



Page 44416

1 Monday, 7 September 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 2.15 p.m.

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

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

12 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar, this is
13 Monday, September 7, 2009, and I greet General Praljak, Mr. Pusic,
14 Mr. Petkovic, Mr. Stojic, and Mr. Prlic. I also greet Defence counsels,
15 Mr. Stringer, his colleague and everyone helping us.

16 I would like to ask the Registrar to move into closed session
17 because we will issue a decision, an oral decision but this needs to be
18 done in closed session.

19 [Private session]

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 44417

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 [Open session]

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

17 JUDGE ANTONETTI: [Interpretation] In public session, let me say
18 that we still have two binders to go through, binder number 10 and a new
19 binder, binder number 11, which seems to be a binder with several
20 documents.

21 Mr. Stringer, you have the floor.

22 MR. STRINGER: Thank you, Mr. President. Good afternoon. Good
23 afternoon, Your Honours, counsel, everyone else in and around the
24 courtroom.

25 Mr. President, the eleventh binder is going to be the last

Page 44418

1 binder, and with some luck we'll be able to move through that one today
2 and complete the Prosecution cross-examination.

3 WITNESS: SLOBODAN PRALJAK [Resumed]

4 [Witness answered through interpreter]

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

6 Q. Good afternoon, General.

7 A. Good afternoon, Mr. Stringer.

8 Q. General, when we left off last week, I believe we were talking
9 about Exhibit P04520, and can you find that document in your binder.

10 A. Yes.

11 Q. Now, on Thursday when we finished we were on the second page of
12 the English version. I had asked you about the item that was the third
13 bullet point on that page related to the Oerlikon, a weapon using
14 20-millimetre ammunition. Now -- so using that as a point of reference,
15 I want to just sort of quickly go through the next few lines in this and
16 then I'll ask you a few questions about it. And I'm going to be -- I'm
17 going to start reading the next paragraph which begins with these
18 words -- this is the -- about a quarter or a third of the way down from

19 the top of page 2 of the English:

20 "They were on the operational frequency of Mr. Mijo Jelic's
21 military police, but all instructions were received from the South-East
22 Herzegovina Operative Zone, PZO, which I believe is the anti-aircraft
23 defence chief."

24 Do you have that next, General? Are you able to follow along?

25 A. Well, I'm looking for it. Just give me a moment, please.

Page 44419

1 Q. Well, if you're on page 2 of your version, the second -- the
2 second point there refers to a PAT 20/1 Oerlikon. Do you see that?

3 A. Yes.

4 Q. And I'm moving down probably about six lines from that point:

5 "They were on the operational frequency of Mr. Mijo Jelic's
6 military police ..." do you have that?

7 A. Yes.

8 Q. "But all instructions were received from the South-East
9 Herzegovina Operative Zone, chief of anti-aircraft defence."

10 That's how I understand that to read. And then it goes on to
11 talk about the crew who was firing on this position. I'm moving down.
12 There's reference to people who had gone earlier by night to the northern
13 part, observation post at Planinica, and then it continues:

14 "We were all in contact by radio contact (Motorola). Cutuk had
15 a direct connection to the military police."

16 This is relating to the fire --

17 A. Cutuk. Not Citluk but Cutuk.

18 Q. Cutuk. That's a person, right, not a place?

19 A. Yes, yes.

20 Q. And then going down it says:

21 "According to a later report from Mr. Jelic's deputy, Mr. Dedo,
22 they said that they had terrific support from the PZO weapons."

23 And then it makes reference to a Muslim armed forces attack on
24 the Bulevar health centre. And then just again skipping down and then
25 towards the end of this paragraph it says:

Page 44420

1 "We received constant instructions via the radio set from Bozic
2 at the firing position where Mr. Lasic, Tuta, Bozic and others were about
3 the appearance of vehicles and the need to open fire."

4 Okay. So, General, all of that just to put this to you. What
5 this shows in respect of the artillery that is deployed in this
6 particular operation on the 25th of August, I believe, the day before
7 this report was made shows a great deal of co-ordination and
8 communication within the operative zone and the military police in
9 respect of the artillery. Would you agree with me there?

10 A. Well, what's described here is that they were in communication,
11 but the 14.5 millimetre anti-aircraft guns, the PATs, P-A-T-S, were
12 mostly infantry weapons. And secondly, the Motorolas that were used
13 provided a very unsafe communication line easily tapped into so that the
14 quality of that communication was not that good. Yes, the direct

15 communication was, but the Motorolas were intercepted and scanners could
16 detect the Motorolas frequency easily.

17 Q. But in any event what this tells us is that, at least in respect
18 of this operation, there was good co-ordination and communication among
19 the various HVO personnel who were involved. Would you agree with me
20 there?

21 A. Yes.

22 Q. Now, to stay with this issue, General, I want to take you to --
23 actually, I'm going to skip the next document in your binder and I want
24 to take you to P10960.

25 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I have a

Page 44421

1 follow-up question for General Praljak. It's a question which I could
2 possibly also put to Mr. Coric's witness, but I might as well put it to
3 you right away because it's a technical question. You might not be
4 really able to answer, but we'll try.

5 Using this document, we see that the military police has
6 communication equipment at hand. Obviously they have Motorolas. And you
7 said that the lines were not fully secure. The enemy was able to scan
8 frequencies and eavesdrop. I'm sure that everyone agrees with you or can
9 agree with you, but I have another question on another angle.

10 The military police, if I understood you correctly, did not
11 depend [as interpreted] from the Main Staff, was not subordinated to the
12 Main Staff, and it has an internal communication system which must be

13 regulated according to different radio frequencies that are allocated to
14 different battalions of the said military police. However, when a unit
15 of the military police is resubordinated to a brigade, I would like to
16 know whether the military police in such a case keeps its own -- its
17 frequencies, its radio frequencies or it changes its radio frequencies in
18 order to be on the same radio frequency as the brigade that is now
19 resubordinated to.

20 Could you tell us exactly how this is organised, if you know, of
21 course. Otherwise, just tell us that you don't know, that you cannot
22 answer, and I'll wait for another witness to put my question.

23 THE WITNESS: [Interpretation] Yes, I do know. It was very
24 difficult for us to change frequencies, Your Honours, for the simple
25 reason that the Motorolas had to be carried on -- well, you had to tap in

Page 44422

1 the frequencies in a special way. So a certain number of Motorolas from
2 the brigade military police or whatever were -- the frequencies went
3 through channels. You had to key in the channels and then they would say
4 go to channels in front, two up, two down, that kind of thing. So it was
5 very difficult to change them, because any changes in frequency which
6 were allotted to each channel was a very complicated matter for us.

7 JUDGE ANTONETTI: [Interpretation] Very well. So the frequency
8 was not changed. Even though they were resubordinated they would keep
9 the same frequencies as before.

10 THE WITNESS: [Interpretation] Probably they would have two

11 Motorolas; one to function amongst ourselves and another one to be able
12 to communicate with the other unit.

13 JUDGE ANTONETTI: [Interpretation] Very well, your answer is
14 technically acceptable. Thank you very much.

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

16 Q. General, the next exhibit is P10960.

17 MR. KOVACIC: [Interpretation] Your Honours, I would like to make
18 an objection with regard to the use of this document before we actually
19 start using it. I'd like to explain why, with your permission, just
20 three words on the subject. [In English] Praljak Defence, as a matter of
21 principle, objects to the use of this document P10962, to prove the truth
22 of the matter accepted therein. Hearsay, per se, is not forbidden at
23 this Tribunal, but certain out-of-court statements are restricted by
24 various rules and the statements and reports of experts are specifically
25 restricted by Rule 94 bis. The Prosecution is on the record recently

Page 44423

1 objecting to the admission of a book by Dr. Shrader which Praljak Defence
2 used during the direct examination. They objected because they
3 characterised this book as an expert report and that at that time the
4 Prosecution asserted the Praljak Defence should have called him. This is
5 exactly now my assertion when we are talking about this document.

6 The Praljak Defence continues to submit that the book by
7 Dr. Shrader, it is not an expert report, but there is no question that
8 the document the Prosecution is now using or attempt to use is an expert

9 report. By the Prosecution's own logic, this expert report cannot be
10 introduced to prove the truth of the matter asserted therein without the
11 full procedure outlined in Rule 94 bis. If the Prosecutor -- if the
12 Prosecutor's use of the expert report is permitted in -- contrary to the
13 rule of -- to the Rule 94 bis as a matter of equity, then Dr. Shrader's
14 book clearly must come in. I mean, Dr. Shrader's book which we were
15 using as so-called expert material.

16 This is our -- this is our opposition, and we move to Chamber to
17 first rule on the use of this material at all. Thank you.

18 MS. ALABURIC: [Interpretation] Your Honours, good afternoon to
19 you and everybody else in the courtroom.

20 Objection from the Petkovic Defence at the attempt by the
21 Prosecutor to use this material as being a fresh piece of evidence
22 despite the cross-examination of General Praljak.

23 Now, the Petkovic Defence objection is based on the decision made
24 by the Trial Chamber on the 27th of November, 2008, by which it was
25 established that the rule would be that the Prosecutor during the

Page 44424

1 cross-examination of a Defence witness does not have the right to use new
2 documents except to discredit the witness or to refresh his memory.

3 With respect to the discreditation of the witness or to refresh
4 the witness's memory, the original documents can be used, and this P10960
5 document that we're offered up here does not come under that category of
6 documents; and therefore the Petkovic Defence objects to the use of that

7 particular document and requests of the Trial Chamber to disallow the
8 Prosecutor from answering -- from asking any questions with respect to
9 that -- of that document.

10 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

11 MR. STRINGER: Mr. President, the -- it's possible that counsel
12 for General Praljak misspoke the exhibit number, so just for the record,
13 we're on P10960. And just by way of background, because I don't know
14 that the Trial Chamber has seen this one before, the Trial Chamber will
15 recall that the Praljak Defence called Dr. Slobodan Jankovic to testify
16 as an expert witness in this case. He came and testified about the
17 destruction or the collapse of the Old Bridge in Mostar on the 9th of
18 November, 1993.

19 Now, Dr. Jankovic prepared an additional report -- prepared two
20 reports. One was about the Old Bridge, and the Trial Chamber has seen
21 that report. He prepared a different report, which is the one that is in
22 front of the Trial Chamber now, and that one was disclosed by the
23 Praljak Defence to the Prosecution and all the parties, although it was
24 not tendered into evidence by the Praljak Defence, and based on my --
25 it's my understanding that they do not intend to call Mr. Jankovic to

Page 44425

1 testify about this particular report, this particular report being an
2 analysis of the HVO artillery in the Mostar area.

3 Now, what the Prosecution proposes to do, since this is an expert
4 report prepared by someone at the request of the Praljak Defence, is to

5 ask the general about a few parts of this and ask him to comment on
6 those. I don't believe that the Prosecution's intention is to tender the
7 entire report into evidence. We do think, however, that it's fair to put
8 the Defence's own expert report to the general on cross-examination and
9 use it to make some assertions and to cross-examine the general about HVO
10 artillery as it's discussed in this report.

11 So what I propose, Mr. President, is -- is, with your leave, to
12 proceed with the cross-examination. There are just a few pages I'm going
13 to ask the general about. We can take his answers and go from there, if
14 you will. It may be the Prosecution tenders some pages, some excerpts of
15 this into evidence, I don't know. We'll have to see how it goes. But in
16 any event, the main purpose is to use it to cross-examine the general.

17 It's a new document. The Prosecution never got it until it was
18 disclosed to us by the Praljak Defence, so that's why it's not something
19 that we would have had for -- certainly not on our 65 ter list that was
20 filed before the trial began.

21 MR. KOVACIC: Your Honour. If I may just very, very briefly
22 reply. I agree with the Prosecutor. It is material which we disclosed
23 to the Prosecution. We disclosed it for fairness, bona fides, to inform
24 in advance Prosecution about possible material we would later possibly
25 filed under -- file under Rule 94 bis. We didn't. So it is not expert

Page 44426

1 report, because only under Rule 94 bis if the procedure is respected then
2 it could become expert report. So far it is not. And I would just

3 simply like to ask Your Honour -- this Honourable Chamber to give us a
4 ruling on the matter because of the reasons I said. This is not expert
5 report, and it is only hearsay in that sense, and the Prosecution should
6 not go into that document. And by the way, it wasn't used in any way,
7 any such -- any similar document, let alone this one, during the direct
8 testimony of Mr. Praljak. And Prosecution might have called this expert
9 by their wish. This is why we gave them the material to inform them
10 about the possibility. They didn't. They choose not to. Now they
11 cannot circumvent this failure. Thank you.

12 MS. ALABURIC: [Interpretation] Your Honours, may I just say
13 something on behalf of the Petkovic Defence? May I respond, please? The
14 explanation given to us by my learned friend Mr. Stringer for the use of
15 this document boils down to the following: That the Prosecution wants to
16 have either parts of this document admitted into evidence or to have part
17 of the report through asking General Praljak questions and recording his
18 answers that they become exhibits in this trial, admitted again. So the
19 reasons given by Mr. Stringer do not relate to either the credibility of
20 the witness or to refreshing the witness's memory, which were the reasons
21 that were considered valid by the Trial Chamber for having a document
22 admitted. Therefore, we consider that anything else goes against the
23 grain of the ruling by the Trial Chamber in 2008 and that they are trying
24 to, in fact, introduce a new document which holds the accused accountable
25 in these proceedings.

1 Now, the Petkovic Defence does not consider it to be a credible
2 document, and, therefore, does not consider that the Trial Chamber should
3 allow any questions to be posed on the basis of this document. Thank
4 you.

5 JUDGE ANTONETTI: [Interpretation] Just a second, please,
6 Mr. Kovacic.

7 I am slightly astonished for the following reason: You're saying
8 the document P10960 is based on hearsay and that for you it means that
9 it's a worthless document. However, as Mr. Stringer put it so well, you
10 had requested initially that this report be admitted into evidence
11 together with the other report which related on the destruction of the
12 Old Bridge. So at -- initially, I thought I understood you saying that
13 these were not rumours or hearsay, it was scientific. So the report that
14 we have now was not admitted or had not been admitted into file when the
15 Old Bridge issue arose. However, now we have this document, and the
16 Prosecutor wanted to use this document which stems from you.

17 I don't know which questions he wishes to put to the witness
18 through this document, but he wished to use the document.

19 I briefly looked at the document, and I was under the impression
20 that the purpose of this document, based on mathematical formulas, talks
21 about various trajectories of shells or bullets according to various
22 trajectories, and basically this report relates to that.

23 So when you are asking that Professor Jankovic be recognised as a
24 witness, you put that in your file, and today when the Prosecutor wishes
25 to use this document, you state that Jankovic's work, and he's certainly

1 going to be pleased about it, is based on hearsay. So I really don't
2 understand a thing any more. I don't understand what you are saying.
3 Maybe there was an interpretation mistake somewhere, but I absolutely do
4 not understand what you are telling us, because a few months ago you were
5 telling us that this was an excellent report and now you're telling us
6 that it's completely worthless. So please tell us what you wanted to
7 say.

8 MR. KOVACIC: [Interpretation] Your Honour, it's probably my
9 mistake. Perhaps I was not clear or something maybe was lost in
10 translation, I don't know, but it is my assertion that this document, in
11 procedural terms, now, at this point, can be considered as hearsay
12 evidence. Why? Because it is not an expert report. [In English] This
13 not the expert report. It could have become expert report only if
14 procedure prescribed under Rule 94 bis is fully respected, and it was
15 not. We have never filed this material, Professor Jankovic material, as
16 an expert report. We did request expert to make some analysis for us
17 internally, for the Defence, and we also went a step further. We were --
18 we are, by ethics, required, or at least this is what we think, to give
19 this material to the Prosecution at this -- at that time, because we
20 thought that there is a possibility that we would respect Rule 94 bis and
21 that we would file this report as expert report. However, we choose not
22 to, and because it is not filed, it is material which now could only be
23 hearsay, because the Prosecution said this is the expert report. It is

24 not expert report. It cannot be expert report. We are missing the
25 procedure under Rule 94 bis.

