can be a delicate subject. We've talked a great deal, not just you
2 but others as well, about the changing demographics, the reduction in the
3 percentage of Croatian people living throughout various parts of
4 Bosnia-Herzegovina. You've also told us about your objective, the
5 objective to establish an autonomous Croatian area in an area where Croat
6 people would have the majority. So with those two factors in mind,
7 General, can we agree that your HVO -- your vision of the HVO was that it
8 would be an armed force intended to protect and to solidify this Croatian
9 autonomous area you talk about as a means of preserving Croatian language
10 and culture in the territories falling within the HZ-HB?

11 A. The political option changed from the Cutileiro plan onwards, and
12 it was mostly proposed by the international community, in discussions
13 that I need not refer to because we've discussed them at length already.
14 I do not see what we were -- intended to defend when it's something that
15 we own. We possess this. As a people, we belong to a certain
16 civilisational circle, we speak a language, and the Croats call their
17 language "Croatian," like any other nation. So I simply don't know what
18 to say, except that I disagree with your theses because they're
19 incorrect. I don't know what I could say in answer to your question,
20 because the questions are put in such a way as if it was a crime to
21 belong to a certain nation, to fight for the freedom of a certain state,

22 and all the peoples who lived in these parts where the Croats formed a
23 defensive force for themselves and others in the absence of any other
24 possibility, be it international or the authority in Sarajevo, which
25 began to develop other options and, of course, the Serb policies.

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1 So in view of such a situation, the HVO did the only possible
2 thing that was right to do. It fought against aggression, it preserved
3 Bosnia and Herzegovina --

4 Q. Sorry, General. I'm going to move on briefly to the next section
5 of this, this "Serviceman in the HZ-HB" section. This is the bottom of
6 page 22 of the English. And, General, if you would turn -- actually, I'm
7 going to skip across to pages 23 and 24, which in your version, General,
8 is the ERN stamped -- ending with 0843.

9 JUDGE ANTONETTI: [Interpretation] You're talking about the
10 religious issue, because together with my colleagues, we're endeavouring
11 to understand the importance of religion.

12 As you know, as your lawyers must have told you, that when the
13 Chamber went to the hill of Hum, where we see the large cross above
14 Mostar, and we were there with your counsel, the counsel who are here
15 present, and from this position we looked at Mostar. Being there on the
16 spot, I want to ask you: What could have been the impact of this cross
17 on the mentality of the Muslims of Mostar, who saw clearly this cross?
18 How could you explain to us the balance that might have existed between
19 the various confessions and particularly through a document such as this

20 one that you signed? How could one achieve an equilibrium among all
21 those religions? And, briefly, this document, does it go in the
22 direction of such an equilibrium?

23 THE WITNESS: [Interpretation] The cross on the Hum hill was built
24 after the war, Your Honour, just as many religious facilities were
25 destroyed during the war. As far as I know, there are thousands of

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1 facilities of the Croatian Church that have been either destroyed or
2 seriously damaged during the war. I have provided the documents to
3 support this, and this can all be verified. I do not see any reason why
4 a cross would bother anyone, just as at least 20 new mosques that have
5 been built in Mostar should bother anyone. I think after the war, there
6 were 20 new mosques built in Mostar. In Bosnia-Herzegovina, there are
7 hundreds, of course, with the generous assistance of Saudi Arabia, Kuwait
8 and others, and this is reported on in the media. But if now we were to
9 discuss this, an Orthodox Church is being built in Mostar on a hill
10 facing Hum. If we were to start counting in this way, I don't think it
11 would lead us anywhere. There are three confessions there. Each of them
12 have their own temples. And to discuss whether the construction of a
13 cross would bother the Muslims or the construction of a mosque bother the
14 Christians, then there would be nothing left of Bosnia and Herzegovina.

15 As for the topics discussed here, and I repeat, they are
16 absolutely free of any indoctrination. This is a purely historical
17 review of things by lay professors, written in books. There's nothing

18 bad in them. And, I repeat once again, I would sign this once again
19 today, in fact, with pride because it is all absolutely clean, with
20 emphasis on morality, honesty, ethical positions, and so on.

21 JUDGE ANTONETTI: [Interpretation] Mr. Prosecutor, you have the
22 floor.

23 MR. STRINGER:

24 Q. General, we don't need to go back to the document, but I'm going
25 to recall P01788. That was the document that we looked at earlier that

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1 you -- that had the minutes of the briefing in Central Bosnia, the
2 handwritten minutes, that you and Mr. Coric and others were present at.
3 In that document, you said - and I'm obviously paraphrasing because I
4 don't have it in front of me - what you said was something like this:
5 This is how it's going to be. We're going to fence off what is ours, and
6 people that don't like it can leave. And we're seeing that same
7 mentality in this document when you're talking about your vision of the
8 HVO, General. The fact is that you had no interest in achieving any sort
9 of equilibrium, as President Antonetti has raised the word. There's no
10 equilibrium here in this training document. There's no intention of
11 trying to accommodate the fact that different cultures, different
12 religions and ethnic groups could perhaps wish to participate in the
13 defence of these Croatian Community areas; isn't that true? The whole
14 intention behind the HVO, your vision, is to not have equilibrium and to
15 have only one orientation toward the Croat Catholic; isn't that true?

16 A. Mr. Stringer, it is not true. You've been asking me for five
17 times now. Will you show me where this is stated? That is not correct.
18 You cannot tell the American Army, in the Second World War, that, Let us
19 study the greatness of Beethoven, Mozart and so on. What they study is
20 the American history, and the enemy is described with very derogatory
21 terms. You don't want me to quote those terms. We are an absolutely
22 civilised army, as far as that is concerned. You should have read, in
23 France -- or Hemingway's reports or thoughts about the Germans after the
24 Second World War. What are we talking about? This is a war. There's no
25 propaganda here. This is an absolutely civilised text, compared to other

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1 nations in a similar situation.

2 And what you said that I said, no, it is somebody who wrote down
3 that I said this, and he is hardly literate, and certainly he cannot
4 convey my thoughts which have a certain subtlety which it is impossible
5 to convey even now, never mind then. That is not what I said.

6 Q. Well, I put the Prosecution case to you on this document, and I
7 don't think that there's much point in us discussing that part of it
8 anymore. What I want to do is to quickly move to the next section --

9 A. No, there isn't.

10 Q. -- which on -- beginning on the bottom of page 23 and then
11 continuing the top of page 24 of the English is the curriculum on the
12 serviceman in the HVO, and, General, this would appear to be basic
13 training of soldiers on various ways to conduct themselves as soldiers.

14 We see topics on basic rights and duties of HVO soldiers; order and
15 internal service; relations within the HVO Army; military discipline.
16 And it moves down. Criminal acts against the armed forces. And we can
17 look at some of these topics, General, but I'm going to put it to you
18 that: Would you agree with me that, at least in this section, there's no
19 reference -- there's no separate training in respect of the laws of armed
20 conflict; isn't that true? And, in fact, I'm going to put it to you that
21 the whole training programme does not address the issue of international
22 humanitarian law.

23 A. That is not correct. Among the duties of members of the HVO and
24 the moral responsibility of the members of the HVO, therefore, item 1, 6,
25 7, criminal offences against the armed forces, not against the armed

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1 forces of the HVO, but against any armed forces. In each of these
2 sections and at special seminars, each serviceman was instructed on the
3 basics of international humanitarian law.

4 Q. The fact is that nothing in this training manual explicitly
5 relates to training in the law of war. There are references here to any
6 number of things, such as criminal acts against the armed forces, which
7 could just as equally include something like refusal to mobilise or
8 misconduct by taking your gun into town when you're not allowed to. So,
9 again, there's nothing overtly in this document about training in the law
10 of war; isn't that correct?

11 A. It is not correct. The basic rights and duties of HVO members

12 refer to what you have just said; that is, carrying weapons, et cetera.
13 Whereas, criminal acts against armed forces doesn't mean going around
14 town armed. It is something quite different. And the fact that this is
15 explicitly not mentioned, there are broader issues. Moral responsibility
16 is broader than criminal responsibility under international law of war.

17 Q. So are you telling us, General, that training that your
18 conscripts received in terms of the law of war was more broad, and that
19 it was not specifically targeting the various issues related to armed
20 conflict or the Law of Armed Conflict? I mean, you talk about morality,
21 which I suppose could include not burning down civilians' homes when
22 they're not legitimate military targets, but I don't see anything
23 explicitly in here about these sorts of specific humanitarian law issues.
24 You just tell them to be moral, and does that cover it?

25 A. Let me repeat, sir, that within the framework of these issues

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1 there were discussions also about the law of war; not either/or, but
2 including it. A smaller group is included within a broader group of
3 issues.

4 Q. Very well.

5 A. And if it is not specifically stated in the way you believe it
6 should be stated, you reach the conclusion that it was not mentioned, and
7 this simply is not right.

8 Q. Okay, General.

9 A. And earlier on, this is -- this is mentioned.

10 Q. Well, I'm looking now at page 28 of the English, which is the
11 next topic you'll find in your programme, which is on the trainee. I'm
12 on page 0845 of your version, "Trainee." And on page 28, there's a box
13 that contains all those relevant topics, and again these are basic
14 training issues for new soldiers, and we would not appear to be finding
15 any training in this section on the Law of Armed Conflict. Would you
16 agree?

17 A. Sir, this is quite a separate section, how a unit operates. And
18 when you're teaching someone how to salute and what position he should
19 take in the line-up, or how to dig trenches, you can't, in such a
20 section, discuss those other topics, because these are separate issues.

21 Q. Very well. I accept that. I'm just trying to clarify where, in
22 this programme, international humanitarian law would or would not have
23 been addressed. I mean, it's clear that new soldiers have to be taught a
24 lot of other things as well. Now, we have another section here on
25 infantry weapons and target practice, and again this is page 30-31 of the

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1 English. These are clearly legitimate areas -- necessary areas for
2 training, General, but would you agree that international humanitarian
3 law would not have been dealt with in this section either?

4 A. Of course not. If someone is being taught how to shoot, and
5 while he's undergoing training in those days, and in that situation
6 humanitarian war is not discussed. You can talk about it before that or
7 after that, in a conference hall, or wherever such a topic is being

8 discussed. I don't understand your question.

9 Q. Well, then let's turn now to page 38 of the English, page 0850 of
10 the original language version, General. And here we've got a listing of
11 training sessions on what's called tactical training, and all the topics
12 are laid out there; 29 topics, actually. And we could look at all of
13 these, but I'm not going to do that. One that caught my attention, I
14 thought that might have some relevance for us, is item number 22, "Combat
15 in Settled Areas," because clearly combat in settled areas would raise
16 issues linked to humanitarian international law. So let's take a look at
17 that one, which is on page 58 of the English, and this is page 0858 of
18 your text, General, topic number 22, "Combat in Settled Areas."

19 And, again, it's training on marching into settled areas,
20 characteristics of combat in settled areas, moving up to buildings,
21 position inside buildings, et cetera. So there's no reference to
22 civilians in here, General, and there's no reference to measures that are
23 required under international law to be taken when you have civilians
24 present in areas where combat is or might be taking place. Isn't that
25 true, no reference to international humanitarian law here?

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1 A. It is not correct. This is teaching a soldier how to take
2 control of a building from which the fire is coming. This is a tactical
3 part of training. It is identical to an American army. When there's
4 tactical training, then there's no mention about moral dilemmas in an
5 inhabited area. Nowhere has it been settled well, even in the doctrine

6 of the American Army, because everything is very vague. It is important
7 to capture the building from which fire is coming without hurting
8 civilians, and yet we see collateral damage with an unbelievable number
9 of civilian casualties, and I believe everyone in this courtroom is aware
10 of that as well as I am.

11 Q. Well, of course we're aware of that, General, and we're aware
12 that these are legitimate training issues. My point is that the very
13 complex issues related to international humanitarian law, when you're
14 fighting in settled areas, do not appear -- can we agree that they are
15 not dealt with in this particular part of the programme?

16 A. No, we cannot agree, because this is a tactical section and in
17 another area, at a different time, the same people would study about the
18 things you're referring to, behaviour on the ground. And I've told you a
19 dozen times, as far as the HVO in Mostar was concerned while I was there,
20 regarding the legitimacy of its objectives, it behaved in an absolutely
21 civilised manner, far above the standard set by international
22 humanitarian law in that respect, and in the positive sense.

23 Q. Well, I think I got my answer, then, is what you've just
24 indicated to us is that training on the international humanitarian law
25 aspects took place in another area at a different time. Are you telling

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1 us that there was separate training on that that you're referring to that
2 is not contained in this training programme we're looking at now?

3 A. They are contained in this part of the training, I have mentioned

4 that, but not at the time when soldiers are undergoing tactical training,
5 when they're being taught how to fire, how to cover another soldier.
6 This is tactical training that every soldier is exposed to, and while
7 he's doing that, it's only tactical training. And while I was there, you
8 saw the proposal of the Red Cross when the war was at its peak. We
9 conducted additional seminars about these things contained in
10 international humanitarian law and the Law of War.

11 Q. You recall, General, Andrew Pringle, who came and testified as an
12 expert witness in this trial?

13 A. Yes, I do, Mr. Stringer.

14 Q. The next exhibit is P09549, which must be the first exhibit in
15 the next binder. And, General, I'd like to direct you to paragraph 47 of
16 General Pringle's report, which in your version, the Croatian version, is
17 page 20; page 13 of the original English. And this is what
18 General Pringle says in paragraph 47. I don't think the first part of it
19 is very controversial. He says:

20 "Soldiers, and especially if conflict is imminent or under way,
21 should therefore be trained in how to treat civilians and prisoners of
22 war, and their obligations under the Laws of Armed Conflict. This was
23 indeed recognised in the HVO as can be seen from the training programme
24 for soldiers. Training requirements included 'soldier as prisoner of
25 war,' 'attitude towards prisoner of war, searching prisoners,' 'capturing

1 enemy soldiers/officers, treatment of prisoners,' 'capturing and

2 imprisoning the enemy.' Whilst compliance with the Geneva Conventions
3 and International Laws of War was mandated at the highest levels of the
4 HZ-HB," and we know he's referring here now in the footnote to the Decree
5 on Armed Forces, General Pringle says:

6 "I have noticed no reference in the documents I have been given
7 by the Office of the Prosecutor that refer to the requirement to train
8 soldiers in their legal obligations and responsibilities under the
9 International Laws of War."

