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1 Tuesday, 8 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, Mr. Registrar.

13 This is Tuesday, September 8, 2009, and I would like to greet
14 Mr. Praljak, as well as our accused, the Defence counsels, all the staff
15 from the OTP. I also greet everyone helping us in our work.

16 The Trial Chamber will now issue an oral decision regarding
17 Vlado Sakic, an expert witness.

18 Upon reading the latest witness schedule disclosed by the Praljak
19 Defence on September 2, 2009, the Trial Chamber notes that the Praljak
20 Defence planned to hear expert witness Vlado Sakic from October 5 to
21 October 7, 2009, and to examine the witness for two hours and 30 minutes.

22 However, in its order of May 6, 2009, on the capacity and the modalities
23 governing the hearing of Vlado Sakic, expert witness, the Trial Chamber
24 gave the Praljak Defence two hours for its examination-in-chief and for
25 possible redirect regarding expert witness Vlado Sakic.

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1 Given the time granted to the Praljak Defence, the Trial Chamber
2 gave two hours to the Prosecution and one hour altogether to the other
3 Defences for the cross-examination of expert witness Vlado Sakic.

4 Consequently, the Trial Chamber reminds the Praljak Defence that
5 it will have two hours and that two hours and 30 minutes for its
6 examination-in-chief and possible redirect regarding expert witness
7 Vlado Sakic.

8 Very well. In a nutshell, when this witness will come, this
9 expert witness will come, the Praljak Defence will have two hours for the
10 examination-in-chief.

11 Furthermore, yesterday the Trial Chamber had been seized of two
12 motions made by Mrs. Alaburic to have five minutes -- five additional
13 minutes to put questions in the framework of a possible cross-examination
14 of Mr. Praljak, and Ms. Nozica also told us that she might need 15
15 additional minutes to put questions as cross-examination questions. The
16 Trial Chamber grants these motions; however, the time used by the
17 Petkovic and the Stojic Defence will be deducted from the time they have
18 been allotted for their case.

19 Mr. Stringer, you have the floor. I know you want to take the
20 floor.

21 MR. STRINGER: Thank you.

22 MR. STEWART: Your Honour, if the floor is to restart
23 cross-examination, we did have a short application on our side. It was
24 notified to Your Honours, we thought. Your Honours, this application on
25 behalf of the Petkovic and the Praljak Defences, and Your Honours will

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1 recall that you directed that a written motion should be filed in
2 relation to disclosure under Rule 68. We're on the verge of filing that
3 motion, Your Honour, but we're just running into slight difficulty on the
4 word limit, and the application is to have the word limit extended from
5 the normal 3.000 to 3.500 words. We want to go into enough detail about
6 the sort of material we're looking for to make it a helpful and
7 manageable motion. So, Your Honour, our application is very simple on
8 behalf those two Defences.

9 JUDGE ANTONETTI: [Interpretation] Let me consult with my fellow
10 Judges. Obviously we all agree. The Trial Chamber agrees, and you can
11 use 3.500 words, if you wish.

12 MR. STEWART: Thank you, Your Honour.

13 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

14 MR. STRINGER: Good afternoon, Mr. President, Your Honours,
15 counsel, and everyone else in and around the courtroom.

16 WITNESS: SLOBODAN PRALJAK [Resumed]

17 [Witness answered through interpreter]

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

19 Q. Good afternoon, General.

20 A. Good afternoon, Mr. Stringer.

21 Q. And, General, before I begin or continue with the
22 cross-examination --

23 MR. STRINGER: Mr. President, I just wanted to take the floor to
24 make one clarification for the record from yesterday. When we were
25 talking about the TV ORF video which was one of the video-clips we looked

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1 at on the bridge, and it's the clip that there appears to have been some
2 sort of a splice or alteration. And in the course of the discussion I
3 note some comments were made, and I don't know, maybe it's just my own
4 sensitivity, but I don't know whether there was an impression created
5 that that video that appears to have been spliced originates from the
6 Office of the Prosecutor. And I just wanted to make it clear from the
7 record that the TV ORF video based on the testimony of Professor Jankovic
8 when he testified on the 30th of June last year, testified that he was
9 provided with the TV ORF video along with the TV Mostar video, that he
10 used those to prepare his report and that he received those from the
11 Praljak Defence. And so just for the record, I wanted it to be clear
12 that those are -- at least the TV ORF video does not originate from the
13 Office of the Prosecutor.

14 Q. General, when we --

15 JUDGE ANTONETTI: [Interpretation] Yes. Mr. Stringer, this goes
16 without saying, what you just said. Of course the video had been
17 disclosed by the Praljak Defence to Professor Jankovic, and we had
18 understood that the OTP had nothing to do with this video in the first

19 place, had nothing to do with making this video in the first place. It
20 was really obvious for us. It went without saying, but you wanted to say
21 this on the transcript so much the better.

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

23 THE WITNESS: [Interpretation] Your Honours, Mr. Stringer,
24 Mr. Jankovic and I did not have at our disposal the tape in its entirety
25 as you showed it yesterday. It wasn't broadcast that way. We only had

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1 the video that was broadcast; whereas, this one here is a broader
2 version, the one we saw yesterday. It's longer.

3 MR. KOVACIC: [Interpretation] Your Honours, just for the record,
4 to make it quite clear, Dr. Jankovic, the expert witness, very precisely
5 in his report and in testifying here explained the origins and source of
6 the two videotapes that he used. They were videotapes as they were
7 broadcast on the two mentioned television networks and nothing more than
8 that. I didn't hear what was said very well. We didn't say that the
9 Prosecutor acquired it. We explained what the source was and where the
10 videotapes had come from, so there's no misunderstanding or dispute
11 there.

12 JUDGE ANTONETTI: [Interpretation] The only problem left comes
13 from what Mr. Praljak just told us. He told us that yesterday when he
14 was watching the video with everyone else, he noted that the entire
15 sequence we saw yesterday is not the same sequence as the one that he
16 himself, that his counsel and Professor Jankovic had seen. According to
17 him, this video is longer.

18 The Trial Chamber will reflect on this, think about it.

19 I wanted to put something on the transcript yesterday. I forgot
20 to do it, so I'll do it now.

21 I must say that I saw -- if someone saw the same thing please
22 tell us, but we saw this waterfall. We saw a cloud of smoke or dust,
23 then we saw a white stone falling from the bridge into the Neretva, and
24 there was a splash right after that, and then for several minutes after
25 that we saw the cloud that was clearing up with time, but the bridge was

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1 still standing for a good number of minutes after we saw the first
2 waterfall. Then we saw an image where the bridge collapsed into the
3 river. That's what we saw. And I believe we all saw the same thing. If
4 someone didn't see that, please say so, but this is what we saw
5 yesterday.

6 Now, given what Mr. Praljak just told us, we have a new problem:
7 The time spent between the waterfall, the cloud of dust or smoke, and the
8 collapse, it seems to be different. He's telling us that we saw a
9 different video than the one that he, his counsel, and his expert saw
10 when they were drafting the report of Professor Jankovic.

11 MR. STRINGER: Mr. President, just for the record, I think the
12 video you're referring to now, the one in which the bridge is still
13 standing, is -- is from Exhibit P01040, 1040. And just for the record,
14 1040 - because this came up yesterday as well - 1040 is a compilation.
15 It's a long video, and so the part that we're focussed on now on this
16 part is just one part of it. The video has lots of different things on

17 it, but I think that the President's just now made reference to
18 Exhibit P1040.

19 I don't know we can resolve this any more today, Mr. President.

20 MR. KOVACIC: Your Honour.

21 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

22 MR. KOVACIC: I remember that the Prosecution informed the
23 Chamber and the others in the courtroom what was the source of that video
24 shooting the Prosecutor showed us yesterday, which is P1040. We don't
25 know the source. The Prosecutor is practically testifying about that.

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1 For the Defence, the Defence brought an expert to testify about that.

2 Now we have the Prosecution testimony. We don't know the source of that
3 video and whether that is the same one or it is not the same one as it
4 was presented by witness expert.

5 I think that the Prosecution should show where that video is
6 coming from, because even in the e-court it has a wrong date. It is,
7 what, 11 months -- it is 11 months before actually the bridge fall, and
8 this is at least something which nobody dispute, the date of the fall of
9 the bridge. So I would kindly request the Prosecution to give us the
10 source. We can --

11 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, this P -- the
12 video P01040, could you tell us what its source is?

13 MR. STRINGER: Mr. President, I can't give you the source at this
14 moment. I know that it was disclosed to the Defence on the 19th of
15 January, 2005. I'm pretty confident that it was among the exhibits that

16 we used in our cross-examination of Professor Jankovic, and if that's the
17 case, the source would have been indicated on the list that would have
18 been in the binder that went out to all the parties before we began our
19 cross-examination, because we generally include the source of all the
20 cross-examination exhibits. So I think that with a little bit of
21 diligence any of us could determine the source based upon what's been
22 provided in the past, but certainly we'll look at -- into it and see if
23 we can remind everybody what the source is.

24 MR. KOVACIC: Your Honour, I'm really sorry, but maybe it's
25 better to clear these things completely.

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1 As my dear colleague said, and I agree with that, a video under
2 this number was presented to [indiscernible] Professor Jankovic who was
3 here in the courtroom. So we do have his answers, his responses to that
4 question on the record. So there is no need to discuss that. We agree
5 whatever the expert said. We are fine. But another thing, the
6 Prosecution, my dear colleague, just said that this material was
7 disclosed long ago to the Defence, and yes, indeed, we agree with that;
8 but the problem of the source remain, because as the Prosecutor said,
9 this video is compilation of many other images from Mostar and area. It
10 is compilation, and I stress that word, this is compilation. We don't
11 know who did it, how, when, et cetera.

12 Now, what I am interested is to know exactly where this part of
13 this big compilation, the part about the bridge which we saw yesterday,
14 1040, a part of evidence 1040, where this particular shot came from. Who

15 is the author, when?

16 JUDGE TRECHSEL: Mr. Kovacic, if you look at the transcript, on
17 1st of July, 2008, at page 30170, line 50 -- 15 or something, I find that
18 Ms. West told the Chamber that this exhibit was tendered into evidence by
19 Witness Denis Saric.

20 Now, do you challenge that? I think you could have looked it up
21 and find it. I have the fearing that we are a bit losing time right now.

22 THE WITNESS: [Interpretation] No, that's another tape.

23 MR. KOVACIC: Your Honour, I don't think that we are talking
24 about the same, the evidence. The cite is witness Delalic.

25 JUDGE TRECHSEL: But the number here is 01040.

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1 MR. KOVACIC: Your Honour, I cannot claim now. It could be
2 some -- it could be some mistake, but I'm also looking in history at that
3 document --

4 JUDGE TRECHSEL: Well, may I suggest that before we lose time on
5 such discussions in the courtroom, time which is very scarce, this be
6 prepared beforehand and then a precise motion be made in this respect. I
7 don't think it is helpful just raising questions of, I don't know, and
8 this and that when there is some material in our transcript, and it seems
9 not to really have been looked at and properly examined before. I think
10 we should let Mr. Stringer start now with the --

11 MR. STRINGER: But I --

12 MR. KOVACIC: I apologise, Your Honour. It's not that I'm
13 challenging the transcript. What is in the transcript is in the

14 transcript, certainly. I merely wanted to correct you that in the --
15 what you said, at least what is written in the transcript now is that it
16 was Witness Denis Saric, Saric. There was no such witness. According to
17 the history in the e-court, the witness was Delalic, Enes Delalic. So
18 I --

19 MR. STRINGER: Mr. President, if I --

20 MR. KOVACIC: So I referred to this confusion. And I'm now not
21 going into assume, rightly said, I'm now not going to improvise, but
22 Delalic brought another video which we also saw yesterday or day before
23 yesterday.

24 MR. STRINGER: Mr. President, please --

25 MR. KOVACIC: But anyway, my point is only that we should know

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1 the source. The Prosecutor is using it. He should say, This is shot by
2 this and this man on this and that day and have to document that on some
3 way. Thank you.

4 MR. STRINGER: Mr. President. Mr. President --

5 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

6 MR. STRINGER: Denis Saric is a 92 bis witness. All right? So
7 there is a witness Denis Saric. He's the source of the tape and that's
8 what Ms. West referred to. We can line all this up for Mr. Kovacic, and
9 we'll provide him with all of the details after the next break. That's
10 my proposal, rather than taking more court time on this now.

11 MR. KOVACIC: I'm sorry. I just wanted to say that it is in --
12 all my discussion is based on what I can see from e-court document. In

13 description of e-court, it is not as the Prosecutor said. It is Delalic,
14 and it is another day. So if there is any mistake, I cannot be blamed
15 for that. Sorry. Thank you so much.

16 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, the Trial Chamber
17 admitted a document, P1040. The Legal Officer told me that this document
18 had been admitted when witness Delalic was heard. When witness Delalic
19 came to testify, we played the video and the Trial Chamber admitted
20 Exhibit P1040.

21 It seems now that this video was actually shot by witness
22 Denis Saric, a 92 bis witness. He is the person who gave this video to
23 the OTP.

24 Now you have it. It's a bit complex, but I believe it's clear
25 now. It's clear, because now you have all the elements.

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1 MR. KOVACIC: With all due respect, Your Honour, I think that
2 somebody -- there is some mistake. Saric took --

3 MR. STRINGER: Excuse me, Mr. President, I object to further
4 interventions.

5 MR. KOVACIC: -- the video which was shown by the Prosecutor
6 before 1040, one we were looking at yesterday, the one where nothing is
7 seen. So there must be some error or some confusion. I don't know what
8 is it. I cannot tell you now. Somebody should -- should investigate,
9 but this is simply not correct. This is --

10 MR. STRINGER: Well, Mr. President, the last time I spoke I said
11 that we would look into it and provide Mr. Kovacic with the information

12 he requires over the break. We're just beating a dead horse. Let's just
13 move on to the cross-examination. We'll provide him the information he
14 wants --

15 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, rest assured you
16 will be able to finish your cross-examination. Please prepare all the
17 information for Mr. Kovacic and hand it over to him and we'll come back
18 to this, I'm sure, at one point in time. As you know, the Trial Chamber
19 is still waiting for the conclusions of the witness, expert witness.

20 Mr. Stringer, you have the floor.

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

22 Q. General, yesterday I believe we were leaving off with -- or
23 discussing P09817. I had pretty much completed my questions to you about
24 that document. This was from 29 October 1993, and I won't re-read the
25 document, and we all recall what you said about it, it relates to some

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1 coordination issues between the HVO and the VRS in the Vares area.

2 Related to this, I believe, is the next document, which I would
3 like to ask you about, P06219.

4 Now, this one, General, is -- it's dated the same day. It
5 appears to be dated the same day, 29 October. And now this is Rajic
6 reporting to a number of different individuals and bodies, Mr. Stojic,
7 yourself, General Petkovic, and here we see that Rajic is reporting that:

8 "The XY side is not implementing any part of the agreement
9 between General Petkovic and General Milovanovic."

10 And then moving to the next paragraph Rajic says:

11 "It is necessary to urgently establish contact between Mr. Stojic
12 and Mr. Kovacevic in order to get this going so that assistance can be
13 provided to Vares."

14 General, first of all, do you know what is the agreement between
15 General Petkovic and General Milovanovic that is refer to here by
16 Colonel Rajic?

