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1 Wednesday, 2 September 2009

2 [Open session]

3 [The accused entered court]

4 [Accused Coric not present]

5 [The witness takes the stand]

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

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

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

12 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar. This
13 is Wednesday, September 2, 2009, and I greet Mr. Praljak, as well as the
14 accused, the Defence counsels, Mr. Stringer, Mr. Scott, and their
15 colleagues. I also greet everyone helping us in this courtroom.

16 First and foremost, first you know that today we will stop at
17 1.00 p.m. I've been told by the Registry that at 2.00 p.m., we will have
18 a swearing-in ceremony for Judges. I don't know the name of the Judges
19 yet, but I'm sure we'll be told by 2.00. As of now, I don't know what
20 the name of these Judges are, and I was only told about this through
21 administrative channels. Whatever the case, we will have to stop at
22 1.00 p.m., and we'll only have one break.

23 However, Mr. Praljak, if during the hearing you feel that you
24 need to be excused for a minute, just tell us and we'll just wait for
25 your return while looking at the documents in order not to waste any

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1 time.

2 That was the first thing I had to say. Then last week we said
3 that we would take stock of the situation to know exactly when
4 Mr. Praljak's witness will come once all cross-examinations are finished.
5 Of course everything -- it all depends on how much time Mr. Stringer
6 still needs, and depends also on the time used for redirect, for Judges'
7 questions, and possibly questions from other counsels.

8 Mr. Stringer, you told us that you still had a few binders to go
9 through. When do you think you could be done?

10 MR. STRINGER: Good morning, Mr. President, Your Honours, and
11 Counsel. My best estimate is of course heavily dependent upon the amount
12 of questions and interventions that come elsewhere -- come from
13 elsewhere, but we -- as I've indicated before, we've got -- there are
14 going to be ten lists or ten binders. We're just about to finish with
15 number eight. We're going to be moving into number nine shortly, and I'd
16 like to be largely through number nine today, again recognising that it's
17 a short day, so maybe that's too optimistic.

18 I would like to be very close to the end by the finish of
19 tomorrow's proceedings. I think I'll probably continue over into Monday,
20 but I should say as I've indicated before, there's going to be a small

21 number of documents after the list number ten, but those are more related
22 to smaller issues or loose ends, as we would say in English. So I am
23 determined to wrap up the cross-examination at some point on Monday.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 Mr. Kovacic, if I understood you correctly, you said you needed

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1 two hours. Is that it?

2 MR. KOVACIC: [Interpretation] I think so, yes, Your Honour.

3 Don't hold me to that, but as things now stand, for redirect I think that
4 will be -- that is about right, and bearing in mind other people's time
5 and our time, approximately two hours. However, as we're on the subject,
6 for us to sift through the topics for redirect, we should like to request
7 that upon completion of the Prosecution's cross-examination and any
8 additional questions from the Judges, because you said you will have some
9 minor issues with respect to the map but perhaps you want to ask about
10 other things, too, we should like to ask for a break to give us time to
11 sift through the possible topics for redirect so that we could be as
12 concise as possible and prepare all the right documents necessary.

13 So once the cross is completed and once Your Honours have asked
14 all your questions, we should like to have one day's rest free to prepare
15 our material. Thank you.

16 JUDGE ANTONETTI: [Interpretation] Very well. As far as Judges'
17 questions are concerned, on my behalf it will be very short. I will just
18 ask Mr. Praljak to comment the maps that he drew at my request, deal with

19 the location of the JNA before the conflict started, and have to deal
20 with the position of HV troops when they had to intervene because of
21 Dubrovnik, and then also the position of the HVO and the ABiH over time
22 during 1992 and 1993 as he knew this position, according to his knowledge
23 of it. So it should be short, because Mr. Praljak will just show us the
24 maps, tell us this is where the troops were located and so forth and so
25 on, and that will be it. So I do not need a lot of time. However, what

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1 I do not know is whether the other counsels are going to want to take the
2 floor for redirect. Remember that the Trial Chamber said that this would
3 be deducted from their own time. But as of now I'm in the dark. I don't
4 know anything.

5 Mr. Karnavas, could you keep --

6 MR. KARNAVAS: Good morning, Mr. President; good morning,
7 Your Honours; good morning to everyone in and around the courtroom.

8 I take it, it was a slip of the tongue when you said redirect.
9 We did cross, so -- and whether we are entitled to re-cross, that's
10 another point.

11 I don't foresee the possibility of -- of going and asking
12 General Praljak any additional questions. I would, however, invite the
13 Court to seriously consider having a cut-off date by which the testimony
14 of General Praljak would be finished and when the next witness would
15 begin for scheduling purposes. And it would seem to me, based on what
16 I'm hearing, that by Thursday perhaps the next witness -- or the

17 following Monday the next witness should be coming. I'm only saying this
18 for my own scheduling purposes, and I don't wish to interfere with the
19 Praljak Defence team, but I do think that, you know, we need to manage
20 our time outside of this particular witness. So to that extent I would
21 invite the Trial Chamber to seriously consider, you know, giving --
22 inviting the Praljak team to designate when their following witness would
23 be coming, who is, as I understand, an expert and will require some
24 significant preparation time.

25 JUDGE ANTONETTI: [Interpretation] Stojic Defence, please. Will

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1 you have questions after this cross-examination?

2 MS. NOZICA: [Interpretation] Good morning, Your Honours. I have
3 to say this is how we understood it: We understood the Trial Chamber to
4 say that any additional questions in the cross can relate to that portion
5 of questions which the Trial Chamber will ask after the cross-examination
6 by the Prosecution.

7 Now, since at this point in time we cannot know whether and what
8 issues will be raised, whether they'll have anything to do with the
9 Stojic Defence after the cross-examination by the Prosecutor, I can't
10 give you a precise answer now and tell you whether I will or not, but if
11 I need to ask additional questions, it will be just brief and will be
12 related to the Judges' questions. Thank you.

13 JUDGE ANTONETTI: [Interpretation] Very well. In order to ensure
14 that everything is clear, this can only be an additional

15 cross-examination by the other teams. According to our guidelines, this
16 was not authorised except under exceptional circumstances and with leave
17 by the Trial Chamber. This is in paragraph 2 of the guidelines. So the
18 Trial Chamber must give its approval. But so far the Trial Chamber had
19 said that in principle they would agree, but that the time taken for
20 these additional questions would be deducted from your own time. But
21 you're telling us that you don't know as of now how long you will need.

22 What about Mr. Petkovic's Defence?

23 MS. ALABURIC: [Interpretation] Good morning, Your Honours. Just
24 briefly from the Petkovic Defence. We do not intend to additionally
25 examine General Praljak, but if we need to clarify certain points because

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1 the explanations given were not full enough, we might need one or two
2 minutes and that's all. Thank you.

3 JUDGE ANTONETTI: [Interpretation] Mr. Coric --

4 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.
5 As things now stand, our answer is the same as that given by the previous
6 Defence, that is to say that we don't believe we'll have any questions at
7 this point, but if necessary, just briefly. Thank you.

8 MR. IBRISIMOVIC: [Interpretation] Thank you, Mr. President. The
9 Pusic Defence does not intend to question General Praljak.

10 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, if I understood
11 things correctly the Prosecutor will be finished on Monday. I will have
12 a lot of questions, and then you will need at least one day to prepare

13 for your two hours, which means that on Tuesday we would not sit, and you
14 can ask your questions on Wednesday, your additional questions on
15 Wednesday for two hours, and your witness could come on Wednesday after
16 you're done with your questions to Mr. Praljak. Is that it?

17 THE INTERPRETER: Microphone, please, Counsel.

18 MR. KOVACIC: [Interpretation] Yes, Your Honour. I think your
19 assessment is very realistic, and this afternoon I will issue a new
20 calendar and send it out to everyone to see if that's it, if I've got it
21 right, and then we might have the first witness on that Thursday,
22 Thursday the 10th of September, although I have to mention that we are
23 keeping him unnecessarily during the week, and perhaps it would be more
24 logical to have him come in on Monday. But, yes, I can call him in for
25 Thursday -- or, rather, I made a mistake. Wednesday. I meant to say

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1 Wednesday. Thank you.

2 JUDGE ANTONETTI: [Interpretation] Very well.

3 Mr. Stringer, I think you've understood correctly. Theoretically
4 you should be done on Monday. Tuesday the Defence will prepare itself
5 for the additional questions and then we'll ask the questions for two
6 hours and then we'll have the expert witness.

7 MR. STRINGER: Mr. President, I had one question about the
8 status, the status of the testimony and the maps that the general's going
9 to be talking about after the cross-examination's finished, because I
10 will be honest, we have not -- I have not yet -- I've not yet examined

11 them closely. I'm not sure whether the intention is that they would be
12 admitted into evidence and that General Praljak's testimony about the
13 maps would be something that the Trial Chamber would consider at the end
14 of the trial.

15 I do recall the Prosecution very early in the cross put to the
16 general that he'd submitted a misleading map that did not contain all
17 pertinent information about HVO positions at Makljen Ridge in January of
18 1993.

19 So just to say that it's possible that the Prosecution, or
20 perhaps another party, I don't know, might -- might want or take the
21 position that they are entitled to cross-examine General Praljak on these
22 maps that he did not, you know, present or talk about at any point during
23 his direct examination.

24 I hate to say it and I hope it's not necessary, but I think it's
25 a point that has to be raised.

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1 JUDGE ANTONETTI: [Interpretation] Yes. Let's rewind for a
2 minute. During the pre-trial stage, I talked with Mr. Scott -
3 unfortunately I hadn't met with you at the time - but I told him that at
4 the time that we -- that in this kind of trial we needed maps with the
5 position of troops on the field, and I had made a reference to the
6 Nuremberg trial. They had maps there, maps that were posted on the walls
7 in the courtrooms. Unfortunately, this proposal was not agreed on and no
8 one decided to have these maps.

9 I must say that at the time, I had a good number of technical
10 meetings with the Registry at the time to see if that would be possible.

11 During Mr. Praljak's testimony lately, there's been a good number
12 of problems regarding the positioning of the troops. You just talked
13 about the fact that you challenged the position of troops on the
14 Makljen Ridge. There was also problems as the position of the HV during
15 the conflict. Mr. Praljak did recognise that the Croatian Army at the
16 point -- at one point in time had entered and then had withdrawn, but it
17 would be nice -- the best is to know everything about it and to know
18 exactly where the troops were positioned in the field at the time,
19 knowing where the HVO was, where the ABiH was, and thanks to this, you
20 know, we can have a better idea of the situation at the time.

21 Since no one thought about it neither Prosecution or Defence, I
22 decided that it might be useful to at least have a few maps in order to
23 see more clearly into this issue. So over the break, over the summer
24 recess, because he had to stay, unfortunately, I asked Mr. Praljak to
25 prepare these maps, and obviously he did.

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1 Now, following the question that had already been put in terms of
2 additional questions, I wanted to also put questions to Mr. Praljak on
3 these maps. So we will have the maps that he drafted, and he will say
4 such units was here, such -- another unit was positioned in another place
5 and so forth and so on. He will also give us his point of view.

6 Defence, if need be, will tender these maps. Of course, the

7 other parties can object, the Prosecution can object, and the Trial
8 Chamber will issue its decision. That is one way to do things in terms
9 of procedure.

10 Second possibility, the Trial Chamber could decide either to
11 admit or not to admit these maps. Of course, the Trial Chamber will need
12 to have a unanimous majority decision on this. So the maps might not be
13 admit because my fellow Judges might think they're totally pointless.

14 You're talking about status of these maps. Well, as of now I
15 can't tell what you status they will have. If the Trial Chamber decides
16 to admit them, then they will become evidence, but the Prosecutor could
17 also require -- tender these maps because he might think that they're
18 useful after all.

19 So before talking about the possible status of these maps, first
20 let's look at them and see whether they're relevant. As of now I have no
21 idea, and we'll only be able to make a decision on this when we see those
22 maps.

23 Did this meet your concern?

24 Yes, Mr. Scott.

25 MR. SCOTT: Good morning, Mr. President, each of Your Honours,

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1 and all those in and around the courtroom. This perhaps gives me a rare
2 opportunity for some time to get on my feet and at least say a few words.

3 Since, Your Honour, Mr. President, you mentioned having raised
4 the issue of maps before earlier, much earlier in the case and mentioned

5 me by name, let me just ever so briefly respond to that just to put into
6 context this -- this question and then bring it up to the current time.

7 I am mindful, Your Honour, of the comments that the President, in
8 particular, made earlier in the case about the maps. Unfortunately,
9 there are two -- well, there's two responses to that, neither of which
10 are critical of the President's position of course at all, but simply to
11 explain where the Prosecution has been coming from on this topic.

12 First of all, is all the parties are aware and as the Chamber is
13 certainly aware, there have been severe time limitations in this case. I
14 virtually say that there's probably not a single topic or a single party
15 in this case that would not at various times have wished to have
16 substantially more time to address various issues. There are simply
17 consequences, unfortunately, to time limitations. And virtually every
18 day, virtually every day by all counsel something is let go, something is
19 let pass because we can't get to everything. So one issue or one
20 constraint has been the time limitations on this case. Again, I don't
21 say that in the sense of criticism, but just simply as a matter of
22 reality.