10 He says -- he continues by saying:

11 "The 1988 JNA Regulations on this subject are thorough and
12 comprehensive and could have provided the proper basis for such
13 training."

14 Now, General, we see just in the previous footnote, 4142, one of
15 the documents that he had at hand when he wrote his report is this very
16 training programme that we've just been going over, and General Pringle,
17 after reviewing it, concluded that he didn't see requirements to train
18 soldiers in their legal obligations and responsibilities under the
19 International Laws of War. So would you agree with me, General, that, in
20 fact, if there were such requirements for training, they are to be found
21 elsewhere? If anywhere at all, they're not contained in your programme
22 that we've been going over?

23 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

24 MS. PINTER: [Interpretation] Your Honours, I have to react to
25 this question put by Mr. Stringer because the document that we have just

1 been looking at, which Mr. Stringer didn't show to General Praljak -- or,
2 rather, the item, item 21, wasn't shown to General Praljak, where it
3 refers to treating prisoners. It concerns searching the terrain and
4 fighting in forests, how to deal with those arrested, wounded, and
5 killed. So if the general is being shown the report drafted by the
6 Expert Witness Pringle, and if such question is being put, then it would
7 be fair to show the general item 21, which states that they were trained
8 about how to deal with prisoners, those arrested, and those who were
9 wounded.

10 MS. ALABURIC: [Interpretation] Your Honours, I would just like to
11 add that in item 24 of the document that we have been analysing,
12 reference is made to capturing enemy officers, and further on in the
13 document this subject is dealt with. So the Petkovic Defence would like
14 to make this objection too.

15 JUDGE ANTONETTI: [Interpretation] Very well.

16 THE WITNESS: [No interpretation]

17 JUDGE ANTONETTI: [Interpretation] Just a minute. Let me
18 Mr. Stringer respond to the objections.

19 Mr. Stringer, it would appear that according to Defence counsel,
20 the document does explicitly refer to the way in which prisoners should
21 be treated.

22 MR. STRINGER: I can respond, Mr. President.

23 I noticed that one of the accused was indicating he wanted to say
24 something, and I don't know whether General Petkovic wants to speak or

25 not.

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1 THE INTERPRETER: Microphone, please. The interpreter cannot
2 hear General Petkovic. The interpreter still cannot hear
3 General Petkovic.

4 THE ACCUSED PETKOVIC: [Interpretation] Your Honours, I believe
5 that General Praljak forgot about how some soldiers were trained. The
6 title of the document is "Basic Training." Ask General Praljak whether
7 this is followed by specialist training and more time is spent on this
8 training, and then finally is common training provided? We have three
9 forms of training. We just have the first, initial document.

10 THE WITNESS: [Interpretation] No one asks me about this. How am
11 I to answer if a question isn't put to me?

12 JUDGE ANTONETTI: [Interpretation] General Praljak,
13 General Petkovic has said, and I must say that I hadn't realised this,
14 that in fact this document amounts to basic training, which does not
15 exclude the possibility of there being more specialised forms of training
16 in certain domains. So were there other forms of training, and in fact
17 this document is only a narrow part of the training provided because
18 there are other forms of training provided?

19 THE WITNESS: [Interpretation] Yes, it's a restricted part, but
20 not narrow. It's part of the training provided. There are two other
21 forms of training provided. You've heard about that. Your Honours,
22 General Pringle examined the documents provided to him by the

23 Prosecution. I brought some documents here that had to do with the
24 continuous, incessant training with regard to the Law of War. The books
25 on the Law of War are very big. There were parts that dealt with

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1 maritime war, positions of countries, and so on, so we couldn't deal with
2 everything. We dealt with the parts that might have to do with the
3 situations the HVO soldiers would be confronted with; for example, how to
4 treat arrested people, wounded individuals, how to behave in the course
5 of combat, what soldiers' duties were. So there are many books --
6 thousands of books that were distributed to everyone who was trained at
7 the end of that training, and even if someone didn't go and have
8 training, they were provided with such books. This was a daily theme
9 that was dealt with whenever we had half an hour to spare. So we would
10 extract certain sections and then we would say, If such and such a case,
11 well, then, such and such is the case.

12 No, Your Honour, there were various forms of training. There was
13 basic training, specialist training, the final training that was
14 provided.

15 JUDGE ANTONETTI: [Interpretation] According to General Petkovic,
16 there were other forms of training that were provided, and there are
17 certain subjects, topics, that you don't see in the document,
18 International Humanitarian Law, that might have been referred to in the
19 course of other forms of training provided?

20 THE WITNESS: [Interpretation] Yes, International Humanitarian Law

21 is dealt with in this document too.

22 JUDGE ANTONETTI: [Interpretation] Very well. So everyone has
23 understood the matter.

24 Yes, Counsel.

25 MS. TOMASEGOVIC TOMIC: [Interpretation] I apologise. I rose

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1 earlier on.

2 I believe that the basic problem is the result of the following:

3 I was having a look at the English version that refers to paragraph 47.

4 This concerns the Pringle report, and I can see that the English version
5 is identical to the Croatian version, but in the English version I can
6 see a certain sentence after the one that the Prosecution read out.

7 That's the first sentence in which the following is stated:

8 "Soldiers, especially when faced with an imminent conflict, have
9 to be trained with regard to how to treat civilians and prisoners of war,
10 and they have to be informed of their duties in accordance with the Laws
11 and Customs of War."

12 In the following sentence, the expert, Pringle, says the HVO
13 really recognised this fact, as can be seen from the training programme
14 for soldiers. Reference is made to footnote 34 then, which contains
15 Exhibit 04142, and this is the training programme that we were examining
16 before this document, and then it continues. Training requirements
17 included: soldier as prisoner of war; attitude towards prisoners of war;
18 searching prisoners; capturing enemy soldiers/officers; treatment of

19 prisoners. And then what follows is not important at this point in time.

20 I would just like to say that what I have just read out, what
21 Mr. Pringle says in item 47, is contradictory, because if he first talks
22 about this and then refers to footnote 34 and says that he found a
23 reference to the Geneva Conventions, and it says he didn't have this at
24 his disposal, well, if that is the case I think there's a problem with
25 this report and not with General Praljak at this point in time.

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1 Thank you.

2 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

4 The text says what it says. I read it differently. We can -- we
5 can read the Pringle report and his conclusion that after referring to
6 the documents, that he doesn't find a reference in the documents to the
7 requirement to train soldiers in their legal obligations and
8 responsibilities. And if you look at General Praljak's training
9 programme, Mr. President, and I was just getting ready to put this to
10 him, he's talked about tactical training and what to do in tactical
11 situations where there's no real emphasis on Humanitarian International
12 Law, but in fact were we do not have in this entire document is any
13 specific, independent reference to training in International Humanitarian
14 Law. It's simply a side issue or it's part of some tactical training
15 which, Oh, by the way, if you're fighting in combat areas, this is how to
16 move around inside the buildings. So we all have the documents, and we

17 can draw our own conclusions from them, Mr. President, but that's --

18 that's simply the Prosecution case that's being put here.

19 The general said there was other training as well, and the Trial
20 Chamber may be -- may accept that testimony or it may consider that in
21 light of other evidence, but our view is simply that, as I put it to the
22 general, there is not a sufficient -- indeed, there's only, at best,
23 oblique reference to it in this document.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 General Praljak, the Judges will arrive at their own conclusions,

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1 but an additional point.

2 In 1992-1993, we know that the international community was
3 present in the field, we've seen this in numerous documents, so that all
4 these conflicts were unfolding before the eyes of foreigners. And given
5 such a situation, the command structure that you represented, as of the
6 27th of July, 1993, shouldn't the Command explain to the soldiers that it
7 was necessary to pay attention because collateral damage, a mistake,
8 et cetera, could be amplified by the international community, and that's
9 why it was necessary to respect international conventions and to be
10 particularly cautious when it comes to the Law of War? So were such
11 things said to your soldiers? Because it is true that Mr. Pringle's
12 report states that he hadn't seen a document that we've examined, any
13 references made to the subject, but it's not categorically stated because
14 he referred to the JNA document of 1988 with regard to that subject.

15 So it's understood that all this must have been explained to the
16 soldiers. I don't know anything. I'm not an HVO soldier, so I can't
17 say. But I'm wondering whether you, yourself, and your officers, the
18 officers who surrounded you, I'm wondering whether you and your officers
19 told the soldiers to be careful, because there was the Spanish Battalion,
20 the British Battalion, there was the European Mission, the international
21 press was present as well, and all this would be carefully scrutinised,
22 so did you and your officers intervene, regardless of the document that
23 is incomplete, to tell them that they should be careful, and to say that
24 there are certain texts, laws, rules of conduct, and if any mistakes are
25 made, the consequences could be quite negative for the HVO? Is this

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1 something that they were told by you?

2 THE WITNESS: [Interpretation] No, not in that way. I never told
3 them, Don't commit mistakes because the Spanish or French Battalion are
4 there. I wasn't interested in that. I told them about honour, honesty,
5 moral responsibility, the Law of War, because as individuals these are
6 things that they should not have done, and not because a journalist was
7 present who might draft a report on the subject. That wasn't our
8 position. Anyone could have been there or no one. That wasn't my moral
9 basis for what I instructed them in. I have provided you with documents
10 from the Croatian Army, documents in which I draft and explain laws, and
11 I say, You won't be granted an amnesty because you are Croatian soldiers,
12 you'll be punished even more severely because of that. I told them how

13 severe the punishment would be, and for what. And I said it wasn't
14 because the Americans were there. I wasn't interested in that. I said
15 they would be punished because they were men, they were soldiers, and
16 these were things that should not be done. And that was done
17 systematically, in continual ways, and I did this on a daily basis.

18 And when we discuss these documents about honesty and so on and
19 so forth, well, this goes beyond what International Law prescribes. So
20 to tell them what the Law of War in maritime cases [indiscernible],
21 that's absurd. We dealt with what they might be confronted with. We
22 didn't have to instruct them about how to conduct themselves if a dam was
23 broken, or we didn't tell them whether a certain commander could take a
24 decision if it was a decision that could be taken internationally but not
25 nationally. We didn't have time for that. But we instructed them with

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1 regard to what was necessary. They knew everything, not because the
2 French were present but because this is how they had to fight.

3 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

5 Q. General, if I could ask you to turn to page 15 of your version of
6 the Pringle report. I'm going to direct you to some of his text
7 contained in paragraphs 38 and 39.

8 Here, General Pringle is talking about command climate, and in
9 paragraph 38 he says:

10 "A commander, by force of his personality, leadership, command

11 style, and general behaviour, has a considerable influence on the morale,
12 sense of direction, and performance of his staff and subordinate
13 commanders. Any commander of any nationality will influence his staff
14 and subordinate commanders for good or evil. Command climate is as
15 relevant to senior commanders as it is to more junior commanders.
16 Plainly, the more senior the commander, the wider the influence of his
17 personal command climate. Senior commanders set the tone for their
18 commands. Command climate is a subject often discussed in military
19 doctrinal manuals in order to encourage commanders to reflect on the
20 implications of getting the command climate right."

21 And then he continues in the next paragraph to -- he cites some
22 of the text from your own report -- excuse me, your own programme, P04142
23 that we've been talking about today, where he quotes -- and this is
24 actually from page 69 of the English version of your report, General,
25 page 0864 of the Croatian version, the original version, where your --

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1 your training programme says:

2 "A good and capable commander is characterised by knowledge, both
3 tactical and technical, and an ability for exemplary command. The
4 commander, the way he communicates with men, his appearance, and conduct
5 influence the creation of the image in the minds of the unit's members
6 that he is a reliable and capable commander."

7 Now, General, I want to use that to talk about your conduct, the
8 command climate that you set in your dealings and your communications

9 with your subordinates. If you would turn first, please, to
10 Exhibit P01162. Now, this is from the 16th of January, 1993, General,
11 and we're going to talk about Gornji Vakuf in more detail probably later
12 this week. This is a report of Colonel Siljeg, commander of the
13 North-West Herzegovina Operative Zone, sending this report to the
14 Main Staff and also to the South-East Herzegovina Operative Zone. And as
15 we all know, at 2000 hours on the 16th of January, 1993, the situation in
16 Gornji Vakuf was quite tense.

17 General, if I recall from your testimony, you arrived in this
18 area -- it may not have been Gornji Vakuf itself, you may have been in
19 Prozor, but you arrived in this area, I believe, either on the evening of
20 the 15th or the 16th of January; is that correct?

21 A. I think it was in the evening between the 15th and 16th, or
22 perhaps the morning of the 16th of January in Prozor -- in Rama, yes.

23 Q. All right. So you were in Rama. And so that on the 16th of
24 January, at 2000 hours, at 8.00 in the evening, then, you were in Rama,
25 you were in Prozor?

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1 A. Yes, yes.

2 Q. And you were in communication with Colonel Siljeg?

3 A. Yes, I was in contact with him, partially.

4 Q. Was he also in Prozor, in Rama, or was he at a different
5 location?

6 A. I don't know, sir. Naturally, he was constantly travelling

7 between Rama, Uskoplje, Prozor, Gornji Vakuf. I mean, he attended
8 discussions up there with the ABiH, and this was mostly with the presence
9 of the English part of UNPROFOR.

10 Q. All right. Now, General, coming back to the previous text from
11 General Pringle's report and your own programme, in terms of command
12 climate, I think it's useful again for us to recall what your position
13 was, what your -- the various positions you held at the time that you
14 arrived in Prozor on the 16th of January, 1993. Now, General, at that
15 time it's correct, is it not, that you were an assistant minister of
16 defence of the Republic of Croatia?