17 THE INTERPRETER: Microphone, please. Microphone for the
18 witness, please.

19 THE WITNESS: [Interpretation] I don't know what Mr. Petkovic
20 agreed with Mr. Milovanovic because I wasn't present at the meeting, and
21 I don't remember that we discussed it later on when Petkovic returned,
22 but most probably it was some form of, as you say, co-operation or some
23 form of payment for assistance for treatment, something of that nature,
24 and for the procurement, perhaps, of some weapons or ammunition to defend
25 Vares.

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1 MR. STRINGER:

2 Q. Do you know who General Milovanovic is?

3 A. No, I don't.

4 Q. And here the reference to urgently establishing contact, or he
5 says:

6 "It is necessary to urgently establish contact between Mr. Stojic
7 and Mr. Kovacevic ..."

8 Do you know who Mr. Kovacevic is that's referred to here?

9 A. I don't know.

10 Q. Do you know whether Mr. Stojic had meetings with any of his
11 counterparts on the VRS side in respect of co-operation issues?

12 A. I don't know. I assume so, but I don't know.

13 Q. All right. And -- well, let's stay with this issue. I've got
14 one more document on this topic, and the next exhibit is P06364. And
15 this is just now a few days later, now the 2nd of November, 1993, and
16 this is Rajic reporting to Mr. Stojic in the Ministry of Defence on the
17 equipment received from the XY side and per request, and this then
18 contains a list of the various MTS that according to Rajic has been
19 received from the XY side.

20 General, you just said that you assumed that Stojic had meetings
21 with counterparts in the VRS. Based on Mr. Stojic's role in procuring
22 MTS, is that a topic that Mr. Stojic would have been dealing with with
23 the VRS people?

24 A. Mr. Stringer, I said probably, and probably that was the topic.
25 So I can confirm only that, that I sought and approved talks in order to

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1 be able to obtain some materiel and equipment for this area to be
2 defended against the BH Army attacks, but I didn't know whether they
3 really met, how they paid, where they met, whether they met at all. It
4 would be too much to ask from me. Well, I'm talking about myself. I
5 asked for those talks to be conducted.

6 Q. All right. Then that would suggest, General, that in efforts to
7 obtain MTS from the Serb side, the VRS, Mr. Stojic's role would have been
8 in sort of a logistics and possibly the financial aspects of that?

9 A. You could conclude that.

10 Q. General, the next exhibit -- oh.

11 JUDGE ANTONETTI: [Interpretation] I would like to come back to
12 this document. First of all, in November, specifically November 2nd, did
13 you know in your capacity as commander of the HVO that the Serb side was
14 supplying military equipment, namely weapons, and two tanks, there are
15 two tanks, one is clearly not in running order, is obsolete. Did you
16 know this?

17 A. [Indiscernible]

18 JUDGE ANTONETTI: [Interpretation] Good. So you did know it. So
19 let us try to step back now. And here I'm not speaking to you in your
20 capacity as General, I'm speaking to you as a person who was at one point
21 a deputy minister of defence in the Croat Republic **and who understands**
22 the issues at hand. How do you explain this politically speaking, in
23 political terms, at that time?

24 THE WITNESS: [Interpretation] It was difficult for one very
25 simple reason, and that is that you cannot, as commander of an army,

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1 leave the wounded people untreated, and you cannot allow anybody who is
2 attacking you to take some territory, expel the people, if you have any
3 means at your disposal to obtain at a very high price the necessary
4 materiel and equipment that might prevent it. So I still maintain what I
5 said before. They started that before, and I approved it. I wasn't
6 aware of the quantities, however. So from the political point of view it
7 was very complicated, but at that time I was the commander of the Main

8 Staff, and the United Nations did not label the Army of Republika Srpska
9 as a criminal organisation, a crime syndicate which would prevent me from
10 obtaining from them weapons in order to defend myself, to defend an area
11 that was under attack and to help the HVO that was defending it. I could
12 have gone to anywhere else in Europe **to do so.**

13 JUDGE ANTONETTI: [Interpretation] I would like to ask a slightly
14 more complicated question. We have a document which contains a list of
15 the equipment. At first glance this is costly, tanks, mortars, and so
16 on. This costs money. You have said that as far as payment is concerned
17 it may be the Department of Defence that will implement payment even
18 though we know, because we heard several witnesses speak to this, we know
19 that there was a prepared annual budget at the time for Herceg-Bosna, so
20 that this was something that had to be factored into the budget.

21 This is not what I intend to address with my question. If the XY
22 side, the Serbs, are to supply or were to supply this equipment, does
23 this mean that in terms of Republika Srpska, at this highest level,
24 Karadzic, Mladic, were informed of this, or was this done behind their
25 back by corrupt military officers who, behind the backs of the

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1 politicians, were engaging in this type of arms trafficking?

2 THE WITNESS: [Interpretation] Your Honour, I cannot answer that
3 question. I know that -- well, I remember well that the prices were
4 extremely, enormously high and that as far as I know, at least 80 per
5 cent of the costs for the treatment and procurement was paid by the
6 people from the Vares municipality. They collected the money in all

7 kinds of ways, from abroad and so on. And I think that we had a witness
8 who testified here and who explained how and to whom they took the money
9 and who was aware of it on the Republika Srpska Army side, and how high
10 it went. I really don't have any facts that I could share with you now.

11 JUDGE ANTONETTI: [Interpretation] I understood, if I am not
12 mistaken, that you said that during this period, July, August, September,
13 October, you had remained on the front because there was a front that was
14 200 kilometres long, fighting was taking place, and you were truly in the
15 front line facing the enemy.

16 I understood through what you have said and I drew the conclusion
17 that at times you were squaring off or facing off with the Serbs and
18 sometimes with the Muslims because the front was fairly long. I can
19 concluded -- I can conclude that during this period from July to October
20 at times there was some fighting with the Serb side.

21 Can you confirm that during this period there was fighting with
22 Serbs?

23 THE WITNESS: [Interpretation] Yes, I can.

24 JUDGE ANTONETTI: [Interpretation] So we find ourselves in the
25 very extraordinary situation, and it may be the first time that has been

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1 seen in the history of war where the belligerent parties are passing,
2 either directly or indirectly, weapons. For example, tanks. We have two
3 tanks, one of which is in operating order. What does that mean? The
4 tank is taken, it's put in position, and one shoots at the Serbs. In
5 other words, one is shooting at those who procured the tank or who ceded

6 the tank. Is that possible, or is that completely unthinkable,
7 inconceivable?

8 THE WITNESS: [Interpretation] No. First of all, it all started
9 in October, not before that. When the BH Army launched its offensive on
10 Vares, that's when it started. That's when the co-operation started as
11 an effort in the defence, this effort to procure the weapons. As they
12 were isolated and the tanks, one of them was out of order, the other one
13 was functioning, they could defend the territory only against the BH
14 Army.

15 Well, I couldn't have used it in any way to fight the Serbs, that
16 specific tank. Other tanks were used, but not that one.

17 The situation, Your Honours, was very complicated if you take
18 into account the fact that in the Bihac area the Muslim army of Fikret
19 Abdic fought at the BH Army. Unfortunately, every part of Bosnia **and**
20 Herzegovina **had its own specificities and peculiarities and those**
21 problems had to be solved at the level -- at the local level, and
22 globally there were always attempts to reach peace between the BH Army
23 and the HVO in areas where the BH Army was attacking, because more than
24 ten full-strength HVO brigades were fighting at the very same time
25 together with the BH Army against the Republika Srpska Army under the

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1 BH Army command. I drew all that on the map when we had the former
2 member of the BH Presidency, Mr. Kljucic, here. I can list them for you:
3 Sarajevo, Tuzla, Usora, Posavina, Bihac, and so on.

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

6 Q. Just one follow-up question on that, General. During the time
7 that you were commander of the HVO Main Staff, or at any time were you
8 aware that General Mladic with the VRS had to personally approve the
9 movement of HVO personnel through VRS-held territory?

10 A. No, I don't have any such information. On several occasions
11 approval was granted for the movement of those HVO troops and the people
12 who lost the fight, such as, for instance, in Travnik, and they were
13 retreating through the territory controlled by the VRS, the Republika
14 Srpska Army. And then after Bugojno, a good part of the people and of
15 the troops again had to flee in the face of the aggression by the BH Army
16 through -- or, rather, they fled to the Serbs, sort to speak. And then
17 some talks were held and so on.

18 JUDGE ANTONETTI: [Interpretation] [No interpretation] The
19 document that we see on weapons shows -- the document on weapons shows
20 that there is co-operation. Some may wonder why bother insisting or
21 dwelling on this question, but when one knows all of the case, one may
22 wonder when the Ivica Rajic conducts the operation in Stupni Do, and they
23 require the authorisation of the Serb side to go through the territory.
24 At that time, authorisation is given to go through the territory because
25 there already is a form of co-operation as concerns weapons, and Ivica

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1 Rajic who knows a lot about this, as the document is from him, when he
2 asks the Serb side to get authorisation to go through the territory to

3 reach Stupni Do, the Serb side -- the Serb side says, "Yes. Go ahead."

4 What do you think of this?

5 THE WITNESS: [Interpretation] It is true that Ivica Rajic
6 travelling from Kiseljak to Vares had to pass through the territory
7 controlled by the VRS, as far as I know, but this co-operation was not
8 co-operation like you would have among friends. Everything was paid for.
9 So it was a market thing. Well, even -- it was higher than the market
10 price, in fact. And secondly, it was in the interest of the Serb side
11 for the Croats in Vares to fight their enemy, because -- and that's why
12 they assisted by letting the HVO soldiers through to die there, because
13 once Vares fell, they were the next in line for an attack. So it was a
14 very logical, pragmatic military situation. So you always have to give
15 another side to fight your enemy, and the BH Army was their enemy. It
16 was quite clear as it was to us, but unfortunately you had two interested
17 parties here, the HVO. It was in my interest as the commander for Vares
18 not to fall, and the Serbs had the same interest. They didn't want me to
19 lose this position. I didn't want to lose the position, because people
20 would have to flee, and they had a different interest. If Vares fell,
21 then the BH Army Corps would attack them. They were the first in line
22 for an attack.

23 MR. STRINGER:

24 Q. General, I want to move on to the next topic here. We have not
25 talked about the use of the Muslim prisoners for forced labour, and I

1 want to take you to Exhibit P06937. It should be the next document in

2 your binder. And I know, General, that you claim -- you said this on the
3 23rd of June here. You claim that this document does not bear your
4 signature and that it is a false document, at least to the extent it
5 indicates that you approved of the taking away of these 40 prisoners from
6 the Heliostrom on the 8th of November, 1993.

7 Do I correctly understand your testimony on that, General?

8 A. Yes, Mr. Stringer. This is a clear-cut forgery. I never ever
9 approved the taking out of prisoners --

10 Q. So you --

11 A. -- anywhere, prisoners that were taken to do some work then.

12 Q. So you're saying you did not approve someone else to put your
13 signature on this document for you?

14 A. No, sir. I claim that this is a clear cut forgery that was
15 produced for I don't know what reason. On the 8th of November, they were
16 taken out and I was not there at all, and I claim that this was a
17 forgery, that somebody simply forged the signature, took it from
18 somewhere. General Slobodan Praljak, well, there's always something
19 typewritten. This is a forgery. This was copied from another document
20 with another stamp. Well, I don't know.

21 Q. General, can we agree that this document bears two stamps? The
22 first stamp, the upper stamp, being the stamp of the military police next
23 to the name of Mijo Jelic, and then the stamp underneath that is the
24 stamp of the HVO Main Staff; correct?

25 A. That's correct.

1 Q. So that if this was forged, General, you claim it was forged by
2 someone in your own Main Staff?

3 A. Well, sir, it's impossible to forge my signature in the
4 Main Staff. I don't know who forged it. I simply know that
5 unfortunately earlier on regarding the trial and the Tribunal lots of
6 services were trying to fabricate documents that actually had not existed
7 at the time of the events --

8 Q. General --

9 A. -- but were produced later on and I don't want to speculate now
10 who it was.

11 Q. So you're suggesting that the document may have been prepared
12 sometime after the 8th of November, 1993. Is that what you're telling
13 us?

14 A. No, sir. I don't want to say when this document was drafted. I
15 simply want to say that this document or any document of a similar kind
16 was never signed by me, ever. And secondly, on the 8th of November,
17 which is the time in question, I was not in Citluk. I was not in the
18 Main Staff. As other evidence will show, I came later, and I don't know
19 in what period this was done. I'm talking only about my signature, when
20 these elements that concern me, were added to this document.

21 Q. Okay. General, now, to stay with this specific order, I want to
22 take you to the next exhibit, P02642, 2642. And, General, this is a
23 log-book referencing orders for the release of POWs to work, and I'd like
24 to direct your attention, General, to item 407 in this log-book, which in
25 your version is on the page ending with the number 7502. Page 17 of the

1 English, item 407.

2 So, General, we can go back and look at the previous document,
3 the order itself, and the order bears the file number 02-717/93, and
4 indeed, General, what we see in this log-book now is a specific reference
5 to this order among lots of other orders that are contained in this book.

6 So, General, the fact is that whoever allegedly forged this order
7 on taking the prisoners to work would also have had to somehow modify or
8 forge the HVO's own logbooks setting out all the orders for prisoners to
9 work; isn't that true?

10 A. No. No. This is -- I don't know when this log-book was created.
11 It's the log-book of the military police administration, and it is quite
12 probable that somebody brought this order of this kind here and then just
13 made the entry, the appropriate entry, but this has nothing to do with
14 it. On that day, I was not in the Main Staff at the relevant time, and
15 in the 422 or 500 -- well, on the 8th -- on the 8th when I was not there,
16 somebody planted this one on me. No, Mr. Stringer.

17 Q. All right. And whoever did that had access to the Main Staff's
18 stamp that they used to affix the stamp onto the order itself. So,
19 General, for us to believe your story, we have to believe that this
20 happened from inside the Main Staff on or about the 8th of November,
21 1993; isn't that true?

22 A. No, that's not true. When something is forged -- well, I kept
23 asking myself why there's this number 2 and not 1 on this stamp. We
24 discussed it. Well, it's easy to copy the stamp, and it's easy to copy

25 my signature. Somebody simply took the Main Staff stamp with number 2

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1 from some other document. I really don't know what that means. I don't
2 it, but I was not at that time there, and I did not sign any such
3 approvals ever.

4 MR. STRINGER: Mr. President, I've finished my questions on this
5 one.

6 JUDGE ANTONETTI: [Interpretation] General, I told you I would
7 have a few questions on the maps. Before we begin with the maps --

8 MR. STRINGER: I apologise, Mr. President. I've finished with
9 this couple of documents. I still got a little more cross-examination
10 left. I apologise. I didn't know if the Trial Chamber had any questions
11 on this --

12 JUDGE ANTONETTI: [Interpretation] Sorry. I thought you were
13 finished. Please then go ahead, and I shall return to this later on.

14 MR. STRINGER:

15 Q. General, I just wanted to pass back a bit to an issue we
16 discussed a bit at an earlier part in your cross-examination, although I
17 think I failed to get our record clear enough on it, so I want to come
18 back, and this relates to the Convicts Battalion and its status in
19 respect of the HVO, and so I want to take you back to the chart that you
20 made when you testified in the Naletilic case, Exhibit P09324, and also
21 the transcript of your testimony in that case, which we've marked as an
22 exhibit here as P10980.

23 So this is in Sanction so that we can put it up, the transcript

24 on, on everybody's screens.

25 General, I just want to read from two pages of your testimony in

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1 the Naletilic case when you were talking about this chart and making your
2 markings on, and this is at page 9573 of the Naletilic transcript. I'm
3 going to begin on line 21 where Mr. Seric begins taking. Mr. Seric was
4 the lawyer at the time for Vinko Martinovic and he says:

5 "Mr. President, since the title says that this is the diagram of
6 the HVO structure from 1993, and we have the witness's precise answer
7 when that was, I think it would be fair to him to also put the date next
8 to this box, the date when he assumed his duty."