23 Secondly, Your Honour, and more substantively, I do think it's
24 fair for the Prosecution to point out that while we would understand the
25 possible value of the maps and that sort of thing as context, the

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1 Prosecution does not see this case, has never seen this case, as a case
2 primarily about the conduct of armed conflict. Whether or not -- where

3 the lines were at any given moment, whether there was on a particular day
4 a particular conflict between the HVO and the ABiH is of relatively
5 little relevance overall in terms of the crimes committed after attacks,
6 the -- the burning and the destruction of property after attacks were
7 completed, the expulsion of people from their homes after the attacks
8 were completed, the operation of camps, the expulsions from West Mostar.
9 Those, in our submission, Your Honours, have very little to do with the
10 lines -- with the confrontation lines on the map on any given day. And
11 it's partly again because of that that given the very limited amount of
12 time to address a number of issues, we did not, after much consideration,
13 spend -- devote a great deal of time to dealing with these kinds of maps
14 or issues, and again I just simply state that to make our position clear
15 on that point.

16 Now, having said that, I think Mr. Stringer is entirely right,
17 and as, Mr. President, you just noted yourself, if in fact an additional
18 few hours, which as we know in this courtroom an additional few hours
19 quickly becomes a court day, since we only have four hours a day of real
20 court time, but if in fact Mr. Praljak goes into testimony concerning the
21 map, I'm almost for sure -- I may be a little bit more, depending on your
22 point of view, optimistic or pessimistic than Mr. Stringer. If there's
23 any significant testimony on the maps, I suspect there will indeed be
24 extensive cross-examination on those maps. So I do think the Chamber
25 would have to understand that that may indeed inject substantial

1 additional time into the completion of the witness.

2 That again is not criticism, Your Honour, but just simply to --
3 in terms of the realistic, the realistic time schedule that we be looking
4 at over the next days.

5 I thank you for the Chamber's patience in receiving my comments.

6 JUDGE ANTONETTI: [Interpretation] Well, by Monday the
7 Trial Chamber will have deliberated on all these issues because we're not
8 there any way.

9 For your information, I can say that as far as the maps were
10 concerned, I thought I needed about ten minutes and no more. I don't
11 intend to ask detailed question on all this. I assume that Mr. Praljak
12 did position the troops where they were, and that's it. I will not be
13 able to contradict him on the position of the troops, so I won't need a
14 lot of time.

15 [Trial Chamber confers]

16 JUDGE ANTONETTI: [Interpretation] The -- now, as far as the
17 expert is concerned, Mr. Kovacic, the Trial Chamber has taken into
18 account a number of parameters and decides that your expert witness will
19 start testifying as of Monday, next Monday. Not this coming Monday but
20 the one after. So please make sure that he is there, that he's available
21 for Monday, 2.15 p.m. Not this coming Monday but the next Monday.

22 MR. KOVACIC: [Interpretation] Thank you, Your Honours. To avoid
23 any misunderstanding, it's Monday, the 14th of September.

24 JUDGE ANTONETTI: [Interpretation] Yes. Next Monday is
25 September 7th. So it will be on September 14th, absolutely. Monday,

1 September 14th.

2 MR. KOVACIC: [Interpretation] [Overlapping speakers] [Previous
3 translation continues] ... flexibility during the week for any
4 eventuality, and we can bring in the witness before appearing for his
5 proofing session and so on. And then he will be ready on Monday, unless
6 of course there's a force majeure. But I'll issue my calendar today and
7 scheduling lists so that we all know what's happening. Thank you.

8 JUDGE ANTONETTI: [Interpretation] Well, this took us 20 minutes,
9 but I believe that this is time well spent.

10 Mr. Stringer, you have the floor.

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

12 WITNESS: SLOBODAN PRALJAK [Resumed]

13 [Witness answered through interpreter]

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

15 Q. Good morning, General.

16 A. Good morning, Mr. Stringer.

17 Q. General, yesterday at the end we were looking at this Novi List
18 interview publication from the 4th of April, 2004. You were having
19 trouble reading the part that I wanted to you read, and so we went back
20 and we -- we made a better photocopy. This is P10958.

21 And, General, I want to direct you to the box, the grey box in
22 the middle of the page.

23 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you gave us this.

24 I note that there's "Mr. Pusic" right under this box. Is it the same
25 Mr. Pusic?

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1 MR. STRINGER: It appears to me to be, Mr. President. I hadn't
2 considered that, and I have to confess that I hadn't looked at that. I
3 focussed on the part that was -- was the interview with General Praljak.

4 JUDGE ANTONETTI: [Interpretation] You see, nothing escapes me.

5 MR. STRINGER:

6 Q. General, the part that I want to discuss with you is your
7 comments, comments here about Stolac, because we were talking about
8 Stolac and Capljina a little bit yesterday, and I was asking you about
9 the -- what you know, if anything, about the eviction of Muslims from
10 those places during August of 1993, and in this article, this is what you
11 say, you say:

12 "Stolac? There is nothing wrong there. What happened in the
13 concentration camp should not have happened in such a way, and it is a
14 real crime. But to disarm a soldier in a battle, that is what I signed
15 for tomorrow. What happened later on I would not sign for. Anyway, I
16 was the one who let journalists --"

17 A. No, no, Mr. Stringer. I do apologise, but just a moment. If
18 you're going to read a document, read it as it is written in Croatian.
19 It doesn't say "concentration camps," it says "camps," and it doesn't say
20 that I signed it, that I would sign it tomorrow. And when you have this
21 "tomorrow," I'll explain what this phrase means in Croatian, but the text

22 is quite clear, and I'd like to read the text out myself so that the
23 interpreters can interpret it as it is written. And then you can ask me
24 the questions.

25 Q. That's fine. Go ahead and read the part about Stolac.

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1 A. And I'd like to ask the interpreters to be given the original
2 text so that they can translate.

3 Q. They should have it on the screen.

4 A. You can see nothing on the screen.

5 MR. KOVACIC: [Previous translation continues] ... impossible to
6 follow on the screen, and usually we gave them such documents in advance.

7 MR. STRINGER: Let's try to put it on the ELMO. Is that going to
8 work?

9 JUDGE ANTONETTI: [Interpretation] It seems that the text is
10 legible there.

11 MR. STRINGER:

12 Q. General, can you read the left-hand column that begins with the
13 word "Stolac."

14 A. Yes.

15 "Stolac?" Which marks a question. "There is nothing bad there.
16 What was in the camp, it mustn't be like that. That really is a crime.
17 But to disarm soldiers in a war conflict, that I subscribe [Realtime
18 transcript read in error "describe"] to tomorrow. What happened later,
19 that I do not subscribe to.

20 "Anyway, it was me who allowed journalists to enter Stolac, and
21 then a month and a half later they drove the women and children out of
22 the town. I would give a medal to whoever did that, because that person
23 saved them from the retaliation of the refugees from Central Bosnia. Had
24 they meant to drive them out, they would have done so immediately. This
25 way, they didn't drive them out, but, rather, they saved them."

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1 Q. Thank you. General --

2 MS. ALABURIC: [Interpretation] Your Honours, if I may. Just a
3 correction. I apologise to my learned friends. I do think that there
4 was a verb that was mistranslated. Page 15, line 11. The General said,
5 and that's what the text reads, "I subscribe to that," whereas the
6 interpretation was to "describe," which I believe was misinterpreted. I
7 do apologise to the interpreters if I am in the wrong here.

8 MR. STRINGER: I heard the English word subscribe. I think the
9 interpreter said it correctly. It may have been taken down incorrectly
10 in the transcript.

11 Q. General, the fact that you would give a medal to the people who
12 evicted the Muslims out of Stolac, the command climate that's created by
13 a general who at any time would approve of such conduct is a climate in
14 which any crime like this is going to be tolerated. Isn't that true?

15 A. No, Mr. Stringer, quite the contrary. First of all, the
16 interview was not authorised. The interview was given at a point in time
17 when I'd already been served the indictment of the ICTY.

18 Secondly, as you can tell by looking at this, I was the one who
19 allowed the journalists to enter Stolac. It was a cardinal error,
20 because I allowed the journalists to access detention centres, three of
21 them, in fact, the journalists, not Stolac.

22 Q. Let me go back to my question on this.

23 A. Well, first, I have to finish explaining how the interview came
24 about, don't I?

25 Q. Well, no. I'm asking you about the words that you -- that you

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1 used in this interview. What you're telling the world here after you'd
2 been indicted for these crimes is that you in fact approve of the
3 evictions of Muslims from Stolac. Isn't that the truth? You approved of
4 that?

5 A. Sir, I said it in very specific terms here. Some people did
6 that. Based on this, it is clear that I knew nothing about it. I did
7 later conduct some conversations as to why that had been done, but I did
8 not investigate nor, indeed, was I in any position to know something that
9 was demonstrated at the time here at this Tribunal. A number of people
10 told me at the time that this had been done for the sole reason of saving
11 those persons from the retaliation of other persons who had been expelled
12 from other territories. If the reason was in fact for expelling the
13 population was to save people from being killed in scattered villages
14 such as these, I'm aware of the fact. I would have done that for the
15 simple fact that in a situation of war the choice you have is between two

16 evils, you go with the lesser evil. You have no manpower. You have no
17 organisation available to save these people from retaliation, and the
18 people have to be moved somewhere else - please allow me to say this -
19 because these people who are still --

20 Q. I'm not going to let you run on and make speeches. You tell us,
21 when did you learn about the events in Stolac?

22 A. Several years later, 1997, 1998, or thereabouts I started
23 learning about some things. Nevertheless, the explanations that I
24 obtained during chance encounters with people were like this. I didn't
25 know how this was done.

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1 Q. General --

2 A. The only explanations I got -- well, listen, I --

3 Q. So your testimony is --

4 A. You're welcome.

5 Q. -- that even though you were going down to your forward command
6 post in Citluk during August of 1993, you didn't learn anything about the
7 expulsion of Muslims from Stolac or Capljina during that period of time.
8 Correct?

9 A. Absolutely. Nothing at all. And the interview -- this portion
10 of the interview shows exactly that I knew nothing about that; I knew
11 nothing about the way it was done. And I stood by my previous statement
12 that those living would return to some area, but those dead would never
13 return. I didn't know at the time that this had been done; I didn't know

14 about the way in which it had been done, and the explanation that I was
15 given additionally resulted in an answer like this that I provided at the
16 time.

17 Q. And so you're saying now that these people were removed for their
18 own good. Is that your position?

19 A. What I'm telling you is that was the explanation that I received
20 at the time from a number of people when I asked them about the reasons
21 for doing that. They said to save those people from retaliation.

22 Q. And when you say that you would give them a medal for doing it,
23 then you agree with what was done, the eviction of the Muslims from
24 Stolac; correct?

25 A. With the proviso those people by that tact - I didn't know what

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1 it was or how it came about - if someone saves a group of people, and
2 this happens in each and every war, then I would, for such an act, give
3 to someone -- because anything else being done in that respect or not
4 being done would have meant massive retaliation, meaning people who --
5 yes.

6 Q. Right. And the fact is, General, I'm putting it to you that in
7 fact these people, these Muslim were evicted from Stolac and Capljina,
8 those areas, in order to make room for the refugees who were being
9 brought in by the HVO from Central Bosnia; correct?

10 A. No, Mr. Stringer. I knew nothing about that. The refugees were
11 there already. The refugees were there. The explanation that I received

12 additionally and that is stated here clearly, I knew nothing about that
13 and that the explanation that I was given was given to the effect that
14 this was the lesser evil.

15 Q. Now, who gave you this information?

16 A. I would occasionally travel to Capljina, and I'd talk to people
17 when I was there. I can't remember the specific people I talked to, but
18 I tried to learn about things. And then I learned about what had
19 happened and why. This was the kind of explanation that I got and was
20 based on such an explanation that [indiscernible].

21 Q. And rather than being disgusted about what happened to the
22 Muslims in Stolac, you actually approved of it as you said here. You're
23 all for it, aren't you?

24 A. Well, Mr. Stringer, I was in favour of the explanation that the
25 scale of the retaliation would have been such that crimes would have

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1 occurred had they not opted for a different way out. That is what I
2 defined as the lesser evil in a war situation. I'm not saying any more
3 than that.

4 Q. So the appropriate response in that situation is to evict them
5 from their homes, make them leave, put them on buses, drive them off to
6 other parts of Bosnia-Herzegovina, make them walk and find their way to
7 wherever it is they can find shelter. That's the appropriate way of
8 dealing with the security issue that was posed? Is that what your
9 telling us?

10 A. Sir, I'm trying to be very specific about this. In a given
11 theatre of war, you realise you cannot prevent killings, perhaps rape,
12 and other acts like that. The only thing for you to do is to simply move
13 a population out of the area. This is the lesser evil. That's exactly
14 what it means regardless of how it may sound in the court of law. This
15 is not an act of expulsion. I could cite a series of examples from other
16 wars where the same sort of situation occurred.

17 Q. Well, General, I'm going to -- obviously the Prosecution has a
18 different position on that, but let's move forward.