Page 44429

1 However, however, Your Honours, however, if the Prosecution want
2 to have this as expert report, Dr. Jankovic is available. His address is
3 in the file. He was here. The Prosecutor could always move and try to
4 observe procedural rules and try to -- to submit this material as expert
5 report. Unless it is not done, it is hearsay, the same as articles or
6 some other. But my major point is that I was trying -- or we, this
7 Defence, was trying to do the same thing with the Shrader book on the
8 beginning of General Praljak testimony, and we were not allowed.
9 Dr. Shrader is not an expert. This is what the Prosecution said. It is
10 in the record. Dr. Shrader is not an expert. So now I said Dr. Jankovic
11 is not an expert. In procedural sense, no, he is not, and we cannot use
12 that material under this adjective.

13 Thank you so much, Your Honours.

14 MR. STEWART: Your Honours, before Mr. Stringer were to answer
15 all of us, perhaps it might be convenient if I were just to comment on an
16 observation that Your Honour made a few minutes ago. It's our submission
17 that it's absolutely irrelevant whether there had been an application to
18 introduce this report into evidence. The fact is it is not in evidence,
19 and either it is or it isn't, and the application of Your Honours'
20 decision of the 27th of November, 2008, and all the other principles is
21 not affected by the question of whether there had been an application.

22 That's enough on its own to deal with the point, but I would just add
23 that after all, it was only an application by one of the accused. It
24 wasn't an application by any of the rest of us and it's not likely that
25 the Prosecution is going to seek to use this material only against one

Page 44430

1 accused.

2 MR. STRINGER: Mr. President --

3 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, before I give you
4 the floor, the Chamber would like to know the following. This is
5 actually a request made by my colleague, but everybody agrees in this
6 Trial Chamber. For which purpose do you wish to use this document
7 exactly?

8 MR. STRINGER: To question the general on the HVO's use and
9 capabilities in its deployment and use of artillery in the Mostar area as
10 indicated in this report.

11 JUDGE ANTONETTI: [Interpretation] So if I understand correctly,
12 you wish to use this document to find out how the HVO used the artillery
13 in the Mostar area?

14 MR. STRINGER: And the extent to which they -- the weaponry --
15 they were qualified and trained and were able to use the weaponry
16 correctly.

17 Mr. President, if I could just quickly respond.

18 JUDGE ANTONETTI: [Interpretation] Yes, go ahead, please.

19 MR. STRINGER: I'm looking at the Slobodan Praljak's, and this is

20 a quote, Slobodan Praljak's submission of the expert reports of
21 Slobodan Jankovic, filed publicly in this case on the 9th of May, 2008.
22 All right? It's a public filing, and we know that those two reports are
23 the report on the Stari Most, the Old Bridge, and this one. That's
24 number one. And maybe I didn't speak clearly enough. It's a new
25 document. That is to say, we never saw this until the 9th of May, 2008,

Page 44431

1 so this document came into possession of the Prosecution after the
2 Prosecution had closed its case. So it's new. It's not something that
3 we had before. So the limitations that are being pushed by the Petkovic
4 team don't apply, in our -- in our view, Mr. President. But in any
5 event, whether it's an expert report, whether it's a book, whether it's a
6 paper, we've all sat through many hours in this courtroom of -- and we
7 sat through many hours of the Praljak Defence bringing any number of
8 books and writings to the fore, questioning the general about them. The
9 general was holding forth on a lot of books, the books written by
10 Mr. Filipovic, Mr. Agic, others, and I think for anybody to suggest that
11 the Prosecution is not able to use this particular document which we
12 received from the Praljak Defence itself, and to use it as a basis for
13 putting questions to the general, I think it has no foundations --
14 completely unfair based upon the practice that we've had throughout this
15 trial, and on top of that, it is a new document. Thank you.

16 JUDGE ANTONETTI: [Interpretation] Let me confer with my fellow
17 Judges.

18 MS. ALABURIC: [Interpretation] Your Honours, if you allow me two
19 sentences regarding the term "new document." From your decision it is
20 quite clear, and also from the Rules of Procedure and Evidence of this
21 Tribunal, it is quite clear what can and what cannot be considered a new
22 document. A new document is never an item that the Prosecution had in
23 its position during its case. To use such a document during the Defence
24 case would be considered acting in contravention of due diligence. A new
25 document is always a document that the Prosecution obtained after it has

Page 44432

1 rested its case or a document that for justifiable reasons could not have
2 been used the course of its case, and it is spelled out quite clearly in
3 the November 2008 decision of the Trial Chamber. Thank you very much.

4 JUDGE ANTONETTI: [Interpretation] Very well. Let me confer with
5 my fellow Judges.

6 [Trial Chamber confers]

7 JUDGE ANTONETTI: [Interpretation] Very well. The Chamber will
8 render its oral decision about this.

9 The Trial Chamber would like to remind the parties that it
10 rendered a decision on the 27th of November, 2008, in which it states in
11 paragraph 20 and 21 of the same decision that, I quote:

12 "Only for exceptional reasons -- only exceptional reasons allow
13 to derogate from the interest of justice according to Article 94 bis of
14 the Rules, such as an importance of a new document."

15 Therefore, if the Prosecution wishes to file after the

16 presentation of its case new documentation in order to establish the
17 guilty -- guilt of one or more accused, it must explain to the Chamber
18 how and -- how they obtained the documents.

19 The Trial Chamber notices that these documents were communicated
20 to the Prosecution after the request pertaining to the report of
21 Professor Jankovic. The Trial Chamber, therefore, notes that the
22 Prosecution was in possession of this document after it -- after they
23 presented their case.

24 Therefore -- or furthermore, the Trial Chamber would like to
25 remind the parties of paragraph 21 of its decision when -- where the

Page 44433

1 Trial Chamber stated that if the Trial Chamber decided to establish new
2 documents in order to prove the guilt of the accused in the interest of
3 justice, they must allow Defence to -- the Defence to challenge its proof
4 and its evidence. This is why we can give the Trial Chamber [as
5 interpreted] more time in order to present irrefutable evidence, and the
6 Trial Chamber could also allow an additional cross-examination.

7 The Trial Chamber notes that today we are at the stage of the
8 cross-examination led by the Prosecution, and following this
9 cross-examination, additional questions will arise, and these additional
10 questions will enable the Defence to put all useful questions on the span
11 of this document.

12 Furthermore, at this stage of the procedure, the Trial Chamber
13 believes that the Trial Chamber is not right now facing the admission of

14 the document by the authorisation, given by the Prosecutor, to put
15 questions by using the document. Therefore, the Trial Chamber authorises
16 the Prosecutor to put questions through this document or on the basis of
17 this document, and if later on the Prosecutor requests the filing of this
18 document into evidence, the Trial Chamber will, of course, examine at
19 that time the observations presented by the Defence on the question of
20 the admissibility of the document.

21 And to conclude, the Trial Chamber authorises Mr. Stringer to put
22 questions to Mr. Praljak based on the document.

23 Thank you. Mr. Stringer, go ahead. It's your floor.

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

25 Q. General, while we've been talking, have you had a few minutes to

Page 44434

1 look at the document?

2 A. Well, Mr. Stringer, that's not enough time for me to look at a
3 document of this size. It should have been given to me in advance, but
4 all right, I will.

5 Q. Let me ask you a more specific question. Do you recognise this
6 document? Did you see it before, before today?

7 A. Well, I just leafed through it. I browsed through it. A long
8 time -- well, I wasn't really familiar with this document. I wasn't
9 really studying this document in depth. I think I had -- well, it was
10 said that the document would not be tendered into evidence, and I really
11 didn't look at it that closely.

12 Q. Did you provide Dr. Jankovic with -- with documents and things
13 that he used to make this report?

14 A. No, I didn't.

15 Q. I just want to ask you about a few parts of this document. We're
16 not going to go through it in great detail.

17 In his first section at the very beginning, section one on the
18 level of training of artillery crews, I want to turn to -- General, in
19 your version, the original language version, it's the bottom of page 1,
20 and this is the bottom of page 2 of the English, and it says:

21 "In the HVO artillery units, there were few men who had been
22 recruits in the former country's army and undergone artillery training
23 for any kind of weapon in the ROs," which I believe here is indicated to
24 be reserve officer schools, "and even fewer who had been trained for the
25 weapon they were operating in the HVO."

Page 44435

1 General, would you agree with that statement based upon your
2 knowledge during the time you were commander of the HVO Main Staff?

3 A. I didn't do any such analysis. I didn't do any such analysis,
4 so -- and I cannot testify to that effect. And we can see here that
5 Mr. Jankovic -- well, I read an excerpt and the fact and because he
6 teaches at military academy, he teaches artillery, and he knew that the
7 Croats -- well, that they responded in small numbers, and even if they
8 did, Croats were not usually deployed in artillery. Well, that's his
9 experience, but I think that the personnel in the artillery were

10 mostly -- mostly, well, they had the appropriate speciality and training.

11 At least the chief of artillery had appropriate training. I don't know

12 whether all of them had gone --

13 Q. Let's --

14 A. -- through this training in JNA, but at any rate, they were

15 trained in the HVO, because we did run courses, as you could see from the

16 document.

17 Q. Now, it says -- continues on:

18 "An HVO artilleryman who had undergone training as a recruit in

19 the former army would have done so some 10 years previously, and thus

20 would have forgotten most things."

21 And then he continues:

22 "There were very few professional officers in the HVO (engineers

23 or graduate weapons engineers). To my knowledge, there was only one

24 officer in the HVO who was a graduate weapons engineer."

25 And it goes on, and I'm going to skip the next sentence and then

Page 44436

1 he says:

2 "Even the HVO command [Realtime transcript read in error "chain

3 of command"] lacked sufficient specialist military knowledge, because in

4 most cases, for security reasons, HVO officers were men who had no

5 connection with the former Yugoslav Army."

6 General, would you agree with the assessment here of Dr. Jankovic

7 that the HVO command lacked sufficient specialist military knowledge in

8 respect of its artillery?

9 A. Well, I can give you the same answer again. The chief of the
10 HVO, General Petkovic, served in the JNA in the artillery. He was a
11 gunner. So I cannot really give you an answer to this question, but I
12 wouldn't agree with what I see here. Well, right at the beginning,
13 Mr. Stringer, at the beginning of the war with the Serbs where I served
14 in Sunja and so on, it is true that there were some things that could
15 have been considered as lack of appropriate training for mortars, which
16 was the only thing that we had at the beginning. We didn't have anything
17 else. But I think that the artillery did its job properly. It knew how
18 to do its job, in particular in light of the fact that using
19 203-millimetre cannon -- well, they were never used to fire anywhere near
20 Mostar, because if it had hit any of the buildings, it would have just
21 torn them down, pulverised them. So it was really very --

22 Q. Now, General, we established, I think, at the beginning of your
23 cross-examination that you were only a member, yourself, of the JNA for
24 about three months before you were released on this medical grounds that
25 we discussed: So the fact is you never had any training yourself in

Page 44437

1 artillery, did you, before you took command of the HVO Main Staff, formal
2 training that is?

3 A. It's correct. I didn't have any training in the artillery, but
4 as an engineer who knows all about azimuths and elevations and initial
5 speed and range and so on, you could not say that I was an expert, but I

6 knew the difference between different kind of cannon, howitzers and so
7 on, the basic elements of their use. I knew that regardless of the fact
8 it had nothing to do with the JNA.

9 MR. STEWART: Excuse me. Could I -- just before it disappears on
10 the page. It's at page 20, line 19, the words "chain of" seem to have
11 slipped in. The report in our translation doesn't say the HVO chain of
12 command. I'm not suggesting it affects the price of fish terribly much
13 in the long-run but those words aren't in the original report. It just
14 says HVO command.

15 MR. STRINGER: That's correct. I don't know if I misspoke or
16 whether it just leaked into the transcript. It says "even the HVO
17 command lacked sufficient specialist military knowledge."

18 Q. General, just to --

19 JUDGE ANTONETTI: [Interpretation] Just a second, please.
20 General Praljak, for those who in their military life had to participate
21 at a fire exercise with, let's say, a 155-millimetre cannon,
22 203-millimetres, know that it's very complicated; right? The Prosecutor
23 states that you had a three-month training in the JNA, but,
24 General Praljak, if you were placed behind a 203-millimetre cannon, would
25 you be able to make it work, and would you be able to send a shell on a

Page 44438

1 particular target? Would you be able to do that yourself even if you
2 know the mathematical formulas?

3 THE WITNESS: [Interpretation] No.

4 JUDGE ANTONETTI: [Interpretation] Very well. Thank you very
5 much. That's what I thought.

6 MR. STRINGER:

7 Q. General, just to continue. This is about the middle of the page
8 number 2 now of your version, and this is about the middle of page 3, a
9 little bit below. It says:

10 "All of this -- all this clearly indicates that the HVO
11 artillery was founded on knowledge that the men had to acquire through
12 short courses lasting just a few days, or even just pick up themselves on
13 the spot, from one day to the next. Therefore, they were not in a
14 position to apply firing rules, and were not fully able to use firing
15 tables or the procedures required to hit a particular target, while
16 specialist concepts such as fork, screening height, crest of defilade,
17 parallax of target ..." and I'll skip the rest, "... remain unknown not
18 just to the crews but also to many who were directing artillery fire.
19 The consequences of these facts were serious."

20 Now, General, you made reference to these courses in training in
21 the HVO. Is that what Dr. Jankovic is referring to here when he talks
22 about the short courses that they had to get some artillery training?

23 A. Mr. Stringer, a great part of this could refer to 1992 as regards
24 Bosnia and Herzegovina, but I don't think that it could refer to 1993.
25 Yes, there were courses that were needed to training people to operate

1 this, but, of course, you had to take into account that we did not have a

2 state that created an army. We had the people that became an army and
3 then the state was formed.

4 If an international community or NATO managed to put a stop to
5 this war, then some things would have -- could perhaps have been done,
6 but we were attacked and we defended ourselves as best we could in the
7 face of the attack lest we should all be slaughtered. So yes in 1992,
8 but not for 1993. I think by that time the HVO artillery was already,
9 well, not up to the standards put forward by Professor Jankovic, but I'm
10 sure that it was good enough to operate. Of course give or take the
11 deviations that are allowed in artillery for mortars. For instance, if
12 you have a firing table with the point targets, there is a great deal of
13 dispersion there. So I was aware of that. I looked at that.

14 Q. All right. So --

15 MS. ALABURIC: [Interpretation] Just a correction perhaps at page
16 23, line 12, the answer is here recorded as being given by His Honour,
17 Judge Antonetti. I think it should be corrected.

18 MR. STRINGER:

19 Q. Well, General, the fact is -- I'm -- counsel's -- counsel is
20 right, obviously. I think the transcript will be corrected on that.

21 General, the fact is that the army that you commanded was one in
22 which its artillery people were not sufficiently trained and the urgency
23 of the situation required them to take use of artillery even though they
24 weren't able to apply all the necessary firing techniques; isn't that
25 true?

1 A. No. They did apply everything necessary, all the necessary
2 techniques, but the guns which the JNA had, and I read that even those
3 didn't have good firing tables translated from the NATO weapons that
4 arrived in Yugoslavia in the 1950s when there was that clash with Russia.
5 Eight or 9.000 cannons were provided then by the USA to Yugoslavia should
6 it need to defend itself against the Soviet Union. But those tables were
7 translated into Russian and then from Russian and so on.

8 Q. Thank you, General.

9 A. So there were errors necessarily. And so it is true there was no
10 high professionalism. However, all the necessary techniques --

11 Q. General, Mr. Praljak.

12 A. Yeah, well, I have to answer --

13 Q. General -- Mr. President --

14 A. You've asked me so --

15 Q. -- the General has gone way beyond the scope of my question.

16 It's just wasting my time here, the time I've got remaining. So,
17 General, I'm going to ask you to focus so that we can get through this
18 today.

19 A. [In English] Okay.

20 Q. Now, you've raised the issue of the HVO's weaponry, so let's talk
21 about that a bit, and I'm going to go now to the top of page 3 of your
22 version, General, and the bottom quarter of page 4 of the English, and
23 this is in section 2. In a third paragraph Dr. Jankovic writes:

24 "The HVO artillery was not systematically organised at all, and

25 it is well known that the artillery comprises a system of weapon,

Page 44441

1 projectile, fire control system, and logistics. The system of fire
2 control is particularly sophisticated, and the effectiveness of artillery
3 fire largely depends on it."

4 Now, General, we've -- this report's about Mostar, but we've
5 talked about HVO artillery in a number of locations such as on the
6 Makljen Ridge. The fact is, General, isn't it true that the HVO did not
7 possess the sophistication, the training necessary to use its artillery
8 in a way that would distinguish sufficiently between civilian and
9 military targets?