9 And then Mr. Scott said:

10 "I agree with that. "

11 And then the Presiding Judge, Judge Liu, agreed. So then
12 Mr. Scott asked you, General, the following, this is line 4 of the next
13 page:

14 "All right, sir. Thank you. That's exactly why I'm asking you
15 to look at this chart, to avoid confusion, because in the box it says
16 'supreme commander.' But that may have been misinterpreted to be chief
17 commander, or whatever you -- Chief of the Main Staff. So when in this
18 chart it says 'supreme commander,' as of the date you've now written, the
19 27th of July, 1993, who was that?"

20 And, General, your answer is:

21 "Mr. Mate Boban."

22 And then we see you write that on the chart. And we can see

23 you're writing on the chart as we're looking at the exhibit now.

24 And then you're asked by Mr. Scott:

25 "And as of July 27, 1993, what was the -- whatever term you want,

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1 minister or secretary of the Defence Department?"

2 And your answer:

3 "Mr. Bruno Stojic."

4 Mr. Scott asked you to please write that on the chart, which you
5 do. Then Mr. Scott says:

6 "Now, can you tell us, please, looking at this chart, can you
7 tell us where the Convicts Battalion fits on this chart?"

8 And the transcript tells us that you indicate, you point.

9 Mr. Scott says:

10 "Can you mark that, please? Why don't you put K -- well, you can
11 put whatever you like. I suggest you might put KB."

12 And then you marked on the chart.

13 Now, I'm going to stop there. Mr. Scott goes on to ask you about
14 Mladen Naletilic and where he would appear on the chart, and I'm not
15 interested in that today, General. I just want you to confirm for us,
16 please, that when you wrote KB on the chart here, P09324, you were making
17 reference to the Convicts Battalion as of the 27th of July, 1993.

18 A. The -- the time that I was asked that, at that time the
19 Convicts Battalion, at that time -- well, it's how I said it. That's how
20 it was.

21 Q. All right. Thank you. Now, General, I'm ready to move to the

22 last exhibit of this cross-examination.

23 JUDGE TRECHSEL: May I -- sorry, I think the record is not
24 entirely clear. The answer was not quite clear.

25 The question, I think, refers to the 27th of July, 1993, and the

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1 answer says:

2 "At the time, well, it's -- the time that I was asked that." And
3 the time that the witness was asked that was the time of the hearing in
4 the Tuta-Stela case. So I want you to be precise. Mr. Praljak, you
5 affirm that the organisation as indicated on document P09324 was that
6 which prevailed on 27th of July, 1993.

7 THE WITNESS: [Interpretation] No, Judge Trechsel, Your Honour. I
8 wouldn't put it that way. It's -- well, I came in to testify about
9 something quite different, and then somebody put this. Now, when I look
10 at the special purpose units, they're placed in the same box as the
11 professional units. Now, professional units, of course, were units under
12 the command of the Main Staff, but not all of them. So this kind of
13 examination with suggestions and so on, I'm not going to go back on my
14 words, but I'm not going to testify and say that I had time -- or,
15 rather, if I had time to draw a diagram of what the whole set-up looked
16 like from the main command and staff, no, I'm not going to do that or say
17 that.

18 What I was asked was: Is Mate Boban the supreme commander. Yes,
19 he is. And was Mr. Bruno Stojic the head of the Defence Department at
20 the time? Yes. Where was the ATG? It was in the Special Purpose area,

21 and I wasn't asked anything more than that. So that's it.

22 Whether the certain units -- Special Purpose Units were separate
23 and who commanded them and who commanded the professional units, there
24 weren't questions of that kind and so everything remains masked.

25 JUDGE TRECHSEL: I would rather like to unmask, Mr. Praljak.

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1 When you said Naletilic -- no, not the -- the Kinder Battalion -- the
2 Convicts Battalion belonged to those special units, you were referring to
3 a specific moment in time, namely the 27th of July, 1993? Yes or no?

4 THE WITNESS: [Interpretation] To the best of my knowledge, at the
5 time I was convinced that had it existed and that it belonged somewhere.
6 Now, as I had and didn't want to have anything to do about with that man
7 or anything he was in charge of after that time, then I can say in quite
8 precise terms that he wasn't under my command. Now, who's command he was
9 under --

10 JUDGE TRECHSEL: Once again, Mr. Praljak, would you be so kind as
11 to answer my question? I have not asked you whether he was under your
12 command. Maybe I must understand you as saying that you simply do not
13 remember what you were saying then and what you meant when you were
14 answering the question of Mr. Scott in Tuta-Stela with regard to this
15 Kinder Battalion. Is that what I must understand? You don't know any
16 more whether you were saying that this was the situation on the 27th of
17 July.

18 MR. STINGER: Excuse me, Judge, I apologise for interrupting, but
19 again you said Kinder Battalion --

20 JUDGE TRECHSEL: Ah, I'm sorry, thank you, yes.

21 MR. STRINGER: And that's a different unit that needs to be
22 distinguished.

23 JUDGE TRECHSEL: Ah, yes. Convict. Convict. I find it
24 difficult to put the K at the head of convict.

25 JUDGE ANTONETTI: [Interpretation] General Praljak, I was

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1 listening to Mr. -- my fellow Judge, Mr. Stringer, and my -- and your
2 answers, but I was also looking at the very professional questions put to
3 you by Mr. Scott during that -- during his examination. Very
4 professional. He was asking you very specific question, and you were to
5 answer him, and you answer him. And on this document that we all have
6 here on the screen, you know, he asked you to mark a number things, which
7 you do. But then on page 9574, line 24 I note the following: Mr. Scott,
8 in a very professional fashion, is asking you questions on Mladen
9 Naletilic.

10 You were a witness in the Naletilic case, and he is asking you
11 where Naletilic fits in on this organisational chart. That's the
12 question he is putting to you at the time.

13 Theoretically, since you already answered all his questions, you
14 were probably going to put Naletilic some place in the organisational
15 chart, but this is your answer. You're saying, Mladen Naletilic, Tuta,
16 was not the commander of the Convicts Battalion, and I don't really know
17 where he fits in in this organisational chart. In a nutshell, that's
18 your answer. So we have a very specific question put by Mr. Scott on

19 Naletilic, and we have a very specific answer from you. According to
20 you, Tuta was not the commander, and since he was not commanding the
21 battalion, he cannot be placed in this organisational chart.

22 Do you remember this answer that you had put to -- that you had
23 given Mr. Scott? I mean, it's noted on the transcript, but I want to
24 make sure that you remember what you said at the time.

25 THE WITNESS: [Interpretation] That's quite certainly what my

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1 answer was, Your Honours. However, if I was to answer that question
2 today, I would say that according to my information, that most probably
3 that's where it was.

4 Now, this Convicts Battalion, when it took part in the liberation
5 of Mostar, Tuta -- Tuta wasn't the commander. I don't want to justify
6 myself or say that there was even a single little lie, but maybe I wasn't
7 precise enough. Of course, with the best intentions in mind. What I
8 remember, or, rather, I knew at the time that he wasn't the commander of
9 what was then called the Convicts Battalion, although they called
10 themselves the Tutic's men, the Convicts, whatever, and some other names
11 they used.

12 JUDGE ANTONETTI: [Interpretation] Very well. So at the time
13 either you were telling the truth or you were lying, but you were under
14 oath. So I assume you were telling the truth.

15 If Naletilic had been the commander of the KB, would you have
16 marked under KB something? You know, maybe a circle with "Tuta" written
17 in it or something. If he had been the commander of the KB, would you

18 have marked the document in that fashion?

19 THE WITNESS: [Interpretation] I wasn't lying then, and I'm not
20 lying now, not at all. I would have written in that the
21 Convicts Battalion existed and most probably Tuta was in command. I
22 would also sign and say that it wasn't under the Main Staff. That is
23 what I would sign up to.

24 JUDGE ANTONETTI: [Interpretation] You answer Mr. Scott by saying
25 that the commander was not Naletilic. He maybe should have asked you who

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1 was the commander then if it wasn't Naletilic.

2 I'm putting it to you now. Who was the commander of the Convicts
3 Battalion at the time?

4 THE WITNESS: [Interpretation] Now, the time 1992 when the
5 Convicts Battalion was under the command of Andabak, that's when I said
6 Tuta wasn't the commander. I sort of reduced the time.

7 I don't know who was the commander at the time, and this was a
8 year later. So I seem to join two facts. When Andabak was the commander
9 of the Convicts Battalion, when I agreed on the operation at Orlovac with
10 him, and I seemed to have put the two things together. And I also made a
11 mistake. I exaggerated to Mr. Scott when I said that I came on the 27th.
12 I came on the 24th. 1993, that is.

13 Now, there are always possible mistakes can make but not lies.
14 Lies do not exist. They is imprecisions in the time periods and time
15 frames and time perhaps.

16 JUDGE ANTONETTI: [Interpretation] So this organisational chart

17 that we have here on the screen which is marked by you, well, we
18 shouldn't read the September -- we shouldn't read 27/07, we should read
19 the 24/07. The supreme commander is Mate Boban and then there's
20 Bruno Stojic, and then you take your post as the HVO -- chief of the HVO
21 Main Staff, and regarding the Convicts Battalion, you have no idea who
22 the commander was. You know that in 1992 it was Andabak but on July 24th
23 you have no idea who the person might be. Is that it?

24 THE WITNESS: [Interpretation] That's right. That's quite right.
25 Yes. So it should be corrected to read the 24th and everything else is

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1 as you have put it.

2 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

3 MR. STRINGER:

4 Q. General, again as I indicated, for purposes of this discussion
5 I'm not interested in who the commander of the Convicts Battalion was or
6 who you think it was or whether you know who it was.

7 Can we agree to this, General: That on the -- on Friday, the 5th
8 of April, 2002, when you were sitting at that very spot in this
9 courtroom, testifying under oath, that you wrote KB in this place on this
10 chart? Can we agree to that?

11 A. I agree with that. I agree that I put that in at the time that
12 you stated.

13 Q. All right. All right. Thank you.

14 MR. STRINGER: I'm ready to move to my final document,
15 Mr. President.

16 Q. General, on the 14th of July of this year you were being asked
17 questions about the presence of members of the Croatian Army within the
18 ranks of the HVO, and I was asking you about the southern front, and we
19 were looking at a document, P03667, which is not in the binder. It's the
20 one that had a reference to parents protesting their children being sent
21 to the southern front, and on page 43015 of the transcript you said,
22 line 2:

23 "It says here that there were spontaneous rallies and protests,
24 but I repeat, nobody came to the HVO to fight without being a volunteer.
25 As I've already said several times and I've shown you in the documents,

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1 they could possibly refuse an order of that kind without any military
2 consequences."

3 Now, General, I want you to look at P11033, because I'm going to
4 challenge that assertion that you made in your testimony with this
5 document, and you will recall earlier on your cross-examination that we
6 were looking at various documents from Brigadier Kapular of the
7 Croatian Army.

8 General, this is the 27th of November, 1993. So this is shortly
9 after you resigned the position as commander of the HVO.

10 After a long list of names of members of the
11 4th Motorised Brigade, Commander Kapular, this document says, they bear
12 responsibility for refusing to obey the order on marching of the unit to
13 the southern front on the 2nd October 1993 and 11th November 1993 as
14 members of the 4th Motorised Brigade. It goes on to say that all of

15 these people are going to have disciplinary measure of a 20 per cent
16 salary reduction over three months based on their refusal to obey the
17 order. And it goes on to discuss some additional people for whom
18 disciplinary measures are not imposed.

19 And then the document continues on with a section, this is page 3
20 of the English, of a statement of reasons, and in the fourth paragraph
21 under the statement of reasons Kapular writes:

22 "One of the basic duties of the guardsmen is to perform all tasks
23 without questioning them, scrupulously, independently, efficaciously and
24 professionally, as well as to be ready for personal sacrifices and
25 professional risks, so I consider that in the concrete case there was no

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1 place for subjective attitude towards the order that was the subject
2 matter of the disciplinary violations ..."

3 So, General, what that tells us is that on these two relevant
4 dates, the 2nd of October, 1993, and the 11th of November, these members
5 of the 4th Motorised Brigade, or at some point shortly before, these
6 members, these HV soldiers, received an order to go to the southern
7 front; correct?

8 A. Of the HV, not the HVO.

9 Q. Well, the fact is, General, that the -- "southern front" was the
10 terminology used within the HV in order to send its personnel down into
11 Bosnia-Herzegovina so that it could regulate their status as HV members
12 who were part of the HVO. Isn't that true?

13 A. Not the way you're saying it. The southern front was the

14 southern front of the Croatian Army, and it included territory from Split
15 to the south, Prevlaka and Dubrovnik. **And it's also correct that the**
16 volunteers, through -- being sent through the southern front secured what
17 I was talking about; however, in this document, in no way is there any
18 mention as to why and how and where those people were sent.

19 Q. Let me --

20 A. Please. It doesn't say that anywhere.

21 Q. Well, I'm going to put to you that what this tells us is that we
22 have these individuals who were, in fact, ordered to go down to fight
23 with the HVO in Bosnia-Herzegovina. They refused to do so, and that
24 despite what you've said in your testimony, they did suffer consequences
25 as a result of that refusal. Isn't that really how it was?

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1 A. No, it's not. I don't see any possibility of a commander of the
2 5th Guards Brigade, Ivan Kapular, to issue an order to people from the
3 4th Guards Brigade and to punish the members of the 4th Guards Brigade.
4 And I simply don't see that anywhere. It doesn't say anywhere that they
5 left and how can he be in control and command the 4th Guards Brigade
6 which is in Split **whereas he's in Vinkovci 3, 4, 500 kilometres away.**

7 Q. Well, General, the fact is that the southern front was HVO in BiH
8 and that these individuals were ordered to go, not volunteers; correct?

9 A. That is not correct. It is incorrect, and you can't see that and
10 say that from any of the documents here. Why they didn't carry something
11 out, you can't see that from this document. And I claim that nobody was
12 punished because they were all volunteers. So nobody suffered any

13 consequences.

14 MR. STRINGER: Mr. President. This completes our
15 cross-examination. Thank you.

16 JUDGE ANTONETTI: [Interpretation] Very well. Let's have a break.
17 We will reconvene in 20 minutes.

18 --- Recess taken at 3.36 p.m.

19 --- On resuming at 4.02 p.m.

20 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

21 MR. STRINGER: Mr. President, over the break we've prepared a
22 cheat sheet or just something that we think sets out the history in terms
23 of that videotape that was being discussed at the beginning, and so if we
24 could distribute this around. We gave one to your court officer, but
25 then since then we had one correction to make on something, so we can do

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1 this now or we can just do it outside the courtroom and everybody can go
2 away and look at it.

3 JUDGE ANTONETTI: [Interpretation] The Trial Chamber obtained this
4 document, the document that you also gave to all Defence teams, and when
5 we read this document, we note that this video was handed over to you by
6 Witness Saric. That goes without saying. However, your document does
7 not say who actually shot the scene, who put it on camera. We don't know
8 that.

9 MR. STRINGER: Mr. President, I think that information is
10 contained in the Rule 92 bis statement by Mr. Saric, and that's in -- in
11 fact, I don't know, does the Defence have this, because I can give it to

12 the Registrar and we can pass it around.