19 The next exhibit is -- unless there are questions.

20 JUDGE TRECHSEL: I cannot help wondering why it is the always
21 people who had always lived there that must be driven away to protect
22 them from people who have come there from elsewhere. I would regard it
23 as more logical and the lesser evil if the victims were placed -- the
24 refugees were placed something else. Would that cross your mind as a
25 possibility? What was the -- yeah. Sorry.

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1 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, I'm not
2 talking about the present time. I wasn't there, I do not have any
3 information about that, and I was not involved in that. Nevertheless,
4 the numbers of refugees who were obviously there because they had nowhere
5 else to go, whoever it was who explained the reason to me said there
6 would have been retaliation by people who had been expelled. Some
7 people, not all. That there would have been killings, rape, and so on

8 and so forth. There were a number of villages there and these people
9 explained, well, it was in our conversations. I didn't investigate this.
10 I was no investigator. I was just asking around. I was asking questions
11 about things that I had not learned during the war. And then there was
12 the explanation that in this way they were safe from retaliation. And
13 then I said this is something that constituted a lesser evil in a
14 situation like this. That was the logic I followed. Same thing I did --
15 well, I moved -- well, let me not go back to that now.

16 JUDGE TRECHSEL: You are not really answering my question. What
17 was the ethnic composition of the refugees? Was that also Muslims or
18 Serbs or Croats?

19 THE WITNESS: [Interpretation] Croats alone, Judge Trechsel.

20 JUDGE TRECHSEL: And that's your idea of equal treatment, that
21 you let the Croats go into Stolac. That's what -- your judgement now in
22 hindsight, taking your point of view. You think it is just and
23 compatible with all the nice things you said about equal treatment and
24 things like that, that the Croats can settle in Stolac and the Muslims
25 are driven away?

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1 The -- the potential murderers and rapists are protected because
2 they can stay there. The potential witnesses are driven out. That is a
3 value judgement you are presenting to this Chamber now. Are you aware of
4 that? And what's your reaction?

5 THE WITNESS: [Interpretation] No, Your Honour, that is not a

6 value judgement on my part. The value judgement would stem from this
7 following from the mental fact. You can actually enact what happens to
8 be a value judgement, but if you're not able to carry it through, then
9 you opt for the alternative which constitutes a lesser evil in a given
10 situation. I'm not disputing that fact. I merely responded to the value
11 judgement of the people who explained that to me. I did not create this
12 value judgement myself. I was merely commenting on the explanation that
13 I was provided at the time about a value judgement on someone else's
14 part. Please take that into account.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, Mr. Stringer
16 had put forward a case when he asked the question. I will reformulate
17 the question because I think it's important for him.

18 According to him there were Croat refugees arriving in Stolac,
19 and at that stage it was decided upon to remove all Muslims and to leave
20 room for those Croat refugees. This is the Prosecution's case, which
21 explains, according to the Prosecution, why all those Muslim were is
22 evicted. And when he said that, you answered very quickly. You said --
23 I don't have the transcript before me because it's not on the page yet,
24 but you said they had already arrived, and then you moved on to something
25 else.

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1 I have to go back to this because it is important. I would like
2 to know, according to you, at what point the Croats fleeing
3 Central Bosnia arrived in Stolac. Did they arrive before the departure

4 of Muslims, or did they arrive after Muslims had departed, or did they
5 arrive as the Muslims were leaving, or are you not in a position to tell
6 us precisely what was happening as for the sequence of events?

7 THE WITNESS: [Interpretation] Everything I'm saying,
8 Your Honours, I'm telling you based on information that I received years
9 after the fact. The last sentence here clearly expresses that. Had they
10 meant to drive them out, they would have done that immediately as soon as
11 the HVO liberated Stolac back in 1992, whereas earlier on, the Serbs had
12 expelled everyone. As you know I helped transport those 15.000 people
13 across. Had the HVO meant to drive people out --

14 JUDGE ANTONETTI: [Interpretation] General Praljak, sorry, I do
15 not like to interrupt you, but you're not answering my question, because
16 you go on to something else as stating that if they wanted to evict them
17 they could have done this earlier on. I understood that fully, but
18 that's not my question. My question is to know whether the Prosecution's
19 case is valid or not. And the Prosecution has a scenario or a case, and
20 it seems to make sense according to what he's saying. Firstly, you have
21 Croats fleeing Central Bosnia. They arrive in Stolac, and in Stolac we
22 do not know who did that. You said that you were not there, but, let's
23 say, local authorities, because it's certainly what happened, they are
24 going to charter buses, and they're going to put Muslims on buses, and
25 they will ask them to leave. And according to the Prosecutor, if I

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1 understood that correctly, the Croat refugees will then occupy or live in

2 the flats or the dwellings that were left by the Muslims. So this is the
3 Prosecution's case. And as far as you are concerned, you said, yes, but
4 they had arrived before. So this is what I want to know: I would like
5 to know what is the sequence of events. Do you have proof of that, or
6 are you assuming that they had arrived before, or whoever told you that
7 it was done for their own good and told you that the Croat refugees were
8 already there? I don't know, but I'm trying to clarify this, and you are
9 not bringing any additional information at this stage.

10 THE WITNESS: [Interpretation] But I am telling you in the
11 simplest of terms, based on what I was told the Croats came to the area
12 and already things that weren't good started happening. Based on the
13 explanation, then they felt unable to stop further acts of retaliation,
14 and that is why they did what they did. That is all I'm commenting on.

15 JUDGE ANTONETTI: [Interpretation] You see, you've just brought
16 additional information. You said the Croats had arrived beforehand, and
17 some had already committed some crime, and therefore the Muslim
18 population had to be protect, and therefore we decided to let them go.
19 And this is what you've just said, but you did not say that when
20 answering Mr. Stringer's question.

21 THE WITNESS: [Interpretation] It's written there quite clearly.
22 I am telling you yet again this was an explanation that I got. I'm
23 commenting on this explanation, not any knowledge I had or any
24 investigation that I undertook. What I'm saying here, a crime occurred.
25 Whatever happened I subscribe. It doesn't mean that I actually signed

1 anything to that effect. When you say to subscribe, in Croatian it means
2 that you agree. You learn of something and then you agree. Whether what
3 I learned at the time was true or not is a different issue. What I
4 learned, I learned two things. There was one thing that I agreed and
5 another thing that I did not agree with, and I've been perfectly clear
6 about that throughout.

7 JUDGE TRECHSEL: Just one follow-up question. You say -- you
8 have said at page 23, line 23, "They felt unable to stop further acts of
9 retaliation." Who are "they"? Who felt that it was not possible to
10 prevent acts of retaliation?

11 THE WITNESS: [Interpretation] Stolac had civilian authorities.
12 You saw the documents for yourself, and I'd never set eyes on them before
13 myself. Stolac had civilian authorities, persons who were in charge of
14 Stolac felt powerless to stop this, or at least that's what they told me
15 and that's how they explained it me. Based on that explanation of their
16 powerlessness to stop something, I still find it perfectly logical that,
17 for example, if there's something you can't prevent, a thing like this
18 from happening, you can't stop it from happening. What would I have
19 done? I can tell you about a parallel case, an analogous case, something
20 that I previously done in Capljina that was quite like this.

21 JUDGE TRECHSEL: [Overlapping speakers] [Previous translation
22 continues] ...

23 THE WITNESS: [Interpretation] All right.

24 JUDGE TRECHSEL: No, I just note you confirm that your policy and

25 your idea is that if there is a murderer and a victim, you remove the

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1 victim instead of containing the murderer. Thank you.

2 MR. STRINGER:

3 Q. General, just to stay --

4 THE WITNESS: No, no, no, no.

5 MR. STRINGER: Well --

6 THE WITNESS: No, no. I'm sorry. We're talking about the
7 present tense here, but what I'm telling you about here is an explanation
8 that I got. It doesn't mean that I, myself, would have moved -- would
9 not have moved the Croats. I'm telling you about the explanation.

10 Please, this is a conclusion that I can't agree with. I'm talking about
11 an explanation.

12 MR. KARNAVAS: If I could be heard for just one second for the
13 record purposes. I don't know whether this is done in the hypothetical
14 sense, whether this is done in the factual sense, but from listening to
15 your assertions, Judge Trechsel, and that's what I'm calling them,
16 assertion as opposed to questions, it would appear that you're now giving
17 factual testimony or at least making conclusions of facts. And that it
18 is your position at this stage with the trial ongoing that these are
19 actual murderers, and what have you, that are committing these crimes.

20 Now, I am a little bit concerned. Now, if it is in the
21 hypothetical sense, obviously which is something to be proved later on,
22 that's perfectly fine. If, on the other hand, you have concluded at this

23 stage - and I would welcome the opportunity to hear on what basis you
24 have made these actual factual findings - but if these are factual
25 findings, I would say that perhaps this is improper. And I say this with

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1 the utmost respect, from the legal point of view of course.

2 JUDGE TRECHSEL: Well, I say that I think you are thoroughly
3 misconceived, Mr. Karnavas. I'm a bit amazed at that I must really say.
4 Because what we have is we have a witness, an accused, who says that he
5 learned of certain events, and he passed a value judgement. He has said
6 -- practically he said he would have done the same still. And the basic
7 situation is that there were --

8 THE WITNESS: [Interpretation] No, no, no. I have a --

9 JUDGE TRECHSEL: [Overlapping speakers] [Previous translation
10 continues]... Mr. Praljak, you are a witness. You do not have any right
11 to interrupt. You are really misbehaving rather badly.

12 THE WITNESS: [Interpretation] I'm sorry.

13 JUDGE TRECHSEL: I could find it, but that's how I understood
14 him, and I was interpreting him. There's no -- actually crimes had
15 apparently already happened is what he also said. And then the
16 protection of murderers is of course a protection of potential
17 hypothetical murderers. I think the situation is very simply, and it
18 needs quite some fantasy misinterpret what I ask. And I think you
19 applied such fantasy, Mr. Karnavas.

20 MR. KARNAVAS: Well, again, I understood -- well, part of the job

21 of a Defence lawyer -- I don't know what it's like in Switzerland or else
22 place, but part of the job of the Defence lawyer is to make sure that the
23 client's -- or his or her client is receiving a fair trial and to also to
24 make a record. Now, I'm not implying anything. I listened to the
25 questions very carefully, and it doesn't matter to me who's -- who on the

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1 Bench is asking the question. I have a duty and a responsibility to the
2 client and to the record. And so based on what I was hearing, I posed a
3 question, because it would appear that on the one hand, one could
4 consider you to have been making factual allegations or factual
5 assertions. At this stage of the game this would be highly improper. On
6 the other hand, it could be on a hypothetical sense. So I asked for
7 clarification. Did I do so in the best of intentions. I made no
8 accusations, and I don't think that any personality issues should be
9 involved in this sort of a response to an inquiry that I'm making based
10 on a good-faith basis. So I would respectfully request, Judge Trechsel,
11 to whatever animosity you may have towards me as a person that it not be
12 transposed into the trial here when I'm simply trying to do my job as an
13 advocate. Now, maybe I'm not doing it correctly. Maybe sometimes I'm
14 overzealous, but I am trying with the best of intentions of making a
15 clear record.

16 Now, your telling us exactly what your intent was behind in
17 asking the question. I take that at face value, you know. But we have a
18 coal record here, and it may lead just as you are giving judicial hints,

19 as I take them to be, to the witness at times as to what he may be
20 saying, and you wish for clarification, I'm trying to do the same thing.
21 And so I apologise if for whatever reason I'm causing you discontent, but
22 my intentions were simply to clarify the record.

23 JUDGE TRECHSEL: Very briefly, two things. First, I react to
24 questions and not to persons. I see no merit in your suspicion. I can
25 assure you they are not founded in this moment. And second, I -- for the

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1 life of me I cannot see how I could have been understood as making a
2 factual statement. That was certainly very, very far from me. I was
3 just interpreting and distilling in a way what I had understood what the
4 witness had said, that was all. And I think that's perfectly correct.

5 MS. ALABURIC: [Interpretation] Your Honours, might I just be
6 allowed to say one sentence on behalf of the Petkovic Defence. I agree
7 with the concern expressed by my learned friend Mr. Karnavas, and we base
8 our concern primarily on the following --

9 THE INTERPRETER: I think somebody also has an extra microphone
10 switched on. Could any unnecessary microphones be switched off please.
11 It creates a noise.

12 MS. ALABURIC: [Interpretation] The Petkovic Defence's concern is
13 based on the following: As far as we understand General Praljak, he
14 tried to say that the evacuation of the civilians, by doing that,
15 somebody in Stolac tried to protect the civilians from a possible
16 retaliation of Croats who had come in from Central Bosnia and who were

17 expelled by the BH Army. Perhaps this appraisal about the reasons for an
18 evacuation was not justified, but the Petkovic Defence certainly
19 considers that this -- that the reason wasn't to try to protect the
20 killers of the civilian population. So in that sense we share the
21 concern of my learned friend. Otherwise, we consider Judge Trechsel's
22 observations and conclusions very instructive and important in -- for
23 future proceedings and how things should be understood and clarified.
24 Thank you.