10 A. [Interpretation] Incorrect. I don't know why you've mentioned
11 Makljen and Mostar since that's at a distance of some 40 kilometres. And
12 secondary -- secondly, the artillery was different and precisely because
13 it was not sophisticated, yes, that is true, it wasn't highly
14 sophisticated and precisely for that reason because it wasn't on a par
15 with the NATO forces requirements, it was strictly prohibited to use the
16 artillery to shoot where civilian targets were close by, and Mostar
17 wasn't within a mortar's range, and -- within the range of certain guns,
18 but just to the left and the right where the BH Army was expected to
19 attack in 1993.

20 Q. Now, continuing on, this is still on page 3 of the Croatian
21 version, top of page 4 -- or excuse me, page 5 of the English,
22 Dr. Jankovic continues on and then he concludes:

23 "The lack of expertise as such that the attitude was 'if you
24 have a weapon and ammunition, you have everything you need to carry out
25 task.'"

Page 44442

1 Now, is that how it was, General, during the time you were
2 commander of the HVO? You had personnel in the HVO who possessed
3 weapons, ammunition and everything except the technical expertise to use
4 the weapon properly?

5 A. No, that wasn't how it was at that time, and it would be a good
6 thing if Professor Jankovic would state the period of time that he was
7 referred to, because he worked on training, as far as I know, the
8 training of artillery men. He participated in that. Now, of course, at
9 the beginning, and he says -- he's talking about the Croatian Army.
10 Well, the people were under attack, and if they managed to come by --
11 people managed to come by something, they would shoot. But anyway, a
12 system was put in place to train personnel, and you've seen many
13 documents to that effect, to train people to utilise the weapons, and as
14 time went by things improved. And Professor Jankovic worked in this area
15 of training and you should have asked him.

16 Q. Well he's your -- or he made this for you, General, or your team.
17 I'm assuming it relates to relevant time frames and locations to this
18 case since it was made at the request of your team.

19 Now, one last couple of questions on this.

20 A. No.

21 Q. General, just continuing from where we left off, he identifies
22 artillery pieces used by the HVO, and we see them all there. Then he
23 identifies some additional weapons that had been from the former JNA,
24 some of which had come from World War II. Two-hundred -- 203-millimetre
25 M2 or M2A1, the H55, T 88, T 76. He says: Their barrels had already

Page 44443

1 fired the maximum number of projectiles. After this number of
2 projectiles, the barrels have greatly reduced muzzle velocities by over 5
3 per cent and thereby reduced range, but the main reason these barrels are
4 unusable is the greatly increased dispersion of trajectories, making it
5 difficult to hit a target with any kind of technical firing. Other words
6 were given here in this translation. In artillery practice this is
7 called the ballistic death of the barrel.

8 Now, General, the fact, is at least in respect of these HVO guns,
9 the HVO was not able to use these guns in a way that could distinguish
10 sufficiently between civilian and military targets, isn't that true,
11 because they were old guns that should not have been used at all?

12 MR. KOVACIC: [Interpretation] Your Honours, could my learned
13 friend rephrase the question, because he did precisely what we objected
14 to to begin with, "The fact is that," et cetera, et cetera, or is that
15 fact established. [In English] This is not an expert report, so it
16 should be changed. The question must be changed. It is not established
17 fact. It is simply opinion of professor in the material which did not
18 become any official document. It was draft submitted to us, to the

19 Defence, to see what -- what do next, and we decided not to use the
20 document. So it is not the fact.

21 MR. STRINGER: I can rephrase, Mr. President.

22 JUDGE ANTONETTI: [Interpretation] Please do.

23 MR. STRINGER:

24 Q. Looking at these -- the weapons that are identify here, General,
25 would you agree generally that Jankovic identifies correctly what the

Page 44444

1 HVO's artillery was during 1993?

2 A. Yes, he identified them correctly because they were artillery
3 pieced used by the Yugoslav People's Army and then it was used
4 subsequently by all sides except some guns which had the D30,
5 122-millimetre howitzers. Those were from Vitez and they were good ones
6 and I think the 152 or whatever, 155.

7 Q. And would you agree that among those pieces that the HVO used,
8 some of them had actually come from the World War II era?

9 A. Correct.

10 Q. And would you also agree that the HVO was using old guns such as
11 those from World War II even though they were no longer usable -- let me
12 rephrase the question.

13 Dr. Jankovic refers here to the ballistic death of the barrel.
14 General, it is true that the HVO was using artillery pieces even
15 including those which had encountered or undergone this ballistic death
16 because they had been used so much before?

17 A. I don't know. Every barrel or every gun has a booklet attached
18 to it stating how much it's been used, how many firings had been made and
19 what the deviation can be when the piece is new and when it's used. And
20 I don't know any of those facts except to say that I do know that it was
21 a weapon used by all three sides in the war on the territory of the
22 former Yugoslavia.

23 Q. Will you agree with me that those booklets you refer to, the HVO
24 did not have those booklets for a number of its artillery pieces? Nobody
25 actually knew how many times the barrels had been fired.

Page 44445

1 A. I can't agree with that. I think that there were books in
2 existence, and I think that there were tables too. And Mr. Jankovic says
3 here that for the 203, the tables were revised from the NATO standard to
4 other standards. But anyway, if you didn't have the tables, you
5 certainly didn't do any firing.

6 Q. General, I've got one -- there may be one discrepancy in this --
7 in this translation, and with the President's permission, I'd like to ask
8 you to read part of this sentence so we can get it correctly.

9 JUDGE TRECHSEL: May I refer to a misprint in the transcript on
10 page 28, line 25. We read that about ballistic death, which is
11 understandable, but I think it was ballistic gap or something that you
12 had spoken about.

13 MR. STRINGER: No, it's death.

14 JUDGE TRECHSEL: It was death.

15 MR. STRINGER: It's the word that comes from the Jankovic report
16 here, Your Honour.

17 JUDGE TRECHSEL: Oh, excuse me.

18 MR. STRINGER: In fact, maybe --

19 Q. General, just so that we've got it correctly, staying with this
20 paragraph we were just looking at, there's a sentence that begins with,
21 "After this number of projectiles ..." do you see that? "After this
22 number of projectiles ..."

23 It says:

24 "After this number of projectiles, the barrels have greatly
25 reduced muzzle --"

Page 44446

1 A. Yes, yes.

2 "After this number of projectiles, the barrels have greatly
3 reduced muzzle velocities by over 5 per cent and thereby reduced range."
4 Do you want me to read on?

5 Q. Yes.

6 A. "But the main reason these barrels are unusable is the greatly
7 increased dispersion of trajectories, making it difficult to hit a target
8 with any kind of -- using any kind of firing technique."

9 Q. All right. And why don't you read the last sentence, just ...

10 A. "In artillery practice, this is called ballistic death of the
11 barrel."

12 Q. Now, General, is that how it was with the HVO's -- at least the

13 weapons indicated in this report that the HVO was not able to use a known
14 or acceptable targeting technique that could distinguish sufficiently
15 between civilian and military targets because these weapons were so old
16 and overused?

17 A. No, Mr. Stringer. All this is in general terms here, but certain
18 barrels, among other things, were renewed in Novi Travnik, and that's the
19 process that we call calibration. They were recalibrated. And I know
20 about this because I discussed the issue with the director of the
21 factory, and the mortars were good anyway, and the 155-millimetre
22 howitzers were in order, and the 122-millimetres, and all the mortars and
23 the cannon. This could, perhaps, have applied to a 203-millimetre
24 cannon. However, I'm not even sure about that one, whether the Yugoslav
25 People's Army fired from that particular weapon after having received a

Page 44447

1 large number from the Americans and then had this ballistic death of the
2 barrel which is mentioned here.

3 MR. STRINGER: Mr. President, I've finished with this document
4 unless the Trial Chamber has questions.

5 JUDGE ANTONETTI: [Interpretation] General Praljak, this is an
6 interesting document, because it raises a number of questions. It's also
7 interesting, because obviously the author of this document seems to be
8 well-versed in artillery.

9 You noted his conclusion in the last paragraph of the document on
10 the use of artillery in Mostar. According to him, he concludes that

11 computers were -- would have been necessary for the firing on - the HVO
12 had no computers - that there was also a need for a logistical support
13 which it didn't have, and that the weather system should also have been
14 used, and you did not have this weather system available. According to
15 him these are three prerequisites, and these prerequisites were not met.

16 Given this, the Prosecutor insisted on the problem of civilian
17 and military targets, and I already put questions to you on this.

18 When one finds out that artillery pieces are located, for
19 example, 8 kilometres or 5 kilometres from Mostar with a range that is
20 under that, and so in order to increase the range, you have to increase
21 the firing angle because of the parabolic trajectory, then you end up
22 with something that is not very accurate, and how can you make sure that
23 you can have an accurate fire, and how can you adjust your fire, you
24 know, so it's accurate when you know, you know, you're shooting on a city
25 where you will have civilians that are very close to the military,

Page 44448

1 sometimes just a few metres away.

2 This is what this artillery specialist is saying in his report.
3 So how -- what's the solution to this problem? Given that the artillery
4 that the HVO had was it possible for them to be accurate in their fire in
5 order to make sure that there was no collateral damage inflicted on
6 civilians when everybody knew that the military and the civilians were
7 intermingled?

8 Remember, General Praljak, earlier, you can take a look at the

9 transcript, earlier it asked you whether before the fire there wasn't
10 somebody with binoculars checking the target to see, you know, where the
11 military fire was and where the civilians were before giving the go-ahead
12 and allowing the fire to go. I asked this question earlier, and I
13 haven't given a very close look at this document before, but now I have.
14 If I had had this document before I put this question to you, I would
15 have add this parameter. How did you manage when you had civilians close
16 to the military just a few metres away? How could you make sure that
17 your fire was so accurate that you would spare the civilians and really
18 only shoot at the military.

19 And another situation, which is almost what the specialist seems
20 to say, was it that you just had a weapon, ammunition, and that was all
21 you needed to carry out the task? Were you aware of that problem at
22 least?

23 THE WITNESS: [Interpretation] No, that's not you how it was,
24 Judge Antonetti, Your Honour, and we were all conscious of certain
25 problems. There was not a single gun, cannon, however new in the world,

Page 44449

1 or any crew able to hit a target in the way you have described it, 10
2 metres, 20 metres. I have already provided you with the NATO tables, and
3 they show what a hit means. If you have a 120-millimetre mortar with
4 projectiles and barrels that are in order, that they hit 50 metres away
5 from a target, that is considered to be a perfectly good hit. Why?
6 Because it's an anti-infantry weapon. And to use a cannon to fire at a

7 distance of 20 kilometres, well, you would have to look at the
8 meteorological conditions. Well, that's a very technical matter.

9 There's no army that can know where the wind is blowing from,
10 where it's raining and so on. That's just professional and theoretical
11 and not something that you would find in -- when you have a war on your
12 hands. But, Your Honours, that's why we didn't target Mostar. These are
13 just stories going round that we targeted Mostar. Had we done so, there
14 would have been thousands of dead. And I keep repeating the same thing
15 over and over again. We even kept cannons at a distance from Mostar, and
16 these multiple-barrel launchers, for example, they, by nature of the
17 weapon they are, they have a 200 and 300 dispersion range, because it is
18 not their aim to hit a target directly but to have a dispersion. Had we
19 used these launchers to target Mostar, that would have meant and entailed
20 hundreds of dead.

21 So first of all, the cannons and guns were not that bad, nor were
22 we that badly trained. And secondly, we didn't target anywhere in
23 Mostar, but very precisely a target that had to be at a relative
24 distance, as far away from civilians as possible. And had we targeted
25 their mortars which were placed around the hospital or their Main Staff

Page 44450

1 and all the rest of it with the 203-millimetre cannons, there would have
2 been general devastation. Multiple-rocket launchers, A, they were in
3 proper working order. Oganj, Plamen, and the third one, they were all
4 good, and the Rak. The 130, the 152, the 122-millimetres, they were all

5 good. They had new barrels or had not been used a lot. The
6 203-millimetre, well, that's another matter, but we took a great deal of
7 care there too. And if we add up all the projectiles fired from all
8 these weapons, there weren't that many.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, on line 11,
10 page 33, you mentioned the 120-millimetre mortar, and you recognise that
11 the use of this 120-millimetre mortar is such that there can be a
12 50-metre error in the targeting, but it's still considered as a perfectly
13 good hit.

14 Now, what exactly is 50 metres? It's the distance between
15 Mr. Prlic at the back of this room and our court reporter. So somebody
16 using 120-millimetre mortar, which has -- with an uncertainty of 50
17 metres means that if we target the military target, which is our
18 court reporter, the civilian which is in the other side of the room could
19 be hit. That's what you're saying, and you're saying it's a good hit.
20 It's normal it. It's acceptable.

21 THE WITNESS: [Interpretation] That's what it says, what is
22 written in your army, too, Judge Antonetti, and NATO. That's a hit. You
23 can't do better than that. That's what NATO considers a hit. Had I
24 provided you with the tables -- or, I provided with you with the tables
25 and their evidence of what a hit is. It's not something where you have

Page 44451

1 missed your target. It's a hit.

2 JUDGE ANTONETTI: [Interpretation] Very well. Let's assume that

3 what you're saying is right. I don't see why I would challenge it. You
4 say that this corresponds to NATO tables, which means that any army,
5 whether it's Russian Army, the American Army, NATO, HVO, any of these
6 armies using 120 metres -- 120-millimetre mortar could use this weapon
7 even if there is a civilian that is standing by 50 metres from the
8 military target. They're allowed to shoot.

9 THE WITNESS: [Interpretation] Correct. With a cannon which is in
10 good working order. For example, 130-millimetres at a distance of
11 20 kilometres. You have to fire 5.000 projectiles in order to hit a
12 tank, a point target. And nobody can improve on that. It's the law of
13 probability, because it's a thousand of a thousandth of a millimetre. So
14 5.000 projectiles you have to use according to the law of probability to
15 be certain that you're going to hit a point target at a distance of
16 20 kilometres.

17 JUDGE ANTONETTI: [Interpretation] So according to you, there's
18 always a risk of inflicting collateral damage on civilians whenever
19 there's a military -- whenever there's military fire.

20 THE WITNESS: [Interpretation] Absolutely. Well, I don't dare
21 compare, but if you compare the aerial bombings -- well, with lasers,
22 laser guided. Errors are absolute. There's no army in the world which
23 well, errors -- errors are incorporated into the probability, the
24 probability of dispersion regardless of what kind of barrel you have.
25 It's enough to have 10 grams more of gunpowder or that humidity is

1 greater and you wouldn't have dispersion. It's unavoidable.

2 JUDGE ANTONETTI: [Interpretation] Let me finish this off because
3 what you're saying is quite complex, brings a lot to mind.

4 So the well-trained firing artillery officer, well-trained, for
5 example, trained in the JNA, because it seems that according to this
6 specialist that we have here the JNA had excellent -- excellent training
7 for the -- for their officials. He knows that there are civilian and
8 military. He knows that the civilians are about a hundred metres from
9 the military target. He just knows it because it's an urban target. So
10 he knows that there will be civilians. But even though he knows that
11 there is presence of civilians, is he allowed to shoot? If, of course,
12 he is given the order to shoot. Is he supposed to execute the order?

13 THE WITNESS: [Interpretation] He opens fire if he's a military
14 target, and it depends on many factors.

15 Judge Antonetti, Your Honour, after the first shell that falls
16 somewhere, the alarm is sounded and all the civilians have to take refuge
17 because the alarm is sounded, and the alarm is given that artillery fire
18 is going to ensue. It says this on every building within the frameworks
19 of civilian protection. The civilians have to take refuge. So depending
20 on whether somebody's attacking you and by destroying their Main Staff
21 you, of course, carry on firing and give the order to destroy the
22 military target. The civilians have to be moved aside and the fighting
23 continues among soldiers, among armies, between armies.

24 JUDGE ANTONETTI: [Interpretation] You're bringing in a new
25 element, if I understood you correctly, but I don't have the firing

1 instructions with me, you know, but normally before there should be a
2 warning shot, before you actually shoot, you shoot a warning shot to tell
3 civilians to go and take shelter, and it's only after that first shot
4 that there is -- that the military target is truly targeted. According
5 to you there is always a first warning shot. Is that it?