17 A. Correct.

18 Q. And you were also a member of the VONS, what we call the VONS,
19 which was the Security and Defence Council of the Republic of Croatia?

20 A. Correct.

21 Q. And you were a major general of the Croatian Army?

22 A. Correct.

23 Q. You arrived in Gornji Vakuf, having been sent there or asked by
24 President Tudjman to go there in order to calm the situation?

25 A. Mr. Tudjman and Mr. Izetbegovic asked me to go and try and solve

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1 the situation, the conflict, the conflict that had started a few days
2 earlier, the 11th of February, 1993.

3 Q. Now, this document, Colonel Siljeg's report, actually makes a
4 reference to what you've just indicated, negotiations or talks that were

5 taking place between the HVO and the Army of Bosnia-Herzegovina. Looking
6 at the bottom of page 2 of the English, where he reports that that
7 evening, the 16th, he and Colonel Andric negotiated with BH Army
8 representatives, no results. He says:

9 "Unless there is an agreement, Gornji Vakuf southern strongholds
10 will be taken and our line strengthened."

11 Do you see that, General? This is the second-to-last paragraph
12 of the document.

13 A. Yes, I do see that.

14 Q. Now, could you just read out for us then the next sentence, which
15 is the last paragraph of this report?

16 A. I'm reading as follows:

17 "General Praljak informed them that they would be overthrown if
18 they did not cease with their actions and if they did not accept the
19 decisions taken by the HZ-HB government."

20 They would be annihilated.

21 Q. Okay. We're talking about command climate, and so I think it's
22 important to be very precise about the language that we're referring to
23 here. And in fairness to you, I want to make sure that we're fairly
24 attributing language to you or that the interpretation is one that is
25 fair.

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1 General, we've been given the word "annihilated." It was --
2 initially, we were told -- I guess this is for the benefit of all, not

3 you, since you're listening in a different language. Your message is
4 that they would be overthrown, and then the interpreter indicated or gave
5 us the word "annihilated." Now, General, this is a message that you
6 directed to the representatives of the BH Army; correct?

7 A. No.

8 Q. Well, when it says here that General Praljak sent them a message,
9 I assume that means that General Praljak sent a message to the
10 representatives of the BH Army. Is that correct?

11 A. Praljak spoke with Siljeg, and Siljeg certainly added something
12 that I didn't say. In military terms, it says, You'll be trampled over
13 or overthrown. It can mean many things, and naturally it has nothing to
14 do with the civilian part of life. But this word, "trample over,"
15 "overthrow," has nothing to do with the logic followed up there, and that
16 can be seen from the previous passage that you read out. If the
17 negotiations are fruitless, then only the southern strongholds around the
18 town will be taken, strongholds established by the ABiH for a while, and
19 our lines on Podovi will be strengthened. So those will be the results
20 if no agreement is reached. And then he said, You'll be overthrown or,
21 You'll be trampled over. That's not true. The HVO just had to carry out
22 an active defence --

23 Q. You've got to answer my questions. I can't let you just go on
24 and on.

25 What you've just told us, then, is that whatever the message was

1 that is attributed to you, you gave a message to Siljeg, and Siljeg then
2 passed that message on to the BH Army; is that correct?

3 A. That's not correct. I spoke with Siljeg, and we wanted to see
4 how we could put an end to the operation that had already been launched.

5 Q. General, I'm going to insist on precision here. Now, it says
6 here that you sent a message. Is Siljeg telling us the truth there? Is
7 there a message from you that went across to the BH Army or was there
8 not? Is this report just false?

9 A. No, sir, the report isn't precise. Naturally, I spoke to Siljeg
10 and Andric when they went to attend discussions earlier on when I was up
11 there in November. It's quite simple. I discussed the matter with them
12 and have them move from positions as a result of which the HVO is in an
13 impossible situation. I told Siljeg to tell them to move from those
14 positions, to tell them that we should reach an agreement so that an end
15 was put to the operation. That's all that was said, nothing else.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, in order to
17 save time, I think that perhaps there is something that is not fully
18 understood in the Siljeg report. Well, it's the 16th of January, 1993,
19 that's the date, and at the time there are allegations, the ultimatum of
20 the 15th of January, and then I can see a sentence, apart from the term
21 "our forces." It says "our forces," and then Colonel Siljeg explains the
22 following. He says, We are starting with more intensive operations, with
23 regard to enemy movement, and the regrouping of ABiH forces.

24 In military terms, when I read this part - and if I'm mistaken,
25 you'll tell me - but I have the impression that Colonel Siljeg, realising

1 that the ABiH, the enemy, is engaged in movement in regrouping its
2 forces, believes that it is necessary to intervene, and in this case you
3 would have sent a message according to which if they didn't accept the
4 decisions of the HZ-HB, it would be necessary to annihilate them, crush
5 them, I don't know what. Apparently, there's a translation problem
6 there. So given this scenario or according to this document -- I don't
7 know whether it's true or not, but according to this scenario, first of
8 all, the ABiH that is moving and regrouping -- you have the ABiH moving
9 and regrouping, and the HVO intervenes, and you take action, you send a
10 message referred to by Colonel Siljeg. So in military terms, do things
11 unfold as described by Colonel Siljeg? Is it the ABiH that was engaged
12 in movement and you then intervened, or was the situation the reverse?

13 THE WITNESS: [Interpretation] With all due respect, I have to say
14 yet again that having spent so much time on determining the facts about
15 the matter, we spent a lot of time on showing that the ABiH was digging
16 in in all the dominant hills around Gornji Vakuf. That started several
17 months earlier, and positions that we held with the ABiH -- together with
18 the ABiH, were 20 kilometres away from Raduski Kamen. I have to repeat
19 that for months, and especially in December, at my request, on my
20 initiative, Andric and Siljeg were involved in a series of discussions
21 with the ABiH to ensure that they would move these strongholds. And
22 we've seen photographs of these strongholds. We've seen this with the
23 English officer from a certain battalion. We saw the positions on the

24 hills around the town and in town that they had occupied. I also said
25 that the so-called ultimatum was agreed with Alija Izetbegovic. I took

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1 it to Mostar on the 15th because Izetbegovic authorised it. It was
2 necessary to take action, but later he changed his mind. I went up there
3 to deal with the matter. I couldn't put an end to this, and I didn't
4 want to put an end to the HVO defence, to the HVO attempt to move the
5 ABiH or dislodge the ABiH from the positions they were holding, because
6 given the positions they held, they would have been able to kill the HVO
7 as required. I then got in touch with Petkovic and others who were in
8 Geneva. There was a cease-fire that was agreed on. And we prevented
9 entry into Gornji Vakuf, and things calmed down after a while. So that
10 is the background to this history.

11 So to be crushed, in military terms, means you'll lose. To be
12 crushed, overthrown, or annihilated, well, I don't use such terms. But
13 Mr. Siljeg, who is a soldier, used such terms; we'll overthrow,
14 annihilate them, this is something he added. But it's a fact that the
15 ABiH launched an operation, they sent a brigade towards Prozor. There
16 are scores of documents about this entire situation that we have examined
17 here.

18 But in the previous item, what is the objective of the HVO?
19 Well, if they won't fight with us against the Serbs, then we have to take
20 the southern strongholds around the town, the strongholds held by the
21 ABiH. What do they want such strongholds for if we are a joint force?

22 They had interrupted the communications towards Central Bosnia, they had
23 taken up these strongholds, and in the evening the conflict was ended,
24 although they were defeated in military terms. Well, no entry was made
25 into Gornji Vakuf, no attempt was made at the conquest. I managed to

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1 halt these young men, they trusted me. And that's my style, if you're
2 talking about a commander's style. And it's true that the general has a
3 right to address such matters. There is a command climate, and you have
4 hundreds of documents on how I commanded and how I treated everyone.

5 JUDGE ANTONETTI: [Interpretation] Very well. We'll stop there.
6 You have answered the question at length. Mr. Stringer will certainly
7 return to the subject after the break, because it's time to have our
8 break.

9 So we will have a 20-minute break now.

10 --- Recess taken at 3.52 p.m.

11 --- On resuming at 4.16 p.m.

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

13 Mr. Prosecutor, you have the floor.

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

15 Q. General, at the time of the break, we were looking at P01162, and
16 I'm just going -- well, first, before I come back to this exhibit, I want
17 to get one clarification.

18 You indicated, and I know you've said this before, there is a
19 reference to a decision there, a decision of the HZ-HB, and I believe

20 your testimony, General, is that at some time on the 15th of January, you
21 had a meeting with Alija Izetbegovic in which he agreed to, essentially,
22 the text of the decision or the -- what we're calling -- the
23 Prosecution's calling the ultimatum on resubordination. Do you
24 understand which meeting I'm referring to, your meeting with
25 Alija Izetbegovic on the 15th of January?

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1 A. No, sir. Mr. Izetbegovic did not agree with that decision, but
2 that decision was drafted together with Mr. Izetbegovic and some of his
3 men, together with his defence minister, Mr. Bozo Rajic, and I think this
4 was on the 13th and the 14th. These talks went on for two days, I
5 believe; not all day, of course.

6 Q. Where did those talks take place?

7 A. I think it was at the Esplanade hotel, I think that is it.

8 Q. Which city is that in?

9 A. In Zagreb, in Zagreb.

10 Q. And you've said Alija Izetbegovic was present, as well as
11 Mr. Bozo Rajic and other people who were with Mr. Izetbegovic. Who was
12 present on the Croatian side?

13 A. I know for sure that I participated in a part of the talks and
14 Gojko Susak in another part, so I can't know -- tell you exactly in which
15 part which wording was proposed, by who. In the host of meetings that
16 were held, it's difficult to say, but I'm almost quite certain that it
17 was at the Esplanade Hotel in Zagreb. Whether somewhere else as well, I

18 can't remember each and every name regarding the participants.

19 Q. So these meetings took place during the 13th and 14th of January,
20 and you were present at some but not all of the meetings?

21 A. Yes, that's right. To the best of my recollection, the 14th, I'm
22 sure of. Whether something was started on the 13th, in the evening, I
23 don't know. I do remember the 14th, and the 15th in the morning, I
24 remember, when I went to see Mr. Izetbegovic and Franjo Tudjman at the
25 Presidential Palace in Zagreb. The text was ready, it was agreed and

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1 approved, and it was to be announced. The defence minister of Bosnia and
2 Herzegovina, in the government, Bozo Rajic, was due to announce it. And
3 I took it with me to Mostar.

4 Q. When did you leave Zagreb to go to Mostar, at what time of day,
5 as best you can recall?

6 A. Before noon, whether it was 11.00 or 10.00. In any event,
7 I think it was before noon or around that time. I can't remember
8 exactly.

9 Q. So you would have arrived in Mostar at what time, approximately?

10 A. In the evening, in the evening. It gets dark quite early. What
11 the time was, how long the trip took, I can't tell you exactly.

12 Q. So at some point -- and when you left -- when you left Zagreb,
13 when you left Zagreb at 11.00 or 10.00 in the morning on the 15th, then
14 you had with you this text that you say was agreed?

15 A. Yes, I was carrying it with me.

16 Q. Did the text have signatures on it? Did people actually sign off
17 on all this?

18 A. They agreed with the text. It was just Mr. Bozo Rajic who was
19 due to sign the text. It was concluded and approved.

20 Q. Who signed the text on the Bosnian Muslim side?

21 A. I didn't say that anyone signed it on behalf of the Bosnian
22 Muslims. I just said that it was agreed upon in its entirety, and it was
23 Bozo Rajic who was due to announce it and sign it, at least he was due to
24 be the first one, and then it would follow in order.

25 Q. So your evidence is that this was an oral agreement on the text?

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1 A. Yes. In the end, everyone agreed with the text. Or, rather, I
2 know that Mr. Izetbegovic agreed with it. I know that specifically.

3 Q. You were present when he agreed to that text?

4 A. Yes, in the Esplanade. This was on the 14th, when the talks were
5 finished and when it was said, Okay, that's it.

6 Q. We'll come back to this when we talk more about Gornji Vakuf.

7 General, I want to come back to the document we've been looking
8 at, P01162, and I'm simply going to put it to you, General, because based
9 on what you've said about it already, I don't think it's something that
10 we can reach much agreement on, but I'm going to put the Prosecution case
11 to you on this document. The fact is, General, that Colonel Siljeg
12 accurately reported in this document, which he sent to the Main Staff,
13 that you sent a message to the BH Army telling them that they would be

14 crushed, or annihilated, or over-run if they did not accept the decisions
15 of the HZ-HB; isn't that true, General? And that your message to them
16 went out upon or after your arrival in Prozor-Rama on the 16th of
17 January; isn't that true?

18 A. No, sir, not in this form. It was not a question of accepting
19 the decision, but that they should stop operations and withdraw from the
20 lines. That was what it all boiled down to.

21 Q. And the decision of the HZ-HB that's referred to here is, in
22 fact, its decision in which it issued the ultimatum that we'll be talking
23 about whereby the HZ-HB directed that ABiH units in Vance-Owen Cantons 3,
24 8, and 10 would have to subordinate themselves to the HVO; that's the
25 decision that's being referred to here, isn't it?

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1 A. The decision says what it says, and it was not an ultimatum. It
2 was a joint agreement, the aim of which was to prevent this kind of
3 possible conflict between the army and the HVO or, to be more precise,
4 not conflicts, but repeated and continuous provocations by the BH Army,
5 and they're considering that they were the only ones who were entitled to
6 Bosnia-Herzegovina and that they were prevented from achieving this by
7 the Chetniks and the Ustasha. When they needed weapons, we were fine,
8 and when certain areas were to be taken, then we were Ustashes.