25 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, let me add

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1 something so you can know what my position is. The difficulty we all
2 have here is that we're working in several languages, and each language
3 has its own nuances, and sometimes there's storms in the teacup just
4 because of translation problems. The words expressed by one person are
5 not necessarily completely translated into another language with all its
6 nuances, and sometimes there could be misinterpretation.

7 Now, secondly, from what I understood, this is what happened: My
8 fellow Judge asked General Praljak the following: There's a situation.
9 There are victims. The Muslim population is removed, evacuated. And if
10 I understood things right, my fellow Judge said this is your conclusion,
11 whereas the way the sentence is written, you could think that just
12 evacuating the victims did not prevent local authorities from starting
13 procedures against the -- the crimes made by the Croats against the
14 Muslims, but as I said already, Mr. Praljak, we are really in the eye the

15 storm. We're in your zone of responsibility. In your area of
16 responsibility. You know, when I put questions, my questions are always
17 very long because I want to put everything on the table to make sure that
18 I get an answer from you. Sometimes because there's not enough time,
19 because of time constraints, we ask you -- we ask a simple question, but
20 we should make it -- put more elements in the question to make sure that
21 we avoid problems.

22 Now, this is the question I feel I have to put to you: In a
23 situation similar to the one you mentioned in your interview, interview
24 you gave in 2004, more than ten years after the fact - we have to keep
25 that in mind also - but in the situation that you describe in your

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1 interview, as far as what the elements you were provided with were exact
2 and here, as an assumption because this is what Mr. Karnavas was hinting
3 at, I'd like to know whether local authorities should have done something
4 against the Croats who had committed crimes against the Muslims,
5 according to you. That's the whole question in a nutshell.

6 In this interview regarding prisons -- not prisons. You're
7 talking about camps. Let's put things straight. In my translation they
8 were just camps and not concentration camps. So in these camps you
9 condemned the crimes committed in these camps, and that was very clear.
10 You said that in the interview, actually. However, when it comes to
11 evictions, maybe your interview was cut short, because you said nothing
12 on this. And the question I'm putting to you and which I believe the

13 reporter should have put to you is the following: You're saying Muslims
14 left Stolac for this reason, but what about those who had committed
15 crimes against the Muslims?

16 THE WITNESS: [Interpretation] Your Honours, it was on the basis
17 of the information that I received subsequently about the camps I say
18 quite literally word-for-word that is a crime, and there is no reason why
19 I shouldn't say that for Stolac. Here I'm saying on the basis of the
20 information that I was provided -- I don't know whether they're correct
21 or not, but you can't -- and you can't deduce that -- from that that I
22 knew that somebody had committed whatever. I was given an explanation,
23 and hypothetically I say, this explanation, of course they were taken to
24 court. They are being tried today, too, those people up there who
25 committed some crimes. There are some serving sentences too. Now, would

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1 I have acted that way? I don't think so. I don't believe so. I can
2 say, for example, to the Serbs in the village I was born in, I handed out
3 weapons to them. Now, I accepted the explanation. Now, if the
4 explanation was correct, then they acted correctly. If it was incorrect,
5 then I would call it a crime, just as I call the other thing a crime up
6 there. So there's none of my moral position about that, my moral views
7 about that, but the explanation, and here I've just learnt that it was
8 largely incorrect. My information was largely incorrect. Now, don't --
9 I don't want you to say that I would have allowed this had I known
10 through the thousands of documents from the beginning to the end of the

11 war, and what was left out here is a series of explanations. I have
12 never seen this interview, nor did I authorise it, or whatever.

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 MR. STRINGER:

15 Q. Well, the fact is, General, that these your words, and as you
16 said back in April 2004, you would award a medal --

17 "I would award the one who did it with a medal because he saved
18 them from the revenge of the refugees from Central Bosnia."

19 So in fact the -- the fact is that you approve of removing people
20 from their homes, punishing them in order to enable the incoming refugees
21 who were going to be committing harm against them to come and stay in those
22 places. Isn't that true? As Judge Trechsel asked, you're punishing the
23 victims rather than dealing with the people who are going to be
24 committing their revenge against them.

25 A. That's just construed. It's a construed interpretation of

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1 everything that I've said so far. At the same time in my flat in Zagreb,
2 there were 15 Muslim refugees --

3 Q. All right.

4 A. - and 13 in my weekend cottage whom I was feeding and taking care of. So
5 I don't agree with what I heard here, but on the basis of the information
6 that I was given, which might be wrong, that's all I'm talking about.

7 Q. Let's go to the next couple of exhibits on the issue of the
8 relative -- the populations in Western Herzegovina during this period of

9 time that you were commanding the HVO Main Staff. And to start with
10 this, General, I want to take you to P09851, which is under seal, and I
11 believe we have to go into private session for this, Mr. President.

12 JUDGE ANTONETTI: [Interpretation] Yes.

13 [Private session]

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15 (redacted)

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11 Pages 44261-44268 redacted. Private session.

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24 [Open session]

25 THE REGISTRAR: Your Honours, we're back in open session. Thank

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1 you.

2 JUDGE ANTONETTI: [No interpretation]

3 MR. STRINGER: Mr. President, what time is the break? I know
4 that there's only one break today.

5 JUDGE ANTONETTI: [Interpretation] Given that we have only one
6 break, we can carry on for another 10 or 15 minutes. We'll carry on for
7 another 10 or 15 minutes, and we'll have a break at quarter to 11.00.

8 THE WITNESS: [Interpretation] I have to leave the courtroom,
9 Your Honour, just for a minute. I have to be excused for a minute.

10 JUDGE ANTONETTI: [Interpretation] Okay, in that case, we might
11 just as well have a break, a 20-minute break.

12 --- Recess taken at 10.32 a.m.

13 --- On resuming at 10.58 a.m.

14 JUDGE ANTONETTI: [Interpretation] The court is back in session.
15 It is almost 11.00. The Registrar told us that we only have another two
16 hours to go, so we will finish at two or three minutes before 1.00. I
17 believe that Mr. Coric's counsel wants to intervene, so we're going to
18 move to private session.

19 [Private session]

20 (redacted)

21 (redacted)

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10 (redacted)

11 [Open session]

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

14 MR. STRINGER:

15 Q. General, before the break we had been looking at the first of the
16 two IC charts based on the ODPR data attached to Exhibit P09851. I want
17 to now move to the -- to the second one, which is IC00834. Again, this
18 is the one, if anyone's looking on the screen in Sanction, this is the
19 one on the bottom.

20 The first one related to ODPR data on domicile or residence of
21 these municipalities, the second one that we're looking at now relates to
22 data of ODPR on the displaced persons or refugees found in these
23 municipalities at these times.

24 And, now, General, what we see according to this data is, first
25 of all, starting with Ljubuski, we see on the Croat side again a

1 significant influx of Croat people from January to September 1993, and
2 then additional Croat displaced persons in Ljubuski from September to
3 October. We see the same trend in Capljina over this period of time,
4 1.436 in the early part of 1993, with over 9.000 Croats in Capljina by
5 October 1993. Again, a significant influx of Croat people in
6 Siroki Brijeg. And for Stolac we see a reduction, or we do not see, I
7 would suggest, the same sort of trending in Croat numbers that we see for
8 Siroki Brijeg, Capljina, and Ljubuski.

9 At the same period of time, we see for Ljubuski and Capljina,
10 General, again a significant drop in numbers of Muslim refugees or
11 displaced persons in Ljubuski, from 750 down to 0; Capljina from 3.325
12 down to 0; and then for Siroki Brijeg and Stolac it appears, according to
13 this, that there was never really any significant of presence of Muslim
14 displaced persons in those municipalities.

15 So, General, what these ODPR figures tell us is that in fact we
16 see for Ljubuski and Capljina we have significant numbers of Croat
17 displaced persons arriving in those municipalities, as well as in Siroki
18 Brijeg, and that I'm going to suggest to you the reason why we have so
19 many Muslim domiciles in those places being reduced or the numbers being
20 reduced is because it's necessary to make room to accommodate all of
21 these refugees, those Croat refugees, that you referred to in the
22 newspaper article we were looking at a little bit earlier.

23 Isn't that the real reason the Muslims were being evicted from

24 their homes in these municipalities?

25 A. Again, you say those are mentioned in the article. I can only

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1 say I commented on information that may or may not have been inaccurate.
2 As for the interpretation of these tables, first of all, I knew nothing
3 about these facts. Secondly, if you ask me for my interpretation, I
4 don't know, because we should have a broad analysis of this. What
5 remains a fact is that back as far as September, the number of native
6 Muslims in Stolac was greater than the number of Croats. So if you'd
7 like to have my opinion, there was no intention to expel.

8 Now, what happened between September and October? That should be
9 investigated. I did not investigate this myself, but what these tables
10 show is exactly the opposite of what you're stating, namely that the
11 intention of the HZ HVO was to expel the Muslims. It would have been
12 done in June, July, August, or September then.

13 What happened next? Did people leave? Why did they leave? What
14 was going on? I cannot say, but I would not interpret the facts in the
15 same light that you do.

16 Q. All right.

17 A. Simply because that doesn't hold water.

18 MR. STRINGER: Mr. President, I'm ready to move on to the next
19 binder unless there are questions on this topic.

20 Q. General, the next binder is binder number nine. And, General,
21 there's going to be a few documents in here that we've looked at already,

22 and so I'm not going to really spend much time on them. It's mostly just
23 to sort of bring us back to the times and the context that I'm going to
24 be asking you about. And, for example, here the first document in this
25 binder is P03019. Do you see that one?

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1 A. Yes, I see that.

2 Q. And this is a document what we looked at, I believe, just
3 yesterday. This is an order from General Petkovic to the commander of
4 the South-east Herzegovina operative zone, dated 30th of June. We all
5 know the significance of that date. And General Petkovic here is
6 ordering Muslim soldiers in the HVO be disarmed, able-bodied Muslim men
7 be isolated, women and children be left in their houses and apartments.

8 General, I'm not going to ask you about this again. It's way of
9 leading into this next topic which is going relate more to the camps, the
10 detention facilities that were located in various parts of the South-east
11 and North-west Herzegovina operative zones.

12 Now --

13 A. A correction, if I may, if I heard you right. You said the women
14 and children were leaving houses and apartments. That's what I heard in
15 the interpretation, whereas the document reads women and children be left
16 in their houses and apartments. Just to make sure that I have not
17 misheard the interpretation.

18 Q. There may have been an interpretation issue. The transcript
19 reads that the women and children be left in their houses and apartments.

20 All right. So, General, first of all, let's go to the next
21 document, and I want to stay within the area of the South-east
22 Herzegovina operative zone. P03121. And, now, this is a report dated
23 the 2nd of July, 1993, and it's a report of the command of the
24 3rd Battalion of the military -- excuse me. This is a report of the
25 commander of the 3rd Company of the 3rd Battalion. It's a military

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1 police document, and what the report says here is that -- and I'm moving
2 to the second section on patrol and beat service.

3 "Due to the newly arisen situation worsening, we have received an
4 order from the command of the Knez Domagoj 1st Brigade of the HVO with
5 regard to the closing of catering, shopping, and other facilities ..."

6 And then I'm going to skip the next sentence, and then it says:

7 "One Military Police Platoon in Stolac was used for collecting
8 Muslims. Another did regular tasks of guarding facilities and working at
9 check-points."

10 And then moving down, the next section is on road blockade
11 check-points, and I want to ask you about one sentence here that's about
12 ten lines down in the English. It says:

13 "For the purpose of more efficient implementation of the order on
14 bringing in the Muslim conscripts, reinforcement was sent to all
15 check-points, especially to those leading towards Muslim inhabited
16 places, because it can be expected that many Muslims will try to hide,
17 which would make the arrest very difficult. From 0700 hours on

18 1 July ... to 0700 hours on 2 July ... 1.109 persons were arrested and
19 brought in. The task of bringing in -- the task of bringing in was
20 carried out by the Knez Domagoj --"

21 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

22 MS. PINTER: [Interpretation] Your Honours, we have to put in a
23 reaction here to the translation. The Prosecutor read that the arrests
24 of Muslim conscripts will be made difficult, but this was about bringing
25 in and not about arresting. My attention is being drawn, in the

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1 meantime, to the fact that the Prosecutor has set the record straight on
2 that.

3 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

4 MR. STRINGER: I'll just continue reading. It says:

5 " ... 1.109 persons were arrested and brought in. The task of
6 bringing in was carried out by the Knez Domagoj 1st Brigade,
7 Brigade Police, members of the Capljina PU MUP, and our members who
8 brought in persons arrested at check-points."

9 Now, General, we looked yesterday at the video footage of your
10 BBC interview where you, if I could put it this way, subscribed to the
11 decision on disarming Muslim members of the HVO. Is that a correct way
12 of putting it? You subscribed to the decision or an order on disarming
13 HVO members of the -- Muslim members of the HVO?

14 A. Yes. Given what the circumstances were, I'm entirely convinced
15 that General Petkovic's decision was entirely right, his decision for the

16 Muslim soldiers of the HVO who committed high treason to be brought in so
17 that the matter might be investigated.

18 MR. STRINGER: Mr. President, are we still in private session?

19 THE REGISTRAR: No.

20 MR. STRINGER: No? We're in public. All right.

21 Q. General, do you also subscribe to the decision or to the order to
22 arrest all able-bodied Muslim men between the ages of 16 and 60, even if
23 they were not members of the HVO?