6 THE WITNESS: [Interpretation] A warning shot, as far as I know,
7 must be fired and after that, civilians must seek shelter and then the
8 firing may continue. I just wanted to let you know, Your Honours, that
9 we used the 130-millimetre cannon which was positioned up on the Hum
10 hill. We could, without the elevation points or anything, fire directly
11 as you do with a rifle, target every single house in Mostar had we wanted
12 to do that. No azimuths, no firing tables, no elevations or
13 anything. We could fire at them from a rifle. It's a small distance,
14 2, 3 kilometres. We could have destroyed any target there. Had the HVO
15 wanted to destroy Mostar, it would have been a different story.

16 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Stringer.

17 MR. STRINGER: I think it's time for the break, Mr. President.

18 JUDGE ANTONETTI: [Interpretation] I was caught up in this topic,
19 and I didn't look -- watch the clock, but we'll break for 20 minutes.

20 --- Recess taken at 3.46 p.m.

21 --- On resuming at 4.09 p.m.

22 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you have the
23 floor.

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

25 Q. General, I want to move on to the next document in the binders,

Page 44454

1 3D00793. And I think you'll recognise this. This is one of your
2 exhibits. It's dated the 7th of November, 1993, Tomislavgrad, and it's
3 a -- it appears to be the conclusions reached by various HVO commanders
4 at the operative zone level or below, and I'm suggesting that to you
5 based on the names that appear at the end of it. And it's -- the
6 conclusions are then directed to the various entities indicated:
7 President of Croatian Republic Herceg-Bosna, parliament, the government
8 of Croatian Republic Herceg-Bosna, and then the Main Staff of the armed
9 forces. And, General, this relates to a meeting that took place on the
10 7th of November among the various commanders, and they lay out these
11 conclusions.

12 General, the question to you is, are you -- were you present at
13 this meeting?

14 A. Yes.

15 Q. And could you tell us what was the purpose of the meeting?

16 A. The purpose of the meeting is described in the conclusions -- or,
17 rather, in -- well, what -- what one could term -- well, the problems
18 that are enumerated here, the problems that the military wing of the HVO
19 was facing. So all those elements that prevented or affected the --
20 well, what we could call the improvements of the efficiency and the
21 structure of the army. Well, it's all spelt out quite clearly here.

22 Q. Would you agree with me, General, that this meeting took place at
23 a period of time shortly after or at the time that Vares fell to the
24 ABiH?

25 A. Well, yes, that would be the time period.

Page 44455

1 Q. And were these conclusions, then, to the best of your knowledge,
2 were they indeed forwarded on to the various bodies that are indicated in
3 the head of the document?

4 A. As far as I know, yes, they were forwarded.

5 Q. Now, at this meeting, General, do you recall whether there was
6 any discussion of any specific military operations or objectives that
7 needed to be achieved?

8 A. Well, the objectives were well-known at this meeting, and that
9 was to defend ourselves. Our goal was to wage a defensive war against
10 the army attacking us. Unfortunately, at this time it was the BH Army.
11 Well, I don't know exactly what was discussed at the meeting, but the
12 essence of it was that we listed elements and that the commanders of
13 operational zones and of the brigades listed all the problems that they
14 were bothered by, problems that affected or prevented them from
15 exercising command or carrying out their tasks, and their tasks was to
16 defend. So the command and control of the army, effective command and
17 control of the army and everything else that is necessary for an army
18 that is properly structured and that such an army must have.

19 Q. Was Brigadier Petkovic also present at this meeting?

20 A. No.

21 Q. Do you know where he was at the time?

22 A. To the best of my recollection I think that Mr. Petkovic -- well,
23 I don't know whether it was on that day or the next day. I think it was
24 on that day he asked me after the return from Central Bosnia, to let him
25 have a leave of absence of a couple of days because he was exhausted. He

Page 44456

1 wanted to visit his family in Split, and I approved his leave, less than
2 he requested, but I did approve his departure.

3 Q. Do you recall whether at this meeting there was any discussion of
4 switching from defensive actions to taking a more offensive posture
5 and -- and, in fact, launching offensive actions against the ABiH?

6 A. Had I been able to do that, I would have done that, Mr. Stringer,
7 for a very simple reason, because the theatre of war is an integral
8 thing, and if you are being attacked in Central Bosnia, in Vares and so
9 on, then it is necessary to undertake offensive action, smaller or larger
10 scale, in order to link up your forces so that they cannot mass their
11 forces and take your territory piecemeal after signing a peace agreement,
12 a cease-fire agreement with the Serbs so that they could deploy their
13 units where they wanted to.

14 Q. Well, just to stay with this, then, if we could move to the next
15 exhibit, P0 --

16 JUDGE TRECHSEL: May I ask a question. Mr. Praljak, you say you
17 were present there. Why is your name not mentioned in the -- in the list

18 of persons who are behind this document?

19 THE WITNESS: [Interpretation] Well, since the commanders had
20 already presented a number of problems, objections, complaints and so on,
21 the meeting was convened by me, I attended it, and I did not consider --
22 well, because it was their initiative, and then I said, Okay, let's
23 convene this meeting. We'll make a list of problems, and then you can
24 send this to the Main Staff where I was. And that's why I didn't sign
25 it.

Page 44457

1 JUDGE TRECHSEL: Thank you. And the second question: Number 6
2 demands the establishment of one and only command line. Could you
3 explain what this refers to? What was the weakness that was to be
4 amended by that point?

5 THE WITNESS: [Interpretation] Your Honour, Judge Trechsel, it was
6 simply the fact that many people in the municipalities -- well, we've
7 discussed this at length here, they were able to finance the brigade in
8 their municipality, and they influenced the appointment of commanders,
9 and they interfered with the chain of command, and it made it impossible
10 to have a single chain of command. To put it quite simply, somebody
11 could simply leave the front line, go back to their municipality, and
12 then efforts were made in any which way we could to -- or rather they did
13 everything they could to prevent the punishment of that person. The
14 municipal authorities would stand behind that person. They were on the
15 payroll down there, and the chain of command was seriously affected and

16 obstructed in this manner. In other words, your orders were not complied
17 with, and it was impossible to punish anyone for it. The sanctions could
18 not be enforced, which means that the chain of command was disrupted.

19 JUDGE TRECHSEL: Thank you, Mr. Praljak. I had envisaged this
20 possibility. I wondered whether there were other problems within the
21 army regarding line of command, but I take your answer as meaning that it
22 was the only problem that this refers to.

23 THE WITNESS: [Interpretation] Well, as regards item 1 --

24 JUDGE TRECHSEL: Excuse me. I am exclusively referring to
25 point 6 here, and there you say one and only command line because there

Page 44458

1 were problems with municipalities. I remember, you are quite right, we
2 have spoken about this a lot. The question is, were there any other
3 problems with the command line or not?

4 THE WITNESS: [Interpretation] Well, here all those items affected
5 the chain of command. Item 2, as well, which is linked with the other
6 one. Please appoint a single commissioner in the municipality who would
7 then be in charge of it. There were too many interests there. Thievery,
8 smuggling, municipal authorities, and it all disrupted the general
9 principle in which an army is based.

10 JUDGE TRECHSEL: Thank you.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, line 6, in
12 fact, you've already told us that the municipal authority was sometimes
13 having control over the military units, and this is why, of course we

14 have this point 6, but after I heard your answer, I was wondering was
15 there not maybe another problem, and that would be the command chain
16 existing between Boban and the units. You've said it yourself, actually,
17 Naletilic-Boban. According to you, was Naletilic within the chain of
18 command? So if we take this hypothesis, I was just wondering if this
19 document is not a putsch organised by a few officers against Boban to
20 make him understand that things could not continue this way any more and
21 that this document is there to remind him the principle of the command,
22 which goes from the top to the bottom without having a double chain of
23 command or line of command. So I'm just wondering if we read this line
24 6.6, was this not there maybe to go back to something that was perhaps
25 not done in a correct way because it goes back to your own chain of

Page 44459

1 command?

2 THE WITNESS: [Interpretation] That's correct, Your Honour
3 Judge Antonetti. To be quite frank, it is true. Well, regardless of
4 what was understood under those units Tuta was not under the Main Staff,
5 and for the most part this is what it refers to.

6 It is true, Your Honours, that this smells of a coup. Of
7 course -- well, my thought was either things would be changed along those
8 lines or we would continue losing, and we would have all the problems
9 that are concomitant with it, smuggling of coffee, cigarettes, alcohol,
10 drugs, drug use. People would spend 20 days on the front line in the
11 trenches, and then you can see somebody who got rich and was not

12 sanctioned for it, and he says to this guy, "Well, you fool, are up there
13 fighting." So the whole organisation had to be strengthened,
14 organisation, in the municipalities, and to tell you the truth, you hit
15 the nail on the head. The commanders had had their fill by this time.
16 They clamored for order. This is what they demanded here, a general law
17 and order, because the army could not with problems of this magnitude.

18 JUDGE ANTONETTI: [Interpretation] Very well.

19 Mr. Stringer.

20 MR. STRINGER:

21 Q. And, General, just to follow up on that in order to achieve these
22 goals, in order to take these necessary measures, it was -- these were
23 not things that the military side could do, at least not alone. These
24 were measures that the government was going to have to undertake. Isn't
25 that true?

Page 44460

1 A. Well, all the authorities were supposed to take measures, all the
2 organs, all the bodies, because a greater involvement and imposition of
3 order is what is demanded here because the army could no longer do the
4 tasks it was given. So there's no politics here. We're not defining
5 political goals. It's just that the problems that existed in the rear
6 outside of the army had to be dealt with more vigorously because the
7 commanders faced this big problem. They had to hold the lines and, in
8 effect, defend the territory, whatever you want to define that territory
9 as.

10 Q. And the President introduced this concept of putsch. It bears
11 noting, General, that two days after this meeting occurred you were out
12 as commander of the HVO Main Staff. Is your departure, at least in part,
13 linked to the problems and the difficulties identified by your commanders
14 that are contained in this document?

15 A. Partly, yes. At the meeting in Split I demanded changes, an
16 overall change. Well, changing of me -- well, changes, and of
17 Mate Boban. And again not trying to influence the politics because it
18 had nothing to do with it, but the structure of the municipalities had to
19 be improved and strengthened, and the conscription, controlling of
20 smuggling, and so on. I don't want now to go into how -- to what extent
21 it was really possible to do that, but ...

22 Q. General, I want to look at the next two documents in tandem
23 because they are related. They're both dated the following day, the 8th
24 of November, 1993. The first is P06534, and this document is a Paket
25 communication issued by General Petkovic. It's an order for offensive

Page 44461

1 combat operations.

2 MS. ALABURIC: [Interpretation] Your Honour, if you allow me
3 regarding this document. I have a note for the record. This document is
4 really a document that was sent via Paket radio. We do not see
5 Mr. Petkovic's signature here, but let me draw your attention to the fact
6 that General Praljak has just told us that on that day, the 8th of
7 November, General Petkovic was in Split visiting his family. Thank you

8 very much.

9 MR. STRINGER:

10 Q. General, now, this is the 8th of November. This is before you've
11 departed for Zagreb. Were you aware of this order being issued by
12 General Petkovic on the 8th of November?

13 A. No.

14 MS. ALABURIC: [Interpretation] Objection, Your Honours. This is
15 not a document issued by Mr. Petkovic, and I explained the reasons for
16 that a moment ago.

17 THE WITNESS: [Interpretation] It is true that on the 8th of
18 November Mr. Petkovic was not in the Main Staff because he happened to be
19 in Split, and I know that for certain. Whether he had left the day
20 before, on the 7th -- before I went to Tomislavgrad we agreed that he
21 should go there --

22 And in response of your question, I didn't know about this order,
23 regardless of who compiled it, because on the 8th of November, after the
24 meeting in Tomislavgrad, I stayed on and waited for General Roso and was
25 with him until late at night until I went to Citluk where I spent the

Page 44462

1 night.

2 Q. On this date, the 8th of November, you were at the Main Staff
3 headquarters of the HVO; correct?

4 A. No. No, I wasn't there, but had I been given this kind of
5 order -- or if I had to sign it, then I would certainly have done so,

6 have signed it. So attack, link up those units, because their offensive
7 was moving on, continuing.

8 Q. Now, General -- so are you saying you never saw this at the time?

9 A. No.

10 Q. And you were not aware of it at the time?

11 A. Correct.

12 Q. All right. Item number 3 says that the Mostar military district
13 is to carry out offensive operations with smaller formations in the areas
14 of Salakovac, Bijelo Polje, the town of Mostar, Blagaj. Shell the town
15 of Mostar selectively at various intervals."

16 General, were you aware of whether Mostar was shelled on the 8th
17 of November pursuant to this order?

18 A. Mr. Stringer, well, one should see when this order was sent out.
19 If it was sent out on the 8th it might have been sent out at noon, and I
20 see it says 0300 hours or whatever.

21 Q. All right. Well, maybe the next document will shed a little bit
22 of light on this. The next one is P06524. And now this is a document,
23 again a Paket communication, bearing the stamp of the HVO, and this is
24 Brigadier Lasic, and he's making a reference to order number
25 02-2/1-01-3365, which, General, does match the document number or the

Page 44463

1 order number for the previous document, the Paket communication over
2 General Petkovic's name. So let me ask you this: Were you aware of this
3 order of General Lasic forwarding the previous order down the chain of

4 command?

5 A. No. No, I wasn't aware of that. I see that it arrived at 12.00
6 noon on the 8th of November, as it says here, or it was sent out at 12.00
7 noon. Well, that's more probable. Well, I don't really know.

8 Q. We see in item number 1, again the order is to "all units must
9 plan to launch offensive operations without delay."

10 Then item number 2 orders them to:

11 "Plan offensive operations with small units in the following
12 areas Salakovac, Bijelo Polje, Mostar, and Blagaj." And then again it
13 says:

14 "Shell the city of Mostar selectively at different time
15 intervals."

16 And the next one it says:

17 "Sector commanders shall organise meetings with units up to the
18 level of battalions and other independent units in brigades and issue
19 tasks proceeding from this order in the order of the HVO Main Staff
20 commander issued at the meeting in Tomislavgrad on 7 November 1993."

21 Now, General, just starting with that last point, we'll work
22 backwards, you were the HVO Main Staff commander. You were present at
23 the meeting in Tomislavgrad on 7 November 1993. What's the order that
24 you issued at the Tomislavgrad meeting on 7 November 1993?

25 A. No, I didn't issue any -- any order, and quite obviously there's

Page 44464

1 a mistake here, because it's a communication, communique, and it was

2 probably written as being an order, but it wasn't, in fact, an order. It
3 was just enumerating problems, pinpointing problems at a commanders'
4 meeting.

5 Q. General, the fact is that Mostar, the town of Mostar, was shelled
6 intensively on the 8th of November, 1993. Isn't that true?

7 A. No, sir. On at that day, the 8th, I certainly didn't know about
8 that, and my subsequent information and what I knew later on was that at
9 8.00 in the morning there was firing from a tank. According to my
10 information it was a tank which was not within the HVO structure, but I
11 don't know where it was. Anyway, an inquiry was set up. It was never
12 completed with respect to the crew and the two men, so I can't really
13 answer that question, but Mostar wasn't shelled. It was the surrounding
14 parts and the bridge.

15 Q. The fact is the Old Bridge was directly targeted by an HVO tank
16 on the 8th of November, 1993. Isn't that true?

17 A. I cannot testify about that.

18 Q. All right. And when you testified in this case on the 5th of
19 May, when you asserted that the HVO -- this is page 39565 of the
20 transcript when you said:

21 "The Old Bridge was never targeted by the HVO."

22 That was in fact not true, General. That was a lie, and indeed
23 the Old Bridge was targeted by an HVO tank at Stotina on the 8th of
24 November, 1993. Isn't that the truth?

25 A. No. No, it's not. The HVO, as an organised force, never

1 targeted the Old Bridge because I took care about that and so did all my
2 subordinates.

3 Now, how -- or, rather, first of all, in what -- whether it was,
4 what happened with the tank, well, that's a subject apart. It wasn't a
5 tank within the HVO structure, because I never saw an order anywhere to
6 that effect, and that's quite outside --

7 Q. Now, just in terms of your whereabouts on the 8th of November,
8 the next document is 4D00834, and I believe you showed us this one at one
9 point during your direct examination. This is the joint order issued by
10 you and General Petkovic on the 8th of November, ordering a report on
11 Stupni Do.