9 Q. General, bringing you back to the original issue, which is
10 command climate, what's happening here is that we have someone who's just
11 arrived from the highest levels within the Croatian Defence Ministry, is

12 a general in the Croatian Army, he's among the inner circle of
13 President Tudjman, and so the climate that's created when such a person
14 tells the other side that they'll be annihilated or crushed if they don't
15 accept a political decision of the HZ-HB, that's going to, in fact,
16 create a climate in which the HVO is going to deal, in fact, swiftly and
17 strongly to any failure on the part of the ABiH to accept the HZ-HB
18 decisions; isn't that true?

19 A. No, Mr. Stringer, it is not. Firstly, because in hundreds of my
20 documents you can see exactly how I write and what kind of climate I
21 create. That's number 1. Secondly, this was not a decision by the
22 HZ-HB, but it was a question of the BH Army ceasing aggressive actions
23 against the HVO, and the climate was -- the climate that I created was
24 the one when I managed, by force of authority, to carry out the command
25 that came from Geneva, from General Petkovic and Mate Boban, and from

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1 Izetbegovic for the hostilities to cease. A climate was created because
2 we did not take advantage of this situation to take control of
3 Gornji Vakuf. The climate was created by the fact that the trenches were
4 filled in that they had dug out, and we saw this from a number of
5 documents, including those from the international community.

6 Q. And you claimed, actually, that you were sent down to calm the
7 situation. In fact, the climate that you created there by sending such a
8 message here, that was clearly well known to and, in fact, conveyed by
9 your subordinate, Colonel Siljeg, had the absolute opposite effect to

10 calming the situation; isn't that true?

11 A. Mr. Siljeg did not accurately convey the words. He used this
12 word "annihilation" or "crushing." It's a word used by soldiers. But
13 what is true is that I agreed, until the order came to cease hostilities,
14 that the deputy chief of Staff, Mr. Andric, and Mr. Siljeg - these are
15 all one-star generals - that they do have the right to lead a military
16 operation to liberate their forces from a total encirclement in the way
17 as the Chetniks and the BH Army. Therefore, I don't agree with you and
18 any interpretation that you are trying to enter into the transcript of
19 this case.

20 Q. Let's look at another document to talk about, again, the command
21 climate that's created by the things that you say and write. The next
22 exhibit is P10936.

23 Now, General, I know that you claim that part of this is a
24 forgery or is not an authentic document, in that it does not contain your
25 signature, and I'm going to refer you to -- we're not going to look at

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1 it, P2280. But P10936, General, is actually -- consists of three
2 documents, all of which relate to the same order, your order, I'm putting
3 it to you, in which you directed Colonel Siljeg in the North-Western
4 Herzegovina Operations Zone to:

5 "If they don't stop, you are free to act as you see fit. Pound
6 them with artillery and with whatever else you can think of. Flatten
7 everything in sight."

8 Now, General, we see that in this document - we have it in
9 different versions or different stages of preparation - first there's a
10 handwritten document which is also 2280, which you claim is a forgery.
11 We then see the same document in a subsequent draft form, bearing the
12 stamp of the HVO Main Staff, on the 10th of May, 1993, under which is the
13 handwritten word "Brada," which is a reference to you, I put it to you.
14 And then, thirdly, we see the document in the form of an electronic
15 packet communication over your name. It's a poor copy that was not
16 completely translated because they were not able to do the entire
17 translation, but it clearly again bearing the stamp of the HVO
18 Main Staff, the same date, 10th of May, 1993, and the other references,
19 such as the "Broj" number.

20 The fact is, General, that this establishes, doesn't it, that
21 you, in fact, did instruct or give Colonel Siljeg the green light, if you
22 will, to flatten everything in sight; isn't that true? This is your
23 order?

24 A. I think that at this Tribunal your colleague already asked me
25 about this order, when I testified in the Martinovic case,

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1 Martinovic-Naletilic. I don't know what I should say to you. Anyone who
2 glanced at my handwriting and who knows my orders -- this has nothing to
3 do with me, neither the handwriting, nor the signature, nor the style,
4 nor the method. By a simple analysis of anything -- you don't need any
5 specialised analysis, an analysis of any of my letters would show that I

6 have absolutely nothing to do with this. I'm not interested in finding
7 out how this reached you. I don't care. This simply has nothing to do
8 with me. Now, if you say that it has --

9 Q. I've got more questions on this. I'm going to put it to you
10 that, in fact, this is precisely how you talk, language like this, broad
11 language, incendiary language. You've used it in the courtroom. I'm
12 putting to you that, in fact, when it says "flatten everything in sight,"
13 that's precisely the way you talk and those were precisely the
14 instructions that you conveyed to Colonel Siljeg; isn't that true?

15 A. After all that I have said about these documents, I have no
16 further comment in answer to your question. I will not comment on your
17 question. They are, in my view, absurd, and I think perhaps it's not as
18 simple as all that.

19 JUDGE ANTONETTI: [Interpretation] The Prosecutor is showing you
20 this document which, for him, is a document that supports his position,
21 his thesis. You say, I've already answered, I have nothing more to say
22 about it, et cetera. Very well. But in order to try and convince us
23 that this is a false document, you need to provide certain evidence.
24 It's not sufficient to say, I've already answered. We know that you have
25 answered. But it is at the very heart of his position, because you have

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1 seen that Mr. Stringer works in a highly-professional manner and he is
2 showing, by a whole series of arguments and documents, and within this
3 series there is this document. Either you must explain that it is a

4 false document because you see the reference number, the date, the 10th
5 of May, Mostar, you can recall what I was doing [as interpreted],
6 et cetera, Brada, yes, no, I have -- I'm not in the custom of signing in
7 this way, and so on. But if you don't do that, what do we have in the
8 transcript? You know that this is no secret. What do the Judges do?
9 They look at the transcript, they look at the documents, and they look at
10 what the accused or his counsel have said, and then they put away all
11 this evidence and they reach a certain conclusion. That is how these
12 things are done. Therefore, when you say, I've already answered, let us
13 move on, it is your choice.

14 Have you understood? This is an important document for the
15 Prosecution. If you're challenging it, you must show to those who are
16 judging you that these documents, they are a false document, that they
17 came from here or there. I don't know what, but have you to provide some
18 evidence.

19 So I give the floor again to the Prosecution.

20 MR. STRINGER:

21 Q. General -- excuse me, General.

22 A. Let me answer.

23 Q. I recognise that the President's made some observations. I'm not
24 finished with this one. I've got another document to show you that
25 relates to this document. So my proposal, with the President's

1 permission, is to go to the next document. We can round off the issue in

2 its entirety, and then, General, you can make the comments that you want
3 to make.

4 General, the next exhibit is P09768 -- excuse me, 9769. This is
5 dated the 10th of May, 1993. It's an urgent request for action from
6 Commander Siljeg to the HVO Defence Department and to the HVO -- to the
7 HZ-HB HVO Mostar. In the centre part - this is the part I want to direct
8 you to - in all capital letters he's saying:

9 "Give ABiH -- call ABiH and give them an ultimatum. Tell them
10 that unless they stop the attack on Klis and Boksevica, I am going to use
11 artillery to level Jablanica to the ground.

12 "While they are quiet in Jablanica and we cannot fire at them,
13 they are attacking us. I request an urgent answer."

14 And this document bearing the stamp of the HVO Main Staff, 10th
15 of May, 1993, at 2025 hours. What I want to direct your attention to,
16 General, is in the upper left-hand corner, where you have the reference
17 or the "Broj" number for this document, strictly confidential 01-432.

18 Now, let's go back to the previous exhibit, P10936. P10936 is a
19 reply to request strictly confidential 01-432, and it's in this document,
20 General, that you tell Siljeg to: "Pound them with artillery and
21 whatever else you can think of. Flatten everything in sight."

22 Now, General, the fact is we know from looking at Siljeg's urgent
23 request that your response is, in fact, a genuine, authentic HVO document
24 in which you did use this language. You were referring specifically to
25 Colonel Siljeg; isn't that true?

1 A. No, it's not true. Your Honour Judge Antonetti, I have
2 repeatedly -- in this case, when this document was shown, I have repeated
3 and I will repeat again, it is not my handwriting on the first or second
4 document. It is not my signature on the first or second document. It is
5 not my style, either, because it would re-appear again in the documents
6 that I did sign.

7 I reached Mostar on the 11th of May, and I explained how much
8 time I spent there, what happened when I left, and what I did after that,
9 and I have no idea who, why, or how prepared this document, how it
10 reached this file. I cannot provide any additional information in
11 connection with it. But I have asked that this be sent for -- to a
12 handwriting expert for an analysis to see whether I wrote this. They
13 could compare it with my handwriting, though I in fact think that that is
14 not necessary because this differs so much from my own handwriting. So
15 I can say no more about this, except that this has nothing to do with me,
16 the handwriting, the signature, the order, nothing at all.

17 Q. General, excuse me, but whether or not you physically wrote these
18 words out yourself, they are your words. They're words that you dictated
19 to someone else, perhaps. They're words that are made on your approval,
20 and ultimately, going through the HVO Main Staff system, were
21 communicated to Siljeg as part of a packet communication over your name.
22 Isn't that true, whether or not you actually hand-wrote them yourself?

23 A. But I would have at least signed them, Mr. Prosecutor. It is
24 possible that someone may have written it, but I would have signed it.

25 Where was I, furthermore, at the time? If you want -- in the host of

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1 forged documents that were provided to this Tribunal by various secret
2 services, if you want to make me into something that I am not, it's up to
3 you. This has nothing to do with me. I have nothing more to say about
4 it, and it's up to you to decide.

5 Q. General, would you agree with me that this document, P10936, the
6 response to Siljeg, is an illegal order, in that it gives him the
7 authorisation to use artillery without distinguishing between civilian
8 and non-civilian or military targets? Isn't that true?

9 A. But the targets are not mentioned here. In such cases, when
10 you're giving an order even on the ground, you can say, Destroy the
11 trenches, or the bunkers, or something, but there's nothing here. Where,
12 who should they attack, what should he attack, what should he destroy?

13 JUDGE ANTONETTI: [Interpretation] General Praljak, I don't have
14 the list of your witnesses in front of me, unfortunately. It seems to me
15 that you did envisage at some point the arrival of Colonel Siljeg. If
16 Siljeg were to testify, he would have explained to whom he addressed this
17 document, for document P9769 is very clear. It asks for authority to use
18 the artillery, because he has the intention of flattening Jablanica, so
19 as the issue is beyond his competencies, he is addressing himself to the
20 higher level. So I don't know whether Siljeg is coming or not. If he's
21 not coming, he could have written a letter in response to your counsel,
22 saying he was aware of this particular document, with the number, and he

23 confirms by letter that his interlocutor was not General Praljak, the
24 document being 1969. But the HVO commander was not you.

25 THE WITNESS: [Interpretation] No. Furthermore, Your Honour

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1 Judge Antonetti, the Prosecutor had a lengthy conversation with Siljeg
2 which consists of three or four binders. Siljeg doesn't know who gave
3 him this order, he doesn't know that. And in this document, he's not
4 addressing me, he doesn't say, Praljak, respond. He says -- I don't know
5 what he says. He's addressing himself to the Main Staff. And as far as
6 I know, when I got there on the 11th, Petkovic wasn't there because he
7 was somewhere in Central Bosnia, so I don't know. If the Prosecutor had
8 wanted to, he would have brought Siljeg to confirm his case. I keep
9 having to prove my innocence. Let the Prosecutor prove that this is my
10 document and my signature and that the document was addressed to me,
11 Siljeg's letter. Why would I defend myself?

12 JUDGE ANTONETTI: [Interpretation] And we already know that it is
13 up to the Prosecution to prove things. We all know that. We have a
14 document that you are challenging, but now you have just said something.
15 You said, Mr. Siljeg, and there are three or four binders of his
16 interview as a witness or a suspect - I don't know, and you apparently
17 say that he was asked questions. You know better than me about all those
18 documents, because as you know, all the documents are not under the
19 control of the Judges, so I don't know what Colonel Siljeg may have said.
20 But what did Siljeg tell the Prosecutor when he was asked about this

21 document? If you can remember, what did he say? Because if I had
22 checked the documents, I would have the answer, but as I do not have
23 control over all of the documents, you can tell me.

24 JUDGE PRANDLER: Mr. Praljak, let me interrupt you, both of you,
25 because, as a matter of fact, since both of you speak very quickly and

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1 without a pause, that is why now there is no indication that the second
2 paragraph here under the witness, it was then said by Judge Antonetti and
3 not by Mr. Praljak. Thank you very much.

4 JUDGE ANTONETTI: [Interpretation] Yes, yes. Judge Prandler is
5 quite right. Nothing escapes my attention. Line 3, page 52, I was
6 speaking, not you. I'll go over it again.

7 You said a minute ago that Colonel Siljeg had been interviewed by
8 the OTP and that there were three or four binders on the subject. You
9 are very familiar with the situation. You said that there were three or
10 four binders. I assume that you've read through what Colonel Siljeg
11 said. What did he say about this document, as far as you can remember,
12 because I don't know what he said. I don't have any control over the
13 disclosure of documents.

14 THE WITNESS: [Interpretation] Judge Antonetti, I can't remember
15 that Mr. Siljeg was asked anything about this subject, although I was
16 asked about this a few years ago, when the lengthy interview of
17 Mr. Siljeg was completed. I hoped that he would be a Prosecution
18 witness. You don't want members of the fire brigade to testify against a

19 general. So I don't remember this subject being discussed, and I doubt
20 that Siljeg could have provided a relevant answer, because he never had
21 such a text before him, the handwriting of this kind before him. If
22 anything reached him, I don't know if anything reached him, but if
23 anything did reach him, he can then say whether that concerned me or not.

24 I wasn't in Mostar on the 10th. I arrived on the 11th. But I
25 believe that the OTP should confirm my thesis. The OTP should bring

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1 Siljeg here, not me.