24 A. I did not read about the -- about any arrest in
25 General Petkovic's decision but about isolation. Given the fact that

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1 they were military conscripts, for a while obviously they were all armed,
2 and one couldn't tell who was on leave and who was serving. The decision
3 was logical. They're not talking about locking them up or about
4 arresting them; they're talking about isolating them.

5 Q. Where were they isolated, or do you know?

6 A. No. You're asking me about what under the circumstances -- what
7 I know about how an army works --

8 Q. No, no.

9 A. -- or what -- therefore, I approve of this decision to isolate.
10 I don't know where they were isolated. I don't know how this came about
11 or indeed if it came about at all. You're asking me would I have, and
12 I'm telling you what I would have done as commander given the
13 circumstances and if this kind of situation had ever arisen.

14 Q. And would you agree with me, General, that as indicated in this
15 order, the actual practice of arresting or isolating was undertaken by
16 both the military police and HVO members of the Knez Domagoj 1st Brigade?

17 A. I know nothing about that.

18 Q. Well, if it says here that the task of bringing in was carried
19 out by the Knez Domagoj 1st Brigade, that would -- that would indicate,
20 in fact, that this was a joint operation of the brigade and the military
21 police; correct?

22 A. I know nothing about that.

23 Q. Well, you do know that the Knez Domagoj 1st Brigade is not a part
24 of the military police -- military police administration; correct?

25 A. That's right.

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1 Q. All right. The next exhibit is P03142. This is dated the next
2 day, 3 July 1993. This is a report from the military police outpost at
3 Buna. And again there's a reference to the action of capturing Muslims
4 in the areas indicated, commenced on the early morning hours of 2 July.
5 It says here that the military police started the action together with
6 the 1st Brigade Knez Domagoj.

7 Now, again, General, that would indicate, correct, that the
8 action of arresting Muslims was being carried out jointly by the brigade
9 and the military police? Correct?

10 A. Sir, you're reading a document that was produced at the time. As
11 far as this document is concerned, I can only read the same as you or,

12 indeed, the Trial Chamber. I can't go any further than that, and I don't
13 know how to answer that question. It reads that they were doing it
14 together. You can read that as well as I or anyone else. Why would I be
15 expected to comment on something that I was no way privy to?

16 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honours, my
17 apologies. It might be a good idea to go through this sentence again,
18 inspect it. I can't possibly go putting any questions in redirect here
19 as this is a 3D witness, but first we need to look at the title, BP,
20 Bijelo Polje, the last sentence, and then we might be successful in
21 avoiding the term that 4D objected to, the Muslims, because this portion
22 explains who the persons being brought in were.

23 MR. STRINGER: Well, maybe I could finish the document and then
24 we could see whether counsel's concerns have been addressed.

25 Q. General, at the bottom of the first page of the English it says:

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1 "During the action many Muslims were detained and are currently
2 being held in the military prison in Capljina."

3 General, recognising that this is three weeks before you took
4 command the HVO Main Staff, do you know what is the military prison in
5 Capljina that's being referred to here?

6 A. I don't know, but obviously it wasn't Muslims being brought in
7 here but, rather, people who were firing. There was fighting. I see
8 that one person was seriously wounded and another, and some went missing.
9 It's not that Muslims were being brought in here. There was fighting

10 going on instead.

11 Q. Right. Well, I'm asking you about the Muslims that are detained
12 there and whether you -- I'm simply asking are you aware of the military
13 prison in Capljina, or did you become aware of it?

14 A. Which military prison in Capljina? I don't know about that. I
15 know about Dretelj; I addressed that. And I know that there was Gabela
16 too.

17 Q. Well, what's happening, General, and maybe you don't know because
18 you weren't there, but counsel's made an intervention, it appears,
19 doesn't it, that the -- the capturing of Muslims in these areas resulted
20 in some sort of shooting on both sides and that as a result of that
21 someone died, someone was injured, and that during the action many
22 Muslims were detained, and they were then taken to the military prison in
23 Capljina; correct?

24 A. I'm unable to comment on anything beyond what this says, and it
25 says exactly what it says. It wasn't Muslims being brought in but,

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1 rather, armed persons. That's what I see. There was fighting. Who's
2 getting whom. It is obvious that some Croats came to grieve, some
3 seriously. Some got off a little more lightly, some went missing, and
4 that tells you what the situation was like being described in this
5 document.

6 Q. All right. Now, the next exhibit is P03201. It's dated the
7 5th of July, 1993. Again, this is Knez Domagoj 1st HVO Brigade. This is

8 commander Obradovic, and here he's issuing an order to the warden of the
9 Gabela, Dretelj, Heliodrom, Ljubuski prisons, saying that:

10 "No one shall be released from your prison without my personal
11 signature."

12 Now, General Obradovic -- or, General Praljak, would you agree
13 with me that at this point in time Obradovic was the commander or the
14 superior in charge of the Knez Domagoj 1st brigade?

15 A. I can confirm that with a high degree of accuracy, not with
16 complete certainty. Complete certainty I can only have concerning
17 documents that I produced myself or that eventually reached me.

18 Q. And from the documents we've just seen, it was this Knez Domagoj
19 1st Brigade that was involved in arresting the Muslims; correct?

20 A. What am I expected to say? Based on documents I'm supposed to
21 confirm facts that I didn't witness in an area in which was not present.
22 I don't think it's fair to examine a witness like this. It's are
23 documents and it's for the Trial Chamber to reach a conclusion, not for
24 Praljak. I was not there at the time. What do you expect me to say,
25 testify about Adam and Eve and then take it from there? This document

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1 says something that anyone can read for themselves.

2 Q. I'm remembering your extensive testimony about Karadjordjevo,
3 General, one of the many things that you testified about extensively on
4 direct that you did not personally participate in.

5 You know a great deal about the HVO, and you know a great deal

6 about the HVO prior to the time you took command of the Main Staff. So
7 I'm going to continue to ask questions about the HVO as it existed before
8 you took command of the HVO Main Staff, and then we're going to move to
9 the time after. All right? So if you just bear with me and not react in
10 such a hostile way to my questions, I think we can move through this more
11 quickly.

12 A. Mr. Stringer, my reactions to your questions are really not
13 hostile. Nevertheless, I think this is beyond the scope of what I can
14 fairly be expected to say. You're telling me to read a document. I'll
15 gladly obliged. It reads: "Knez Domagoj was involved in this with the
16 military police." And then in other words, you're saying -- well, what
17 else do you expect me to be telling you about?

18 Q. Based on the information that was available to you as someone who
19 was involved with and then commanding the HVO Main Staff during 1993, did
20 Obradovic here, when he asserted authority over the release of prisoners
21 from these four prisons, did he actually possess the authority to do that
22 as the commander of Sector South?

23 A. I don't know whether at this particular point in time he -- I
24 don't know. All I can do is read this. "In order to restore order and
25 discipline, I hereby order." That's what it says. It would no longer be

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1 fair of me to testify in that way and say that he did have the powers,
2 that he did not have the powers. I do not know. All I know is I do not
3 know.

4 Q. After the 24th of July, 1993, did Obradovic have the authority
5 to -- the sole authority to order the release of prisoners from Gabela
6 prison?

7 A. The correct answer would be as follows: If he was supposed to
8 receive approval from me or the operative zone commander, did he not
9 receive permission from me. He did not have permission to do that. I
10 received no report that he had anything to do with the prison. Now, had
11 I received a report or had I seen in any way that he was meddling in
12 affairs that don't concern him, I would have not given permission for him
13 to do that.

14 Q. Let's move to the next exhibit, then, which is related to this,
15 P03216. This is dated the next day --

16 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honour, I apologise
17 for interrupting my colleague. I've done that with respect to this
18 document many times before. I'd just like to remind the Trial Chamber
19 that it is a document for which the Coric Defence claims was forged, that
20 it's a falsification. Mr. Coric's signature is not on the document. It
21 should be Mr. Lavric's. And to support this, that the document is indeed
22 a forgery, I would like to present the fact that the Prosecution
23 witnesses that we've heard, that is to say Josip Praljak, and this was
24 recorded on pages 15009 of the transcript, and 15010, and 14940 to 14943,
25 and then the next witness, Prosecution Witness E on pages 22050 to 22051,

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1 and on page 2211 [as interpreted] to 22212, as well as Prosecution

2 Witness C on pages 22397 to 22399 and 22494 to 22497.

3 These witnesses were at positions -- held positions whereby they
4 would have had to have received this document, and they all testified
5 that before their giving testimony they had never seen it before, that is
6 to say, before talking to the OTP investigators.

7 MR. STRINGER: Can I object to the --

8 MS. TOMASEGOVIC TOMIC: [Interpretation] And with
9 Slobodan Bozic --

10 MR. STRINGER: [Overlapping speakers] [Previous translation
11 continues] ... Mr. President, I think we've allowed counsel to make a
12 record. Time is slipping away, and if counsel wants to challenge the
13 document she can do it in her case. She can do it in her final
14 submissions, but what is happening now is just suggesting a way for
15 General Praljak to avoid talking about the document, and I think that
16 it's not proper. We understand they challenge the authenticity of the
17 document. She doesn't need to go on and on.

18 MS. TOMASEGOVIC TOMIC: [Interpretation] If I might be allowed to
19 respond, Your Honours.

20 JUDGE ANTONETTI: [Interpretation] Mrs. Tomasegovic, your
21 observation is now noted on the transcript. You are contesting this
22 document, saying it's a forgery. Very well.

23 MS. TOMASEGOVIC TOMIC: [Interpretation] All I wanted to say is
24 that it was not my intention to influence General Praljak, because
25 there's no need for me to do that sense everything has already been

1 stated here in the courtroom umpteen times, and I don't think
2 General Praljak was ever absent from the courtroom, so he, himself, could
3 have heard it from me at least ten times. Thank you.

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

5 MR. STRINGER:

6 Q. General, 3206 is a document dated the --

7 JUDGE TRECHSEL: 3216?

8 MR. STRINGER:

9 Q. 3216 is dated the following day. It's a document bearing the
10 stamp of the military police administration. You've heard counsel's
11 challenge to the signature on the document or that it's attributed to
12 Mr. Coric.

13 General, this is clearly a response coming from someone to the
14 order of Obradovic that we've just looked at. It says here:

15 "Military Investigative Prisons are within the competence of the
16 Military Police Administration alone, and therefore you are not
17 authorised to issue orders for the release of prisoners."

18 And then it directs him to cancel his order, which is the one we
19 just looked at. And then it says that:

20 "... prisoners in the Military Investigative Prisons who were
21 captured by the HVO 1st Knez Domagoj Brigade will, if released, only be
22 released with your agreement."

23 So, General, the question for you is recognising that you were
24 not commanding the HVO at this time, based on what you know do you agree

25 with the assertion here that the military investigative prisons, and

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1 there are four of them indicated here at the end of the document, that
2 the military investigative prisons are within the competence of the
3 military police administration alone? Do you agree with that assertion?

4 A. Mr. Stringer, I don't know about that, so I can neither agree or
5 disagree. I don't know.

6 Q. All right. Well, let's talk about the period of time after you
7 were commanding the HVO Main Staff. During that period of time were the
8 military investigative prisons within the competence of the military
9 police administration alone?

10 A. I don't know, Mr. Stringer.

11 Q. Tell us what were the military investigative prisons that you
12 knew about during the time you were commanding the HVO Main Staff?

13 A. I don't know, sir. All I know -- well, what's military
14 investigative, what's central, what the military prosecutor's job is, I
15 don't know. I'm not informed about that to the extent to which I could
16 give you any correct or relevant assessment. I knew that Heliodrom
17 existed. I knew about Dretelj, and I sent people, according to the
18 documents that you -- that's all I know.

19 Q. Well, let's -- let's talk about the Heliodrom for a moment. Did
20 you ever go there?

21 A. Never, Mr. Stringer.

22 Q. Never?

23 A. Never. Well, never during the war. Afterwards there was some
24 sort of celebration, two, three years after the war. That's when I went
25 to Heliodrom -- or, rather, Heliodrom is a large -- well, there was an

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1 HVO brigade put up there, and I think there was a joint army there of the
2 federation or whatever.

3 Q. So you never went to the Heliodrom. Did you ever see prisoners
4 at the Heliodrom during 1993?

5 A. No.

6 Q. And just to be super clear, when I say prisoners, that includes
7 detainees, people in isolation, Muslims, Croats, Serbs. You never saw
8 anyone who was in detention at the Heliodrom during 1993?

9 A. For the fifth time: In 1993 I never set foot in Heliodrom. I
10 didn't see anybody. I had no reasonable grounds to do so or time or
11 information, for heaven's sake.

12 Q. What about in 1992?

13 A. 1992? 1992. Well, in 1992 I was not at Heliodrom. In 1992, I
14 was -- that is to say in June when we liberated that there, then part of
15 the unit moved forward as I was up at the line. In 1992, in June, I was
16 there. After that, no.