13 In the third paragraph, this is part of when Mr. Flynn was
14 explaining the video. And in his 92 bis statement, Saric said, "I'm
15 handing over to you a one-and-a-half-hour video cassette that I
16 personally recorded of different programmes broadcast by the Croatian HTV
17 in Mostar in 1993. In the recordings, there are a view of the Mostar
18 Bridge before the war and when it was destroyed.

19 So, Mr. President, the answer in terms of who recorded it is
20 contained in the 92 bis statement of Mr. Saric, which is Exhibit Number
21 P10143.

22 JUDGE ANTONETTI: [Interpretation] Very well. So in Mr. Saric, in
23 his 92 bis statement hands over to the OTP a video cassette which is an
24 hour and a half long, saying that this was recorded from HTV, Croat
25 television in Mostar, in 1993. That's all we have; right? Is that it?

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1 Mr. Stringer should answer. [In English] It's correct.

2 MR. STRINGER: That's correct. And just for the record,
3 Mr. Saric did not testify in the trial as a viva voce witness. He
4 appeared only via rule 92 bis.

5 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you wanted to add
6 something, and then we'll move to something else. What did you want to
7 say on these videos?

8 THE INTERPRETER: Microphone for the witness, please.

9 THE WITNESS: [Interpretation] I asked for the tapes. I looked
10 for them for a long time and persistently, and what is now being

11 presented here is complete confusion.

12 The recording that we saw where you ascertained that between the
13 smoke and the explosion in the most -- in the bridge and the collapse of
14 the bridge that there is an intervening period of a couple of minutes.
15 That footage was recorded by an English soldier, and according to the
16 statement that I quote in my book, he took the tape to Sarajevo under BH
17 Army military police escort with a promise that it would be broadcast in
18 Sarajevo, and then he boarded a plane and he left. He edited it, cut it
19 short, and it was broadcast on BBC and other channels, and then it was
20 picked up again.

21 The Croatian TV did not record any footage down there. What
22 Mr. Saric is talking about is a compilation of another tape that was
23 recorded by a Muslim, and it's -- the quality's much worse because
24 it's -- it's been re-taped and re-taped and re-taped. It's a copy of a
25 copy of a copy.

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1 The footage that we saw, in accordance with the very specific
2 statement by the BH Army was done by an English soldier whose nickname
3 was Shote [phoen]. I know his name, because I asked German journalist
4 who was investigating the destruction of the Old Bridge **to get in touch**
5 with him, and everything was said and done. I can give you very specific
6 information as to who recorded the first tape and who recorded the second
7 tape, and what was taken over by specific TV channels. The Croatian TV
8 did not record any footage down there, there were two cameras recording

9 down there, but this is a complete mess and confusion and it's all
10 incorrect.

11 JUDGE ANTONETTI: [Interpretation] Very well. Your position is
12 noted down. It's on the transcript. You're saying that you challenge
13 the fact that this is footage from Croatian television. According to
14 you, this was shot by a British soldier. You actually give us his name,
15 and you know this through a German reporter who told you so. It's on the
16 transcript. Thank you.

17 THE WITNESS: [Interpretation] An even more important piece of
18 information: It was published in Oslobodjenje newspaper. It was a press
19 release by the BH Army specifying how this man recorded this footage, you
20 how he reached Sarajevo **under military police escort and did not allow**
21 the Sarajevo TV to broadcast it but took it on a plane and then
22 broadcasted it on some other channel, and this is all in my book, the
23 date of the press release and where it was published and the wording of
24 it.

25 JUDGE ANTONETTI: [Interpretation] General, Praljak, let's now

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1 move to additional questions, but I believe that my fellow Judge would
2 like the floor.

3 JUDGE TRECHSEL: Thank you, Mr. President. Yes, Mr. Praljak, I'm
4 a bit confused because it seems to me not so long ago this afternoon you
5 told us that one of the videos was not known to you, available to you for
6 the expert opinion of -- of your expert, and now you tell us that you
7 have known everything and put it all in your book. I seem to denote a

8 certain contradiction. Probably I misunderstood something. I would be
9 grateful if you could explain.

10 THE WITNESS: [Interpretation] Gladly, Your Honour Judge Trechsel.

11 I'm talking about the videotape that we saw yesterday, and the
12 one that His Honour Judge Antonetti was taking about, and that's with a
13 great degree of probability, having some knowledge of the job, the
14 English soldier that recorded the footage took it, and it was broadcast,
15 Your Honour Judge Trechsel, on public TV channels, but the only thing is
16 that a piece was cut out between the water fountain and the collapse of
17 the bridge. Why? Because no big TV house wants to devote two minutes of
18 it -- of its time to such an event. And this edited tape, the tape that
19 was publicly broadcast, was at my disposal -- or, rather, the expert had
20 it at his disposal. He also had another tape, a tape that was taken by a
21 witness, a Muslim. We also have it here. What the expert did not have
22 is the two minutes, or I don't know how long it is, the intervening two
23 minutes between the water fountain and the collapse of the bridge. That
24 part was not broadcast on any public TV. So now I'm asking the question
25 this tape that came here, that's the original, that was not broadcast on

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1 TV, and it reached this place through some different channels, and those
2 channels are rather problematic.

3 JUDGE TRECHSEL: Thank you. Thank you. You've absolutely
4 answered my question.

5 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak, as
6 of next week you will no longer be a witness. Your testimony will be

7 over. Normally it should be over Thursday after Mr. Kovacic puts some
8 redirect to you. However, I have a few questions for you, and after that
9 I'll no longer have the opportunity to put these questions to you, so
10 I'll do it now. I want to put questions to you on maps. We'll come back
11 to this in a minute, but I have a technical question first.

12 Questioned by the Court:

13 JUDGE ANTONETTI: [Interpretation] I'm using this opportunity to
14 put this question to you right now. I read very carefully the report you
15 made by the expert that you share with Mr. Petkovic, Mr. Gorjanc - excuse
16 me for not pronouncing his name correctly - and we'll be hearing this
17 expert witness during the Petkovic case but it's an expert that you share
18 with the Petkovic Defence.

19 I was looking at all the documents used to back this expert's
20 report. There's three whole volumes of documents, and I found a document
21 that was -- brought a question to me. It's 3D2591. I believe that it's
22 been downloaded -- or uploaded, so we can probably see it on the screen.
23 3D2591, please.

24 We have it here on the screen. It's an interim report coming
25 from the Electronic Operations Centre of the HVO Main Staff, and it's

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1 dated September 21, 1993, which is a time where you were commander of the
2 HVO.

3 When you were commander of the HVO, were you aware of the
4 existence of this department that was tapping conversations or tapping
5 radio conversations or telephone conversations?

6 Here obviously are these radio conversations that are tapped.

7 Were you aware of this?

8 A. I did know, Judge Antonetti, Your Honour.

9 JUDGE ANTONETTI: [Interpretation] Very well. Here -- I won't go
10 into details -- but here it's a conversation between Zuka and Alija
11 Izetbegovic that was tapped. However, what -- Izetbegovic's words are
12 not tapped because they don't have the transmission frequency used by
13 Izetbegovic. So -- however, they were able to record Zuka's words.

14 Therefore, you're telling us that the HVO was able, technically,
15 to eavesdrop on conversations.

16 At your command level were you able to use all this to get
17 information on what the enemy was about to do, BiH Army, for example, or
18 possibly the VRS?

19 A. There were possibilities for a certain number of intercepts of
20 conversations, not all of them. Some were protected, unfortunately or by
21 chance. The BH Army, because it had more money, it had better devices
22 for communication, more than the HVO, and the document that I showed was
23 introduced with permission from the HVO. Jasmin Jaganjac has a whole set
24 of documents to that effect, but we did have certain -- a certain amount
25 of success in intercepting certain conversations and, of course, that

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1 information from VOS, V-O-S, and Mr. Keza who was head of VOS attached to
2 the Main Staff, I would receive -- I received information, and I can say
3 that that information was relatively -- relatively good and correct.

4 THE INTERPRETER: Microphone, Your Honour, please.

5 JUDGE ANTONETTI: [Interpretation] Thank you for your answer.

6 I would now like to turn to the maps. The last document that was
7 shown by the Prosecutor, P11033 fully warrants the need to have before us
8 maps showing the position of different military units. In the documents
9 that were established in Vinkovci by Kapular, we have seen that soldiers
10 from the 4th Motorised Brigade are unwilling to go to the south front of
11 the Croatian republic. What is this, a flank? Precisely. Maybe with
12 the aid of maps we will be able to see later on what exactly this means.

13 During cross-examination we saw several documents such that I
14 believed it would be useful to have maps to better understand.
15 Notwithstanding this, re-reading the indictment and the pre-trial brief,
16 there are many references to military positions. Just to give one
17 example, in paragraph 18 of the pre-trial brief it is stated that in
18 September 1991, Croatia **was at war with the nationalist Serb forces, and**
19 this begs the question as to where the belligerent parties were
20 positioned.

21 In paragraph 28, the Prosecutor talks about the first bouts of
22 fighting in Travnik and Prozor. So here again, it would be very
23 worthwhile to know exactly where the forces were positioned.

24 In paragraph 33 of said brief, the Prosecutor says that in April
25 there was a deadline set for April 15th, that thereafter military

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1 operations were conducted, and from April 16th to April 18th of 1993
2 there were 30 attacks launched against towns and villages, and OTP says
3 that in Ahmici on April 30th, Sovici, Doljani on April 17th, Parcani,

4 Lizoperci and Toscanica - and I do apologise for my pronunciation - from
5 April 17th to 19th. Altogether, 30 towns and villages that were
6 attacked. So it would be very useful to see this on a map.

7 The Prosecutor in paragraph 35 says that on May 9th and 10th the
8 HVO and Herceg-Bosna forces attacked Bosnian monuments in Mostar, and the
9 OTP goes on to say that as early as June of 1993, Herceg-Bosna forces and
10 HVO forces started -- or laid siege to Mostar East and that the siege
11 lasted until April 1994. This would be indicated in paragraph 34.

12 In paragraph 36, OTP then goes on to say that following an attack
13 of the BiH against an HVO camp in a northern part of Mostar, and here we
14 discover that such attacks take place as is written by the Prosecutor, so
15 here again, it would be very useful to see where the BiH was positioned
16 at the time of this attack. Maybe we will get an answer to this question
17 later on.

18 In paragraph 37 OTP states that in early July Herceg-Bosna's
19 forces, either with the support and the participation of the government
20 and the armed forces of the republic, the Croatian republic, launched a
21 large scale campaign that was aimed at attacking, arresting, and
22 detaining Bosnian Muslims. That's paragraph 37.

23 Then OTP continues in paragraph 38, and here I'm quoting
24 directly:

25 "The HVO and Herceg-Bosna operations were taking place according

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1 to the following lines. Muslim were is arrested, then attacks are
2 launched against the towns and villages. This is the modus operandi."

3 All of this is in paragraph 38.

4 Reading this and based on all the exhibits we have seen so far, I
5 raise the question, the following question: For our better
6 understanding, it would be useful to have maps in order to visualise all
7 of the events I just referred to. This is why I have asked you to
8 prepare maps for us that would show us the positioning of the JNA in
9 1991, 1992, and 1993, to see exactly where the JNA positions were.
10 Secondly, to see when there is a conflict between the JNA and the
11 Croatian republic where the fighting takes place. You have many times
12 referred to Dubrovnik, **so it would be very interesting and worthwhile to**
13 see what took place. And I would like to see again on the basis of your
14 maps how over time from 1992, in October in Prozor, where was HVO and
15 where was the BH Army. And then up until January through April, June,
16 and November, what was respect -- what were the respective positions of
17 HVO and the BH Army.

18 So I'm saying starting with ELMO, what were the respective
19 positions? I cannot contest or challenge the fact that the VRS was
20 present or the BH Army was there or the HVO was there. All of this will
21 be thoroughly checked and counter-checked with other -- or against other
22 exhibits. I'm just asking you to the best of your knowledge to give us
23 the respective positions of the armed forces and presence.

24 If you're able to do this quickly this should expedite matters.
25 We need to put ELMO en route, and then you can just simply say to us,

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1 This is map number 1, this is map number 2. Identify your maps. I'm

2 just asking you to assist us in visualising things. I am asking the
3 registrar to start ELMO so we can visualise the map.

4 General, please explain what is this map.

5 A. This map depicts the attack by the Yugoslav People's Army and the
6 Army of Republika Srpska which was in its initial stages of development
7 at the time, and here on Mostar, the south of Croatia up to this area --
8 well, we didn't go further when we did this map. So the JNA and the
9 reservists took the eastern bank of the Neretva River, Stolac, and all
10 the dominant heights around Mostar, and they wanted to attack further on.
11 They attacked Livno, Kupres, and on the 10th of April they managed to
12 take it.

13 They attacked on -- they attacked Livno on the 23rd of April, and
14 the attack was repelled. And on the 15th of May they managed to expel
15 all the population from East Mostar. They tore down all the bridges
16 apart from the Old Bridge **after that. And that was the situation in this**
17 area at that point in time. So that's map number 1.

18 JUDGE ANTONETTI: [Interpretation] Fine. Please move to map 2.

19 A. This map shows -- I'm receiving an echo. Is somebody's
20 microphone on or ...

21 This map shows the joint action by the Croatian Defence Council
22 and BH Army from the 10th of April, 1992, to the 7th of June, 1992.
23 Therefore, the blue is the HVO, the green is the BH Army, the red is the
24 Yugoslav People's Army of Republika Srpska.

25 Up until that time, the Army of Republika Srpska had taken

1 control of 70 per cent of the territory in this area here, and facing
2 the -- the Army of Republika Srpska are the HVO units. Here you have the
3 BH Army units.

4 I have too much volume here, an echo. My voice is coming back to
5 me, an echo. I can hear myself speak.

6 MS. PINTER: [Interpretation] There's something wrong with the
7 B/C/S channel, because we have a lot of interruption on the channel, a
8 lot of noise, and it's unpleasant to listen to.

9 JUDGE ANTONETTI: [Interpretation] I'm sorry. There must be a
10 technical problem. This is for registrar.

11 Please, General, try to carry on.

12 A. In this area here, this area was defended by the BH Army.
13 Sarajevo **was defended by the BH Army with the proviso that this area**
14 here, facing Kiseljak, was the HVO in relation to the Army of Republika
15 Srpska. This area here around Tuzla **mostly was defended by the joint**
16 units of the BH Army and HVO according to their positions.

17 The area -- I think this is Gradacac or Zepa. Anyway, this area
18 was defended by the BH Army, and so was this area here.

19 The Serbs were on the attack towards Posavina over here. We'll
20 see that on the next map. And here I omitted Bihac. And you'll see all
21 this on the next map.

22 JUDGE ANTONETTI: [Interpretation] Map 3, please.

23 A. Map number 3, once again the blue is the HVO. I don't want to
24 repeat this. It is the joint activities of the HVO and the BH Army from
25 June to the 29th of October, 1992.

1 Bihac was defended by far more significant BH Army forces. That
2 is to say, there were more BH Army units and soldiers, but there were
3 also the HVO. The Serbian army was launching a fierce attack on Posavina
4 in order to gain a corridor for supplies. These two enclaves are under a
5 siege, have been encircled.

6 The HVO, together with the help of a weak BH Army at that time,
7 managed to liberate the eastern and then western part of Mostar, too, the
8 whole of Stolac and the Neretva River valley.

9 Here towards Konjic you had the BH Army, then some small forces
10 of the HVO, then the BH Army defending this area here -- or, rather, the
11 HVO forces under the command of the BH Army.