2 I dispute this document, the entire document. So an expert in
3 handwriting should testify. If I'd been there, why wouldn't I have
4 signed it? And the document is signed by someone else. Well, I also
5 sign them. I don't know how to explain this.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, we have two
7 documents. You can note in P1969, the first document, that there is a
8 stamp, and this stamp, well, it's 2025 hours, the 2nd of May. The number
9 is 2640. The second document that the Prosecution showed you was
10 registered at -- well, on the same day, apparently, at 2125 hours. The
11 number is 2641. When one has a look at the two stamps, one might think
12 that the person who filed the two documents was the very same person,
13 because the handwriting appears to be identical.

14 You say that the second document, "Brada," is false. That means
15 that the first document is also false?

16 THE WITNESS: [Interpretation] You can see that the handwriting is

17 the same, but neither of the documents has anything to do with me. This
18 was written with some kind of a Siemens heading. Well, I don't know.
19 How can I answer that? Siemens, what's that, where's that from? Siemens
20 isn't contained on the first one. The second one has a reference to the
21 Siemens. HVO had a heading of its own. I don't know what to say.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, you have
23 lawyers defending you. I don't know, but a lawyer who does his work is
24 familiar or is aware of the fact that there is a false document. It
25 would be necessary to send a letter to Mr. Siljeg, and one should say, On

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1 the 10th of May you sent a document number 01432. Although this goes --
2 although this took place a long time ago, you demanded for the artillery
3 to intervene. Your lawyer could then send a copy of the document to
4 Siljeg. Siljeg would have a look at the relevant document, and he either
5 remembers it or not. If he doesn't remember it, he says, No, I can't
6 answer your question, or he can remember it and he says, I never sent
7 this document, or, I did send the document. So that's how one should
8 proceed.

9 THE WITNESS: [Interpretation] Judge Antonetti, Siljeg sends his
10 request to the Main Staff. He can say, Fine, I sent that, but that has
11 nothing to do with the response, that has nothing to do with me. Siljeg
12 was probably in Rama, and the person who sent this from Mostar or who
13 included this false document is in Mostar, and Siljeg could then say he
14 has nothing to do with these documents. Siljeg is in Rama, and someone

15 sent this from --

16 JUDGE ANTONETTI: [Interpretation] General Praljak, if we accept
17 that Colonel Siljeg sent the document well at the time, he must know who
18 the duty officer was -- he must have known who the duty officer was in
19 the command. So, in theory --

20 THE WITNESS: [Interpretation] How should he know that?

21 JUDGE ANTONETTI: [Interpretation] Well, perhaps he doesn't know
22 but in theory, so he could say I can't say anything or he could say I
23 remember it was lieutenant such and such or captain such and such, you
24 should see about it with him. That's how one proceeds with an
25 investigation.

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1 THE WITNESS: [Interpretation] But he had no telephone line to the
2 duty officer. This was sent by packet communications. He had no idea
3 who would receive it. He received a response that someone had concluded
4 that it was attributed to me falsely. So these were two men
5 communicating at a distance through packet communications as to who sent
6 this, as to whether he sent this, how this arrived, there are two
7 sentences; "Brada," and Slobodan Praljak, and this has nothing to do with
8 Slobodan Praljak or with Brada. I don't know how this was done, so an
9 expert in handwriting should be provided with this.

10 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Kovacic.

11 MR. KOVACIC: [Interpretation] If I may contribute to the
12 discussion. With all due respect, I don't agree with your advice as to

13 what the Defence should have done or could have done. We have examined
14 this document very carefully. I'd like to remind you that we informed
15 the Chamber, in a submission before General Praljak started testifying,
16 we informed the Chamber about the documents we believed were false
17 documents, and this document was included in the list. The Defence has
18 been claiming that this document is a false one. This has been a
19 continual claim. We are aware of this from the earlier preparations that
20 were made. As Defence counsel, we know what sort of a case this is. We
21 believe that when we say that a document is a false document, the
22 Prosecution has the burden of proof. It is for the OTP to prove that the
23 document is authentic.

24 The OTP asked the Accused Praljak about it. Perhaps the OTP
25 could have asked a second, a fifth, a fifteenth expert or witness about

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1 this, or an expert in handwriting. As to whether they'd acted in this
2 way or not, that's the Prosecution's problem. The document, according to
3 what the witness has said, is not authentic.

4 And then, Your Honour, there's one other very important thing,
5 and this is also one of the reasons for which we decided not to pursue
6 the matter. All the documents under P10936, the two handwritten
7 documents and the alleged packet communications document, don't have an
8 origin. They're not from the Croatian Archives because they don't bear
9 the stamp of the Croatian Archives. This means that the Prosecution
10 received these documents from someone or someone included these in some

11 kind of packet of documents from Bosnia and Herzegovina or from Croatia.

12 We can't know anything about this.

13 You had established a threshold -- the Chamber established a
14 threshold, and from the outset we've been trying to establish
15 authenticity, but authenticity has not been proved here. This threshold
16 hasn't been reached. A threshold that would prove the authenticity of
17 the document hasn't been reached here.

18 And earlier on, with regard to the first document which
19 General Praljak allegedly signed himself, originally the number was P2280
20 and now the number is P10936, the first page of the original, you
21 dismissed this earlier in one of your decisions because you can't receive
22 any information -- or you haven't received any information on its
23 authenticity.

24 You have heard the answers, the witness is testifying. I am not
25 testifying. All I can say is that with all due respect, Your Honours,

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1 the Defence took a rational decision and decided that it wasn't necessary
2 to call Siljeg or to present other evidence. The OTP has the burden of
3 proof. The Prosecution must say, Praljak, you wrote this. Praljak says,
4 No, I didn't. The Prosecution can't even prove the authenticity of the
5 document now.

6 So, Your Honours, if there's no firm evidence to show that the
7 document is authentic, and if we can't demonstrate the source, well, in
8 that case I believe that in this courtroom we should waste no more time

9 on the matter, now that the witness has provided his answer.

10 Thank you very much.

11 JUDGE ANTONETTI: [Interpretation] Very well.

12 Yes, Mr. Praljak, please go ahead. We'll wait for you.

13 [The witness stands down]

14 JUDGE ANTONETTI: [Interpretation] It would perhaps be best if you
15 took the floor once Mr. Praljak has returned. We'll wait.

16 [The witness takes the stand]

17 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you have the
18 floor.

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

20 Well, the Defence position is clear, and it's always been
21 consistent. They've been saying that it's a false document. We accept
22 that it's the Prosecution's burden, as the proponent -- as the party
23 that's offering the document, that we have to prove sufficiently to the
24 Trial Chamber that it's authentic. We believe we have, and that's, in
25 part, what's happening here. Ultimately, it's for the Trial Chamber to

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1 decide whether there are sufficient indications that the document is
2 authentic. And it's the Prosecution's submission that there are ample
3 indications of that found, first of all, in the stamps of the HVO
4 Main Staff that indicate, in our view, the document is authentic as being
5 within the HVO Main Staff --

6 MR. KOVACIC: Pardon me, pardon me. [Interpretation] I apologise,

7 I apologise.

8 MR. STRINGER: I would like to finish making my submissions,
9 Mr. President.

10 MR. KOVACIC: I think that it is now argument. This is going in
11 final brief, what you are telling us now. What I said was only the
12 procedural issue and directly a response to His Honour, the Judge, and
13 now you are arguing why. There is a final brief you can do it.

14 MR. STRINGER: Well, the document's being challenged as to
15 authenticity. I'm saying he's saying that it's not authentic. He's
16 saying it's handwritten and that it's not his handwriting. He's saying
17 that we don't know the source. I'm pointing out, Mr. President, what the
18 Prosecution believes are the things to the contrary that show that it is
19 authentic. Ultimately, it's for the Trial Chamber to decide. It's got
20 the stamps. The numbers line up. The stamps -- if you look at the
21 Main Staff stamp in the Siljeg document, 9769, that's document 2640 if
22 you look in the stamp. In the Praljak document, it's 2641. The Siljeg
23 document comes in at 2045 p.m. The Praljak document goes out just about
24 one hour later or less than an hour later at 2125. There are lots of
25 indications of authenticity, the "Broj" numbers, the reference numbers,

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1 line up. Siljeg's incoming is reference number 432. Praljak's outgoing
2 makes reference to document 432. It's all, in our view, Mr. President,
3 sufficient indicia of authenticity.

4 And I understand the Defence position. Ultimately, it's for the

5 Trial Chamber to decide.

6 And as to the source, as to the source, all documents are from
7 the same source which were received from the HVO archive back to back in
8 one, two, three, sequential order, as part of binder -- Main Staff HVO
9 binder 12, number 696, and these were obtained by Mr. Prelec of the
10 Office of the Prosecutor from the Croatian State Archive on the 13th of
11 September of the year 2000.

12 MR. KOVACIC: [Interpretation] No, no, Your Honours, that's
13 impossible. The Prosecution can tell us about the source of its
14 documents in any way it deems fit, but the Prosecution, and that's what
15 we have done, too, has argued in this case and in other cases, and they
16 have also brought witnesses in to explain the process in previous cases.
17 I'll also be calling a witness, a 92 bis witness, who will describe the
18 technology, the process. But if a document has been received from the
19 Croatian Archives, and that's the only place where HVO documents were
20 found or HZ-HB documents were found, if that's the case, it has to have
21 an archival emblem, a small circular stamp initially and then a square
22 stamp subsequently.

23 Your Honours, I'd like to remind you of the fact that you
24 refused -- or you didn't allow the Defence to use many documents because
25 the source wasn't the archives. You accepted many documents as authentic

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1 documents, and you said that the source was not in dispute. It was the
2 Croatian Archives. But if Mr. Prelec, the Prosecution investigator,

3 obtained these in some other way before the documents were provided to
4 the state archives, well, in that case the Prosecution has to state very
5 precisely where the documents were found, with whom, were they provided
6 with the documents by an agency, by someone in authority, by some special
7 intermediary, or were the documents obtained from the original archives
8 or from the archives that subsequently became the state archives.

9 There's no authenticity here, and that's the end of the matter. The
10 Prosecution cannot say, In my books, it says such and such a thing.
11 That's not sufficient.

12 And I apologise. Just one more sentence, Your Honour, just one
13 more sentence, if I may.

14 In the Cerkez-Kordic case, the Prosecution called four witnesses
15 in order to explain or demonstrate the authenticity of the video of
16 the -- of the federal or so-called presidential transcripts, let's say
17 non-authenticity, rather, and Mr. Prelec spoke about how the documents
18 were taken from the archives at the same time. This was at the outset.
19 Later, the process changed somewhat. But there has to be a stamp.

20 Thank you very much.

21 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, just a minor
22 detail. You are quite right, the document P9769 has a small stamp in the
23 B/C/S version. However, in the document signed "Brada," handwritten, I
24 can't see a stamp. There's no small stamp.

25 MR. STRINGER: Well, I agree, Mr. President. I mean, it's

1 evident whether any of these contains a stamp or it doesn't. I don't
2 have anything to add on that.

3 The Prosecution's made its submissions as to this document or
4 this series of documents, Mr. President.

5 JUDGE ANTONETTI: [Interpretation] Very well. The Judges will see
6 about this. Please proceed.

7 MR. KOVACIC: [Interpretation] Your Honours, just one thing, if I
8 may.

9 We don't dispute the authenticity of 9769. There may be such
10 documents. It seems to be quite appropriate. It bears the stamp. We
11 don't dispute this. We're only disputing the authenticity of the two
12 documents that allegedly are Praljak documents, or rather the three
13 documents, because there's the packet communications document, the
14 authenticity of which we also challenge. It doesn't bear a stamp.

15 Thank you.

16 JUDGE ANTONETTI: [Interpretation] Very well. Let's proceed.

17 MR. STRINGER:

18 Q. General, the next exhibit is P4325, 4325, staying with the issue
19 of command climate. I think -- well, I know we've seen this document at
20 an earlier stage of your testimony. I don't believe that you challenge
21 its authenticity. Am I correct in that? This is one of your documents
22 dated "Prozor, 16 August 1993"?

23 A. Correct, this is one of my documents.

24 Q. And this is from the time in which you were the commander of the
25 HVO Main Staff; correct? 16 August.

1 A. Correct.

2 Q. So you're sending this from Prozor down to the HVO Main Staff and
3 also to the Command of the North-West Herzegovina Operative Zone in
4 Tomislavgrad; correct?

5 A. Correct.

6 Q. And in this document, General, you're going through and you're
7 making an assessment or a listing of the various HVO units, their
8 numerical strength within the various units, and they're all listed
9 there. I'm not going to go through them all. And then you say, at the
10 bottom of page 2 of the English, that it's necessary to deduct
11 10 per cent for various reasons, such as wounding, et cetera, exhaustion.
12 You say that there is -- the only good-quality unit capable of carrying
13 out an attack is near Filipovici, that they are -- they, too, are
14 supposed to leave the Rama area in keeping with a verbal order. And then
15 after that paragraph, you simply say, Fuck it, in English.

16 Now, General, recognising that you were extremely frustrated at
17 the time that you wrote this document, again, if we're going to talk
18 about the command climate that you're trying to set, even at a time when
19 perhaps things aren't going so well for the HVO, militarily, down in
20 Herceg-Bosna, when the commander of the Main Staff, especially when it's
21 someone like you, with your background coming from the Croatian
22 Government and Croatian Army, makes such a statement here and sends it
23 down the chain of command to the operative zone and the Main Staff, the

24 command climate or the signal that's being sent is one of extreme
25 unprofessionalism, at best; isn't that true?

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1 A. I don't agree. If -- they swear anywhere. They swear in the
2 American Army. In wartime, every army swears. I didn't send this as you
3 say. Well, you said -- you always add the operation zones. I only sent
4 this to the operation zone and the Main Staff in Mostar, only to
5 high-ranking officers, to myself, that's correct, because I wanted to see
6 how many troops we, in fact, had, not to see how many we had according to
7 the various lists in existence. And it's correct that in such a
8 situation, 21 units didn't have more than 2.100, 2.200 men. That's about
9 100 men per unit.