17 Q. All right. Now, in June of 1992, you were there. Did you see
18 prisoners there?

19 A. No, sir. On those premises you had the Yugoslav People's Army
20 and the Army of Republika Srpska. They were on the surrounding hills,

21 and in that action of liberation, it seems to me -- well, if I toured the
22 area, I probably toured that area but not Heliodrom, the Neretva River
23 and so on.

24 Q. Well -- now, General, are you telling us that you never knew
25 during 1993 that any of these Muslim men who were being arrested or

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1 isolated were being held at the Heliodrom facility?

2 A. Dear sir, I've already told you once that in September, the 4th
3 or 5th of September in actual fact, I gave permission to a journalist
4 from the magazine Globus, and on the basis of which permit and permission
5 he wasn't able to enter, because he was told - and you'll have his
6 statement - that as far as permission from Praljak was concerned, it
7 wasn't worth a penny and that Tole gave him position [as interpreted]
8 later on. As the guard changed, then they allowed this journalist to
9 enter. But five or six days later, I happened to see in that particular
10 magazine that there were prisoners, but, Mr. Stringer, that was not an
11 area of responsibility of the commander of the Main Staff that I was, nor
12 was the information that I read, nor did it indicate anything.
13 Everything I learnt, I learnt subsequently.

14 Q. Well, General --

15 A. So let me repeat for the umpteenth time --

16 Q. Okay, you've set out your position. Then what you're telling us
17 is, and you'll correct me if I'm wrong, you learned about prisoners at
18 the Heliodrom sometime by mid-September after the article was published,

19 but you never went to the Heliodrom to look at the prisoners or the
20 conditions because you didn't think it was part of your responsibility.
21 Is that what you're telling us?

22 A. No, it's not. It's not. First of all, the journalist didn't
23 enter Heliodrom. It was Gabela or Dretelj. I can't remember now which.

24 Secondly, you keep wanting to add some time to the person who was
25 sitting there. I had no information. I had no time in which to receive

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1 information of any kind, sir, because during that time I was releasing
2 Muslim prisoners, letting a helicopter fly to save a Muslim doctor and a
3 Muslim child. I was fighting at the front. So leave your constructions
4 at home. I said no.

5 Q. Well, General, you just told us that the journalist came to you
6 and that after -- and that after that, five or six days later, you
7 happened to see in that particular magazine that there were prisoners.
8 So what you're telling us, General, is that you didn't know about any
9 prisoners based upon information available to you as commander of the HVO
10 Main Staff, but you did have the means to learn about prisoners from
11 reading about it in the media. Is that how it was?

12 A. I read about it not in the media but in one medium, that is to
13 say in a magazine where that journalist had an article, and the
14 magazine's name was Globus.

15 So you, sir, or Judges, sentencing people, you don't ask who the
16 people are in prison. You can't go to a prison and ask how they are, how

17 they're doing.

18 Q. Now --

19 A. Do you want to make out it was a Stalinistic totalitarianism, or
20 what?

21 Q. You're claim that as commander of the HVO Main Staff you did not
22 have the authority to go to Heliodrom, Gabela, Dretelj, Ljubuski in order
23 to inspect the conditions there? That your assertion?

24 A. How do you mean authority? How do you mean authority, did I have
25 the authority? So in which little box of the commander of the Main Staff

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1 does he have the right and duty to do what you're talking about? What do
2 you mean authority? I wasn't -- didn't have authority over prisons or of
3 prisons in any shape or form. That's what I'm claiming.

4 Q. I want to try to be a little bit more systematic about this. I
5 think I know what your answer's going to be, maybe we can move through
6 this quickly. During the time you were commander of the HVO Main Staff,
7 did you ever learn that Muslim men were being held there at the
8 Heliodrom?

9 A. No.

10 Q. If there were Muslim men being held at the Heliodrom, was the
11 Main Staff, in your view, responsible for the conditions of their
12 detention there?

13 A. No.

14 Q. Gabela. When, and forgive me if I missed it, you just spoke

15 about the September 5th, the journalist, the Globus article, the granting
16 of access, does that relate to Dretelj or Gabela, or do you know?

17 A. I can't remember now. Either one or the other.

18 Q. All right. Ljubuski. You've heard testimony, you've seen the
19 documents, military investigative prison at Ljubuski. At any time during
20 the period you were commanding the HVO Main Staff did you know about
21 Muslim men being held prisoner at Ljubuski?

22 A. No.

23 Q. All right. Now, you said you never went to Heliodrom. Did you
24 ever go to Dretelj, Gabela, or Ljubuski during 1993?

25 A. No.

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1 Q. Now, you said that you were not responsible for any prisoners at
2 the Heliodrom. General, tell us who or what body was responsible for the
3 prisoners at the Heliodrom?

4 A. I don't know.

5 Q. Was it the HVO Department of Defence and Mr. Stojic?

6 A. Don't know.

7 Q. Was it Mr. Coric as head of the military police administration?

8 A. I don't know.

9 Q. So you have no knowledge as to who was responsible for the
10 conditions and the treatment of prisoners being held at the Heliodrom
11 during the time you're commander of the HVO Main Staff; correct?

12 A. That's right.

13 Q. And if I asked you the same question about Dretelj, Gabela, and
14 Ljubuski, would your answer be the same?

15 A. It would be the same.

16 Q. All right. Let's go to P04496. I'm going to skip ahead a little
17 bit. 4496.

18 General, this one is from the 25th of August, 1993. You are
19 commander of the HVO Main Staff at this point in time. This is a report
20 or a statement of reasons. It's issued to Brigadier Tole. It's coming
21 from the deputy security commander of the 1st HVO Brigade, Knez Domagoj.

22 Now, general, at this point in time Brigadier Tole, he's the
23 Chief of Staff of the Main Staff; correct?

24 A. Correct, but I think that the deputy commander for security, not
25 of the brigade. The deputy security man in the brigade. That's what it

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1 says here, as far as I can see.

2 Q. All right. You're talking about the person who wrote this
3 document?

4 A. Yes.

5 Q. And he's sending it to Brigadier Tole, who was the Chief of Staff
6 of the Main Staff. Correct?

7 A. Brigadier Tole was the chief the Main Staff of the Croatian
8 Defence Council.

9 Q. All right. So that -- and what -- the information that's being
10 passed on to Brigadier Tole relates to the reasons why a particular

11 person was released from prison, and then it describes the procedure and
12 the priorities, et cetera. And it says:

13 "The procedure, priorities, and the questions as to whether to
14 release inmates from the prison has not been dealt with or defined by --
15 either by the operative zone South-east Herzegovina or the ministry.
16 Because the lack of such instructions, we were forced to take our own
17 decisions at the level of local HVO presidencies and brigade commands."

18 And then it talks about the procedure for releasing inmates from
19 Gabela and Dretelj. And here they could be released if they were married
20 to a Croatian woman, if not of interest to security; or if they possessed
21 letters of guarantee and a transit visa, if no interest to security; or
22 if they are being sought by the Republic of Croatia with the necessary
23 papers there.

24 And then at the bottom it says:

25 "The confusion surrounding releases from prison is due to

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1 ill-defined prisoner status, authority over prisoners, and the method of
2 dealing with them, trials, exchanges," et cetera.

3 "The subject of prisoners in this territory where they are the
4 most numerous has been discussed on several occasions, and the leadership
5 was informed of it both through the security service and through
6 Commander Colonel Obradovic. Security service suggests that the matter
7 of prisoners in this territory be dealt with urgently."

8 Now, General, what this tells us, isn't it true, is that as of

9 the 25th of August, 1993, we know that your Chief of Staff of your
10 Main Staff has direct knowledge about prisoners being held at the Gabela
11 and Dretelj prisons, these discriminatory criteria for release, if I can
12 put it that way, releasing men who happened to be married to a Croatian
13 woman. And so in fact information about the prisoners and the release
14 criteria is information that's fully available to you as the commander of
15 the Main Staff. Isn't that true?

16 A. No. From this it is clear that this was not sent to the
17 Main Staff but to somebody personally, that is to say to Brigadier Tole
18 personally. So then it's probable and logical that out of personal
19 interest he sought information about what was happening. He was in the
20 area, which is why -- I don't know why he asked that this be sent to him.
21 It wasn't addressed to the Main Staff, to the commander of the
22 Main Staff. Neither did Tole show me this, because it was a personal
23 interest on his part in the matter. And here it says that the presidents
24 of the HVO, that is to say of the municipalities, and that the leaders
25 were informed, but not the leaders of the HVO about the problem in hand.

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1 So that's it. That's what this document is about. All you have to do is
2 to read it carefully. There was probably some misunderstanding and Tole
3 asked what this was all about. Not because it was his right to do but
4 most probably because he had some reason to seek information and
5 explanations as to what was going on.

6 Q. Well, clearly Tole knew that there were prisoners down there at

7 Dretelj and Gabela, and the fact is, General, that by late August of 1993
8 it was no secret. The media was on to it. Your Chief of Staff knew
9 about it, and the sheer volume of prisoners involved makes it clear that
10 someone in your position would have had full knowledge about the
11 existence of these detention facilities. Isn't that true?

12 A. Well, let me repeat for the 15th time when I learnt. On the 1st
13 of September -- well, I'm saying this dozens of times, the existence of
14 detainee centres does not change the situation. It is conduct that is
15 important here. I sent people who had been sentenced to Dretelj.

16 Q. Let's go to P10924.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a
18 follow-up question on this document. Looking at this document, it seems,
19 and I say "it seems" because I don't want to draw any conclusions or make
20 any statements, but it seems that Brigadier Tole obtained information on
21 the conditions surrounding the release of Dr. Muhamed Durakovic. He was
22 inquiring about these conditions and because of this the brigadier of the
23 Knez Domagoj brigade is reporting to him and is telling him - you can see
24 this in the document - that it's a complex matter; that it's difficult to
25 know who does what. But as far as is Dr. Durakovic is concerned, he says

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1 that there was this question of transit visa, that the NUMA security
2 service was also involved, and there was the president of HVO Mr. Bender,
3 the commander of the new battalion, and the civilian police. All these
4 people were involved. As a conclusion, it says that there is a lot of

5 confusion around this. So any reasonable trier of fact looking at this
6 document could draw this conclusion. Obviously at local level there's a
7 lot of uncertainty on this issue, the issue of prisoners.

8 You have an extensive knowledge of the politics prevailing at the
9 time, so could you tell us whether -- how this Durakovic could be of
10 interest to Tole in August. Either personally, that's your version of
11 facts, or maybe for other reasons.

12 THE WITNESS: [Interpretation] I can't answer that question
13 specifically. I think these can only be personal reasons. Obviously
14 Tole addressed him personally. Information is forwarded to him in
15 person, privately. It's not like -- it doesn't say "Chief of the
16 Main Staff, Brigadier Tole." It says Brigadier Tole personally, here is
17 the information you asked for. I don't know what the immediate cause
18 was. I have no information on that.

19 JUDGE ANTONETTI: [Interpretation] Very well. I will be very
20 brief. We have a military document; this is obvious. And it is sent to
21 Mr. Tole; there is no question about that. And this document deals with
22 a detained person, but I note that in the first paragraph, given that
23 there was a lack of instructions and the -- the local HVO presidencies
24 and the brigade commands were consulted, and I will touch upon an issue
25 that has already been mentioned here, namely the role of local political

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1 authorities. I do not know under which conditions Durakovic had been
2 detained. Had there been an investigation, I don't know. All I can see

3 is that political leaders of the HVO are being consulted, whereas in fact
4 we are in the military arena. How do you explain this?

5 THE WITNESS: [Interpretation] I don't know, Your Honour. I
6 cannot provide any relevant information on this for your benefit
7 regarding the confusion about this. My ignorance keeps me from
8 furnishing you with any sort of answer at all for fear of getting it
9 wrong. I don't know. The 25th of August I was probably on that convoy
10 or some place. I don't know.

11 JUDGE ANTONETTI: [Interpretation] Very well.

12 Mr. Stringer.

13 THE WITNESS: [Interpretation] If I may answer one thing,
14 Your Honours. After the ZDF show, after the article that was published
15 in Globus and then after Ed Vulliamy's piece, Mate Granic came over from
16 Croatia, Silajdzic came, and they started dealing with this problem, and
17 then I heard about this problem being dealt with. Franjo Tudjman went
18 berserk, to put it that way. And then the whole thing started that
19 September based on what the journalists had shown.

20 But again this is not something that I was involved in or
21 spending my time doing. I had heard about the exchanges that were under
22 way, that the situation was being dealt with. In September in
23 Bosnia-Herzegovina there were the attacks in Mostar by the BH Army, and
24 they wanted to take everything, the hills and all of it. If you look at
25 one thing first and then at the other separately, impression is that I

1 had 24 hours to deal with each and every single thing. It's not in my job
2 description, I don't have any information about this or about the text here.

3 THE INTERPRETER: Interpreter's note: The interpreter did not
4 comprehend the last part of Mr. Praljak's answer.

5 MR. STRINGER:

6 Q. General, I've got to call you out on something you just said --

7 JUDGE TRECHSEL: We just learned from the interpreters that they
8 did not understand the last part of your last sentence, so maybe you'll
9 repeat it so that we have it in the transcript.