12 JUDGE TRECHSEL: Mr. Praljak, just to make sure, it seems to me
13 that the -- I have difficulties in seeing the difference -- the only
14 difference between those two maps is that in number 3 we have Bihac that
15 was omitted in number 2 and we have these red flashes. Is that correct,
16 that's the only difference?

17 A. I'm afraid I can't work like this. I can't hear myself speak,
18 Judge Trechsel. Could this be put right? Could the technician put this
19 right?

20 There is an essential difference between these two maps because
21 strong attacks on Jajce are going on, and the Army of Republika Srpska is
22 launching fierce attacks and taking control of this area defended by the
23 HVO.

24 And we also have a difference here in map number 3. During that

25 period of time we liberated -- well, the HVO, with the help of the BH

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1 Army and the Muslims who were in the HVO, we managed to liberate this
2 entire area, Mostar, Stolac, and the Neretva River **valley**.

3 JUDGE TRECHSEL: Thank you.

4 A. This map is similar to the previous map. Number? Yes. It's
5 number 4, map number 4.

6 Jajce had fallen. There was no more Jajce. And the Army of
7 Republika Srpska took control of Bosanski Brod and the other places, and
8 only a small enclave was left to the end of the war which the HVO managed
9 to keep. So the fall of Jajce, the fall of Bosanska Posavina except for
10 that small enclave there, and that was on the 29th of October, 1992.
11 This was the situation then.

12 JUDGE ANTONETTI: [Interpretation] Regarding map number 4, October
13 29th, 1992, this is an important date. We can make a connection between
14 this and the events that took place in Prozor. I see, however that, the
15 VRS is indicated in red and it is facing off with the HVO and the BH Army
16 acting jointly. So they have a common front line opposing them to the
17 VRS. That is correct?

18 A. Correct, Judge Antonetti. And in Bihac, and in Sarajevo **are**
19 units there, and as has been marked in here. They held the front jointly
20 facing the VRS.

21 JUDGE ANTONETTI: [Interpretation] Now, a very quick question.

22 Let us look at the map. If the HVO were to withdraw from its positions,

23 would this mean that the VRS would be able to take the Bihac in a pincer
24 movement and occupy all of the territory?

25 A. Correct. Completely correct.

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1 JUDGE ANTONETTI: [Interpretation] Very good. Please move to the
2 next map.

3 A. Map number 5 shows the ratio in 1993. At the time there was a
4 conflict in Uskoplje the 11th to the 23rd of January and a BH Army
5 attack, Busovaca-Kiseljak. This problem was dealt with. There was a
6 truce in Uskoplje. However, the BH Army managed to cut across this area
7 here where the HVO was linked up, and so part of Busovaca was cut off
8 from part of Kiseljak. The other lines were held as if nothing was going
9 on.

10 As far as the Tuzla region is concerned, the BH Army and the HVO.
11 Then here you had the HVO, then down here above Mostar the HVO, then the
12 BH Army towards Konjic, and towards Tomislavgrad and Livno you had the
13 HVO. In the area here of Bugojno, joint forces.

14 JUDGE ANTONETTI: [Interpretation] Another quick question. In
15 January, according to your maps, and here I'm asking the question -- I'm
16 putting the question to you, two military actions are underway. One is
17 in Gornji Vakuf, the other one in Busovaca, Kiseljak. These are the two
18 military operations took place in January. This is what you have
19 indicated on your map.

20 A. Yes.

21 JUDGE ANTONETTI: [Interpretation] According to you, the actions

22 in Gornji Vakuf were carried out by the BH Army, and Kiseljak and

23 Busovaca is also carried out by the BH Army? Is that correct?

24 A. Correct. The BH Army and Uskoplje placed the HVO in an illogical
25 position but unfortunately they didn't want to come up to the positions

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1 facing the Army of Republika Srpska which were located over here.

2 JUDGE ANTONETTI: [Interpretation] Let us move to the next map.

3 MR. STRINGER: I apologise for the interruption. At some point
4 the Prosecution wants to make some sort of a response. I don't what. We
5 heard about Gornji Vakuf at length on direct. We heard about Gornji
6 Vakuf by other Defence, I believe. We did it on cross, and here we are
7 now providing a forum again to cover this territory, for the General to
8 make assertions at a point when we've pretty much finished examining the
9 witness. And so again, it's -- it's troubling from that point of view,
10 and perhaps at the end of all of the maps if the Prosecution could at
11 least have an opportunity to make some remarks.

12 JUDGE ANTONETTI: [Interpretation] Very good. I see no problem
13 with that. Let's move on to map 6.

14 A. Map number 6 shows the distribution of forces of the BH Army and
15 the HVO in April 1993. The BH Army attacks Konjic on the 13th of April,
16 1993. It attacks Vitez on the 15th of April, 1993. In Zenica we have
17 some disarming. The BH Army is disarming the HVO and expelling the
18 people.

19 The conflict in Sovici and Doljani was on the 17th of April, and
20 in that same month of April we have a preparatory attack by the BH Army

21 on Mostar.

22 The green lines still facing the VRS are being held by the BH
23 Army and the HVO, and we have this small portion that they're holding at
24 Stolac, the unit that was called the Bregava Unit.

25 And then we see up here in Bihac, Orasje, and Sarajevo the

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1 positions there.

2 JUDGE ANTONETTI: [Interpretation] Next map.

3 A. Map number 7 relates to May 1993. On the 9th of May the BH Army
4 attacks in the town of Mostar, and from the 1st to the 30th of June
5 there's an all-out general attack by the BH Army in Konjic. And three
6 small enclaves remain. We can't draw them in here, but we spoke about
7 them.

8 I took part in pulling out of Kostajnica. And that was the
9 situation, but nothing changed. The HVO and the BH Army still
10 co-operated both in Stolac, in the defence against the VRS. This area is
11 held by the HVO. This was held jointly by the HVO and the BH Army
12 precisely as the blue and green lines indicate.

13 JUDGE ANTONETTI: [Interpretation] Map number 8.

14 A. Map number 8, number 1. From the 4th to the 10th of June, 1993,
15 the BH Army attacks at the HVO in Travnik, takes control of Travnik, and
16 the soldiers and civilians fled across Serb portions. And we had a
17 chance to see what this looked like on the tapes. The army was disarmed
18 and negotiations were held. Between the 13th and the 15th of June, 1993,
19 the BH Army attacked Kakanj and took control of it. And then from the

20 1st to the 30th of June it continued to attack Konjic, and the people,
21 the population withdrew, except for small enclaves. So that was the
22 situation. Travnik was taken control of, Kakanj, and the action
23 continued, the operations continued along the other lines. The HVO and
24 the BH Army still acted together.

25 JUDGE ANTONETTI: [Interpretation] Map number 9.

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1 A. Shows exactly what the situation was on the 30th of June, 1993.
2 The BH Army had taken control of Travnik. That was on the 10th of June.
3 Kakanj the 15th of June. This was crossed out. Kakanj's crossed out
4 here. The BH Army then in Mostar does what we needn't talk about any
5 more. That is to say, the HVO soldiers who were Muslims, of Muslim
6 ethnicity, disarmed the Croatian soldiers, and in Stolac, in an ambush,
7 killed 26 men, established a new line here -- actually, the HVO set up a
8 new line facing the BH Army and the VRS.

9 As I was saying, the BH Army took control of positions north and
10 south of Mostar. South of Mostar up to Blagaj and northwards right up to
11 Konjic, and now the BH Army was taking over the positions facing the VRS,
12 the red line. The HVO, from Blagaj -- takes positions from Blagaj in
13 Mostar along the Bulevar, Antic Street and so on and further on as the
14 map shows, the BH Army and the HVO. We'll see this better on map number
15 10.

16 This is July 1993, that is to say the point in time when I
17 arrived. We had an attack on Fojnica and the BH Army attacked and took
18 control of Fojnica. The BH Army also attacked and took control of

19 Bugojno. The BH Army attacked Gornji Vakuf and ended it's operation in
20 Konjic, and the line in Mostar remains as you can see here through Cabuna
21 and Vram Planina. The VRS facing the BH Army, the BH Army facing the
22 HVO, the attack in Konjic, the attack in Fojnica, the attack on Bugojno
23 and the attack on Vakuf and that's when the offensive began.

24 As to the other positions in Bihac we still have the BHO -- the
25 HVO and the BH Army together in the whole Tuzla region, the HVO with its

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1 brigades was together with the BH Army as it was in Sarajevo fighting the
2 VRS.

3 Do you want me to go on?

4 This is the 30th of July. It is map number 11. The situation in
5 the area under BH Army control and the HVO's control, on the 30th of July
6 1993. Vitez and Busovaca remain, Kiseljak and Kresevo, Vares, Zepce,
7 Usora, and small enclaves around Konjic. All the rest that is has been
8 crossed out, Bugojno, et cetera, Konjic, Kakanj, Fojnica, Zenica,
9 Travnik, all that is in BH Army hands already, because it was
10 implementing its plan to extend its territory.

11 JUDGE ANTONETTI: [Interpretation] General, turning to map 11
12 coloured in blue and in green, green is the BH Army, and red is for the
13 HVO. On this map we see that there's a part under control by the HVO,
14 which is essentially below, and then there are HVO enclaves in zones that
15 are under BH Army control, it being clear that everybody, all the forces
16 are encircled by the VRS indicated in red; is that correct?

17 A. That's right, Your Honour Judge Antonetti.

18 JUDGE TRECHSEL: Mr. Praljak, I am looking at this map, and I
19 note that you have identified areas monochrome, and the legend speaks of
20 areas under control of ABiH and HVO. Now, during cross-examination the
21 question has come up quite a number of times about areas under the
22 control of the HVO, and you have consistently persisted rather strongly
23 and said there were no areas under the control of the HVO, but only a
24 very small strip along the front line.

25 Now, this appears -- there appears to be a contradiction which I

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1 think you would wish to straighten out.

2 A. Judge Trechsel, Your Honour, this is a map which shows what the
3 BH Army controlled, the Muslim representatives and the Croatian
4 representatives. When I say under HVO control, I'm not -- I don't mean
5 the army. I mean the power and authority there.

6 The HVO was facing the VRS lines, Tomislavgrad, et cetera. Here
7 south of the Mostar towards the Croatian border and within the frame of
8 the BH Army here in these areas around Tuzla, Orasje, and so on. There
9 are two terms, HVO control as an institution and so on. That's one term,
10 and that's what I'm using here. Everything else that's not green and
11 blue is controlled by the army -- well, it's not the Army of Republika
12 Srpska, it's the authority that that represented.

13 JUDGE TRECHSEL: This is still a bit puzzling, because as far as
14 Bosnia and Herzegovina, let's say the Muslims, are concerned, we only see
15 here ABiH, and A stands for army. So are you saying that when you paint
16 it green that is an area controlled by the Muslim Army, and when you

17 paint blue that is not controlled by the HVO army but by some other HVO
18 authorities?

19 I watched you and it looked as if you had given an answer. I
20 don't -- I'm not quite sure. Have you given an answer to this midway
21 or -- and if so, what was it, because it's not transcribed.

22 A. Judge Trechsel, Your Honour, Sarajevo **was controlled by the**
23 **authorities in Sarajevo, the Presidency. Now, the BH Army and the VRS**
24 come into contact along the lines of contact. When it's green this means
25 the authorities controlled by the Muslims. Here the authorities, along

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1 with all the agreements, are the Croats. The army is at the point where
2 the green and blue come into contact and where the blue and red come into
3 contact and where the green and red come into contact, green being the BH
4 Army, blue being the HVO, and red being the VRS. So let's not mix these
5 armies up, and let's not confuse them with the civilian authorities, the
6 civilian authorities protected by their armies at the borders.

7 JUDGE TRECHSEL: Well, you put "ABiH" here, and that does lead to
8 confusion. I don't think that I am to blame for having raised this.
9 Thank you.

10 JUDGE PRANDLER: Would I like to ask you, Mr. Praljak, about the
11 following, that the -- up to now I haven't seen very well where the
12 Posavina region was situated, and here you have under XI, XIa, you have
13 several enclaves here in the first part number 5, Usora, I'm not sure if
14 Usora was in the Posavina region or not, but then Usora is not mentioned
15 in the second part of that clarification, that is under XIa; and,

16 therefore, of course, I see the Sava and Bosanski Brod, but of course, it
17 is far away from the regions which you, yourself, refer to. So I am a
18 bit at a loss as far as the situation with that particular part,
19 Posavina, which was also which -- from which we have had as well
20 witnesses. So I would like you to point out where those -- I saw your
21 hand that it is probably -- that very small blue region which is rather
22 difficult to read, that part. That is only that one which remained from
23 Posavina according to you, is it?

24 A. Correct.

25 JUDGE PRANDLER: I mean under HVO control.

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1 A. That's correct, Your Honour Judge Prandler. That remained under
2 HVO control. And why didn't I put an enclave here? Because it is
3 adjacent to the Republic of Croatia, and you could go there. You could
4 take that route. But I'm afraid that there is a bit of confusion here.
5 This part that is being defended together which the HVO and the BH Army,
6 it's also called Posavina. So this is Posavina -- well, you can see that
7 the corridor was forged here, and here from Brcko and the rest, this is
8 Posavina that is being defended by the HVO and the BH Army, and there are
9 HVO brigades which are under the command of the BH Army.

10 JUDGE PRANDLER: Yes. Thank you very much. Thank you.

11 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak,
12 next map, please.

13 A. Map number 12, well, as you can see, the situation in Bihac
14 remains the same. In Posavina the Posavina on the Croatian side the

15 situation remained the same until the end of the war. And this is the
16 situation as of the 8th of November, 1993.

17 THE INTERPRETER: Interpreters note: Could the witness please
18 speak into the microphone.

19 THE WITNESS: [Interpretation] Where the BH Army took Travnik,
20 Kakanj, Fojnica, Bugojno, and, in the end, Vares as we were able to see
21 in late October 1993. And the enclaves of Busovaca and Vitez remained,
22 and the area around Kiseljak. Zepce was still there as was this area
23 here from the south of Mostar. And in the BH -- the VRS actually is
24 holding the lines against the BH Army and against the HVO. Here it is
25 attacking. Here the HVO is holding the lines against BH Army, and here

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1 in the Tuzla region, the joint forces, to the greater extent of the
2 BH Army and the lesser extent the HVO is holding the lines against VRS
3 and also in Bihac and in Sarajevo where we have one brigade each.

4 JUDGE ANTONETTI: [Interpretation] This is the situation on
5 November 8, 1993.

6 Next map.

7 A. Well, this is then map number 13. That is how I'm going to mark
8 it. Map number 13 is the same thing that we have seen before, but now
9 things are a little bit more precisely marked here. So it's a bit
10 clearer in military terms, but it's a little bit difficult to discern it.
11 So the Republika Srpska Army and what the BH Army and the HVO managed to
12 defend.

13 And now if we may --

14 MR. STRINGER: Excuse me, Mr. President. Just for the record, it
15 looks like beginning with 13, we don't have English translations, at
16 least not of 13, and we're going to object to anything that does not have
17 translation.

18 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, could you read in
19 your own language what is on this map so that the interpreters can
20 translate what is on the map.

21 A. Yes, I can, Your Honours. I didn't ask for translation. That's
22 the situation in Bosnia and Herzegovina in April and May 1992. Red,
23 that's the areas controlled by the VRS. Green is the territory
24 controlled by the BH Army.

25 Judge Trechsel, I'm saying this colloquially so please don't.

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1 And the territory controlled by the HVO is marked with blue. That's the
2 usual way of marking things.