12 MS. ALABURIC: [Interpretation] Your Honours, with my
13 permission -- with your permission, with respect to qualifying the
14 document as being issued by Generals Praljak and Petkovic, in the
15 document we have Mr. Petkovic's name typewritten, but it was signed by
16 Mr. Slobodan Praljak, and I'd just like to remind you that it's the same
17 date for which it is said that General Petkovic was in Split.

18 MR. STRINGER: Well, it's pretty obvious if you look at the
19 document, and I said that it was jointly issued by them. I didn't assert
20 that he -- Petkovic signed it. In any event, the General's already given
21 his testimony about when the document was issued. I'm not interested in
22 General Petkovic on this one. I'm interested in the General's
23 whereabouts.

24 Q. And I'm using this simply to suggest to the General: Were you in

25 Citluk on the 8th of November, which is what's indicated on this

Page 44466

1 document.

2 A. Correct, sir. However, after half past 10.00 in the evening.
3 That's when I arrived. And since I was doing my job fully, I asked
4 that -- I think I saw a document which allowed some time. So this is my
5 signature. It is my document. It is Citluk, but it's after 10.00 or
6 10.30 p.m. as the last document I signed as commander of the Main Staff.

7 Q. So you were at the HVO Main Staff forward command post in Citluk
8 as of 10.00 in the evening or half past 10.00 in the evening on the 8th
9 of November.

10 Now, would you turn to the next document, please, P09993.

11 A. Please, just a moment. It wasn't a forward command post, it was
12 the Main Staff of the HVO in Citluk. So late at night when I arrived
13 after having informed General Roso of the situation this is the last and
14 sole document that I signed that day.

15 Q. All the better.

16 A. As I've said.

17 Q. You were at the HVO headquarters at 10.30 in the evening on the
18 8th of November.

19 Now, the next document is P09993. This is a report dated 8
20 November 1993, at 1900 hours, from Brigadier Lasic, sending this to the
21 HVO Main Staff and the Military District Mostar. And in paragraph 2.1,
22 in the second -- or the third paragraph, I should say, the third

23 paragraph of item 2.1, he says:

24 "From 8.10 in the morning, our tank was opening fire --"

25 MR. KOVACIC: I think it would be helpful -- helpful to note

Page 44467

1 immediately that it is the wrong document cited in the transcript. I
2 would suggest that my dear colleague read another -- once again the
3 document. It is P9992, and in transcript we have 9993.

4 JUDGE TRECHSEL: It is 9993.

5 MR. STRINGER: It is 9993.

6 MR. KOVACIC: Then there is some other problem. We don't have 3,
7 9223 [sic]. We don't have it.

8 JUDGE TRECHSEL: I had some problem looking for it. It is
9 earlier in the binder. We had jumped it before, and if you go back
10 you'll find it.

11 MR. STRINGER: I'm told that --

12 Q. General, do you have 9993 there? Okay.

13 A. That's right.

14 Q. Now, here, General, in this report issued the evening of the 8th
15 of November, Lasic says:

16 "From 8.10 in the morning, our tank was opening fire from Stotina
17 during the whole day, and it fired 50 projectiles on Stari Grad. Our MB
18 also fired two projectiles on Stari Grad at around 1400 hours. Our PZS
19 from Hum was opening fire at the south exit from the town today."

20 2.2 he says:

21 "Our forces did not open fire on the Chetniks' positions."

22 Now, General, I'm going to ask you again is it true that -- we'll
23 talk about the Old Town now. You're aware that the HVO was firing on
24 Old Town of Mostar throughout the day on the 8th of November, 1993. You
25 did know about that; correct?

Page 44468

1 A. No, sir. This was send at 1900 hours and I don't know when it
2 arrived at the Main Staff. You can't see that from this, and,
3 Mr. Stringer, the two-star general commander of the operative zone, which
4 is what I was, I did not need to look at every comma that a commander had
5 written. As I say, I haven't read this document. I haven't seen it. I
6 was dead tired and went to bed and then signed the hand-over in the
7 morning and left for Zagreb.

8 Q. General, if you look at the stamp on the next page, it would
9 indicate, would it not, that this document -- this report was received at
10 2045 hours on the 8th of November?

11 A. Correct.

12 Q. So this tells us that, in fact, the report -- Lasic's report on
13 shelling the Old Town was received in the Main Staff only a couple of
14 hours at the most before you arrived; correct?

15 A. Yes. If it arrived at 2045 hours, then that's an hour and a half
16 or two hours before I arrived.

17 Q. You're telling us, if I understand correctly, you just didn't
18 read the report, you didn't see the report. Is that correct?

19 A. Yes, that is correct, because I was relieved on that day, and I
20 was waiting for the hand-over of duty to General Roso.

21 Q. Now, General, you knew about this tank that's referred to at
22 Stotina, didn't you?

23 A. No, Mr. Stringer, I didn't know.

24 Q. There -- this -- did you ever learn that there was an HVO tank at
25 Stotina that was targeting this part of Mostar, the Old Town?

Page 44469

1 A. I state, sir, that on the basis of subsequent knowledge it wasn't
2 an HVO tank. It was somebody using the hand-over of duty and takeover of
3 duty to -- for the destruction of the Old Bridge, some paid crew to begin
4 that and then lines were activated to deepen the conflict. That's what I
5 managed to learn and that's what I'm proving in this court. That's what
6 I'm showing. It wasn't an HVO order. I've never seen anything like
7 that, and --

8 Q. Excuse me. I'm asking about HVO, an HVO tank on Stotina shelling
9 the Stari Grad, the Old Town in East Mostar.

10 Now, the fact is that that was in fact taking place and that
11 General Lasic's own report to the Main Staff confirms it. Isn't that
12 true? I'm not asking you about the bridge. I'm asking you about the
13 Old Town.

14 A. I don't know what kind of report he received, General Lasic, or,
15 rather, Brigadier General Lasic as he was at the time received. And his
16 staff collects information, summarises them, and then sends them up to

17 the Main Staff. So I don't know what particular report he received and
18 how he checked it out. It reached the Main Staff, but I didn't see it
19 for the reasons that I have explained.

20 Q. Well, General, is it true that you actually published a book
21 about the destruction of the Old Bridge, and in that book you indicated
22 that it was a tank positioned at Stotina that was firing on the bridge?

23 A. Correct. I wrote that based on my knowledge that it was a tank
24 firing from Stotina, but I explained what was done afterwards to look
25 into how this came about, who were the crew members, and then an

Page 44470

1 investigation was underway, but it was stopped. I very much wanted the
2 truth to be established, but then --

3 Q. Now, we've just looked at some orders on shelling selective
4 targets in Mostar. We've just seen a report of Brigadier Lasic at 1900
5 hours on the 8th of November where he's reporting 50 projectiles firing
6 on the Old Town in Mostar on that day from a tank at Stotina.

7 Now, the fact is, General, that your version that you're giving
8 us now is incompatible with the HVO's own documents and reports from this
9 period of time, isn't it?

10 A. No, it's not, Mr. Stringer. Selective shelling in military
11 terminology is very precise, and in translation it means take great care
12 to target military targets.

13 Q. All right.

14 A. That's what selective shelling means. So don't shoot just like

15 that, but determine the exact target, the reason, and all the other
16 considerations.

17 Q. And the people who were -- well, let's do this: Let's look at
18 the part of your book that you just agreed to, 3D00374. And on page 49
19 of your book -- I don't know if we've got this up in e-court or not.
20 Yes. Why don't we just keep it there for a second while we've got the
21 cover.

22 General, just for the record, this is a book that you wrote or
23 that you published relating to the -- well, a book entitled "How the Old
24 Bridge was Destroyed. Facts."

25 A. Yes, correct.

Page 44471

1 Q. All right.

2 A. It's a little book that I compiled and signed.

3 Q. And I don't have pictures of it here, but part of this book
4 includes the expert findings or the work that was done by your expert,
5 Slobodan Jankovic on this point, and it's the same testimony that he gave
6 here in this courtroom, correct, about the detonation cord?

7 A. With permission from Professor Jankovic, I attached this report
8 to all the other information, maps, and questions linked to the
9 destruction of the Old Bridge.

10 Q. Dr. Jankovic's report on the destruction of the Old Bridge that
11 was presented in this courtroom was actually published by you back in
12 2006, correct, in this book?

13 A. Why would that be unfair if Mr. Jankovic gave permission for
14 that?

15 Q. I'm not suggesting that it's fair or unfair. I'm just asking if
16 you could confirm that his expert findings from this case were published
17 back in 2006 in your book.

18 A. Yes.

19 Q. Now, on page 49, I believe, of your book, there's a map regarding
20 the "Position of the Tank that was Shelling the Old Bridge." That's the
21 caption that's contained in the book, page 49.

22 Now, if we could see the top photograph on there. Now, General,
23 this is from your book. Is this a diagram that you put in your book
24 indicating the position of the tank at Stotina that was shooting at the
25 Old Bridge?

Page 44472

1 A. Yes. This shows it exactly. The distance has been measured.

2 Q. And then the photograph below is another photograph containing
3 some of the measurements, if we could scroll down to that one.

4 Again, General, this is showing us the position of the -- the
5 tank at Stotina? Correct?

6 A. Assumed position of the tank. Its assumed position. All I do
7 here is based on my information, I assume that the tank was to be found
8 there, and I calculated how far it was, if the tank did the firing, how
9 far it was from the lines or units of the BH Army, and then I asked the
10 question of why they did not destroy it, because it was very close and it

11 could have been hit from any anti-tank device.

12 Q. General, in fact this -- you're claiming that you assume the tank
13 was to be found there. That's not consistent with the title of your
14 book, is it? The title of your book is "Facts," what you've presented as
15 the facts, and the fact is, General, indeed that the Old Bridge was
16 shelled by an HVO tank positioned at Stotina on the 9th of November,
17 1993; correct?

18 A. Sir, nowhere does it say an HVO tank. Based on the information
19 that I had, therefore, what I thought -- I thought I had arrived at
20 knowledge. So I'm not asserting this in court. It's what I arrived at
21 investigating a case that I have been burdened with.

22 Q. Let's look at the next page of this, page 50 of your book, just a
23 couple more photographs, because what you give us here, General, are a
24 few shots from the Old Bridge, and as it says in the book: "View from
25 the Old Bridge towards the position of the tank which was shelling the

Page 44473

1 Old Bridge."

2 What we see here, General, are photographs taken by someone
3 standing on the Old Bridge, and then you've inserted a little diagram to
4 show the position of the tank on Stotina; isn't that correct?

5 A. The assumed position, sir, assumed.

6 Q. All right.

7 A. And when I looked into this and thought that it might be a tank,
8 obviously it wasn't in that place, but this is my attempt at an analysis.

9 If the tank were there, it could have shot at, fired at the Old Bridge,
10 and the question as far as I'm concerned remains why during the two hours
11 of firing at the tank the tank was not destroyed from the positions of
12 the BH Army which were in close proximity.

13 Q. Let's look at a little bit of videotape of the shelling activity.

14 MR. STRINGER: These are both in evidence, Mr. President. The
15 first one is the Delalic video. It's P09889. This is the gentleman who
16 lived in the Stotina area who took the home video.

17 [Video-clip played]

18 THE INTERPRETER: [Voiceover] "Mejra: Did you see where it is
19 hidden?

20 "Enes: I can hear it but I can't see it.

21 "Mejra: There it is at Stotka.

22 "Enes: Well, it doesn't help that you say so, I can't orientate
23 myself, I would like to see it where I can hear it roaring again. I can
24 hear its engine working.

25 "Enes: They're shooting at the Stari Most, the Old Bridge.

Page 44474

1 People say that they're shooting at its foundations. Do you see where
2 it's shooting from?

3 "Zejna Hadzic: Yeah, I saw it from Sehovina, but there's
4 another tank in Kolonija. They were shooting from there this morning
5 too.

6 "Enes: There's one, but this one's shooting. This one is

7 causing all the destruction."

8 MR. STRINGER: Okay. We don't need to watch all of it. I do
9 want to now play another video, the same day, 8th of November, 1993.

10 This is in at IC00574. We've seen this as well.

11 THE WITNESS: [Interpretation] Well, but this, if I may, sir,
12 Mr. Stringer, this position that I drew in and what you can see here,
13 it's not the same position.

14 MR. STRINGER: All right. Let's play this video, General, and
15 then we can talk about all of this.

16 [Video-clip played]

17 THE WITNESS: [Interpretation] This is not a tank shell.

18 This was probably from the other side. Somebody fired a shot
19 from the north.

20 MR. STRINGER:

21 Q. All right. Now, General, let's go back to the Lasic report,
22 P09993.

23 Now, we know that according to General Lasic, 50 projectiles were
24 fired from Stotina using "our tank," as he says, on this day the 8th of
25 November. He says on the Old Town, and that two additional projectiles

Page 44475

1 came from the -- "our MB." Do you know what the MB is referring to here,
2 what weapon he's referring to?

3 A. 82-millimetre mortar with two shells.

4 Q. All right.

5 A. Well, which again shows that if somebody is to fire 50 shells
6 from a tank in accordance with the orders, would not then fire two mortar
7 shells, because one has nothing to do with the other. The two don't go
8 together, but, well, be that as it may.

9 Q. That's right. I don't know that any of us can explain what
10 Brigadier Lasic was writing about, but he's the one that's doing the
11 writing here.

12 A. Well, Mr. Stringer, you talked to him. You have three binders
13 full of conversations, and you were supposed to clear this up with him.
14 But let me just add, if I may, that somebody's firing on this bridge from
15 the north, too, and there's fire from a weapon that is not a tank, and
16 the HVO could not have fired from the north. I don't know who else
17 fired. You should call experts to clear the situation up.

18 Q. General, this is what we've got: We've got Brigadier Lasic
19 reporting that -- no --

20 A. Yes, but we have --

21 Q. We've got Lasic's report here, 50 projectiles from the tank at
22 Stotina on the Old Town. We've got your book in which you put a tank at
23 the same position, Stotina, as firing on the Old Bridge. The fact is,
24 General, that all of the shelling that we've been seeing here, all of the
25 targeting of the Old Bridge that occurred on the 8th of November, the day

Page 44476

1 before it fell, was indeed coming from an HVO tank on Stotina. Isn't
2 that the fact of the matter? Isn't that the truth?

3 A. No, that's not true that it was fired from an HVO tank, because
4 there was to order for the tank to be firing, and subsequent
5 investigation was supposed to confirm that. Lasic simply states what he
6 had heard, and in other documents Lasic is going to start wondering about
7 that. But here we are absolutely sure that a tank fired on that bridge.
8 We don't know under whose command it was, but we were able also to see
9 shells or rounds coming from the north, and they could not have been
10 fired by the HVO even in theory. And also some rounds that were not
11 fired from a tank. I don't know what kind of conspiracy or plot there
12 was afoot there, but it was not anything that was done through the HVO
13 chain of command, and I've been saying that all along.

14 Q. Well, General, the reports, I'd submit to you, show otherwise,
15 and your own book shows otherwise. You put these items together and it's
16 compelling argument, it's compelling evidence that shows - we're still
17 talking about the 8th of November now - that in fact the HVO was directly
18 targeting the Old Bridge from this position at Stotina. Isn't that a
19 fact?

20 A. No, the HVO did not. A tank probably did, but who that tank
21 belonged to, under whose command, who paid it, once the indictments were
22 issued then it would have been proper procedure to investigate matters
23 and not allow one person to die and another to get killed and then to
24 just draw conclusions at will.

25 Q. So then what you're saying is that the people who were in the

1 tank that's referred to in General Lasic's report, they were acting
2 pursuant to orders, firing on the Old Town as he's reporting here to the
3 Main Staff, but there were other people maybe in another tank or maybe
4 some other people got into your tank or a different tank, and then they
5 started firing on the Old Bridge and that was unauthorised? Is that how
6 you were going to explain all this?

7 A. No, no. I didn't see any orders from General Lasic or from any
8 of his subordinate commanders about any fire that was to be opened on the
9 Old Town and Old Bridge. Subsequently, I investigated, I asked, I tried
10 to find out. There's no order to that effect. Now, I don't know why he
11 included in his report that this tank fired. Obviously somebody lied to
12 him.

13 Q. Actually, General, let me put to you that he's -- he's including
14 complete and accurate information in his report because he's sending it
15 up to the -- the chain of command to the Main Staff. That's what
16 subordinates do. And he was accurately reporting that they carried out
17 the order received on that day to shell selective targets in Mostar;
18 correct?