10 THE WITNESS: [Interpretation] What did I say? I don't -- I no
11 longer know what I said.

12 JUDGE ANTONETTI: [Interpretation] The general doesn't really
13 remember what he was saying, but we have the audiotape anyway.

14 Go ahead, Mr. Stringer.

15 MR. STRINGER:

16 Q. General, you just said after President Tudjman went berserk, et
17 cetera, you said:

18 "This is not something that I was involved in or spending my time
19 doing. I heard about the exchanges that were under way, that the
20 situation was being dealt with."

21 General, you're the commander of the HVO Main Staff. I'm going
22 to put to you it's not like an a la carte menu at a restaurant. You
23 don't get to choose the things you're going to be responsible for, the
24 things you're going to deal with. The fact is you know as of early
25 September that there's a tremendous problem, an outcry based upon the

1 conditions of these prisoners in these various HVO facilities. And in
2 fact you were responsible and you could have done any number of things to
3 look into the situation and to fix it. The fact is, sir, that you just
4 chose not to. Isn't that true?

5 A. No. You're simply saying whatever pleases you, and I'm telling
6 you no. I certainly wasn't a commander who in Afghanistan would have
7 taken so many people away in order to pound the Taliban. Here you have
8 to compare the armies and not come up with any sort of organisation for
9 the HVO as you saw fit. There are parallel systems, various users, what
10 a commander should do in a given area, be they American, French, or
11 Croatian -- no, no, and no. You can say whatever you like, and I'm
12 telling you no.

13 Q. So --

14 A. I allowed the journalists in because I -- I didn't have the right
15 to do that either.

16 Q. If you would move to P10924.

17 A. Sure.

18 Q. This is an article from Reuters, Deutscheland, an article that
19 was published on the 7th of September, 1993. He's talking about --
20 according to UN information, all three war parties have set up detention
21 camps in Bosnia. This according to a report submitted on Tuesday by
22 Tadeusz Mazowiecki, the special reporter of the UN Human Rights
23 Commission.

24 It says in the next paragraph:

25 "According to the Mazowiecki report, in the town of Gabela,

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1 south of Capljina, men were locked up in aircraft hangers. Sixteen
2 prisoners survived on daily rations of a cup of watery soup, 650 grams of
3 bread. Former detainees reported that during the summer months, they
4 feared they would suffocate as the hangars were almost sealed airtight."

5 And in this trial, General, we've heard and seen a lot of the
6 evidence about the conditions at Dretelj.

7 Now, General, I asked you a little while about your knowledge
8 about what was going on in these camps, and you denied having any
9 knowledge. How is it possible, General, that as commander of the HVO
10 Main Staff you don't know what is going on in Dretelj, Gabela, but
11 Mr. Mazowiecki knows enough about it to put it into a report that's
12 published in early September?

13 MR. KARNAVAS: Your Honour, I object to the form of the question,
14 because we are to then presume that this report is true, accurate, and
15 complete. As I recall, the gentleman never came forward to testify. As
16 I recall, he was never on the Prosecution list. As I recall, he was
17 never offered the opportunity or was subpoenaed to come and refused to
18 come. And therefore to now suggest that everything in this report,
19 albeit comes from a very esteemed individual and is through a
20 highly-esteemed organisation that we are to accept it. It is nothing
21 other than pure hearsay. And so therefore if the gentleman wishes to

22 rephrase the question, I have no problem. But as the question is phrased
23 he's asking the -- first of all, the witness and, indeed, the
24 Trial Chamber to accept what is in the report as fact, as established
25 fact, as judicial facts to be accepted. And to that, I cannot abide by.

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1 Thank you.

2 MR. STRINGER: Mr. President, let me respond. I can --

3 JUDGE PRANDLER: Before, Mr. Stringer, you speak, I would only
4 like to say that Mr. Mazowiecki's reports are of public domain, and they
5 have been distributed and used and acknowledged as official documents of
6 the United Nations and of the Security Council, and therefore they have
7 standing.

8 Now, of course I do recognise that here in this case the
9 Prosecution spoke about an article reporting about Mazowiecki's report
10 itself, so from this point of view, it is true that it has a certain --
11 certain standing which is not only so official as the documents what I
12 mentioned. But anyway, those issues which were raised by Mr. Mazowiecki
13 are -- have been well-known within the UN, within the General Assembly of
14 the UN, and of the Security Council itself. Thank you.

15 MR. KARNAVAS: And I accept the comments of Judge Prandler. My
16 point is slightly different. It is not whether the gentleman said it.
17 We all know that the UN said a lot of things and it came out especially
18 during the scandal with oil for -- for food, that a lot of folks working
19 for the UN were simply lying and stealing. We know that. And to suggest

20 that every UN document has a certain cachet value that we are to accept
21 and not challenge in a court of law, I think that would be the wrong
22 approach.

23 Now, I fully understand Mr. Stringer's right to say in this
24 report he's making these representations. Now, assuming these are
25 correct, then he can go on. But to say since they are in the report and

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1 because it's to the UN by the UN for the UN, we must therefore say that
2 these are true, accurate, and complete facts, I think in a court of law
3 that should not be the case. Facts have to be proved. People make
4 mistakes, but I do take your point, Your Honour, and I do think that
5 Mr. Stringer is perfectly capable of using the material if he slightly
6 reformulates his question. We're seeing a superb advocate quickly
7 thinking on his feet and even entertaining us sometimes with some
8 sound-bytes.

9 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

10 MR. STRINGER: Mr. President, it should be clear, and I don't
11 have the question on my screen any more. I mean, this goes to the
12 knowledge of the general, notice, information that's out there that would
13 be available that would put the general or anyone else on notice of the
14 events, the situation that's being reported in the press by Mazowiecki.

15 Now, clearly the Trial Chamber will ultimately have to conclude
16 whether the conditions -- whether the information that's reflected in the
17 report or whether the conditions as asserted by the Prosecution have been

18 moved, but the point is, and I asked the general this, how is it possible
19 that he doesn't know when it's in the press and when Mazowiecki knows or
20 is reporting it? So, you know, I guess I concede counsel's point that
21 ultimately it's for the Trial Chamber to decide, but with respect, I
22 don't think I asked the question that way. The question is about notice.
23 And I would assert, Mr. President, it's a fair question to ask the
24 general how is it that he doesn't know when these are in the reports in
25 the media, these are things being written by others.

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1 JUDGE ANTONETTI: [Interpretation] Please ask him the question.
2 And I would like to remind everyone that this debate already took place
3 on several months or perhaps several weeks ago. It was said by the
4 Defence, and I remember this very clearly, that reports from the UN can
5 only be valid according to what had been purported to be said to the
6 reporter or to the drafter of the report. So this has already been said.
7 But the question that is raised is to know whether Mr. Praljak knew about
8 the report, about press reports and so on and so forth. So we are in
9 this area.

10 Please proceed, Mr. Stringer.

11 MR. STRINGER:

12 Q. General, let me put -- let me put it to you again. The fact is
13 the information was out there. It was readily available to anyone in the
14 media, and it was readily available to you. You were on notice. You
15 knew about these things, didn't you General? Or at the very least you

16 knew enough to put you on notice that you needed to look into it and deal
17 with it yourself. Isn't that true?

18 A. Can you please try to break this down? Was I supposed to be
19 careful? Was I supposed to look into it? At what time exactly? Let's
20 take this one step at a time and then I can answer. This way, I don't
21 think so. One by one, please.

22 Q. General, you had notice that there were situations involving
23 prisoners at all of these facilities that you as the commander of the HVO
24 were obligated to look into. Isn't that true?

25 A. What do you mean there were situations? What do you mean by

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1 there were situations? Can you please explain that.

2 Q. General, I'm not going to fence with you on this. Let's move to
3 the next part of this document. It says in the next paragraph --

4 A. It reads here General Slobodan Praljak stated his soldiers were
5 holding no prisoners at all. This document that I'm being shown.

6 General Slobodan Praljak stated that his soldiers were holding no
7 prisoners at all. That's probably what I said at the time to this
8 person. The soldiers under my command were holding no prisoners at all.

9 Q. Well, the fact is that the HVO were holding hundreds if not --
10 well, hundreds of prisoners still in the Heliodrom, Gabela, Ljubuski;
11 correct?

12 A. I stand by what I said. The soldiers under my command were
13 holding no prisoners at all.

14 Q. All right. Well, here you say that your soldiers were no longer
15 holding any prisoners of war.

16 JUDGE TRECHSEL: If I may intervene. Prisoners of war, POW.
17 Now, Mr. Stringer, are you suggesting that the prisoners held in Gabela
18 and Dretelj were all POWs? Or is it possible, Mr. Praljak, that they
19 were other prisoners but not POWs technically? Could you have meant that
20 when you said that you held no POW?

21 THE WITNESS: [Interpretation] I didn't know, sir. I can't answer
22 that one. It's not that we were no longer holding any prisoners at all.
23 It reads: "They were holding no prisoners at all." The HVO soldiers
24 under my command. That's crystal clear. Anything else --

25 MR. STRINGER: I'm ready to move to the next document.

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1 JUDGE ANTONETTI: [Interpretation] General Praljak, we have a
2 press release from Reuters, which is a news agency of high repute. Their
3 correspondent based in Sarajevo reports on the 7th of September in
4 Sarajevo, and he quotes the Mazowiecki report, and then you seem to
5 appear in the report as well. If this journalist has done his duty, you
6 should have had some contact with the Reuters journalist, and he must
7 have asked you some questions saying, Well, there is a UN report talking
8 about this and that. Do you remember having being interviewed precisely
9 on those points because here some words are put into your mouth. But
10 when a journalist is doing his work properly, there are some commas,
11 inverted commas to show that it is a quote. So there is no certainty

12 that you responded. We are asking you what may have happened 15 years
13 ago, and I realise that this might not be realistic, but do you remember
14 a journalist calling you or interviewing you on this report?

15 THE WITNESS: [Interpretation] I can't remember. I can't
16 remember, Your Honour.

17 JUDGE ANTONETTI: [Interpretation] Very well. I have another
18 question then. I believe I asked the same question to other witnesses.
19 All we have to do is look at the transcripts. We have this report which
20 has been covered by the press, and we realised that there are prisoners
21 on all sides, and there are 1.220 Serbs [as interpreted] that are
22 detained by the BiH in 24 camps. So we have Croats that are detained.
23 Information of this nature should have been brought to the attention of
24 the authorities, whether it was in Zagreb or elsewhere. And my
25 assumption is that it had been brought to the attention of the Zagreb

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1 authorities who learned about that.

2 At this stage or at that stage, rather, did someone call to say
3 there is a problem in Zagreb? Do you remember, or do you not remember.

4 THE INTERPRETER: Correction from the interpreter it was
5 1.220 Croats.

6 THE WITNESS: [Interpretation] No, I don't. I remember that one
7 missing sentence about the partial nature. If you lose site of the fact
8 that the Muslim offensive continued even more fiercely on the 15th and
9 the 16th of September, perhaps one might say you could have done this or

10 you could have done that. But then for the next 25 or 30 days around
11 Vrde and all that, I hardly left the front line throughout that time.
12 The only way you can get at the truth is if you look at the whole. If
13 you take a partial view of one thing at a time, it can mislead you. I
14 never had lunch with Petkovic. I never slept in the same bed for two
15 consecutive nights. I mean --

16 JUDGE ANTONETTI: Very well. Please proceed.

17 MR. STRINGER:

18 Q. General, the next exhibit is P05104, 15 September 1993.
19 President Boban issues an order. The order is directed towards the
20 Defence Department and the Main Staff of the armed forces of the Croatian
21 Republic of Herceg-Bosna.

22 Now, in item 3 he orders:

23 "In the prisoners of war detention centres where the conditions
24 required by the international war law and Geneva Convention are not
25 ensured, they should immediately be introduced, and prisoners of war must

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1 be treated in accordance with the provisions of the Geneva Convention and
2 other humanitarian standards."

3 He orders the ICRC is to be allowed free visits to detention
4 centres for prisoners of war, flow of humanitarian aid.

5 Item number 7 he orders:

6 "The HVO Main Staff will inform all subordinated commands and
7 units of this order and provide professional help in its implementation."

8 Now, just to continue on with this, General, and then we'll talk
9 about it all, the next exhibit is P05188, which if you would look at that
10 one I'd suggest then is you issuing this order as you've been directed by
11 Mr. Boban, sending his order down to all operative zones, all units
12 subordinated to the Main Staff, and to the chief of the military police.

13 All right. Do you remember this, General? Do you remember
14 receiving this order from Mr. Boban and then sending it down the chain of
15 command as is indicated here?

16 A. The answer to the first question, did I receive Mr. Boban's
17 order, this one, the answer is yes. Did I forward it down the chain of
18 command, no. I left out items 3, 4, 5 from Boban's order because they
19 had nothing whatsoever to do with the Main Staff. I received Mr. Boban's
20 order and I conveyed to the lower levels --

21 Q. All right. We're going to talk about that. Let me ask you some
22 questions first about the Boban order. You do recall receiving this on
23 or about September 15th, 1993?