3 We move on to map number 14. We do have the translation.

4 That's situation -- well, we've looked at this map. It's the
5 deployment of the JNA, its armies and corps. The 1st Army, 2nd Army,
6 7th Army, the Naval District, that's the VPO. And that's the armed
7 forces of the SFRY, the territorial deployment within Yugoslavia.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, this is map
9 number 13 or is it map 14? I can't remember.

10 A. Fourteen.

11 JUDGE ANTONETTI: [Interpretation] Map 14. Very well. This is a

12 map where the JNA was fully deployed in all the former Yugoslavia in 1985
13 with the different army corps called 9A, 5A, 7A and 2A, and 2K, and so
14 forth; is that it?

15 A. That's correct. A is army, K is corps, and VPO that's the naval
16 district.

17 JUDGE ANTONETTI: [Interpretation] Very well. That is map number
18 14.

19 A. Now we move on to map number 15. In 1987, Your Honours. This is
20 very important. The Yugoslav People's Army changes its entire
21 territorial structure and deployment in line with what it would be
22 required to do in order to accomplish the Serbian objectives, and that is
23 a new military district is formed, the naval district remains the same.
24 The 5th Military District is set up, but it's important that the 1st
25 Military District now encompasses the area that corresponds to the

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1 borders of Greater Serbia. So as early as in 1987, the foundations were
2 laid for all that and it was all organised in order for this
3 developmental plan that this area from Karlobag to Karlovac and
4 Virovitica can be taken as part of this military district.

5 Can I go on?

6 JUDGE ANTONETTI: [Interpretation] So you're saying that on map
7 number 15, the JNA modified or changed its entire structure.

8 Now, on this map we have 1.VO written, and you also indicated the
9 borders of Greater Serbia, and you're telling us that this was a plan, a
10 plan to attack Croatia; is that it?

11 A. Not only on Croatia. Bosnia and Herzegovina is also here. So is
12 Montenegro and --

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 THE INTERPRETER: Interpreter's note: Could all the microphones
15 that are not in use please be switched off.

16 THE WITNESS: [Interpretation] Map number 16 shows the aggression
17 of Serbia, Montenegro, and Bosnia and Herzegovina on Croatia. When I say
18 Bosnia and Herzegovina, I mean the forces that were deployed there. I
19 mean the Yugoslav People's Army is actually attacking. I don't have
20 anything to add. Everything is accurate here so the 3rd Corps, the 2nd
21 Corps, the 31st Corps, and this is the plan how from Serbia and from
22 Bosnia and Herzegovina. So in all those directions, and of course with
23 the use of the navy, the destroyers. They destroyed Split and Dubrovnik
24 as the aggression on Croatia was launched in 1991.

25 This is map number 17. It's the same thing, but here I marked

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1 two things. It was of particular importance for the Yugoslav People's
2 Army to take Kupres and then to reach Split via Livno and also to go down
3 the Neretva valley in this area to be able to destroy Dubrovnik, to cut
4 it off and then to move in the other direction in order to conquer all of
5 Dalmatia.

6 In 1991, this marks the beginning of the implementation of the
7 plan.

8 Map number 18, that's the operative development of the armed

9 forces of the SFRY in 1992. You can see here that after their defeat or
10 after their retreat of the Yugoslav People's Army from Slovenia, the 31st
11 Corps was moved here. The 14th Corps was moved here. And the 13th Corps
12 was moved to Montenegro **where it then proceeded to move to**
13 **Eastern Herzegovina carrying out attacks here.**

14 The 10th Corps, after taking the Knin area and then left it to
15 the local forces, moved to Bosnia and Herzegovina. The 9th Corps, again,
16 after taking the Zadar hinterland and Sibenik hinterland moves to
17 Bosnia-Herzegovina and launches its operation against the Republic of
18 **Croatia in 1992, and by that time, they already started attacking**
19 **Bosnia and Herzegovina.**

20 THE INTERPRETER: Microphone, please.

21 JUDGE ANTONETTI: [Interpretation] This is 1992. Could you please
22 tell us which month in 1992? You're telling us that the 14th Corps is
23 returning as well as the 31st, the 13th, and the 10th, but which month
24 was that, in May? in April? When did this happen?

25 A. Well, these are the developments up until March 1992. In March

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1 1992, everything was already in place for the final strike on
2 Bosnia-Herzegovina. You will see that on the next map. That's map
3 number 19.

4 Here you have a quite specific date. It's situation in March
5 1992. And here you can see the positions of the 13th and 9th and the
6 10th Corps. They moved first from Slovenia, well, from Slovenia **the 13th**

7 and the other two from Croatia, and here you see the disposition of the
8 corps within Bosnia-Herzegovina or on the border with the Republic of
9 Croatia and you can see it is designated quite clearly, the number of
10 volunteers and the number of soldiers in each corps. Well, I didn't
11 translate -- have that translated. Well, soldiers are soldiers, and
12 volunteers are those who volunteered.

13 JUDGE PRANDLER: Mr. Praljak, when we see here the Dobrovojacka,
14 that is the volunteers in each of those brigades or corps, et cetera,
15 mentioned here under 10, 5, 17, 9 and 4, I believe. And of course there
16 are that one even more, that is 13 and the 2nd square mentioned here, so
17 then what I would like to ask you is that the volunteers were to come
18 from the territory concerned that they were deployed, or they were
19 volunteers, let's say, from Montenegro or from -- from Macedonia or
20 Serbia itself. So were there volunteers from over the rest of the
21 republics, or they were mainly based on the Territorial Defence units.
22 That is my question. Thank you.

23 A. Your Honour Judge Prandler, these are the units of the
24 Yugoslav People's Army marked as such. The volunteers came from all over
25 the place, from Montenegro, from Serbia. Serbs naturally from

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1 Bosnia-Herzegovina. They came from Croatia. Simply put, Serbs who felt
2 that they wanted to participate in the implementation of the political
3 goals, they volunteered to join the army and their numbers grew.

4 THE INTERPRETER: Interpreter's note: Could all the microphones

5 that are not in use please be switched off.

6 THE WITNESS: [Interpretation] May I proceed?

7 JUDGE PRANDLER: Yes, thank you.

8 A. Map number 20. Your Honours, this is just --

9 MS. PINTER: [Interpretation] General, I'm sorry. I would like to
10 ask you to read out the 3D numbers that you have marked on each map.
11 Each map is in e-court and it's marked.

12 THE WITNESS: [Interpretation] Yes, but I think Madam Nika that we
13 can add it later on so that I don't waste my time.

14 MS. PINTER: [Interpretation] Well it would be easier for people
15 to follow.

16 THE WITNESS: [Interpretation] Well, you can see quite clearly
17 which map is which.

18 Your Honours, this is what was happening between January and
19 April 1992. Bosnia and Herzegovina was suddenly chock full of
20 Yugoslav People's Army units. You can see the military districts here
21 and you can see what belonged to which military district. All the corps
22 are listed here. I think it's quite clear and there's no need to
23 elaborate any further.

24 May I proceed?

25 JUDGE ANTONETTI: [Interpretation] Next map.

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1 A. Your Honours, on the next maps, the maps that follow, the map
2 number 21, well, it specifies the overall strength of the JNA and the VRS
3 in the period between January and April 1992, and you can see how in 1992

4 and 1993 the strength increased. So here when you say personnel, that
5 means soldiers, tanks, armoured personnel carriers, and armoured fighting
6 vehicles, and artillery, cannon. Well, these are the figures. I didn't
7 have this translated because I thought -- because it seemed to me that --
8 well, that's map number 22.

9 That's the 10th Corps. It's deployed in Western Bosnia. It's
10 under the command of Major General Spiro Ninkovic. You can see the
11 strength, soldiers, volunteers. This is all 1992.

12 The 4th Corps is located in Sarajevo. It's under the command of
13 Major General Vojislav Djurdjevac, the number of soldiers, the number of
14 volunteers and you can see the composition of the units.

15 There is also map 23. For the 5th Corps in Banja Luka, for the
16 9th Corps at Kupres.

17 Map 24 is 17th Corps located in Tuzla. Major-General
18 Sava Jankovic. The number of men, the brigades, et cetera.

19 So there we have it as regards that territory. At the beginning
20 of 1992, what the disposition of forces was of the Yugoslav People's Army
21 and the volunteers in Bosnia-Herzegovina, who the commanders were.

22 THE INTERPRETER: Could all the microphones be switched off,
23 please, which are not in use. Thank you.

24 THE WITNESS: [Interpretation] How they were armed and so on.

25 I don't understand were there is such a lot of interference and

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1 background noise. It seems to be better now.

2 Unfortunately this copy, well, it's not a good copy but it's map

3 number 25.

4 I've already shown this on a clearer map. It is 1993,
5 Operation Neretva 93, in fact. I have nothing more to say about that.
6 Everything's been said.

7 Now, this is the -- from October to November 1993. The number of
8 the map is 26. The situation in the Mostar area is what this map
9 depicts. It's turned round the wrong way.

10 Map 26. Could you all take up map 26 and take a look at it.
11 It's 3D03724. And in red is the BH Army this time, an attack in the
12 Mostar area, Bijelo Polje, and so on and so forth. The axis of attack by
13 the MOS. Unfortunately, you can't see those arrows on this copy, and I
14 can't do anything about that, but it's quite clear, as far as I'm
15 concerned, in the copy I have. It's a bad photocopy, but it says where
16 the attacks were. Well, I don't really know. I can provide you with the
17 original maps or provide the Judges with the original maps perhaps.

18 JUDGE ANTONETTI: [Interpretation] Place the map on the ELMO,
19 please, because no one can see it. Put it under the ELMO. The
20 October/November map.

21 That's the Neretva operation. It's not that one but the next
22 one.

23 A. Yes, that's right. That's it.

24 JUDGE ANTONETTI: [Interpretation] If you would please explain the
25 numbering system, 1, 2, 3, 4, all the way through 10. Say the number of

1 the map.

2 A. The number of the map is map number 26. Here we have it, 26, and
3 that shows the situation as it was in Central Bosnia and moving south in
4 October and November of 1993. And the BH Army attacks are marked in
5 numbers -- or, rather, the Muslim forces. That's number 1. Number 1
6 shows that.

7 Why is this happening now? 1, Mostar, Hum, Rodoc. 1, here it
8 is; 2, Bijelo Polje, Rastani; 3, Dreznica, Vrđi; 4, Neretvica, Hudotsko,
9 Slatina; number 5, Hare, Uzdol, Prozor, Rama; number 6, Voljevac, Crni
10 Vrh; number 7, Bugojno, Gornji Vakuf; number 8, Voljica, Raduski Kamen;
11 number 9 is the attack on Vitez; and number 10, the attack on Travnik and
12 Nova Bila. Novi **Travnik and Nova Bila. That is map 26.**

13 And the same thing on map 27, which is 3D -- no, we haven't got
14 3D here. It's map 27. Also October and November, but showing the axis
15 of attack. Red the MOS. The armed forces of the BH republic are in
16 blue. The main roads are in yellow. The diversions on the roads are
17 marked with these circles here.

18 JUDGE TRECHSEL: Excuse me, Mr. Praljak. You were somewhere out
19 of the reach of the ELMO right now. If you could show again and taking
20 the map up a bit. We didn't see where you went with your pencil.

21 A. The red.

22 JUDGE TRECHSEL: Exactly. Exactly. No, you must move the map a
23 bit, because this is exactly what we cannot see. I'm sorry.

24 A. Judge Trechsel, Your Honour, I'm in a hurry. I don't know why
25 I'm hurrying for goodness sake. I don't know. I just seem to speed up

1 for no reason at all and then this is what happens.

2 JUDGE TRECHSEL: I understand that, Mr. Praljak, and I'm trying
3 to assist you by pointing out something which you do not see. So do not
4 take it wrong. There's no reproach for once in what I say.

5 JUDGE ANTONETTI: [Interpretation] General, if you would please
6 indicate the legend, the caption. What does it mean?

7 A. The red arrows on the map indicate the axes of attack of the
8 Muslim armed forces, MOS, and at the time, well, it was no longer the BH
9 Army. We began calling them the Muslim forces.

10 The blue denotes the defence lines of the armed forces of the
11 Republic of Bosnia-Herzegovina.

12 The yellow on the map denotes the main roads so that you can see
13 where the main roads were. And let's start with the south. From the
14 coast Ploce, the roads that all the convoys of humanitarian aid passed
15 through, Mostar --

16 JUDGE ANTONETTI: [Interpretation] General Petkovic.

17 General Petkovic, you have the floor.

18 THE ACCUSED PETKOVIC: [Interpretation] Your Honours, a technical
19 problem. Perhaps General Praljak is a little tired, but you can't have
20 two markings for the BH Army forces, one more MOS and the other for the
21 BH Army. The blue is the HVO, and somebody placed the letters RH HB. So
22 the blue refers to the HVO in this particular case.

23 THE WITNESS: [Interpretation] Yes. Thank you, Mr. Petkovic.
24 That is right. The blue is the HVO. I don't know why I read it out
25 differently.

1 And on that map, you can see quite precisely where the BH Army
2 was attacking the HVO. There were two enclaves remaining. This is one.
3 This is another below Zenica. So the Novi Travnik enclave and the
4 Kiseljak enclave.

5 Here we have the BH Army and the HVO. The HVO is blue. And we
6 were attacked from all sides. The red circle here with this cross, the
7 red circle with the cross was the slaughter in Uzdol near Prozor that
8 occurred, the massacre.

9 And here these two Xs are the diversions along the roads,
10 especially at Stolac where crimes had been committed in the rear. We saw
11 those dead people in the barracks in Grabovina and the previous 26 people
12 who were killed and brought there.

13 And this map is a precise map showing the situation in October
14 and November with the BH Army attack on two enclaves in Central Bosnia
15 that had been broken up, and in Vares -- no. This is Zepce. Vares is
16 over here. So Vares was being taken control of, and the whole of the
17 southern part of the territory is being attacked, is under attack towards
18 Mostar. Konjic has been completely taken control of. And that's the
19 situation in October and November, and that was map 27.

20 We've seen this next one. Now we can move on to what
21 Your Honour's interested in, which is where -- we're going to call this
22 map 28. So this is map 28, and it comes with a translation. It's a plan
23 of attack on the Republic of Croatia after the withdrawal of the JNA from
24 Slovenia, but here we can also see the plan of attack on Dubrovnik, the

25 south, Ploce, Split, Sibenik, Zadar, and so on.

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1 MR. STRINGER: Excuse me, Mr. President. I don't have that map.
2 I only have one left, this one.

3 JUDGE ANTONETTI: [Interpretation] General, the Prosecutor does
4 not have that map.

5 MS. PINTER: [Interpretation] Your Honours, these are the maps
6 which the General marked following your request, and the Registrar had
7 them printed, and we put them into six groups. We didn't print out the
8 maps, we just sorted them and put them together. So perhaps the
9 Prosecutor doesn't have that particular one, but it does have a 3D
10 number, which means it should be on e-court.

11 MR. STRINGER: I do have it now. Thank you.

12 JUDGE ANTONETTI: [Interpretation] Please continue.

13 A. This is map 28. The axes of attack by the aggressor, that is to
14 say the Yugoslav People's Army, and that's what the arrows show. The
15 interrupted blue -- dotted blue line is the line along which the
16 aggressor retreated, not being able to take control of Croatia. The red
17 arrows indicate the different types of obstructions set up by an
18 organised defence throughout the territory of the Republic of Croatia and
19 Bosnia-Herzegovina. And another important thing is these red circles
20 which denote the garrisons which the JNA were -- had in Croatia and were
21 blocked by the Croatian forces.