19 A. Sir, selective targets, well, that doesn't include the Old Town.
20 I'm sure about that. Although the Old Town had been torn down and it was
21 the main -- or the Old Bridge was the main supply line of the BH Army,
22 and if we had not been as delicate as we tried to be, had we been like --
23 had we acted like NATO forces in Afghanistan, for instance, we would have
24 fired at all those people who were moving personnel and weapons from one
25 bank to the other using the big and the small bridges alike, and then we

1 would not face a situation where on the last day somebody did that for
2 very clear reasons. Well, I can't prove my allegations. The only thing
3 I can prove is that I had nothing to do with it.

4 Q. But as you have just indicated, it was, from a military point of
5 view, in the HVO's interest to destroy the bridge; correct?

6 A. From a military standpoint it was in the interest of the HVO to
7 destroy the bridge, but not from any other standpoint, and that is why it
8 was not only protected by me in 1992, but great care was taken not to
9 allow any round fall on it or impact on it. The regular -- any regular
10 army would have destroyed it. Your army would have destroyed it
11 probably.

12 Q. And indeed on the 9th of November the HVO destroyed this bridge
13 as part of this shift over to offensive operations against the ABiH;
14 correct?

15 A. Sir, that bridge was destroyed because explosives were set inside
16 of it. Now, I can't prove what conspiracy was afoot. You would have to
17 talk to the English cameraman, and you should ask him to explain how come
18 that he knew when the bridge would be torn down, how he filmed it, how he
19 sold his tape, how he was escorted to the UNPROFOR plane, and how he
20 boarded that plane and so on.

21 Q. Let's talk about that. Let's talk about the destruction of the
22 bridge on the following day, the 9th of November.

23 Now, you've just played a reference to some explosives being

24 placed inside, and you had your expert, Mr. Jankovic, come here and show
25 us some videotape and to present his opinion that the bridge collapsed as

Page 44479

1 a result of a detonation cord that was attached to explosives in the
2 bridge. Is that your position?

3 A. Inside the bridge, because it was hollow. It was placed inside
4 the bridge according to everything, and the three of the best experts in
5 Croatia, and they are of different ethnic backgrounds, I asked them to
6 provide me, to the best of their knowledge and on the basis of the
7 information that I gave them, that -- to reach some conclusions and to
8 sign them. One of them came here to testify, and that's all I have to
9 say on this matter.

10 Q. Well, let's look at the video that Dr. Jankovic based his
11 opinions on, P1040. Now, this is from the 9th of May -- sorry, the 9th
12 of November, 1993.

13 [Video-clip played]

14 MR. STRINGER: I want to -- actually, that's not the Jankovic
15 video. This is the other footage that we have. Mr. President, I'd like
16 to start this again.

17 Q. And, General, I'm going to ask you to watch closely, and I want
18 to ask you to focus on one thing.

19 [Video-clip played]

20 MR. STRINGER: Stop it right there.

21 Q. General, I want you to focus on the piece of debris that falls

22 from the bridge shortly after the impact.

23 MR. STRINGER: If we could play that just one more time.

24 [Video-clip played]

25 MR. STRINGER: Right there. Did you see the debris that I'm

Page 44480

1 talking about, General, that falls from the middle left side of the
2 bridge?

3 THE INTERPRETER: Microphones, please.

4 [Video-clip played]

5 MR. STRINGER: Let's try it one more time.

6 [Video-clip played]

7 MR. STRINGER:

8 Q. You see that falling?

9 A. Well, what -- yes, I can see that something is falling, but I
10 can't see what is it that is falling. I don't see it.

11 Q. That's not important. All right. Just one last time then. I'm
12 going to let it run a little longer.

13 [Video-clip played]

14 MR. STRINGER:

15 Q. All right. And just for the record, General, would you agree
16 with me that the bridge is still standing after the debris falls into the
17 water that we were looking at?

18 A. It's not pieces, not debris. It's just one piece falling down,
19 and the bridge is still there. So after the first explosion the bridge

20 did not collapse, and Mr. Jankovic and myself, we ascertained that, but I
21 would like to ask you one thing.

22 Q. Excuse me, General?

23 A. I asked --

24 Q. I get to ask the questions, and I have got more footage to show
25 you before I round this off. What I want to show you now is the TV ORF 2

Page 44481

1 footage which your expert Professor Jankovic used in his report.

2 MS. PINTER: [Interpretation] I do apologise, my learned friend.
3 I would like to check the number. Is this P01040 by any chance? I don't
4 want to have any confusion here.

5 MR. STRINGER: We were just looking at P1040, yes, 1040.

6 MS. PINTER: [Interpretation] Then I have to draw your attention
7 to the fact that it says here that it is a tape recorded on the 1st of
8 January, 1993. That's what it says in e-court. That's why I wanted to
9 check to make sure that we're looking at the same thing.

10 MR. STRINGER: I'll have to check that. I don't know what
11 e-court says.

12 Q. All right, General, with Professor Jankovic here we all looked at
13 the TV ORF 2 footage, so let's just take a quick look at that.

14 [Video-clip played]

15 MR. STRINGER: Let's play it again. Start from the beginning.

16 [Video-clip played]

17 MR. STRINGER:

18 Q. All right.

19 A. Yes.

20 Q. Now, General, I'm going to put this to you. The video footage
21 that Professor Jankovic relied on is altered or it has been spliced and,
22 in fact, it falsely shows or incorrectly shows that the bridge fell into
23 the water after the impact when, in fact, we know from the debris that
24 the bridge did not fall into the water after this impact.

25 A. Please, Boza, this is quite incredible. You had a top expert and

Page 44482

1 you didn't play this for him. Whoever took this footage from the same
2 position, or visited this thing, since the bridge did not collapse after
3 the first explosion, and I think that Professor Jankovic, and after all,
4 I myself, because I'm an expert here, the other tape that he sold to the
5 world public was cut. And you can see that a piece of it was cut. You
6 can see that because the frame is wider at one point. So there's another
7 explosion, and then he spliced the two and the collapse, but in both you
8 can see what Professor Jankovic was talking about. You can see the
9 detonation cord in the water, the explosion from inside of the bridge, no
10 shells. After all, Mr. Stringer, you were supposed to clear that up with
11 Mr. Jankovic, and you can do that. You can clear this up with Professor
12 Jankovic.

13 Q. Well, we did, General, the Prosecution believes it did, but I'm
14 putting it to you, the detonating cord, the alleged detonating cord, the
15 water fountain here that precedes this impact is not the event that led

16 to the collapse of the bridge; isn't that true?

17 A. Well, that's not how it is. Before the bridge collapses, you can
18 see this detonation cord creating a very clear -- well,
19 Professor Jankovic called for a re-enactment, assimilation, and we did
20 it. So, I'm sorry, you're a layperson. I'm not such a layperson as you
21 are, and then we have to now force the issue. It's not true what you're
22 saying. I don't know who it was that did it, but you have the statement
23 by an expert. Three people signed it, and please just talk to them.

24 Q. Let's play this one --

25 JUDGE TRECHSEL: May I -- may I --

Page 44483

1 THE WITNESS: [Interpretation] Or you can call another expert.

2 JUDGE TRECHSEL: Mr. Praljak, I want to make sure that I heard
3 and understood correctly. It seems to me that some time ago you spoke of
4 two explosions. You said the first explosion and then the second
5 explosion. Have I understood that correctly?

6 THE WITNESS: [Interpretation] Well, for the most part, yes, Your
7 Honour Judge Trechsel. When Professor Jankovic analysed the footage, and
8 this is what it says in the expert report: There is a continuous frame
9 and then a part was cut and it was spliced to another frame. Now, how
10 many seconds or milliseconds are missing from the two parts, I don't
11 know. I can't tell you. And that is why it was assumed for good reason,
12 and it was quite logical to assume it, that there were two explosions,
13 that the bridge did not collapse after the first explosion, that the

14 cameraman continued recording and that the bridge collapsed after the
15 second explosion and then he simply cut the first explosion and spliced
16 it to the second explosion or, rather, cut three milliseconds from the
17 second explosion. Well, I'm not dealing with the cords and the
18 explosives but whoever sent this tape to the ORF edited the tape, and I
19 think that the Prosecution was about to clear this all up, and I don't
20 know see why they failed to do so but there's still time. They can call
21 an expert who would refute what Jankovic said or you can call Jankovic
22 again but this kind of -- well, we can see something falling and did you
23 and so on, well, I simply don't think that this is a serious approach to
24 matters but of course I will answer any questions but us it's really
25 quite simple. You cannot see anywhere --

Page 44484

1 JUDGE TRECHSEL: Are you aware of the fact that the Court has, in
2 fact, ordered further expert opinion? We will have more expert opinion
3 on this.

4 MR. KARNAVAS: Your Honour, has the Court ordered that an expert
5 look at the video itself, the footage, to see whether it was spliced?
6 Because I would believe that would be the case. One case comes to mind,
7 the DeLorean case, in the United States where it was clear that FBI
8 agents were splicing in order to get a conviction, which was ultimately
9 not obtained.

10 JUDGE TRECHSEL: That was exactly the purpose the Court is
11 pursuing -- this Chamber is pursuing. We want to be clear on that very

12 point.

13 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, you know that the
14 Trial Chamber ordered that the entire video be checked, because I must
15 say I myself noticed, just like everybody else, for that matter, that
16 there's a sort of a cut between the two sequences. So we have to have
17 the scientific proof that there is a cut and that there's actually a
18 splicing of two sequences, and only a witness expert can tell us -- that
19 can confirm it. That's the first element. And then there's also a
20 second element, General Praljak. Mr. Stringer showed you, and everybody
21 has seen it -- we see a water, and then we see there's a white debris
22 that falls in the water, and then there's a splash. So there's a small
23 piece of the bridge or debris that falls in the water, and it falls, but
24 during that fraction of a second while that debris is flying we can --
25 and falling, before it falls in the water that the bridge is still there,

Page 44485

1 and then we see another image where the bridge collapses. So you're
2 telling us that a second explosion took place, but the second explosion
3 is not visible on this water sequence. We don't see a second water
4 fountain. That's the problem, in fact.

5 When you talk about the second explosion it's an explosion that
6 took place from a second explosion, a second cord, and the cord explodes
7 in the water, because the electrical contact will make it so that the
8 cord will burn in order to go and detonate a charge that's inside the
9 bridge. Are you talking about that second explosion, or is that your

10 second explosion?

11 THE WITNESS: [Interpretation] Your Honour, the assumption, why
12 would he splice it? Well, in the conversations, well, it's the experts
13 who specify that in their report. I tried from the graphics of the first
14 water fountain, the cord, I tried to compare it to see whether the
15 graphics, but the quality, the technology that I had, the equipment that
16 I had did not allow me, but in a big studio, if you were to request it,
17 if you compare the graphics of the first explosion of the cord and of the
18 second you could see whether it is identical or not, but since this lasts
19 for a very short time, well, the studio that assisted me, the one that I
20 talked to, we did hundreds of partial photographs, frames that lasted for
21 two or three milliseconds. Unfortunately, it was impossible to do the
22 graphic depiction of the water with such an exactitude that you could
23 say, well, this comes from a different cord, but that it is a cord, well,
24 this is something that not only the experts but other people that deal
25 with it when I started inquiring into what was happening, what happened

Page 44486

1 with the Old Bridge, I received assurances that this was an explosive put
2 in the hollow of the bridge and that the cord actually creates this kind
3 of a sharply defined water fountain, and we managed to recreate it in the
4 simulation. So this was a very, very serious scientific investigation
5 into what actually brought the bridge down, not what happened the day
6 before, but --

7 JUDGE ANTONETTI: [Interpretation] Two technical questions,

8 General Praljak, because every time there's a mention of the Old Bridge
9 and we see video footage some new questions arise.

10 Now, thanks to Mr. Stringer we were able to see a document where
11 Mr. Lasic states that a tank shot 50 projectiles. I was not surprised by
12 it at the time, but to your knowledge, a tank is capable of shooting 50
13 shells. Can it hold 50 shells or not? In that case, do you have to
14 supply the shells to this tank?

15 THE WITNESS: [Interpretation] I'm not an expert here, but I think
16 that the combat set that you can fit into a tank -- well, I'm afraid I
17 don't know. You should ask somebody else, but I don't think that you can
18 fit 50 shells in it, I think it's less, maybe some 40, which means that a
19 car should come and resupply the ammunition for the tank, and it's very
20 complicated to resupply the ammunition to a tank. It's a very
21 constricted space so you really have to be careful, but I doubt the
22 information that -- I questioned information put here by Mico Lasic
23 because obviously he was approached by some people --

24 JUDGE ANTONETTI: [Interpretation] Very well. Second element.
25 Well, actually, you gave us two additional elements. You told us that

Page 44487

1 it's not only the tank that shoots but there are other shots, and in
2 fact, we see other light impacts on the video, and the impact, in fact,
3 it's not from a shell because we see on this video footage that when this
4 shell touches the bridge the destruction is greater than some other
5 impacts. So a recent Judge informed -- can come to the conclusion that

6 there's another shooter firing from somewhere else, and this is what I
7 wanted to ask you. And you've added something, actually. You said that
8 the fire was coming from the north. Now, we have no document enabling us
9 to believe that there was a shooter coming from the north. However, when
10 we look at the document P6564, when Mr. Lasic drafts his report on the
11 10th of November, he says that the bridge was destroyed between 10.15 and
12 10.20 on the 9th of November, and that's actually quite precise, but that
13 does not correspond to the video shot by a witness, because we see that
14 somebody was firing at the bridge around noon, whereas the bridge fell
15 between 10.15 and 10.20. So the video footage that we see -- or,
16 actually a reasoned the Judge may also draw the following conclusion,
17 that it was made before the bridge fell.

18 Now, in the documents that I've stated or quoted, in paragraph 2
19 of the document Mr. Lasic says that the Serb aggressor shelled that
20 bridge and damaged it. Now, when he writes that, does he say it because
21 at the same time there was -- somebody else was firing at the bridge, or
22 is he actually referring to damages that took place prior?

23 So we can put the document on the screen. Mr. Registrar, please
24 place on the document P6564.

25 So let's take a look at number 2. Yes, perfect. Let's go up a

Page 44488

1 little bit, Mr. Registrar. Yes, there it is.

2 So look at the English version.

3 MR. STRINGER: Mr. President, if I may intervene. 6564 is on my

4 outline and I'm getting to it. It might be useful to look at 9992 first,
5 but I'll leave it to you, Mr. President.

6 JUDGE ANTONETTI: [Interpretation] Yes, but, Mr. Stringer, I would
7 like General Praljak to take a look at the document of the 10th of
8 November where you -- we see the date when the bridge fell. Everybody
9 sees it. And this document explains that this person is trying to inform
10 on what had happened, and the person writing the document says that the
11 Old Bridge was damaged following the ravages of time and even before the
12 war, et cetera, and in paragraph 2, can we think that the damage that was
13 caused previously was caused previously, or is he talking about the 9th
14 of November at 10 -- between 10.15 and 10.20?

15 General, Praljak, what can you tell me? Do you not know? You're
16 raising your hand, your arms. You're lifting your arms up in the sky.

17 THE WITNESS: [Interpretation] I don't know, Your Honour,
18 Judge Antonetti. I don't know what Mico Lasic is thinking here exactly,
19 but I do know that previously from the positions of the Army of Republika
20 Srpska, since 1992 the bridge was significantly damaged by shells, and I
21 put some armour over it to prevent damage and used 40 men to help me set
22 this up.

23 Now, what I wanted to say when we viewed that footage of the 8th
24 is that you can see exactly the large red dome, and you see the
25 projectile coming from the north. We can have a look at the footage

Page 44489

1 again. But we saw it coming from north. And I was wondering who was

2 shooting from the north side of the bridge since the HVO, theoretically,
3 and I think you saw the meandering of the Neretva River, the HVO could
4 not theoretically fire from the north, the northern side. And when you
5 see that something hits and you have a red light it's not a tank shell.
6 You see this sort of tape, red tape like a rocket, so who is it who is
7 firing at the bridge? It's got nothing to do with the tank, this red
8 line or ribbon. So if you want to see the tape again, I'll say, "Stop,
9 look here," because I asked -- I wanted to interest an editor in
10 Television Croatia to investigate who destroyed the Old Bridge since it
11 was -- since the HVO and I was blamed for that and it made my life quite
12 impossible, because I had nothing to do with that.