24 A. Yes.

25 Q. Now, we just looked at the Reuters article from September 7th,

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1 which is a week prior, in which you say that your soldiers are no longer
2 holding any prisoners of war. So, General, do you know what prisoners of
3 war Mr. Boban --

4 A. It doesn't say "no longer." It doesn't say "no longer." It says
5 "not at all." You keep saying no longer. It's like they were holding

6 prisoners of war and now they are no longer holding prisoners of war,

7 whereas it reads they were not holding any prisoners of war at --

8 THE INTERPRETER: Interpreter's note: Can the interpreters
9 please be allowed the time to finish interpreting General Praljak. Thank
10 you.

11 MS. PINTER: [No interpretation]

12 THE WITNESS: [Interpretation] Can we a moment's break, please,
13 until you clear this up.

14 MS. PINTER: [Interpretation] Because in the English and the
15 German, it reads exactly the way Mr. Stringer is saying, but it was
16 translated into Croatian as there were no prisoners there without the "no
17 longer" bit. So the General is working with one text and Mr. Stringer is
18 working with a different text. That's why the discrepancy has arisen and
19 the excitement, too, on the part of Mr. Praljak.

20 THE WITNESS: [Interpretation] In German "mehr fest" does not mean
21 any longer. "Seine Soldaten heilten keine Kriegsgefangenen mehr fest,"
22 but that is not correct, because it should read "are not holding" instead
23 of "are no longer holding."

24 MR. STRINGER: Well --

25 JUDGE TRECHSEL: I'm sorry, where is the German text? I don't

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1 have the German text, and I --

2 MR. STRINGER: The German text --

3 JUDGE TRECHSEL: There is a chance I would understand it.

4 MR. STRINGER: It should be there. It's the original language of
5 the document.

6 MS. PINTER: [Interpretation] The very end. The last document is
7 in German. In P --

8 THE WITNESS: [Interpretation] Your Honours, Judge Antonetti, a
9 minute, please.

10 JUDGE ANTONETTI: [Interpretation] Go ahead.

11 [The witness stands down]

12 [Trial Chamber and registrar confer]

13 [The witness takes the stand]

14 JUDGE ANTONETTI: [Interpretation] I inform everyone that the
15 Registrar was telling us we still have 20 minutes worth of tape. So we
16 will have to stop at five to 1.00.

17 JUDGE TRECHSEL: I'm not quite sure whether and to what extent,
18 if so, I have to take an oath and take an expert or interpreter's stand.
19 I have the German text in front of me, and maybe I'll read it in German
20 and then under the control of all other linguists here give a
21 translation.

22 The German text reads: "Der Kommandeur der bosnischen Kroaten,
23 General Slobodan Praljak, erkldrte hingegen, seine Soldaten hielten keine
24 Kriegsgefangenen mehr fest," which translated to the extent that it is
25 important would say:

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1 "Did not hold any prisoners of war any more," which is -- and the

2 meaning is the same as "do no longer hold." Thank you.

3 MS. PINTER: [Interpretation] Correct, Your Honour, and that's
4 where the problem lay, because the general in the Croatian interpretation
5 didn't have this "mehr," "more," or "longer." So Mr. Stringer was
6 adhering to where it says "longer" or "more," and in the Croatian there
7 was no -- this word was not there.

8 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

9 MR. STRINGER:

10 Q. General, looking at P05104, which is the order from Mate Boban to
11 the Main Staff and the Defence Department, I think my last question to
12 you was whether you recall receiving this document on or about the
13 15th of September, 1993.

14 A. Yes.

15 Q. Now, in item number 3, he says:

16 "The prisoners of war --" well, I won't read it again. I read it
17 before we had the interruption. But what's saying is that they have to
18 ensure that the applicable -- required conditions applicable to prisoners
19 of war must be ensured --

20 A. I'm not receiving an interpretation.

21 Q. I'll start again.

22 In paragraph 3, what Boban's saying there is that wherever the
23 conditions are not in accordance with law for the prisoners of war, those
24 conditions have to be fixed centrally.

25 Now, General, you saw this, so doesn't this tell you that there

1 are prisoners of war, HVO prisoners of war, who were being held in places
2 where the conditions may not be in accordance with international law?

3 A. It says in which possibly not all conditions have been ensured
4 and so on.

5 Yes, I did of course read this, and I gave you an answer to that
6 question and you can see that from my order.

7 Now, you want to introduce a totalitarian society, and I had
8 nothing to do with items 3, 4, and 5.

9 Q. So the answer here is despite the information contained in this
10 document or the suggestion that all is not well with prisoners of war,
11 you did nothing with that information because you considered that it was
12 someone else's job, not yours; correct?

13 A. Well, I read this information. Now, what the situation was, what
14 should be improved, and what was actually happened, I did not have any
15 information, and I had nothing to do with this in the post that I held,
16 structural, under law, or prescribed.

17 Q. And as you've already indicated, we see that when you sent
18 Boban's order down your chain of command, down as he directed, this is
19 P05188, you in fact made no reference at all to the treatment of
20 prisoners; correct?

21 A. Why would I refer to prisoners and conduct towards prisoners when
22 the soldiers that I commanded did -- had nothing to do with any kinds of
23 prisoners? So why would I write something in my order --

24 Q. So --

25 A. -- like that that was incomprehensible?

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1 Q. So since the Defence Department is the other recipient of this
2 order from Boban, are you telling us, General, then that it was the
3 Defence Department that was responsible for the implementation of this
4 order in respect of prisoners of war?

5 A. Sir, I'm saying exactly this: The Main Staff was not
6 responsible, and I don't want to speak about matters here in court about
7 which I'm not fully certain. Therefore, I don't know. My answer is I do
8 not know precisely and fully the kind of responsibility over these,
9 whatever they were called, prisons of one kind or another, general
10 military or anything similar. I don't know. And I've said that for the
11 umpteenth time, I do not know.

12 Q. Well, the fact is, General, within your own spheres of
13 responsibility and authority, the fact is that both you as the commander
14 of the Main Staff and Mr. Stojic as head of the Defence Department, and
15 Mr. Coric as head of the military police administration, each of you held
16 responsibilities and obligations in respect of prisoners. Isn't that
17 true?

18 A. Absolutely incorrect, and that's precisely what I've been telling
19 you. You want to introduce a totalitarian system, which never existed.
20 A normal society has precisely defined rights and responsibilities for
21 individual matters, and we at least tried to do that.

22 Q. And in a normal society, let me suggest to you that the commander

23 of the armed forces knows who's responsible for prisoners.

24 A. That's not true, not even in the American army. The commander
25 does not know what happened in prisons in Iraq. It was the people who

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1 did that who were responsible, and he learned about this five months --

2 JUDGE PRANDLER: You don't have to speak now about Iraq and about
3 the American army. You have to speak about yourself and what you have
4 done. Thank you.

5 MR. STRINGER:

6 Q. General, I'm asking you about who knows what they're responsible
7 for. You say you're not responsible for prisoners. You claim that you
8 don't know who is, and I'm putting to you that that's absurd, and that in
9 any political-military organisation everyone knows, certainly at your
10 level, who's responsible for what. And if you claim you're not
11 responsible for prisoners, the fact is you know who is and you just
12 refuse to say it, don't you?

13 A. That's not true. I don't have to know who was responsible for
14 prisoners.

15 And, please, Judge Prandler, there are regulations and rules in
16 armies, and you can't set this one apart. You have to know how each army
17 operates in order to hold people accountable. If you want to set up a
18 separate system for this army, you can do what you like. But I claim
19 that it is not true either for the American army or the others. Those
20 who committed crimes in Abu Ghraib, it wasn't the commander of the army

21 who was held responsible but the perpetrators of those crimes because he
22 wasn't informed about what was going on and it was journalists who
23 uncovered it. And here it's my right to defend myself by using logics
24 and general knowledge, general well knowledge, but not only for the HVO
25 but something that holds true for everyone and all armies.

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1 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a
2 follow-up question. As an impartial trier of fact I must examine both
3 versions, the case presented by the Prosecution and the case presented by
4 the Defence. This is how an impartial Judge does his work. And in order
5 to do this, I examine the Prosecutor's case. He is showing us two
6 documents, an order from Mr. Boban and your own order. And the
7 Prosecutor notes that paragraphs 3, 4, and 5 are missing in your own
8 document. Because of this anyone seeing both documents could very well -
9 and here I say could only - could very well draw the conclusions that
10 General Praljak completely set aside this part regarding prisoners.
11 Actually, turned a blind eye on it. And he did this deliberately. That
12 is one interpretation of the documents.

13 Second interpretation. You became aware of Mate Boban's order.
14 You gave instructions to the person drafting the order. I'm sure you're
15 not the person who actually took a quill to write all this, and the
16 person drafting the order is executing orders given by you, and you can
17 give him the order not to copy paragraphs 3, 4, and 5. And you might
18 have told the person drafting the document, "Because this is not of my

19 responsibility." That is one assumption that would back what you're
20 saying. You might believe that it is somebody else's business and that
21 you have nothing to relay regarding points 3, 4, and 5.

22 Now, as -- in your recollection, can you tell us whether you
23 asked the person drafting the document for you to set aside items 3, 4,
24 and 5, or is it that person who actually drafted the whole document and
25 just signed it blindly? Do you remember anything about the way you

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1 drafted this order?

2 There are two ways of looking at this, obviously. One is in
3 incriminatory, the other one exculpatory, of course.

4 THE WITNESS: [Interpretation] No, it is pot possible. An order
5 by the president of the HZ-HB and the supreme commander of the armed
6 forces is read. I didn't write this, but it was read pursuant
7 [indiscernible] orders, leave out items that have nothing to do with the
8 responsibilities and rights of the Main Staff of the HVO.

9 Your Honours, responsibility begins with appointments and
10 dismissals, and you send the responsible person the reports. How can you
11 be responsible if you don't have the right to replace, dismiss,
12 incarcerate, and so on? You can't. And if you're not receiving any
13 reports, it means you're not in the reporting structure. That's true for
14 courts. That's true for everyone.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, you are not
16 answering my question. It was a very specific question. I wanted to

17 know whether you gave orders to the person drafting the document, orders
18 by which paragraphs 3, 4, 5 of Mr. Boban -- on prisoners to be excluded
19 for -- on grounds that you were not competent for this matter, or whether
20 this other person actually drafted the entire document by himself and you
21 thought it was fine. What happened?

22 THE WITNESS: [Interpretation] I gave you an answer precisely. I
23 don't know whether it was recorded and translated. I ordered that he
24 throw out items that have nothing to do with the commander and the
25 Main Staff of the HVO. That's what I said. I don't know why there was

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1 no interpretation, but I did answer that in very precise terms and quite
2 clearly.

3 JUDGE TRECHSEL: Thank you. I'm sorry that I have to say I read
4 these two documents in a different way than the President.

5 In your order you say in the first introductory paragraph that
6 you have enclosed the order of Mate Boban. There is no reference to any
7 redaction of that order, and I must suppose that you enclosed the order
8 of Mate Boban the way you had received it. Is that a correct assumption?

9 THE WITNESS: [Interpretation] No, sir. Mate Boban is sending his
10 order to two addressees, and I attach his order --

11 JUDGE TRECHSEL: No, no, no, no. The question is much simpler.
12 You write an order signed "Praljak." You do not deny that you signed
13 this. You say in this order that the order of Mate Boban is enclosed.
14 So am I right in assuming that the recipient of your order gets your

15 order and attached to it a copy of the order of Mate Boban as it was,
16 original copied without changes? Is that correct?

17 THE WITNESS: [Interpretation] Correct. Correct, yes, a copy of
18 Mate Boban's order and my order over the units that I command.

19 JUDGE TRECHSEL: Then in number 3 of your order you comment on
20 numbers 5 and 6 of the order of Mate Boban; correct?

21 THE WITNESS: [Interpretation] Correct. I say that they must be
22 as they stand.

23 JUDGE TRECHSEL: Thank you. I did not see in your order any
24 reference at all to other numbers in Mate Boban's order. You do not
25 comment specifically on any of the other points.

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1 THE WITNESS: [Interpretation] No. I --

2 JUDGE TRECHSEL: Right. So that -- it follows that when you told
3 us that you did not hand on the order, carry on -- carry further to your
4 subordinates the order to the extent that it concerns prisoners, this is
5 your interpretation of your order, but there is no tangible trace of
6 this. It's just, you say -- I suppose, I'm putting it to you, you say,
7 As this was not my business, automatically those who received from me
8 Boban's orders also would disregard it because it did not concern the
9 army, full stop. Is that I way I should understand your argument?

10 JUDGE ANTONETTI: [Interpretation] Just a minute. I with like to
11 put on the transcript that I do not share the content of this question.
12 I don't agree with it, because it's too complex, and I believe that we

13 should continue -- resume with all this tomorrow. This is extremely
14 complicated, and we're almost at the end of the tape. We will have to
15 take a look at the transcript, but we have no tape left, or hardly any.

16 So we will meet again tomorrow morning at 9.00 a.m. in this
17 courtroom. Thank you.

18 --- Whereupon the hearing adjourned at 12.53 p.m.,
19 to be reconvened on Thursday, the 3rd day
20 of September, 2009, at 9.00 a.m.

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