22 At the request of the international community, Your Honours, in

23 1991, Croatia, the Croatian Army, the Croatian armed forces, were forced
24 to deblock the JNA barracks in the Republic of Croatia, and all the
25 weaponry went to Bosnia-Herzegovina pursuant to demands from the

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1 international community, which I'm -- if I might be allowed to add was a
2 completely incomprehensible act for anybody to know the situation on the
3 ground. Anybody who knew what was happening knew what these actions
4 would lead to.

5 JUDGE TRECHSEL: Just a moment, Mr. Praljak. I would like to
6 clarify an issue of -- on map number 28, which is a very nicely -- I must
7 say it's a really nicely done map.

8 There are two types of legends here. In the one that is inserted
9 in the map, it says: "Possible directions of attacks of the aggressor's
10 forces according to estimations and available data." And on the
11 right-hand side, under number 11, it says: "Plan of the attack to
12 Croatia."

13 Now, these are clearly, I think, two different things, and I
14 would like to know which is the one that we should rely on.

15 A. Two things at two different times, Judge Trechsel. So according
16 to available information, and I consulted the book by the General, the
17 JNA Army general, and showed which -- what their preparations were and
18 what they intended to do. Now, on the basis of the information we had,
19 we forecast what the attack would look like on the Republic of Croatia,
20 and that's what actually happened. It actually took place. So both.

21 You have both things here, the attack that was forecast, the deployment
22 of JNA forces and so on, and then everything came into being. Everything
23 happened as is indicated on this map.

24 JUDGE TRECHSEL: Thank you. That is a third eventuality, namely
25 description of something that actually happened. It is not a plan but a

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1 historical presentation of what happened, and that is, I understand, what
2 we should take it as.

3 A. Correct.

4 JUDGE TRECHSEL: Thank you.

5 A. Map 29 shows what we managed to do, and it describes the
6 situation. It describes what the BH Army -- or, rather, the VRS managed
7 to do. Martić's army, if you want to call it that, the army set up by
8 the Serbs within the Republic of Croatia. **They did not succeed in**
9 **implementing their plan, but they did manage to take control of this area**
10 **here. It says the Zone of Rebellion. That's what we called it. The**
11 **rebel Serbs led by the JNA took control of Vukovar, Baranja,**
12 **Western Slavonia, that is. They took control of Eastern Slavonia but did**
13 **not manage to move to the Hungarian border. They took control of**
14 **everything below Zagreb, Sisak, and then the hinterland of the Adriatic,**
15 **Sibenik and Split, and the south of Croatia below of Dubrovnik, and to**
16 **the south and north above Dubrovnik. But they did not manage to take**
17 **control of the town of Dubrovnik itself and didn't manage to break**
18 **through to Pelješac or the Neretva River valley, either towards the south**

19 and Ploce or the west towards Split.

20 And as far as Bosnia-Herzegovina is concerned, it says very
21 rightly here the HVO, precisely along this line here that I've drawn, set
22 up a defence and managed to stop the JNA's -- the JNA from moving
23 forward, and this happened towards the north of Metkovici. So within --
24 a few kilometres within the BH Army borders there was some Croatian Army,
25 but the HVO managed to stop everybody here. Of course we could draw in

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1 the same for Posavina, but this is the situation as it was in 1992 in the
2 south.

3 So up until this line at the very borders, the HVO managed to
4 stop the breakthrough. Later on they would move towards Dubrovnik and
5 liberate that portion, and everything north of that was held by the HVO.
6 Of course, later on it was joined by the BH Army, or rather, there were a
7 great many Muslims within the HVO who took part in all this.

8 May I continue?

9 JUDGE ANTONETTI: [Interpretation] Next map.

10 A. Map number 30. It's the situation in this area in 1992 and 1993,
11 and I claim, Your Honours, again as I have explained, on the 10th of
12 April, 1992, a single unit from the 4th Guards Brigade came here into
13 three villages, Tepcici, Slipcici, and another one near Citluk to stop
14 and -- put a stop to an advance of the JNA. A total of 159 soldiers.
15 They came together with me on the same day, because that area was
16 completely empty, and I couldn't man it with anyone. There simply were
17 not enough people.

18 In 1992, that HV unit was in this area from the 10th of April,
19 1992, until the end of June 1992, and it took part in the operation to
20 liberate South Mostar. After that, it returned to the Republic of
21 Croatia. **It was the 4th Battalion of the 4th Guards Brigade stationed in**
22 Split under the command of a young officer, General Krsticevic. He went
23 on to command a brigade and was one of its most notable commanders.

24 Here where it's marked with number 2, the Croatian Army was
25 stationed along the Croatian borders. And here between numbers 3 and 4

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1 and down towards Dubrovnik, **it was all the Croatian Army. Of course, it**
2 was after the signing of the agreement on co-operation in the border
3 areas between Dr. Franjo Tudjman, President Tudjman, and
4 President Izetbegovic, and the HVO held TG2, what His Honour
5 Judge Trechsel asked me. It's the Tactical Group 2 which manned
6 positions from the area south of Stolac towards the Croatian border,
7 defending Neum, among other things. And here we from the HVO and the
8 Croatian Army quarreled over who actually had to hold this line, because
9 this is not a defence line of anything in Bosnia and Herzegovina. **This**
10 is the defence line of Croatia **facing the attacks by Republika Srpska.**

11 And the Croatian Army did man those positions after a while, but
12 then the international community complained, and the HVO went on to man
13 those lines again, although it is still not clear to me. I would not
14 have complied with it because the Croatian Army in some areas, maybe a
15 kilometre or two, because of the lay of the land and in light of the laws

16 of war, moved into Bosnia-Herzegovina territory towards Dubrovnik. **But**
17 it was never a part of any conquests. It was just in accordance with the
18 rule that you have to and you can stop an attacker in the tactical depth.

19 And the border facing Dubrovnik **was such that you can actually**
20 fire on the town from a pistol. So if you want to repel the artillery so
21 that they can no longer target this town, and it is in -- at the
22 territory of another state which is not under the control of the
23 government, because from the beginning of the war, the government in
24 Sarajevo **did not have any representatives, any idea how to defend it.**

25 This was people organising themselves, and after all, I, myself, in an

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1 effort to defend the basic things in life, your mother, your son, your
2 child, friends, and so on.

3 JUDGE ANTONETTI: [Interpretation] Please get back to what's at
4 hand, because you're straying. Please move to the next map.

5 A. I do apologise. Number 31. Map number 31. That's 3D03741.

6 Again, this is the plan of -- for the attack of the JNA and the
7 VRS to the south -- attack on the south of Croatia from the territory of
8 Bosnia and Herzegovina. Here you have the translation.

9 JUDGE TRECHSEL: I think the number is 31 rather than 51 as you
10 wrote.

11 A. 31, yes.

12 MR. STRINGER: Mr. President, is it time for the break? I
13 thought it was about 5.30.

14 JUDGE ANTONETTI: [Interpretation] We still have five minutes to
15 go.

16 General, please write down 31, because, indeed, we have 51.

17 A. Thirty-one. So these are the axes of attack by the JNA and the
18 VRS, the attack on Livno towards Split, **taking of Kupres, and then from**
19 Mostar, they're moving towards Makarska. They're linking up their
20 forces, and we don't have to add anything to it. It's crystal clear as
21 it is.

22 Here we have two maps, 32. Map number 32. This is the map from
23 1995, operations between the 8th of October, 1995, until the 11th of
24 October, 1995. HVO, HV, BH Army in operations -- operations --

25 JUDGE ANTONETTI: [Interpretation] General, this is not covered by

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1 the indictment. What is the point of talking of a situation taking place
2 in 1995? What is the military purpose of giving us this information?

3 A. From a military point of view, this is what is important: We
4 have to see when the Croatian Army -- when, and what occasions and to
5 what extent actually had a presence in Bosnia-Herzegovina. On the
6 previous map I showed you that it was in the south of Croatia -- or,
7 rather, the Dubrovnik **area, A, B, only the unit of 159 people, from the**
8 10th of April until the end of June around Citluk, and the next time
9 there is a regular presence by the HV was in 1995 when Bihac was
10 liberated and when the Croatian troops, the HVO, the HV, and the BH Army
11 together advanced towards Banja Luka. These are two maps. These
12 operations were under the command of General Gotovina. This is southern

13 movement, and you can't really see it here. I wrote Jajce. Jajce was
14 liberated, Sipovo, Kljuc and so on.

15 This was after an agreement that was signed - this is important -
16 by Dr. Franjo Tudjman and Alija Izetbegovic about military co-operation.
17 So in 1995, I am --

18 MR. STRINGER: Objection, Mr. President. It is outside the scope
19 of the indictment, and the General's not even qualified to talk about
20 this. He's not even in his position in 1995.

21 MR. KARNAVAS: Your Honour, Your Honour, if I may -- if I may --

22 JUDGE ANTONETTI: [Interpretation] Just one minute. Let me
23 respond to what he said, to what Mr. Stringer said. I can answer any
24 question that I like. That is my answer.

25 General, I asked you a question: Is this useful? You said, Yes,

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1 because it shows in 1995 HVO and -- and HV led a joint operations under
2 the command of General Gotovina. We know that. You've said it now we
3 can move on to something else. Mr. Karnavas, what did you want to add?

4 MR. KARNAVAS: I just wanted to add that for contextual purposes
5 I believe this is relevant testimony, and I don't want to take up any
6 more time; but I do think for contextual purposes it's relevant, but
7 since the Trial Chamber has already ruled on the matter, there's no need
8 for me to elaborate.

9 MS. ALABURIC: [Interpretation] Your Honour, if you allow me just
10 one sentence. In our cross-examination of General Praljak, we tried to
11 show that only 23 per cent of the war period was the time when the BH

12 Army and the HVO were in conflict, and this document from 1995 covers the
13 77 per cent of the time when Muslims and Croats actually co-operated in
14 the defence against the common enemy. I think it is important in order
15 to be able to determine the intentions of the Croats and the Croatian
16 leadership.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, you told us
18 that in 1995 there was a joint action between HVO and HV. We have the
19 map. Very well. We take this into account. Mrs. Alaburic said that
20 according to her, and she's probably right, she said that most of the
21 time it wasn't HVO or ABiH but HVO and HV versus VRS, so forth and so on.
22 Well, everything is noted down anyway. Move to the next map, please, and
23 then we'll have a break.

24 A. Just two maps, two minutes, Your Honours. I am saying and the
25 next map number 33 shows it, I'm not going to say anything. Had

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1 Mr. Izetbegovic in 1992 signed a military -- signed a military agreement
2 that he did eventually sign in 1995, the Army of Republika Srpska would
3 have been defeated much faster and there would have been no conflict
4 between the BH Army and the HVO. There would not have been any
5 aggression on the part of the BH Army against the HVO.

6 JUDGE ANTONETTI: [Interpretation] Please write a number on the
7 previous map.

8 A. Thirty-three.

9 JUDGE ANTONETTI: [Interpretation] Thirty-three.

10 A. This is the last one.

11 JUDGE ANTONETTI: [Interpretation] This one is 34, and then we
12 have the break.

13 A. Last map, 34.

14 JUDGE ANTONETTI: [Interpretation] Tell us about map 34, please.

15 A. The HV, HVO, BH Army together defeated the Army of Republika
16 Srpska and came as close as Banja Luka, and then Christopher, Holbrooke
17 and Galbraith put a ban. They didn't want the Republika Srpska Army to
18 be defeated. We stopped and then --

19 THE INTERPRETER: Interpreter's remark: The witness should speak
20 slower.

21 JUDGE ANTONETTI: [Interpretation] General -- General Praljak,
22 please tell us the month and year of this map depicting the Banja Luka
23 operation. No, it's on the map already, obviously. Fall 1995, is that
24 it? No more maps?

25 A. I don't have any more maps.

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1 JUDGE ANTONETTI: [Interpretation] So let's break for 20 minutes.

2 --- Recess taken at 5.46 p.m.

3 --- On resuming at 6.08 p.m.

4 JUDGE ANTONETTI: [Interpretation] We are back in session.

5 Mr. Kovacic, you have the floor. I believe you have something to say
6 regarding the numbering of the maps.

7 MR. KOVACIC: [Interpretation] Thank you, Your Honour. I don't
8 want us to move on. The last answer by Mr. Praljak was not recorded
9 because he was talking too fast. The interpreters were unable to catch

10 it. That was the part where he said that the HV and the HVO and the BH
11 Army together defeated the Army of Republika Srpska and reached as far as
12 Banja Luka, and then Christopher, Holbrooke, and Galbraith prohibited
13 them from proceeding any further. So that's all we have in record in --
14 on lines 15 through 18 at page 74. The last thing that is recorded is
15 they didn't want the BH -- the Republika Srpska Army to be defeated, and
16 then he said, "Well, we stopped," and you can see that there's something
17 missing here. So perhaps General Praljak might complete his answer. And
18 I apologise. As for the numbers for the maps that you mentioned, we will
19 provide the Trial Chamber tomorrow with a table where we will list all
20 the numbers that were used by General Praljak to mark the maps, collated
21 with the numbers -- 3D numbers, the e-court numbers, so that we can be
22 sure that we're all on the same page.

23 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Stringer, the
24 Trial Chamber consider it fair for you to be able to put questions to
25 Mr. Praljak on these maps if you believe that, according to you, some of

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1 these maps can be challenged.

2 MR. STRINGER: Yes, Mr. President. Thank you. Mr. President, at
3 some point, I think it was last week although I can't remember exactly
4 when, I was given the first 12 maps that we went through, and the rest of
5 them I -- I didn't have, and I had looked at these a little bit, although
6 again I was doing my own cross at the time, and I asked somebody else to
7 look at them for me.

8 I had not looked at or considered the maps 13 through the last

9 one, whatever it was, until we saw it today, and I -- there will be some
10 questions, not a lot, but I do have some questions, Mr. President, and I
11 think that it would be best and most efficient if I could put those
12 questions to the General on Thursday when we reconvene, say for probably
13 15 or 20 minutes at the most.

14 JUDGE ANTONETTI: [Interpretation] That's no problem as far as I'm
15 concern. Let me consult with my fellow Judges. No, it seems that we all
16 agree. We agree. So you will put your questions on Thursday.

17 Ms. Alaburic and Ms. Nozica, you had questions to put, some
18 cross-examination questions to put to Mr. Praljak. Well, you can go at
19 it right away. Mrs. Alaburic?

20 MS. ALABURIC: [Interpretation] Your Honour, the way I understand
21 our agreement with Ms. Nozica, she is supposed to start first.

22 JUDGE ANTONETTI: [Interpretation] Very well.

23 MS. NOZICA: [Interpretation] Thank you, Your Honour. Well, we
24 stuck to the order that is usual for the cross-examination of
25 General Praljak.

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1 Now I would like to ask the usher to hand out the binder with the
2 documents to everybody.

3 Further Cross-examination by Ms. Nozica:

4 Q. [Interpretation] Mr. Praljak, since I have only 15 minutes, I
5 with like to start with the document -- and I have the feeling that
6 somebody has their microphone on, so it's a little bit difficult for me.
7 Yes. Now it's much better. We can hear better.

8 Mr. Praljak, I would like to start with the document that's first
9 in the transcript, and that's document P6364. I think you've been able
10 to locate it.

11 A. Yes.

12 Q. At page 14 of the transcript today, in lines 4 through 7, you
13 were asked by my learned friend Mr. Stringer whether Mr. Stojic, as
14 regards to the procurement of the equipment listed here and the payment
15 of medical services to the XY side, did play a logistical and financial
16 role, and you confirmed it.