10 Q. Sorry, but I'm not challenging the data contained in the
11 document. I don't think you answered my question. You're commander of
12 the Main Staff, General. It's not professional for you to use language
13 like that in a document that you're sending down to your Main Staff and
14 to your operative zone; isn't that true? Are you going to defend this
15 language?

16 A. Yes, I will defend it. It's quite understandable, in such a
17 situation, and this can be found in many statements given by various
18 commanders in all armies. You have worse language than this, similar
19 language. I stand by what I said. I know the situation I was in. I
20 know what this meant. When I said, Fuck it, we have to survive, as to
21 how we are to survive, I had no idea. I was to meet with those 21 units,

22 run from one to the other with my commanders, try to get the most from
23 them after an intense Muslim offensive, so I don't see anything wrong
24 with this. Military language isn't established. It's not as if there
25 was a professional and non-professional military language in existence.

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1 Q. General, the next one I'm going to talk about is or I'm going to
2 ask you about is the language contained in your -- your order that was
3 issued in connection with events that were taking place in Vares in
4 October of 1993. And I don't have it in the binder, but it's a
5 well-known document. Perhaps --

6 JUDGE ANTONETTI: [Interpretation] Before we proceed to the next
7 document, I would like to focus on something else.

8 Mr. Praljak, there's here a list of units and soldiers. I note
9 that in the Prozor-Gornji Vakuf zone there are 4.424 persons.
10 10 per cent are not operative for various reasons. Let us say there were
11 roughly 4.000. So I would like to broach another question. I have
12 already asked you this question, and I come back to it.

13 With 4.000 soldiers, can one attack the ABiH? What would you say
14 to that?

15 THE WITNESS: [Interpretation] Certainly not, Your Honour, except
16 that your accounting is not right. I say that 10 per cent are for
17 various reasons out of combat, but then the other people from Jajce were
18 absolutely exhausted, then units from Sebesic, which the ABiH captured a
19 long time ago. So 40 per cent of the people of Sebesic army are mentally

20 ill. Some had then fled, part of people from Bugojanci, then the 5th
21 Guards Brigade of the Croatian Army, only 130 infantrymen were left.
22 This is an authentic document from the field, when I was on the verge of
23 complete failure, on the edge of losing territory. Then the Zrinski
24 Battalion consists of 38 men. So the people of Klica, they are not
25 there either. So at this point in time, I didn't have more than 2.100 or

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1 2.200 soldiers. I'm sorry, I'm speaking too fast.

2 JUDGE ANTONETTI: [Interpretation] So you say that you had 2.000
3 or 2.100 or 2.200 soldiers, and with these soldiers you had to confront
4 the Serbs and the ABiH; is that right?

5 THE WITNESS: [Interpretation] Yes, Your Honours, from Raduski
6 Kamen to the left, at least 40 [Realtime transcript read in error "2.000
7 or 3.000 metres"] or 50 kilometres of some sort of a line had to be
8 maintained. And if you looked at the forces of the ABiH that were
9 attacking, then this was extremely difficult when people were absolutely
10 on the verge of their abilities, and we managed somehow.

11 JUDGE ANTONETTI: [Interpretation] Mr. Prosecutor.

12 THE ACCUSED PRLIC: I think it is not translated at all. It's
13 not translated at all, what Mr. Praljak has said. I heard, for instance,
14 "50 kilometres," and it's not part of transcript. Maybe the best way is
15 for Mr. Praljak to repeat once again.

16 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, apparently you
17 said something very quickly that has not been registered in the

18 transcript. You mentioned 50 kilometres, and we don't see it in the
19 text. What exactly did you say?

20 THE WITNESS: [Interpretation] This remaining manpower of 2.100 or
21 2.200 men were defending a front-line that was 50 to 60 kilometres long,
22 at least.

23 JUDGE ANTONETTI: [Interpretation] If I understand correctly,
24 these 2.100 men that you had under your command here, they had to defend
25 a front-line which was at least 60 kilometres long.

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1 THE WITNESS: [Interpretation] Fifty to sixty kilometres, that's
2 for sure.

3 JUDGE ANTONETTI: [Interpretation] And as far as you know, the
4 Muslims, what was their strength?

5 THE WITNESS: [Interpretation] The smallest ratio was 1:5, 1:6, or
6 even more than that.

7 JUDGE ANTONETTI: [Interpretation] Very well.

8 JUDGE TRECHSEL: Very briefly, the actual issue while this
9 document has come up was the last two words there, and you have said that
10 this was usual also in other armies. Do you have any example of a
11 written order of a supreme commander, or chief, general chief of staffs,
12 that uses such language? You have said that this was usual. I wonder
13 whether you have any example.

14 THE WITNESS: [Interpretation] I didn't say that it was customary
15 in my case. I said that it was not unusual to use this kind of language

16 in all armies. It is not customary in my case, but it reflects an
17 extremely difficult situation. Simply, there's no army left, and this is
18 my letter asking to see what our real forces were.

19 Your Honour, I could look up to find various orders from
20 commanders, from Patton, who would slap his men if he thought that they
21 were faking the reasons for not going to the front, then some of
22 Napoleon's generals, then, not to mention about the Russian Army and
23 their commanders. So if you wish --

24 JUDGE TRECHSEL: You have spoken now about slapping. One day
25 here in court you have also said that hypothetically you might have

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1 beaten someone. I think I leave it at that. Thank you.

2 Mr. Stringer.

3 MR. STRINGER: Thank you, Judge Trechsel.

4 Q. General, if you'll turn to the next document, which should be
5 P06028. This is dated the 23rd of October, 1993, from the HVO Main Staff
6 forward command post at Citluk. It's issued to a lot of different
7 offices and people, as we can see they are both in Kiseljak and in Vitez,
8 the Main Staff, Petkovic, Mario Bradara, Ivica Rajic, Kordic, Blaskic, on
9 the solution of problems in Vares. And, General, we've talked about this
10 one before. You say:

11 "Sort out the situation in Vares showing no mercy towards anyone.
12 Find people who are up to both the times and the task."

13 Now, General, earlier in your testimony on the 23rd of June of

14 this year, you indicated that you wrote the original of this to
15 General Petkovic only, and that you were not issuing the orders to anyone
16 other than Petkovic. You say on line 25 of page 41870:

17 "Well, the thing is very simple. I didn't write anything to
18 Rajic, or the Bobovac Brigade, or anybody else. I did not issue orders
19 to them, to not Rajic or Bobovac Brigade ever. I wrote to
20 General Petkovic the original document after I had received multiple
21 reports about disorder in Vares, smuggling, Harez [phoen], adverse
22 situation. There were five, seven, even more reports. It was then that
23 I wrote General Petkovic, and I wrote to him. Petkovic, I'm not issuing
24 him orders. I'm writing Petkovic and then the text, 'Put the situation
25 in Vares in order without any mercy.'"

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1 Now, General, first of all, this document shows -- 6028, that, in
2 fact, you were not directing these remarks exclusively to
3 General Praljak, but in fact you were -- your intention was to distribute
4 this text and these orders widely to the Command of the Ban Josip Jelacic
5 Brigade and to Ivica Rajic, and to the other people shown on here; isn't
6 that true? It wasn't intended just for Petkovic; it was intended for
7 much wider distribution?

8 A. It is not true. General Matic signed this, so he rewrote my
9 original document and sent it to these people. It is not an order. It
10 is a solution of the problems in Vares. I don't know why I would send
11 such a solution to them, but let me make myself quite clear. I don't

12 mind that this was sent to the others. I didn't do it, but why not?
13 Never mind, let them solve the problem in Vares without any connections,
14 who is whose relative, who is being lenient towards who because of
15 smuggling, et cetera. So this is not an order. It is a logical
16 addressed to my deputy, Petkovic, Deal with it up there and find men, of
17 course Croatian men, who would deal with these people. That is the
18 original idea. It could have been sent to Blaskic, it could have been
19 sent to whoever you like, but that is the position behind it.

20 Q. These are your words. I know you say General Matic sent this.
21 These are your words; correct?

22 A. Yes, correct, those are my words, and that is what I would say
23 even today, Deal with them, arrest them. It's enough.

24 Q. Well, you don't say, Arrest them. In fact, you don't say
25 anything other than to show no mercy. So what you've done here, General,

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1 is leave open to interpretation of anyone seeing this that, in fact, they
2 can take whatever measures they deem necessary to sort out the situation
3 in Vares; isn't that true?

4 A. No. When you say "without mercy," that means within legal
5 frameworks. If you believe that when we say, No mercy, means cutting off
6 people's heads or dealing brutally with people, then you should have
7 found in my documents or in my actions that this could mean anything else
8 but; putting an end to their smuggling, laziness, bad actions, lack of
9 discipline, and deal with them without mercy.

10 Q. Well, General, this doesn't even indicate who's to be sorted out,
11 does it?

12 A. Mr. Petkovic was down there. He was familiar with the documents
13 as well as I was. He knew what the situation was like, and he knows
14 exactly -- exactly what this refers to. This is completely clear to my
15 deputy because it was not the first time for us to discuss this, and the
16 documents coming from the area of Vares regarding problems with the
17 brigade commanders, he was familiar with all that. And it is true that I
18 had had enough of that.

19 Q. There were also a lot of other problems that the HVO was having
20 at this time; isn't that true, General? They were having big problems
21 with the Army of Bosnia and Herzegovina and Muslims who were in Vares;
22 isn't that also true?

23 A. No, sir. This relates to Croats only, to find the people who
24 would put some order into things and who would be up to the times and the
25 tasks.

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1 Q. You show us where, in this order, it says that this relates to
2 Croats only.

3 A. If you need to remove someone from his position, showing no
4 mercy, and you also have to find people who would be up to the tasks and
5 the times, and you're removing someone from the HVO, then who will you
6 find to do that?

7 Q. Well, General, the point is that, in fact, this document doesn't

8 say anything about dealing with Croats or removing people from their
9 positions. It's an open-ended order on your part, as commander of the
10 Main Staff, which really can be interpreted by anyone receiving it as in
11 any way that they saw fit. Don't you agree with me?

12 A. Of course I don't agree. If you need to find someone who are up
13 to doing something, and you're talking about the HVO, then there's only
14 one logical interpretation: That you will find people, Croats, who would
15 be up to the times to carry this out, so as to settle the situation in
16 Vares, and which people who need to be removed without mercy are to blame
17 for. And if you can give any other interpretation, that is absolutely
18 illogical. This can only have one interpretation when one respects
19 logic. But if you do not respect logic, then you can interpret it in any
20 way you like.

21 Q. The timing of this -- with this story you're giving us about the
22 smuggling, the timing is hard to accept. You say you've been receiving
23 multiple reports about disorder in Vares, smuggling up there. You're
24 unhappy with certain people in the HVO civilian government, and yet you
25 pick this particular time, the 23rd of October, to deal with the problem

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1 of smuggling. I find that hard to believe, in light of everything else
2 that was happening in Vares at this same point in time.

3 A. Sir, if you're skipping over key documents and you extract
4 something, then you can claim whatever you wish. This is a document that
5 I signed because, according to the report I had received, Duznovic had

6 been arrested, then the deputy brigade commander had also been replaced,
7 but if you were to show the original document, which you are avoiding to
8 do because I'm afraid that your aim is not to establish the truth but to
9 win at all cost, show us the original document and you will see what it
10 says. And His Honour Judge Antonetti has already asked me about it
11 before.

12 Q. Let me take you to the next document. I'm going to move forward
13 in time. This is, again, your -- P06051, P06051. This is a document
14 written by a duty officer named Zorinko Bosnjak, and he's sitting in the
15 Command of the Ban Josip Jelacic Brigade in Kiseljak at 4.00 in the
16 morning on the 24th of October, 1993. Colonel Rajic is down in Vares at
17 this point in time; correct, General?

18 A. I don't know.

19 Q. Well, this is going from the command of the brigade in Kiseljak
20 down to the Bobovac Brigade in Vares, and it's directed personally to
21 Colonel Rajic; correct?

22 A. That is what it says here.

23 Q. And this duty officer is informing Rajic about some
24 communications that had taken place with the XY side. Do we agree,
25 General, that the XY side reference here is a reference to the Serb armed

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1 forces?

2 A. Correct.

3 Q. And then this duty officer is then passing on to Colonel Rajic

4 also information, and I'll read it:

5 "We received an information from Major General Slobodan Praljak
6 stating that continuous active operations are executed in the last three
7 days in the Gornji Vakuf area, and that we occupied Brenovac, Oglavak,
8 and parts of Bistrica, and that we move along, as well as an order for
9 Vares: 'The situation in Vares has to be resolved showing no mercy to
10 anyone. Find men able to cope with the moment and the assignments."

11 So, General, now what we see is that your words -- these words
12 are moving down the chain of command, which is how they should be
13 treated, coming from the commander of the HVO Main Staff, through the
14 brigade headquarters in Kiseljak, down to the brigade -- the Bobovac
15 Brigade down in Vares, down to the ranking officer down there, Colonel
16 Rajic, and in fact it's become such -- it's a document or -- I should say
17 your words now are being communicated along by people at the level of
18 Zorinko Bosnjak, who's a low-level operations officer, who is sitting
19 there at the communications desk at 4.00 in the morning.

20 So, General, can we agree that your words on Vares, whatever
21 their intent, your words are moving steadily down the chain of command
22 and being disseminated, as you intended, to a number of people who are
23 present in Vares?

24 A. You say that it's an order, and that is not right. What I sent
25 was not an order. You say, As you wish. That is not correct either. I

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1 just sent two sentences to General Petkovic. It's not an order. My wish

2 is crystal clear, but every crystal clear wish can be interpreted in
3 various ways, if people wish to do so. And here also, when I talk about
4 dealing with the situation in Vares, showing no mercy and to find the
5 people up to the task and assignment, and if a lower-level officer has
6 some doubts as to how the order can be interpreted, he must ask the
7 higher command what was meant if he didn't understand it. And if someone
8 were to --

9 MR. STRINGER: Mr. President, could we move into private session
10 for a moment?

11 MR. KOVACIC: Your Honour, could I just -- one very, very brief
12 thing.

13 I would kindly ask Judge Trechsel to check the transcript on the
14 break, of course, so we are not here, your last words in transcript on
15 page 67, line 10. I understand something is wrong. It was either
16 wrongly interpreted or you understood wrongly the response by
17 Mr. Praljak. Please, sir, check and see what's going on.