13 So perhaps we could see the footage again and then I'll say,
14 "Stop, look at this part," if you will allow that to be shown,
15 Your Honours.

16 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you're saying that
17 it's on the transcript but on the video we see it comes from the north.
18 I don't see where you see that. I don't see anything, actually.

19 THE WITNESS: [Interpretation] Well, let's look at it again and
20 you'll see what's falling when. The footage of the 8th, please.

21 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, you've heard
22 these explanations. If you want to go forward, please do.
23 General Praljak is saying that there was a shot coming from the north.

24 MR. STRINGER: I'd like to go forward, Mr. President. They can
25 come back onto it on redirect if they want.

1 JUDGE ANTONETTI: [Interpretation] Very well.

2 MR. STRINGER:

3 Q. General, just to see if I understand correctly your testimony
4 about this detonation cord, do you agree, then, that the -- the video
5 that Professor Jankovic based his experiment on is spliced video that was
6 altered in some way?

7 A. Obviously at one point -- well, Mr. Stringer, there are two --
8 there are two tapes. One is a continuous tape and the other has been
9 patched up. The first one, continuous one, shows the cord. You see
10 where the explosion exploded and how the bridge falls; and the second
11 tape is the other one. So there's not just one tape.

12 Q. Well, let's look at P1040 again. This is what I think you're
13 referring to as the continuous one. You'll see the waterfall or the --
14 whatever that is, debris falling.

15 [Video-clip played]

16 MR. STRINGER:

17 Q. We can let it keep running, General, while we're watching. Do
18 you agree that we see the waterfall --

19 THE INTERPRETER: Microphone, please.

20 MR. STRINGER:

21 Q. The waterfall Professor Jankovic bases his report on is in this
22 footage we just saw; correct? The alleged detonation cord.

23 A. You can't say that that way. You can't put it that way. That's
24 speculation. One can't put it that way. Let's see the rest of the

25 footage to see what happens next, because it's obvious -- well, the

Page 44491

1 person who filmed this, the British soldier, made a montage of this,
2 spliced this in a way. For what reason, bring him in and ask him.

3 Q. All right. I'll -- we'll leave it then, General. I don't want
4 to spend more time on this. Let's look at another document, then,
5 General.

6 MR. STRINGER: Although, Mr. President, I think it might be
7 getting to be --

8 JUDGE ANTONETTI: [Interpretation] Let's break for 20 minutes.

9 --- Recess taken at 5.42 p.m.

10 --- On resuming at 6.06 p.m.

11 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, the Trial Chamber
12 would like to see the full video again, the full sequence where you see
13 the waterfall, the debris falling from the bridge, the cloud, and the
14 rest. Also, we also want to see what comes after that sequence. Is that
15 possible?

16 MR. STRINGER: Yes, Mr. President. For the record this is
17 Exhibit P1040.

18 [Video-clip played]

19 JUDGE ANTONETTI: [Interpretation] Thank you.

20 THE WITNESS: [Interpretation] The other tape, I think you wanted
21 to see the other tape where there's continuity between the fall and the
22 water fountain.

23 JUDGE ANTONETTI: [Interpretation] This was the one that we wanted
24 to see.

25 MR. STRINGER:

Page 44492

1 Q. General, I want to now take you to the next exhibit in the
2 binder, P09992. This is dated the 9th of November, 1993. It is a report
3 at 1700 hours, again, of Brigadier Lasic, and paragraph 1 describes the
4 combat activity of the enemy. Paragraph 2, the second paragraph he says:

5 "In addition to the fire from infantry weapons, at around 10.00
6 hours our tank fired few projectiles at that target which was determined
7 earlier. At around 10.15 hours our reconnaissance people from Hum
8 reported that Stari Most, the Old Bridge, was torn down, and they could
9 not say anything about the cause of its destruction."

10 Now, General, this is -- appears to be coming into the Main Staff
11 at about 9.00 in the evening on the 9th of November, 1993. So if I
12 understand correctly, you had left Bosnia-Herzegovina by this point, or
13 you had left the Main Staff and you were on your way to Zagreb; is that
14 correct?

15 A. That is correct. At 7.00, 7.30, I handed over the command to
16 General Roso. And you said that this arrived at 2100 hours? I wasn't on
17 my way to Zagreb. I was actually in Zagreb.

18 Q. And now here when Lasic says:

19 "... at about 10.00 in the morning, the tank fired few
20 projectiles at a target that was determined earlier," do you know what

21 that target is?

22 A. I was absolutely no idea.

23 Q. Do you know whether he's actually referring to the target as the
24 Old Bridge, he just doesn't want to say so?

25 A. Then we would have seen how the tank is destroying the

Page 44493

1 Old Bridge, and we see that not a single shell is hitting the Old Bridge
2 at that time, and that's quite evident.

3 Q. And then the next exhibit is the one that the President took you
4 to a little while ago, General, P06564. This is on the next day, the
5 10th of November. And this is the Lasic report that deals with the
6 destruction or the collapse of the Old Bridge.

7 Now, recognising that you were not there at the time on the 10th
8 of November, General, I take it, though, that you, based on your
9 experience, you are in a position to agree what's indicated in
10 paragraph 3 here when Lasic says:

11 "The Old Bridge was in the immediate vicinity of the line of
12 separation under the control of the Muslim Army, which used it for
13 military purposes ..."

14 Now, General, that is a correct statement, isn't it?

15 A. Completely correct in all respects. That was a bridge that was
16 used for military purposes, and according to the law that I read out, it
17 was a military target, therefore, and without any logic, if you had the
18 right, according to what I read on the war of warfare, you had the right

19 to destroy it, but we did not target it. That's what it says. That's
20 what General Lasic says in point 5. That was forbidden. And it was
21 300 metres within the BH Army's lines.

22 Q. All right, General. The fact is that because the bridge was
23 viewed to be a military objective, the HVO, indeed, decided to take the
24 bridge down and to destroy it as part of its offensive operations that it
25 was going to launch from the 9th -- or the 8th of November. Isn't that

Page 44494

1 true? You were present at the time, 8th of November.

2 A. No, that's not how it was. The Muslim offensive lasted for
3 months, and had there been any intention of going -- well, through the --
4 across the bridge and this axis they attacked Hum and almost took control
5 of it, and under those conditions when, as you read, they had enormous
6 support from the artillery of the Army of the Republika Srpska, not even
7 then was it permitted to target the Old Bridge.

8 Q. I'm talking about the offensive operations that are referred to
9 in the exhibit I showed you earlier, P06534, which was the Paket
10 communication over Brigadier Petkovic's name that said that based on the
11 fall or after the fall of Vares, the HVO was going to engage in offensive
12 operations. And I'm putting to you, General, and you knew this because
13 you were present, that in fact the destruction of the Old Bridge was a
14 part of this switch to offensive operations that followed from the fall
15 of Vares. Isn't that true?

16 A. No. Your assertions are wrong, because the bridge -- well, the

17 so-called -- so-called Petkovic order, because it didn't arrive signed,
18 after the bridge was targeted, and then it says there to prepare
19 offensive military operations of a lesser intensity along certain axes.
20 So lesser. To link up forces. And anybody who knows anything about
21 this, it was an operation to tie in the enemy forces so that they
22 shouldn't act toward Uskoplje and so on.

23 Q. General, at that meeting in Tomislavgrad on the 7th of November,
24 was it agreed at that point that the bridge would be destroyed by the
25 HVO?

Page 44495

1 A. On the basis of what fact do you pose that question?

2 Q. You were --

3 A. No. No. Yes. No. What was discussed there was exactly what
4 was written down. And let me repeat. For over three months I was
5 commander of the Old Bridge. Throughout the series of their operations
6 in transporting weapons, the HVO, under my command, never targeted the
7 Old Bridge nor was that permitted. Not even the bridges for crossing
8 that was -- were below the Old Bridge and above the Old Bridge, I didn't
9 permit them to be targeted either.

10 MR. STRINGER: Mr. President, I'm ready to move to the next
11 binder unless there are questions about these last two documents.

12 Q. Binder 11, General.

13 MS. PINTER: [Interpretation] While the binders are being handed
14 out, for the record, I would like to object to P1040, document P1040,

15 because according to the facts and information on e-court, it says that
16 the document of the 1st of January, 1993, that it contains images of
17 Mostar and is about the incidents in Mostar. So once again, from this
18 document, we do not see -- it does not follow that under that number we
19 have the images or, rather, the video that we saw today. And the date of
20 the 1 of January, 1993, is a separate problem, because obviously those
21 images and that footage couldn't have been taken then.

22 JUDGE ANTONETTI: [Interpretation] It's on the transcript.

23 MR. STRINGER:

24 Q. General, unfortunately this is our last binder. We don't get to
25 continue on to binder 12, because there no binder 12, and it's possible

Page 44496

1 that we can actually complete this binder today. If not today, then
2 fairly swiftly tomorrow.

3 General, the first couple of documents -- or the first group of
4 documents here relate to the issue of co-operation with the
5 Army of Republika Srpska and the HVO. If you could turn to P02864.

6 Now, General, this is from the 20th of June, 1993. At this
7 period of time were you present in the Boksevica area, taking part in
8 combat operations there?

9 A. Let me see. Perhaps a few days later. I can't be specific,
10 Mr. Stringer. I think it was a little later.

11 Q. All right. And this is Commander Siljeg telling the Herceg
12 Stjepan Brigade, Kostajnica, to request of the XY side to immediately

13 open artillery fire on Celebici if possible.

14 General, do you know if the reference here to the XY side is a
15 reference to the Army of Republika Srpska, the VRS?

16 A. I don't know about this document. It's requesting. It's not
17 ordering, it's requesting the Kostajnica Brigade at a time when I don't
18 know what Siljeg has in mind, in actual fact.

19 Q. Were you aware of any communications or requests of this nature
20 from Siljeg or his subordinates to the XY side during this period of
21 time?

22 A. No.

23 Q. So if this sort of request or communication was taking place,
24 then you didn't know about it, I take it.

25 A. During this period, no.

Page 44497

1 Q. Now, the next document is P03455. It's the 14th of July.

2 MR. STRINGER: Mr. President, this is one that we looked at
3 earlier and the copy was bad. I was focussed on one part of it, and --
4 which was item number 12, when we were talking about the arrests, and the
5 President wanted to focus on item number 1 here, and I believe we have
6 been able to make better copies and we've got the original of the
7 documents in the courtroom from the vault also, if we need to use it, I
8 don't know.

9 Q. General, are you able to read item number 1, the first item in
10 this document, in your version?

11 A. Do you want me to read it?

12 Q. Is it possible for you to read it? Is the copy good enough?

13 A. Yes, yes. I have read it, yes.

14 Q. And does it say:

15 "Urgently give targets to XY. A request has been forwarded from
16 Livno without your knowledge, but with instructions that you be informed.
17 (I personally submitted the request from Livno)."

18 MR. STRINGER: Now again and just for the record, Mr. President,
19 this is a transition or a communication from Major-General Petkovic as
20 head of the Main Staff, and this is going to Siljeg at the Prozor Forward
21 Command Post.

22 Q. General, again, I believe that on the 14th of July, by that point
23 you had left Boksevica, you had left Mostar, and you had gone back to
24 Zagreb; is that correct?

25 A. Yes, correct. At that -- this time I wasn't on the territory of

Page 44498

1 Bosnia-Herzegovina.

2 Q. Subsequently upon your return, did you learn about requests being
3 made to the XY side, giving them targets?

4 A. No.

5 Q. Did you ever discuss that issue with General Petkovic?

6 A. Not about this, but I did talk about it later with respect to the
7 situation around Vares.

8 Q. All right. I think we'll look at some of those documents in a

9 few minutes.

10 Now, the next document, General, is P04272. This is not an HVO
11 document. It's ECMM document. It's under seal.

12 MR. STRINGER: It can't be shown outside the courtroom,
13 Mr. President, but we can talk about it.

14 Q. And in paragraph 3, General, there's a reference to a meeting
15 with you. You had a meeting with the head of the co-ordination centre,
16 and it says:

17 "HCC," that's Head Co-ordination Centre, "had a meeting with
18 General Praljak, a senior HVO commander."

19 For the record this is 17 August 1993, and the report continues:

20 "He stated that -- that HVO will stop at nothing to defeat the
21 Muslims, including the blocking of all aid during the winter and the
22 cutting off of water supplies."

23 And it goes on to say HVO -- that you said HVO would be prepared
24 to lose territories such as Vares and Tuzla. Then it says that according
25 to you, the HVO would "... never accept the handover of Lasva or the

Page 44499

1 Vrbas Valleys. This is the HVO bottom line. If these valleys could not
2 be won back in negotiation, then a military alliance with the Serbs would
3 be formed, and they would be retrieved by force. The Croats would never
4 accept a Muslim corridor to the coast."

5 General, did you have discussions or negotiations with the Serbs
6 or the VRS in terms of forming an alliance during this period of time in

7 order to defeat the ABiH?

8 A. This report is incorrect on many counts. He doesn't even know
9 that I was the commander, but the high commander or what -- one of, and
10 cutting across water supplies, that's something that's completely false
11 and has no grounds in anything. What could be cut off? I never talked
12 to the Serbs, I personally, and we never agreed to a military alliance of
13 any kind nor was there any joint action against the Muslims between the
14 Serbs and Croats, at least while I was there, and it wasn't a defeat of
15 the Muslims but just that they should not take control of the territory
16 that the Serbs were on to the detriment of the Croats and to expel the
17 Croats in actual fact.

18 Q. Now, when you say that there were no joint actions against the
19 Muslims, there was a good deal of co-operation in respect of fuel, arms,
20 ammunition, and targeting. Isn't that true? The HVO would request or
21 even pay the VRS to target Muslim positions or to provide ammunition?

22 A. It's partially correct. I was quite specific. Let me repeat.

23 In the area south of Uskoplje or Gornji Vakuf at the time when I
24 was the commander, no requests were ever made to the Serbs to assist the
25 HVO in any way to defend itself against the BH Army attacks while I was

Page 44500

1 the commander. In the Vares area, there was a degree of co-operation
2 with the Army of Republika Srpska in the effort to defend themselves
3 against the BH Army. The hospital for the wounded was paid for with oil.
4 We didn't just give them oil because they were so cute. And,

5 Mr. Stringer, I was informed about that. That's what I approved, and
6 that's what I requested for a very simple reason because the enemy was
7 not defined. Whoever attacks me is an enemy for me, and from this very
8 clear military perspective, since the BH Army was attacking us and
9 unfortunately for us taking parts of that territory, let me tell you, if
10 I could have bought weapons from NATO, I would have done so to defend
11 myself, and there is nothing controversial here.

12 Q. General, the next exhibit P0621 --

13 JUDGE ANTONETTI: [Interpretation] General Praljak, this document,
14 which will not be shown outside this courtroom because it's under seal,
15 was written on the 17th of August by the European mission. Under
16 paragraph 3, as you can see, it mentions something that you would have
17 said, according to which you're absolutely not in agreement with a
18 portion or a part that could be given to the Muslims towards the coast.
19 So you're against this famous corridor. And you stated that you would
20 even make an alliance with the Serbs. And in the final comment, and the
21 Prosecution did not mention it, it's under paragraph 8, they say that
22 what you stated actually, reveals, in fact, a possible alliance with the
23 Serb forces.

24 Under paragraph 2, there's a contradiction with what you said,
25 but it is not analysed by the commentator, a certain Pero Cavar, who is

Page 44501

1 the commander of Siroki Brijeg states that the Serbs are their enemy. So
2 on the one hand somebody says the Serbs are their enemies and then in the

3 following paragraph General Praljak would state the contrary. So
4 obviously it would be interesting to analyse this and to see what were
5 the different opinions within the HVO on the relations with the Serbs.

6 Did you know Pero Cavar?

7 THE WITNESS: [Interpretation] Yes. But, Your Honour, it doesn't
8 say anywhere here. I don't know what the translation says, but it says
9 no talk about any alliance with the Serbs. It says: "If the two
10 valleys," and it's hypothetically speaking, If the two valleys were to be
11 lost to the BH Army, at that time they were not lost yet. So if that
12 should happen and if it is impossible to regain the territory through
13 negotiations, so in they're lost, if they're not regained through talks,
14 then a military alliance would be formed with the Serbs. And so this is
15 a conditionality upon conditionality upon conditionality. So we have
16 these people who come in to talk for an hour or so. I don't know who is
17 interpreting. They come together, and they write down four lines, and
18 three lines can be just thrown away.