18 JUDGE ANTONETTI: [Interpretation] Let us go into private session,
19 Mr. Registrar, please.

20 [Private session]

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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11 Pages 43734-43737 redacted. Private session.

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20 [Open session]

21 THE REGISTRAR: Your Honours, for the record, we're back in open

22 session. Thank you.

23 MR. STRINGER:

24 Q. General, we've been looking at this last document in respect of
25 Vares. And just to round this off, General, when we talk about your

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1 language on showing no mercy, or whether you use language like the "F"
2 word, as I'll put it, the Prosecution puts it to you that you did, in
3 fact, give Colonel Siljeg the green light to flatten Jablanica, which is
4 what he wanted to do, as indicated in the document we've just looked at a
5 few minutes ago. General, when you use language like that, and also the
6 earlier document from January 1993, Gornji Vakuf, where you said that
7 they'd be annihilated or flattened or crushed, when you use open-ended
8 incendiary language like that, you can count on crimes happening, isn't
9 that true, because the soldiers whom you command require specificity and
10 they require to be -- to have a commander who acts and communicates with
11 them in a professional manner; isn't that true?

12 A. I don't understand what you're asking me. You've mentioned five
13 documents now, the ones that I dispute to and the one containing the term
14 used by Siljeg. I say that it's not a term that I used. I stand by two
15 words used, and that concerns the list of men. That's what I used,
16 that's the language I used, and what I said to General Petkovic is
17 language I used, but the sense was quite the contrary. If you believe
18 that this is incendiary language sent to General Petkovic, well, the
19 sense is, in fact, quite the reverse.

20 In order to prevent what partially happened probably up there, I

21 said, Petkovic, replace them, take action, and don't pay attention to
22 who --

23 Q. General --

24 A. You know, I don't agree with anything you have said. I've
25 provided you with full explanations, and however much you insist on other

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1 interpretations, these should remain your interpretations, but I have
2 exhaustively answered all the questions you have put to me.

3 Q. And it's your position, sir, that your orders, as reflected in
4 these documents, meets the standards of professionalism and lawfulness
5 that should apply to orders issued by commanders at your level?

6 A. At the time I issued these two orders, or, rather, the comment, I
7 gave a comment, I never issued an order of that kind. What you have been
8 referring to, you're referring to it as an order, but it doesn't say
9 "order" anywhere, so I don't understand this. Where did you read the
10 word "order" in the document to Petkovic? There's no "order." You'll
11 continue to repeat the word "order" 100 times. I'm telling you, it
12 wasn't an order.

13 On numerous occasions, and witnesses have testified about this, I
14 have also addressed the matter, I acted with the utmost professionalism,
15 and often I took stringent action to prevent a lack of order. Sometimes
16 it was necessary to risk one's life to solve problems, it was necessary
17 to use ours, but this was done only to prevent crimes from being
18 committed. This has been demonstrated scores of times here, and there's

19 nothing else I can add.

20 Q. But, in fact, the language that you sent to Vares, whether we
21 characterise it as an order, or an instruction, or a request, it was, in
22 fact, interpreted by your subordinates, including the subordinates on the
23 ground in Vares, as an order, wasn't it?

24 A. Well, even if they had interpreted it as an order -- well, they
25 should have interpreted it as it was written. Replace the idiots and

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1 those who are carrying out poor work so that we can solve the situation
2 in a military, adequate way, that's what it says. It says replace the
3 Croats who have contributed to this negative situation, and this
4 concerned the military and organisational system, structure. There were
5 poor defence lines, the system was poorly organised. Yes, thank you,
6 too.

7 Q. Can we agree, however, that this last document on show no mercy
8 doesn't say anything about replacing people, it doesn't say anything
9 about the idiots that you're referring to here; it simply says, Show no
10 mercy and sort out the situation in Vares?

11 A. But, Mr. Stringer, to whom? If it says find men, then I said,
12 Remove the idiots and find men to deal with the situation. Look,
13 really --

14 MS. PINTER: [Interpretation] Your Honour, I have to object to the
15 questions put by Mr. Stringer. And, please, could the general be shown
16 the document with his original handwriting? In this courtroom, we've

17 already heard the general say, on a number of occasions -- or tell us
18 about how things actually unfolded on a number of occasions. Could we
19 just show the original document to the general, the document containing
20 his handwriting, and then we can proceed with all the other questions,
21 because if we just extract this one sentence and interpret it as an
22 order, if we just do that, the Chamber won't have a full or a complete
23 idea of how things unfolded, and you won't understand what the message to
24 General Petkovic concerned.

25 MR. STRINGER: Mr. President, we've seen the other document. I'm

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1 less interested in that one. I'm interested in the version that went
2 down the chain of command. I think the issue has been exhausted in the
3 general's direct examination as well as in the questions that came from
4 the President, so I don't see any need to go back to the original
5 document when the ones that we're interested in, for this purposes,
6 relates to the chain of command and how it impacted the chain of command.
7 I'm ready to move on to the next topic.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, your witness
9 [as interpreted] says that if you are to answer the questions, one should
10 show you the text containing this sentence of yours. Is this necessary
11 for you or not? If not, we'll continue with the questions. So you are
12 testifying, not your Defence counsel. Do you think it's necessary to
13 have a look at the text?

14 THE WITNESS: [Interpretation] No, Your Honour. You've already

15 asked me about that text. You have it before you. Everything is quite
16 clear here. I've answered all the questions. Everything is clear to me.
17 I can repeat to the same extent that the Prosecution can repeat its
18 thesis. I'll continue to repeat my answers.

19 JUDGE ANTONETTI: [Interpretation] Very well.

20 Mr. Stringer.

21 MR. STRINGER:

22 Q. General, we're going to switch gears a little bit now, and I'm
23 going to ask you some questions about the HVO Main Staff from 24th of
24 July, 1993, in terms of just how it worked in a general sense or an
25 organisational sense.

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1 MR. KARNAVAS: Your Honour, before the question is posed, I'm
2 sitting here and I do feel the obligation, at least as an officer of the
3 Court, to make one observation for the Trial Chamber, and that is: When
4 counsel for an accused, even as one as brilliant as General Praljak is,
5 stands up and makes an observation, as was done just now, and believes
6 that in fairness to the record and to her client, that a particular
7 document should be shown, I think the better practice is not to ask the
8 witness what he or she thinks, because the witness may not necessarily be
9 in the best position to understand the intricacies involved in this
10 particular case or the issues that are being discussed, and therefore
11 I think the better practice would be to defer to counsel and not to ask
12 the witness whether the witness feels it would be necessary.

13 Thank you.

14 MR. KOVACIC: [Interpretation] Your Honours --

15 JUDGE ANTONETTI: [Interpretation] Counsel has access to the
16 documents. Counsel can see the document. The Prosecution said, We'll
17 move on to another area, so that's the end of the discussion. Had the
18 Prosecution continued, we would have taken your objection into account,
19 but Mr. Stringer is moving on.

20 MS. PINTER: [Interpretation] Your Honours, for the sake of the
21 transcript, I would like it to be known that you didn't see the document
22 that's being discussed all day today. You've only had the document
23 before you, the document that someone copied at one moment in time. The
24 document with Mr. Praljak's original handwriting isn't one that you have
25 seen.

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1 THE WITNESS: [Interpretation] I apologise. Nika, when I said I
2 didn't need it, well, I've just had enough. That's why we've spent so
3 many hours trying to do something that, in my opinion, has no sense,
4 because my text is crystal clear to me, but everything else, well, to be
5 quite frank, I leave it to fate. I don't really have the desire to
6 discuss these matters. The message to General Petkovic was crystal
7 clear, crystal clear.

8 MR. KOVACIC: [Interpretation] Your Honours, I do apologise. I
9 have to intervene for another reason. I was waiting for the Prosecution
10 to complete his questions with regard to this area, with regard to the

11 context of the entire series of questions, starting with a statement made
12 by the expert witness, General Pringle, and then going on to the
13 documents that we have examined. With regard to this, I would like it to
14 be stated quite clearly in the transcript by the Prosecution that the
15 indictment isn't being amended, because the indictment refers to this
16 document, the message Praljak sent to Petkovic, and it refers to it in a
17 different context. The questions put to the witness provide me with a
18 dilemma. Is the Prosecution now trying to establish a basis so that the
19 Prosecution could argue that Praljak -- and I'm exaggerating a bit, but
20 are they claiming that Praljak acted incautiously when he allowed himself
21 to use a certain kind of language in a certain number of documents, and
22 as a result he provoked his subordinates to think in a certain way?

23 We started with General Pringle, but did he create such a command
24 climate? Is the Prosecution now insinuating -- has the Prosecution been
25 insinuating for the last two hours of its cross-examination that Praljak

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1 used this language in order to send a message to his men, and in this way
2 he caused them to act erroneously?

3 When we follow the series of questions put to the witness, I
4 believe that the Prosecution might be making new charges, and I'd like
5 the Prosecution to state that this is not the case, to state that the
6 indictment isn't being amended, if that's the case. Perhaps it's not the
7 case.

8 Thank you very much.

9 JUDGE ANTONETTI: [Interpretation] Very well.

10 Mr. Stringer, you will answer the question, but I'll try and
11 summarise what has been said to you.

12 You've provided a number of examples in which Mr. Praljak used
13 language, certain written terms in documents, and as a result of this
14 language, the use of these terms, he might not have created the kind of
15 command climate that the expert, General Pringle, referred to in his
16 report. The expert says that it's necessary for there to be a good
17 climate so that command can be adequately exercised. A certain number of
18 examples were provided, and you asked Mr. Praljak whether using swear
19 words, using certain language, you asked him whether using such language
20 had an effect on soldiers, on his men. Is that what you wanted to
21 demonstrate, in fact?

22 MR. STRINGER: Well, Mr. President, I'm troubled that I've
23 been -- I think I've been putting the Prosecution case on this to the
24 witness most of today, and if nobody understands that, then I've been
25 doing a pretty bad job of it.

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1 The Prosecution case is that by the documents and the orders and
2 the language of General Praljak we've been talking about, he created a
3 command climate in which his subordinates felt free to commit crimes or
4 to approve crimes or to look the other way and tolerate crimes. That's
5 our submission.

6 If I could just add, because I don't understand counsel's

7 remarks. I don't think I should have the obligation to explain what I'm
8 doing to counsel or to respond to every inquiry they want to make about
9 the cross-examination. They're going to have redirect, and the general
10 is here to answer the questions. I'm not here to answer questions of the
11 Defence. They're not objecting. They're simply asking for
12 clarifications and explanations, which I think I don't have to provide.
13 I'm just doing my cross-examination.

14 MR. KOVACIC: [Interpretation] Your Honour, with all due respect,
15 of course, of course, I do not expect the Prosecution, nor can I have any
16 such expectations, for them to explain their line of questioning or where
17 they're heading. That was not my intention, I assure you. But the
18 Prosecution has again repeated something that is disturbing.

19 [In English] "The documents and the orders and the language of
20 General Praljak we have been talking about, he created a command climate
21 in which his subordinates felt free to commit crimes or to approve
22 crimes."

23 [Interpretation] That is a new factual description in the
24 indictment and it is a new charge. We do not have such insinuations in
25 the indictment, this incrimination expressed in this way, such a factual

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1 situation and such a legal interpretation. We really don't have that
2 indictment, or I don't recollect it properly.

3 And, furthermore, my learned friend has not provided an answer
4 that I can accept. Let him say, No, they are not new charges, or let him

5 say, Yes, they are new charges. What my learned friend said regarding
6 explaining the line of the cross-examination, that is something I fully
7 accept. Of course, he is not duty-bound to explain that. But let him
8 answer my question: Are they new charges or not? A simple yes-or-no
9 answer.

10 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Stringer, are they new
11 charges or charges already contained in the indictment?

12 MR. STRINGER: Mr. President, this is all evidence that's highly
13 probative and relevant in our view to the issue of the general's command
14 responsibility under Article 7(1) and 7(3) of the Statute of the
15 Tribunal.

16 JUDGE ANTONETTI: [Interpretation] Very well, continue.

17 MR. KOVACIC: There is no answer, so I can presume as a Defence
18 that there are no new charges. I'm just -- I'm simply trying to avoid a
19 situation in which, in a couple -- next months, the Prosecution will
20 write in the final brief this situation, why Praljak is responsible for
21 something. I just understand that there are no new charges, that it is
22 not a new form of liability, neither the facts.

23 Thank you.

24 MR. STRINGER: Well, just for the record, we are going to write
25 in our brief and in our submissions that this sort of language that's in

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1 these orders give rise to a command climate which ultimately results in
2 the general's criminal responsibility under Article 7(1) and 7(3) for the

3 crimes that are alleged in the indictment. I mean, there aren't any
4 more -- any new crime bases, or I mean, we've been talking about Vares,
5 the "flatten everything" related to the events just after the 9th of May
6 in Jablanica. The one document was generated in Gornji Vakuf. So, I
7 mean, there aren't any new crime locations or crime bases that we're
8 adding. This all goes to the general's command responsibility under
9 Article 7(1) and 7(3) for the crimes he's already charged with in the
10 indictment.

11 JUDGE ANTONETTI: [Interpretation] To be quite clear, in
12 paragraph 17(3) the following is written:

13 "Slobodan Praljak participated in the commission of crimes and
14 attacks by HVO forces against the Muslims of Bosnia, he incited their
15 commission, he facilitated them, he encouraged them, and he tolerated
16 them."

17 Therefore, what you say, that is part of paragraph 17(3) that I
18 have just read.

19 MR. STRINGER: That's correct, Your Honour. The -- that part of
20 the indictment tracks along the very language of Article 7(1) and also
21 perhaps 7(3), in terms of the bases for criminal responsibility under
22 Article 7, and that's what this line of questioning has been relevant to.

23 JUDGE ANTONETTI: [Interpretation] So it is not a new form of
24 liability, it is already included. That is what we can draw as a
25 conclusion?

1 MR. STRINGER: That's correct, Mr. President.

2 MR. KOVACIC: Your Honour.

3 [No interpretation]

4 JUDGE TRECHSEL: No translation.

5 MR. KOVACIC: [Interpretation] If my learned friend upholds this
6 position that he has just described, there is nothing new, that this is
7 contained in the wording that you have read out, Your Honour, I'm simply
8 referring to the existing practice, that is, the Kupreskic case in the
9 Appeals Chamber, and I think Kvocka and Krnojelac - I'm not quite sure.
10 That means that it is not a sufficiently specific charge. The one that
11 has now been quoted is not specific enough for the Defence to be able to
12 defend itself, because nowhere in the indictment is it explained that
13 Praljak, by writing military documents and using free language in doing
14 so, instigated the troops to commit crimes. That is a factual basis for
15 such an indictment. That should be part of the indictment, according to
16 established practice, regardless of how liberal it may be. The
17 explanation given is not specific enough for an understanding of the
18 indictment. The Statute requires that the accused must be informed in
19 detail with the indictment, even though the Prosecution says that these
20 are not new charges, but they are new charges.

21 Thank you.

22 MR. KHAN: Your Honours, we've spent already quite an amount of
23 time on this subject. With the greatest respect, it seems that the
24 position has been rather succinctly put by you, Mr. President, and it has
25 been concurred with by my learned friends for the Prosecution. It seems

1 that the submissions that may have -- that my learned friend for
2 General Praljak and the Prosecution have on this issue are, indeed, best
3 left to closing briefs and closing arguments, and they be determined by
4 Your Honours in the final judgement. And, of course, they can always be
5 revisited, if necessary, on appeal. But it doesn't appear to me to be an
6 overly useful exercise to belabour this point any more than has already
7 been done.

8 JUDGE ANTONETTI: [Interpretation] Very well. Everyone has
9 understood, and in your submissions you will elaborate on these matters.
10 The Prosecution will respond, and the Defence also will comment, and then
11 the Judges will rule.

12 Mr. Stringer.

13 MR. STRINGER:

14 Q. General, on the 6th of May, 2009, you were describing, in general
15 terms, what I would refer to as a division of labour as between yourself
16 and others after you took command of the Main Staff on the 24th of July,
17 and I just want to ask you a couple of questions about that to make sure
18 that I understand what you're saying correctly. And I'll just refer to a
19 bit of the transcript from your testimony.

20 You said:

21 "At that moment, the commanders, myself, Petkovic, and the
22 others, had to go to the field, leave their offices."

23 And I'm skipping down a line. You say:

24 "I understood, which will be corroborated by witnesses, that our
25 main problem would be the attack by the BH Army from the direction of

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1 Uskoplje and Rama, which would have meant a complete defeat of the HVO,
2 so I went there."

3 And then you continue on. You say:

4 "The area of Mostar and the south should have become the
5 responsibility of the chief of General Staff."

6 I think that's "chief of the Main Staff," and that's Brigadier
7 Tole. And then, quote, you say:

8 "General Petkovic was to concentrate on avoiding the fall of
9 Kiseljak, Vares, and Central Bosnia."

10 So, General, just to -- I want to clarify that I understand it
11 correctly. During the time period of time that you were the commander of
12 the HVO Main Staff, you were the commander and you were the
13 highest-ranking military officer in the HVO structure. But if I
14 understand correctly, based on this, there was something of a
15 geographical division of labour as between you and General Petkovic and
16 Brigadier Tole, as you've indicated here; is that correct?

17 A. Yes, there was an internal agreement or, rather, my request, for
18 the simple reason that the situation -- if the situation is more chaotic,
19 the possibility of managing it is more difficult; that is, an acting army
20 or to acting as the Main Staff, for this could lead to a disaster. In
21 such cases and in other wars, the commander cannot control the situation

22 from one room in one location. In view of the strength of the attack of
23 the ABiH, the situation with the HVO units that you have seen, the
24 situation with the communications. And in a brief conversation -- Tole
25 came a little later, so primarily it was between General Petkovic and me.

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1 The witnesses have testified about the main direction, which should have
2 been Gornji Vakuf. I went there on the same day, and with a few days I
3 fought for days and almost months, Mr. Petkovic had other obligations
4 with UNPROFOR, the negotiations and so on. Of course, there was a
5 certain division of labour, as I said, and I also explained the reasons
6 for it.

7 Q. Now, if you would turn to Exhibit 3D01281 [Realtime transcript
8 read in error "3D01821"]. That should be in your binder. This is one of
9 your exhibits, 3D01281.

10 A. Yes, here it is.

11 Q. This from the "Croatian Soldier" magazine that you were talking
12 about during one part of your direct examination. This issue is dated
13 the 8th of May, 1992. Do you have that, General?

14 A. Yes, I do.

15 Q. And when you referred us to this, you were talking about your
16 activities in terms of educating the Croatian Army personnel on the Laws
17 of War. And this -- this magazine actually contained what I thought was
18 sort of a useful summary or resume of, as it's indicated here on page 2
19 of the English, the basic rules of International Law Applicable in Armed

20 Conflict. This is page 0532 of your version. Do you have it? Do you
21 see that, General?

22 MR. KOVACIC: [Interpretation] If I may be of assistance.

23 In the transcript, it says "1821." It should be 3D01281, 1281.

24 MR. STRINGER: That is correct. I apologise if I misspoke.

25 1281.

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1 Q. So, General, we see in the box here text involving the basic
2 rules of International Law Applicable in Armed Conflict, and we don't
3 have to go through this point by point. But recognising that this is
4 sort of an overview, would you agree with me that these, in general, set
5 out the rules applicable and international -- excuse me, the rules that
6 are applicable in armed conflict in respect of persons au de combat,
7 civilians, captured combatants, et cetera?

8 A. Yes. Soon after I took over as assistant minister, this was one
9 of the first seminars on the Rules of War, and you can see listed some of
10 the basic -- the most important rules.

11 Q. Now, would you agree with me that these rules applied to you at
12 any time when you exercised command authority in connection with the HVO?

13 A. Yes, absolutely, and even more than that.

14 Q. And when we talk about this division of labour, for example, when
15 you were primarily responsible for the Prozor or Gornji Vakuf area and
16 General Petkovic was looking after the Central Bosnia area, would you
17 agree with me, General, that, in fact, these rules applied to you, you

18 were responsible under these rules, you were responsible as the commander
19 of the HVO Main Staff, even if something happened in one of the areas
20 that General Petkovic was looking after?

21 A. In the sense in which responsibility is proscribed by law, I was
22 responsible even there, but if responsibility is interpreted in an
23 absolutely broad sense, then I am responsible, too, as envisaged by the
24 Law of Warfare; commanding, method of command, whether I had concealed
25 something or not. Yes, I accept all kinds of responsibility as

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1 interpreted according to the Rules of War. Of course --

2 Q. I think --

3 A. -- whether I knew, whether I could have known. Even when I
4 envisaged like sending to the church and so on, even more than was
5 envisaged, I sought to achieve.

6 Q. I can ask the question this way, and maybe it will be better:
7 You were not excused from your obligations simply by virtue of the fact
8 that General Petkovic was looking after a different part of the
9 battle-field?

10 A. Correct. If something occurred due to my omission, my order, my
11 intentions, my concealment, if anything may have happened as is written,
12 I was commander of the Main Staff and certain responsibilities emanate
13 from there, which I accept, but precisely in the way they are described
14 in the books on international war law, and that was the practice in the
15 trials of the American Army or any other.

16 Q. So that would also -- we've been talking about the Central Bosnia
17 areas that General Petkovic looked after, but this would apply equally to
18 the Mostar area and the area south of Mostar, which I understand
19 Brigadier Tole was looking after?

20 A. The answer is something I have already provided. I have already
21 answered that question. A general is a general. A commander of the
22 operative zone is the commander of an operative zone. If you think that
23 one man can control all information under those conditions, or anything
24 like that, let me repeat --

25 Q. General, excuse me. Let me try to ask it the same way I asked

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1 for the other. For Mostar, the municipality, and for the HVO units that
2 were deployed in Mostar and the areas south of Mostar, you were not
3 excused of whatever applicability of international law there was simply
4 because you were looking after Prozor and Gornji Vakuf; correct?

5 A. That is correct.

6 Q. Now, if you could turn to the next document. It's P00191.

7 JUDGE TRECHSEL: Excuse me. Excuse me for interrupting,
8 Mr. Stringer, and it's really an interruption. But as you are between
9 two documents, perhaps you can live with it.

10 I owe an answer to Mr. Kovacic about a passage in today's
11 transcript which he has referred to and which we find on page 67, lines
12 10 to 12.

13 I think that roughly the transcript is correct. After one --

14 "you have spoken now about slapping one," there should be a full stop,
15 and the rest here in court should have a comma, so that the part here in
16 court refers to what comes afterwards. And the basis of this is actually
17 a bit -- a bit more concrete, if you want, and I'm here referring on the
18 transcript of our hearing on page 39481 of 4th May, lines 4 to 6, where
19 Mr. Praljak is reported as saying:

20 "As for members of my own people, on various occasions I would
21 swear and yell over and above any civilised norm of behaviour. Sometimes
22 I would even hit a person."

23 That was what I had remembered and what I refer to, and I hope
24 that you are satisfied with this answer.

25 MR. KOVACIC: [Interpretation] Yes, that is quite so. Thank you,

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1 Your Honour. That is what I thought it was, but it wasn't clear from the
2 transcript because one could possibly interpret it as if at that
3 particular moment when your comment was transcribed, that you understood
4 that the slap General Praljak mentioned, that was done by General Patton
5 during the Second World War, so that is why I made the inquiry.

6 JUDGE TRECHSEL: Thank you very much. Thank you for having given
7 me the opportunity to clarify this.

8 And excuse me, Mr. Stringer, for having interrupted.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, I have two
10 questions.

11 Within the framework of what General Petkovic said a moment ago,

12 when I look at the document about "Croatian Soldiers," this magazine,
13 this document was at the level of the Republic of Croatia. However, to
14 the best of your knowledge, was this document conveyed to the HVO
15 soldiers?

16 THE WITNESS: [Interpretation] Yes, Your Honour. The document was
17 shown of the IPD when he testified here, and this document says, We're
18 not receiving Croatian soldiers, or, rather, in smaller numbers, can you
19 do anything about it, that is number one. And, secondly, the booklets
20 with the Red Cross were sent to the HVO and everyone had them. The
21 magazine, "Croatian Soldier," was distributed free at all levels of the
22 HVO and the Croatian Army.

23 JUDGE ANTONETTI: [Interpretation] So you're telling us that this
24 publication was distributed free of charge, and the first page shows that
25 the price was 100 dinars. Why is this indicated? Why does it say

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1 "100 HRD"?

2 THE WITNESS: [Interpretation] Because at kiosks for the
3 population, for the civilians.

4 JUDGE ANTONETTI: [Interpretation] For the population who wanted
5 to buy one they had to pay for it. I see. So this document was
6 distributed among soldiers and you tell us that HVO soldiers had one.
7 The one from May 1992, when one turns the page and focuses on page 4, we
8 see that there was a seminar organised by the International Red Cross,
9 because we see the emblem there, and in a large square there are certain

10 legal rules that were passed down to the soldiers; is that true?

11 THE WITNESS: [Interpretation] That is correct, Your Honour. And
12 you see at the end, in the announcement for the media that I headed, the
13 Red Cross told us that they wished to do the same with the former
14 Yugoslav Army because they were not convinced that they were acting
15 appropriately.

16 JUDGE ANTONETTI: [Interpretation] Does it mean that the foot
17 soldier, the lowest-level soldier, at least who can read, can see that
18 parties at conflict must distinguish between the civilian population and
19 combatants?

20 THE WITNESS: [Interpretation] Correct, all of them, not only on
21 the basis of this magazine, but from the booklet that was distributed to
22 each soldier in the HVO and the HV, including pictures.

23 JUDGE ANTONETTI: [Interpretation] My second question, but the
24 Prosecutor will return to it tomorrow because it's almost 7.00. You said
25 something that interested me a lot. You said it before, but I didn't

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1 intervene straight away. But you said that, in reality, you distributed
2 responsibility among three of you; you, Petkovic and Tole. Each one had
3 a separate zone. And I thought this was interesting, but you are
4 confirming that all three of you shared this responsibility.

5 Mr. Stringer said that even if you did have this division of labour, does
6 this mean that you assume your own responsibility as the hierarchal
7 superior, even though this is rather a complicated point. On the basis

8 of a verbal agreement between Tole, Petkovic, and you, you distributed
9 the geographical zones, did you?

10 THE WITNESS: [Interpretation] Correct, and Petkovic also had
11 talks with UNPROFOR, with the ABiH. He continued his own activities.
12 And, secondly, of course I am responsible if I fail to react to anything
13 being done wrongly by Petkovic or Tole, and everyone else, of course.

14 In the conditions that we had, in view of the communications we
15 had, and the kind of war that was ongoing, if anyone could prove that I
16 violated any provision of International Law, I am ready to bear full
17 responsibility for this, and I said that at the very beginning.

18 JUDGE ANTONETTI: [Interpretation] Very well. So it's 7.00 p.m.,
19 actually several minutes after 7.00, and I apologise to the interpreters.

20 As you know, we will be working in the afternoon, and we will
21 resume our hearing at a quarter past 2.00. And I wish you all a good
22 evening.

23 [The witness stands down]

24 --- Whereupon the hearing adjourned at 7.02 p.m.,
25 to be reconvened on Tuesday, the 25th day of

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1 August, 2009, at 2.15 p.m.

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