19 JUDGE ANTONETTI: [Interpretation] Very well. Now,
20 General Praljak, do you challenge the fact that the representative of
21 this mission, that you told to the representative of this mission that
22 you were against, the corridor to be given to the Muslims going to the
23 coast?

24 THE WITNESS: [Interpretation] No. Well, I do challenge it,
25 because, Your Honour, you can see in 30 documents the HVO says that it

1 would comply with the political decisions made in Geneva. I didn't
2 involve myself with the corridor. I could have spoken about it, but not
3 in those terms, because everything that was signed politically in every
4 single document, the HVO would always state in every military document,
5 the military part, we would abide by the political decisions.

6 JUDGE ANTONETTI: [Interpretation] Very well. In fact, that is
7 the first question we should have asked you.

8 Do you remember if around the 17th of August you met a
9 representative of the European mission with whom you talked about all the
10 existing problems at the time? Do you recall this meeting of somebody
11 like that, because they say that they met with you?

12 THE WITNESS: [Interpretation] No. No, I don't -- well, I'm not
13 saying that that's not the case, but I couldn't really remember that
14 meeting. Well, everybody wanted to meet the Spanish, the British, the
15 European monitors. They simply -- well, they just wanted to -- they were
16 unprofessional when they wrote this down. They would talk to you for an
17 hour or an hour and a half and you really didn't know. And I'm sure that
18 the interpreters did not understand the nuances of what I was saying, if,
19 what if. So out of the explanation I provided, they would misunderstand
20 everything. Cutting off the water supply. It simply doesn't make any
21 sense. Who could have cut off the water supply to whom? You can see
22 when you read this that these people have no idea what's going on or that
23 I would ban the passage of humanitarian convoys. Why would I do that
24 when I replaced the brigade commanders who stopped humanitarian aid?

25 JUDGE ANTONETTI: [Interpretation] Very well. So you disagree

1 with this statement made by somebody from the European mission on a
2 meeting that you would have had on the 17th.

3 Yes, Mr. Kovacic?

4 MR. KOVACIC: [Interpretation] I waited for --

5 THE WITNESS: [Interpretation] I don't agree with this. I have to
6 answer because this doesn't correspond -- well, I just responded to the
7 question by His Honour. He asked me if I agreed or not.

8 JUDGE TRECHSEL: Mr. Praljak, you have been here long enough.
9 You should have noticed that when a counsel rises and takes the floor
10 everyone is silent. And you also should also not speak unless you are
11 specifically -- please, Mr. Kovacic.

12 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Kovacic. What did you
13 want to say?

14 MR. KOVACIC: [Interpretation] Perhaps it is indicative of the
15 discrepancies in this document, and I don't recall anyone mentioning it.
16 In item number 2 the author speaks about the talks with Pero Cavar, and
17 we have quotation marks for what Pero Cavar said. He said -- he said
18 that he did not -- or he would eventually - and then in quotation marks -
19 "be murdered by one of them." And that's in quotation marks. And then
20 in the next paragraph when they report on the alleged discussion with
21 General Praljak, there are no quotation marks. So they are just
22 retelling a story. That would be it in the journalist practice, but we
23 don't know whether they stick by the rules of journalism because they're

24 soldiers. And then in paragraph 8 again it's retelling the same story
25 but now the title is "Analysis." Very important.

Page 44504

1 JUDGE ANTONETTI: [Interpretation] It's in the transcript.

2 MR. KOVACIC: [Interpretation] Item 8.

3 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

4 MR. STRINGER:

5 Q. General, the next exhibit is P06217, and I think this one
6 actually relates to something that you referred to a few moments ago.
7 This is the 28th of October, 1993. This is Commander Ivica Rajic, and
8 he's submitting his report to all of the places and bodies referred to
9 there in the heading. He's talking about his meeting with the RS
10 minister of health, Mr. Kalinic. Second sentence in the text:

11 "The reason that they requested this meeting was to present the
12 issue of unsettled financial claims of their war hospital and the
13 condition under which they would continue treating our wounded from
14 Kiseljak and Vares."

15 It goes down -- he continues talking about the prices for the
16 services they're providing.

17 Skipping down a couple sentences he says:

18 "All medical claims of Republika Srpska from HR HB add up to
19 around 100 -- or excuse me, to around \$1.700.000. According to
20 Minister Dragan Kalinic, if a swift and concrete action of paying
21 services is not carried out, Republika Srpska will discontinue offering

22 medical assistance."

23 Then Rajic continues. He identifies the various things that the
24 Serbs would accept as payment for the medical services: Heating fuel,
25 fuel for motor vehicles, money, medical equipment, et cetera.

Page 44505

1 So, General, does this accurately describe the arrangement
2 between the HVO and the VRS in respect of the medical treatment of HVO
3 soldiers in the Vares area?

4 A. That's correct. And that's what he was supposed to do, unlike
5 the Croatian Defence Council and the Croatian republic -- or, rather, the
6 Republic of Croatia which treated 10.000 BH Army soldiers free of charge
7 and we transported them free of charge from the Mostar hospital, treated
8 them free of charge. You can see how much money we had to pay to the
9 Army of Republika Srpska in order to have a facility where we could treat
10 our wounded, and those wounded were actually wounded by the BH Army,
11 Mr. Stringer.

12 Q. Now, the next exhibit is --

13 JUDGE ANTONETTI: [Interpretation] Just a second.

14 General Praljak, we had already seen this document, and it is
15 astonishing, I must say. On the one hand you have Mr. Rajic. He's
16 drafting a report, and he's mentioning that there's payments that should
17 be made to the Republika Srpska for health care given for HVO soldiers
18 who were wounded during the conflict. And then he says that there's a
19 problem that has to be solved.

20 When I look back, it's a situation like in "Le Roi Ubu." There's
21 a combat between the HVO and the Serbs. During these combats Croats are
22 wounded, they are hospitalised, and then they are treated by the "enemy"
23 Serb, Serb enemy, and then they will give them the bill. So it's quite
24 an unusual situation. It's crazy.

25 What do you think about this?

Page 44506

1 THE WITNESS: [Interpretation] You did not phrase it well, Your
2 Honour Judge Antonetti. It was madness, but those soldiers were wounded
3 in the aggression by the BH Army, and they were treated by the Serbs, and
4 here this is no conflict between the Republika Srpska Army, because they
5 are no longer -- they do not have any interest in expanding their
6 conquests, but the BH Army is attacking the HVO, and the only possibility
7 of treatment, because it is an enclave, is to pay this kind of money to
8 the Republika Srpska Army. At the same time, the weapons that were used
9 to wound these people, General Praljak, and not only him but
10 Franjo Tudjman and Gojko Susak, they supplied the weapons to the BH Army
11 so that they could do it. This is madness, unprecedented madness in the
12 history of warfare.

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 So you say that in the month of October 1993, the combats are HVO
15 and ABiH, not HVO-VRS.

16 THE WITNESS: [Interpretation] In this territory here there is
17 fighting between the HVO and the Republika Srpska Army near Stolac, near

18 Livno, Tomislavgrad, Vakuf, and so on.

19 JUDGE ANTONETTI: [Interpretation] So you're telling us that --

20 MS. ALABURIC: [Interpretation] I apologise. The interpretation
21 is erroneous. To avoid confusion, General Praljak, perhaps it would be
22 best if you were to repeat your answer to this question. The
23 interpretation reads:

24 "General Praljak: Just let me tell you what the problem is. In
25 this territory there were conflicts between the HVO and the Republika

Page 44507

1 Srpska Army near Stolac Livno, Tomislavgrad, Vakuf, and so on."

2 So could you please analyse it the way you said it.

3 JUDGE ANTONETTI: [Interpretation] Yes. Would you be able to
4 clarify this, Mr. Praljak? Where did the combat take place between the
5 HVO and the Republika Srpska?

6 THE WITNESS: [Interpretation] In Bihac. The HVO was under siege
7 together with the BH Army. In Tuzla, in Orasje, in Livno, in
8 Tomislavgrad, in Stolac -- or, rather, south of Mostar. The BH Army is
9 attacking in Gornji Vakuf, Mostar, Vares, and Central Bosnia. The HVO
10 and Stojic let the weapons pass through, concealing it from their
11 soldiers, to the BH Army so that they could fight the Serbs, yet at the
12 same time they were attacking us. That's madness. That's utter and
13 complete madness, but unfortunately, this was the only way in which it
14 could be done.

15 JUDGE ANTONETTI: [Interpretation] Very well.

16 MR. STRINGER:

17 Q. General, just in respect of your last answer, this document is
18 from the 29th of October -- sorry, the 28th of October, 1993, and maybe
19 we should just specify the time-frame that you're referring to when you
20 identify these various locations.

21 The President just asked you where did the combat take place
22 between the HVO and the Republika Srpska, and you made a reference to
23 Stolac and also south of Mostar, as well as Bihac, Tuzla, Orasje, Livno,
24 Tomislavgrad.

25 Are all of those places where there was conflict between the HVO

Page 44508

1 and the VRS during this period of time, late October 1993?

2 A. And in this period, too, in 1992, 1993, and in 1994, and in 1995.
3 If His Honour Judge Antonetti asks about the maps, well, we can be
4 specific about the dates.

5 Q. The next exhibit is P09817, 29th of October, 1993. This is Rajic
6 to the Bobovac Brigade in Vares. He's writing from the command of the
7 Operations Group 2 in Kiseljak, and he says:

8 "Based on the latest findings of the Military Intelligence
9 Service units, your data and the data received from the VRS, we issue the
10 following instructions and data."

11 And then number 2 says:

12 "Majo person in charge for the co-ordination from the XY side
13 will be in Brgule from tonight."

14 And then in item 3 the bullet points:

15 "During the conversation with Savic, commander of the Ilijaska
16 Brigade of the VRS we have found out the following," then he talks about
17 the information provided by Mr. Savic.

18 And then the third bullet point there Rajic says:

19 "He," referring to Savic, "He will prepare the artillery support
20 from his side of the village Zizci to Pajtov Han for your needs."

21 Item 4:

22 "We have engaged everybody including General Praljak himself for
23 the passages of our forces (100 members). Therefore, we expect a
24 positive reply during the night in the arrival of our units."

25 And then finally number 8:

Page 44509

1 "Obtain complete connection with the forces of VRS in the area of
2 Zvijezda and village Zizci."

3 General, first of all, are you familiar -- you're referred to in
4 here as having been engaged in this -- in these events. Do you recall
5 this, General?

6 A. Well, I do remember something, yes.

7 Q. And this indicates, does it not, that -- this is at the very
8 beginning -- that the VRS is sharing data or military intelligence with
9 the HVO, at least in this area around Vares. Would you agree with me on
10 that?

11 A. It says here it will be implemented during the night, the fixed

12 line. So we're talking about Vares on that day at that time. And it is
13 correct that the XY side refers to the Serbian side, and it's true that I
14 gave my support to that. Now, I don't know if I succeeded, but that's
15 not important for you. I supported the efforts for them to get in touch
16 with the VRS in order to defend themselves against what's ensued, and
17 that's the attack of the 3rd and the 2nd Corps of the BH Army on Vares.
18 So it was not meant to be for offensive action but for the defence.

19 Q. And then where it says in the third bullet point in paragraph 3,
20 "He will prepare the artillery support from his side ..." that indicates
21 that the VRS had agreed to provide artillery support to the HVO in
22 connection with this operation; correct?

23 A. Yes. That had to be arranged very specifically for a very simple
24 reason, because at that time and in that place the BH Army was an enemy
25 both to the Republika Srpska Army and to the Croatian Defence Council.

Page 44510

1 So --

2 Q. And finally in number 8 then, item number 8 at the end, what this
3 tells us is that the HVO forces are going to link up with the VRS forces
4 in these two locations; correct?

5 A. That's correct. If the VRS was positioned in Zvijezda and Zizci
6 and if it withdrew and left the area undefended and if the forces were
7 not linked up then the BH Army could bypass the HVO lines and approach it
8 from behind and that's why it was important to know what the Republika
9 Srpska Army would do in order to prevent us from getting into dire

10 straits, militarily speaking, in those two sectors.

11 Q. Okay, General. Just to finish off this topic before we finish
12 tonight, I'm going to skip the --

13 JUDGE ANTONETTI: [Interpretation] General Praljak, this document
14 mentions your name. One could wonder if everything that was done with XY
15 is something you agreed with completely. You seemed to answer yes to
16 Mr. Stringer.

17 Do you confirm that in the field, in some places like here, we
18 can see the VRS help the HVO in an important way by shooting on the BiH
19 and by mining the places between VRS-BiH, helping the passage in some
20 areas and that there were at least -- there was at least one co-operation
21 which existed between the HVO and the VRS.

22 Did you know about this?

23 THE WITNESS: [Interpretation] Yes. Unfortunately, because they
24 were isolated, they for the most part arranged this at the regional
25 level. So I wasn't really involved. And here they expected me, because

Page 44511

1 apparently Serbs were not all that willing to let 100 personnel pass
2 through their units and reach the HVO positions. Well, I don't know if I
3 managed to do that. I don't recall. It's a bit hazy. But I would have
4 assisted this outcome. So this is important for you -- for me to say,
5 yes, I would have assisted that effort even though I don't remember
6 whether I really did it, and secondly, no approval was ever given for
7 co-operation in offensive actions. There was a fierce attack, and now

8 I'm letting them know by any means I could that they had the right to
9 send their wounded there to seek fire support from the artillery and
10 for -- to seek permission to pass through with their personnel through
11 the VRS lines because they were in a very difficult position, so that
12 they could perhaps try and arrange with the Serbs to allow them to let
13 pass those hundred people through their lines for the manoeuvres, but
14 only if they came under the BH Army attack and only then. It is up to
15 the commander not to lose territory. And nobody prescribed in advance
16 who was the aggressor in each particular area. In that area, the Serbs
17 were not the aggressors. Well, they were, but the BH Army took Vares,
18 expelled everyone, looted the place. We don't have time to show tape of
19 the 17th Muslim Brigade entering Vares and so on and so forth.

20 JUDGE ANTONETTI: [Interpretation] Very well. It's almost
21 7.00 p.m., the end of the hearing, so tomorrow the Prosecutor will finish
22 showing binder number 11. After that, I will have questions to put to
23 Mr. Praljak about some maps. So it is possible that tomorrow we finish
24 quite early.

25 If I understood correctly, Mr. Kovacic will need the entire day

Page 44512

1 of Wednesday to put his additional questions, and the additional
2 questions will then take place on Thursday. So Mr. Kovacic needs
3 Wednesday to prepare his questions which he will put on Thursday. Is
4 that right, Mr. Kovacic?

5 MR. KOVACIC: [Interpretation] Yes, Your Honour. I was waiting

6 for the interpretation. We would prefer, for reasons of efficiency, to
7 make sure that everything is copied and classified. We would like to
8 have a day off on Wednesday, and then we would deal with our redirect on
9 Thursday by my colleague Madam Pinter, and we will complete it by the end
10 of at that day. Thank you very much.

11 MS. ALABURIC: [Interpretation] Your Honour, if I may just one
12 sentence. In light of the fact that you allowed Mr. Stringer to examine
13 the witness on the report submitted by Mr. Jankovic, while I'm not going
14 to go through everything that was said about that, the Petkovic Defence
15 would like to be given five minutes of additional time to cross-examine
16 General Praljak about the manner and the documents used by Dr. Jankovic
17 in drafting the report that we discussed today. Thank you very much.

18 JUDGE ANTONETTI: [Interpretation] Very well. Your request is
19 noted. The Judges will deliver it on this and we will let you know
20 tomorrow.

21 Ms. Nozica.

22 MS. NOZICA: [Interpretation] Your Honour, in line with your
23 instructions, the Stojic Defence would also like to request for 15
24 minutes to cross-examine the witness about the document -- well, I will
25 explain that tomorrow in greater detail. That's P05104. That's the

Page 44513

1 document that we would like to examine him on.

2 JUDGE ANTONETTI: [Interpretation] Very well. All this is noted.

3 It's now three minutes past 7.00. I wish you a pleasant evening,

4 and we shall reconvene tomorrow afternoon, because this week we work in
5 the afternoon.

6 --- Whereupon the hearing adjourned at 7.03 p.m.,
7 to be reconvened on Tuesday, the 8th day
8 of September, 2009, at 2.15 p.m.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25