17 A. No. I said that probably -- that he probably had. I didn't
18 confirm it. I said he probably had that role.

19 Q. Now, as regards to this document, let us please look at page 2 of
20 this document. I did indicate the document, and I think that the General
21 knows what document I'm talking about. And page 2, here it says,
22 General -- well, we can see it in e-court. It says:

23 "Delivered.

24 "We are in debt.

25 "Compare with the Finance Minister, Jozo Martinovic."

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1 Mr. Praljak, do you know that Mr. Jozo Martinovic was the Finance
2 Minister in the new government of the Croatian Republic of Herceg-Bosna,
3 which was appointed on the 10th of November, 1993, after Mr. Stojic left
4 the Defence Department?

5 A. I can confirm that with a high degree of probability.

6 Q. Likewise -- well, we've all received this document from the

7 Prosecution. On the basis of what it says here, does it follow quite
8 clearly that as regards to the procurement of these -- this materiel and
9 equipment that it was not paid, because it states here, "We still owe the
10 money. We're in debt." Can you confirm that answer?

11 A. Yes, I can confirm it because that's what it says here. We owe
12 the money. Well, I can't confirm that I know that, but as I was able to
13 do that before, I can say that it's highly probable that this explanation
14 is correct.

15 Q. Mr. Praljak, let me now put to you a conclusion that was broached
16 here in the courtroom. It is recorded at page 24641 in the course of the
17 testimony of Witness EA. I'm not going to go into any detail so that we
18 don't have to go into private session, but I'm sure that you will be able
19 to recall. But do you remember that in Kiseljak in that period there
20 were any efforts to collect money by the Kiseljak HVO and by individuals
21 and eminent business people? The amount that was mentioned was 1 million
22 German marks to be used to pay the equipment and materiel and to pay for
23 the medical treatment for the people from the Kiseljak enclave on -- that
24 was provided by the Republika Srpska Army because the enclave was
25 surrounded at the time?

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1 A. Yes, I remember that, and I knew that. There's a high degree of
2 probability that I did know that at the time that they had started doing
3 that, and this is what I said here. And I said that they managed to
4 gather most of the funds for this kind of services.

5 Q. Yes. That's how it was said here in the courtroom in response to

6 your questions.

7 Mr. Praljak, now I would like us to move on to the document that
8 I've announced. It's the first document that I was going to use in my
9 re-examination. That's P5104.

10 Mr. Praljak, you were questioned about this document at length,
11 and on the 2nd of September, 2009, here in this courtroom, at page 44305,
12 you answered about this document, and the next document, which we don't
13 have to look at it but I will announce it, it's document P5188, this
14 would be your order, and my question to you, Mr. Praljak, is this: Item
15 1 in this order issued by Mr. Boban, does it pertain to the army? And
16 let me read it:

17 "All units of the armed forces of the Croatian Republic of
18 Herceg-Bosna are duty-bound, as they have so far, to wage exclusively a
19 defensive war in order to protect the integrity of the Croatian area, the
20 people living there and material goods and all the natural resources."

21 A. Yes. That pertains to the armed forces of the Croatian Republic
22 of Herceg-Bosna, that particular item.

23 Q. I will have the same question again for the second item, and it
24 reads --

25 JUDGE TRECHSEL: Excuse me. Excuse me, a linguistic problem.

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1 You have said "exclusively a defensive war." We do not have the
2 "exclusively" in the translation. Perhaps if you read number 1 out we
3 have the translation and can check whether it says "exclusively" or
4 whether not.

5 MS. NOZICA: [Interpretation] Your Honour, let me read again, and
6 it says -- it says "only," perhaps not "exclusively."

7 "All units of the armed forces of the Croatian Republic of
8 Herceg-Bosna are duty-bound, as they have so far, to wage only a
9 defensive war in order to protect the ..."

10 JUDGE TRECHSEL: Thank you.

11 MS. NOZICA: [Interpretation]

12 Q. Mr. Praljak, let me move on to the second item.

13 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, in your own
14 language, when you say "only," does this mean that there's no other
15 possibility; whereas, if it was exclusively, something else could be
16 possible. So when you say "only" in this text, does this mean that it is
17 the only possibility, that no other possibility is available?

18 MS. NOZICA: [Interpretation] Your Honour, Mr. Boban drafted this,
19 but the way I interpret it is in the spirit of our language, and that
20 would be precisely what you've just said.

21 JUDGE ANTONETTI: [Interpretation] Very well.

22 MS. NOZICA: [Interpretation]

23 Q. Item 2 reads:

24 "In the execution of all combat operations, members of the armed
25 forces of the Croatian Republic of Herceg-Bosna are duty-bound to abide

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1 by the standards of International Law of War and humanitarian law, and I
2 designated the commanders at all levels of command and control as persons
3 responsible for that."

4 Mr. Praljak, although it is quite apparent, I would still like
5 you to answer my question. Does this item of this order again pertain to
6 the armed forces of the HVO HZ HB?

7 A. Yes, it does.

8 Q. Mr. Praljak, now we can only have a quick look at this document,
9 P5188. You are aware of it. We all know what this is all about. You
10 testified about this document on two occasions, and this is the document
11 for which you said that you had forwarded it to all operational zones as
12 is indicated here, to all the units subordinate to the Main Staff and the
13 chief of the military police. Is that so?

14 A. Yes. That's what it says here.

15 Q. Mr. Praljak, now I would like to show you three documents that
16 show how this order was forwarded. Could you please look at P5199.
17 That's our next document.

18 Have you been able to find it?

19 A. Yes.

20 Q. This is a document issued by commander Miljenko Lasic,
21 Operational Zone South-eastern Herzegovina. Is that correct?

22 A. Yes, well, somebody signed in his stead.

23 Q. Yes, that's quite obvious. And you can see here that he
24 paraphrased your order in his order, and you can see who it is addressed
25 to. Is that so? And you can see that the order by President Mate Boban

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1 is attached to it.

2 A. Yes, that's correct.

3 Q. To the best of your knowledge, was this the way in which it was
4 forwarded?

5 A. Well, obviously that's how it was done.

6 Q. Now I would like to ask you to look at document 3D915. It's a
7 document that was used by my colleague, Mrs. Pinter, while you were
8 talking about those documents. Have you been able to find it?

9 A. Yes.

10 Q. Now, this is a document -- I don't want to testify, so could you
11 please tell us whom was this addressed to, what operational zone? You
12 can see that from the last page of this document.

13 A. Operational Zone North-western Herzegovina.

14 Q. And you can see from the document that this order, your order and
15 Mr. Boban's order, were also sent to the Prozor Forward Command Post, to
16 the brigades Petar Kresimir, Petar Tomislav. L-a-r-d-p-z-o,
17 Tomislavgrad, 6th Military Police Battalion [Realtime transcript read in
18 error "tomorrow"], Tomislavgrad the 5th, Posusje Brigade, Posusje and so
19 forth; is that correct?

20 A. Yes.

21 Q. Now I would like you to look at another document. We have an
22 error in the transcript. The last word was not battalion tomorrow, but
23 let me just check. It was -- let me go back. It was the 6th Posusje
24 brigade. So that was my last word at page 82, line 16.

25 The last document is 3D1104. This is a document from the command

1 of the Operational Zone Central Bosnia, and you can see from it it was

2 submitted to all the HVO brigades, to independent units in the Central
3 Bosnia Operational Zone, to the 7th Battalion of the military police and
4 the Travnik police administration, and it says:

5 "Pursuant to an order of the commander of the Main Staff on the
6 implementation of the order by the president of the HR HB, Mate Boban,
7 which is attached to this document."

8 And then Mr. Blaskic issues his order. Do you agree with me that
9 this is again is an order that we were talking about? So Mr. Boban's
10 order, and your order that is also related to it.

11 A. Well, the numbers are a bit mixed up. Could you please repeat
12 them.

13 Q. 3D1104. That should be your penultimate document.

14 A. Yes, yes. That's correct.

15 Q. Mr. Praljak, to avoid any questions later on, in item 5 of this
16 order another order is referred to from the operative zone of Central
17 Bosnia, **dated** the 2nd of August, 1993.

18 Now, so that we have absolutely no dilemmas on this score, I have
19 prepared that order too, and it is P3885, which speaks about the control
20 to stop the convoy. Just so we're clear on what item 5 is about.

21 A. Yes. Colonel Blaskic issued this on the basis of my own order
22 saying that they don't have the right to stop UNPROFOR vehicles from
23 going through and how they should behave.

24 Q. And it is P3835. That's the number of your order; right? Thank
25 you, Mr. Praljak. That's all I had in my redirect. Thank you.

1 JUDGE ANTONETTI: [Interpretation] Thank you, Ms. Nozica.

2 Further Cross-examination by Ms. Alaburic:

3 Q. [Interpretation] Good afternoon to you, Your Honour, and
4 everybody else in the courtroom. Let me start off by saying good
5 afternoon, Mr. Praljak, officially, and now I have been given permission
6 to ask you a number of questions linked to a document that was shown you
7 by me learned friend Mr. Stringer and the number is P10960, and that's
8 the number under which you were shown Professor Jankovic's report or
9 analysis. Now, I have a few questions for you in that regard. To the
10 best of your knowledge, was Professor Jankovic on the territory of
11 Herceg-Bosnia in 1992?

12 THE INTERPRETER: Could all the other microphones be switched
13 off, please? Thank you.

14 THE WITNESS: [Interpretation] With a great degree of certainty I
15 can say that he was not.

16 MS. ALABURIC: [Interpretation]

17 Q. Tell us, please, General, Professor Jankovic, was he in
18 Herceg-Bosna in 1993?

19 A. With a great deal of certainty, I state that he was not. I am
20 completely unaware of any such fact, and I think that I would have had to
21 know about it. No, he was not on the territory of Herceg-Bosna.
22 Professor Jankovic was not.

23 Q. Tell us now, please, did Professor Jankovic ever see or
24 physically touch any pieces or weapons that he analysed in the report we
25 had in front of us?

1 A. Certainly not. His knowledge comes from his work as a professor,
2 not by having an insight into the actual state of the artillery pieces in
3 the HVO.

4 Q. General Praljak, are you telling us that Professor Jankovic,
5 then, did not in fact know what artillery pieces they had in
6 Herceg-Bosnia, but he made his conclusions on the basis of some
7 theoretical premises, looking at the type of weapon, the date of
8 manufacture and so on?

9 A. Yes, that's quite certain. He was judging on the basis of
10 what -- the subject he taught but certainly he didn't see -- have an
11 insight into the weaponry that the HVO had in 1992 and 1993, and in the
12 Croatian Army he dealt with scholarly work concerning the manufacture of
13 weapons, the training of crews, and so on.

14 Q. Tell us, General, to the best of your knowledge, Professor
15 Jankovic was he in possession of any documents perhaps linked to these
16 piece -- artillery pieces, firing tables, corrections made and
17 adjustments made to the firing and firing tables or concrete documents
18 related to concrete artillery pieces on the territory of Herceg-Bosna?

19 A. He certainly didn't ask me for any such documents, and it is also
20 quite certain that I didn't have those documents in my possession, so I
21 can say with a great deal of certainty that he did not have access to
22 those documents. He did not have them before him in writing up his
23 report, because his expertise was not compiled on the basis of an insight
24 into the fact, in the present tense, when it was actually happening on

25 the ground.

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1 Q. Tell us, please, General, Professor Jankovic, did he have a list
2 of soldiers and officers who were deployed in the HVO on artillery
3 positions?

4 A. I absolutely exclude that possibility.

5 Q. Does your answer imply that Professor Jankovic, in fact, didn't
6 know at all what specific men were involved, who was in the artillery of
7 the HVO, what these people's training was, what training they had
8 undergone, and so on?

9 A. He certainly couldn't have known any of that, no.

10 Q. Tell us, please, General, just one more question in this
11 connection. To the best of your knowledge, did Professor Jankovic talk
12 to any soldier or officer, who in 1992 and 1993 or 1993, was deployed in
13 the artillery of the HVO?

14 A. I don't know of any such case.

15 Q. Thank you. Very well. Now, staying with this topic, the
16 artillery, I have several questions just to see what your understanding
17 is of certain rules of warfare as an HVO commander in the second half of
18 1993.

19 Tell us, please, General, do you happen to know that it was
20 prohibited to attack or bomb a town, village, or settlement which was not
21 defended, that is, that all attacks on undefended localities were
22 prohibited.

23 A. Yes. I know that perfectly well.

24 Q. I'm now going to ask you another question that you would say
25 argumentum a contrario. Do you know that an attack is allowed on

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1 defended places?

2 A. Yes, I'm perfectly well aware of that.

3 JUDGE ANTONETTI: [Interpretation] The question, Mrs. Alaburic is
4 a little bit complicated. She is asking whether you know that you cannot
5 attack a village, an undefended village. It's very interesting question,
6 and it's merit is that it has been asked, but does this mean in your mind
7 that the army that is about to attack or not to attack knows in advance
8 it is defended or undefended? Do you need to know whether or not the
9 village is defended or not. If one of the belligerent parties doesn't
10 know whether or not a village is defended, can it preventively, after
11 having taken all the necessary precautions to make sure that there are no
12 civilians present, launch a first military operation to conquer the
13 village?

14 THE WITNESS: [Interpretation] No, Judge Antonetti. You cannot
15 take control of a village that -- or attack a village that is not
16 defended. So before you enter a village or pass through a village, for
17 that matter, you do two things: First of all, you collect intelligence,
18 military intelligence; second -- secondly, you reconnoiter. You
19 reconnoiter from some vantage points to ascertain whether along a certain
20 axis there are -- there is an enemy. And thirdly, there is forced
21 reconnaissance work. You send reconnaissance men, one, two, or three,
22 and they advance until they are fired at.

23 Now, there's a rule that holds true in cases of that kind. You
24 can't learn where the enemy is unless you lose some reconnaissance men.
25 So usually these reconnaissance men come across an ambush, and they're

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1 killed, these scouts, but it's important to send these scouts out to see
2 the positions of the enemy, and I did this in the Konjic operation
3 together with the BH Army, for instance.

4 JUDGE ANTONETTI: [Interpretation] You know -- and I'm going to
5 refer to the case of Vietnam. In some villages there were apparently
6 some civilians, but in fact, troops were hidden under floor boards or in
7 galleries, underground galleries. In that case, the US Army would send
8 scouts, as you just said, but they wouldn't leave it like that. As soon
9 as they saw a hole, they threw a grenade in it.

10 Is this part of the soldier's manual, who, when he knows that in
11 a village there are civilians, must check to see if some enemy soldiers
12 are hidden?

13 THE WITNESS: [Interpretation] Only through forcible
14 reconnaissance, that is to say passing through the village. You send
15 somebody through the village, and if he's not shot at, then most probably
16 there's nobody in the village. They can, of course, search a certain
17 number of houses.

18 Now, the Vietnam War was a specific one. There was a lot of
19 digging and so on when the French were there. That wasn't the case in
20 our parts.

21 So you send two or three scouts to reconnoiter the area, to

22 reconnoiter a village to see the lie of the land, so to speak. And to be
23 quite frank, those scouts were very often killed.

24 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic.

25 MS. ALABURIC: [Interpretation]

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1 Q. Tell us, please, General, in your opinion, in an attack on a
2 defended locality, is it absolutely forbidden, consciously, to attack
3 civilian targets, or is that allowed?

4 A. No, it is not allowed to attack civilian targets unless they are
5 in the service of any military activities by the enemy side.

6 Q. Just a moment. I'll take that a step further. Tell us, please,
7 General, to the best of your knowledge, at a point when a civilian
8 facility is used for military purposes, then that civilian facility
9 becomes a military target; right?

10 A. Absolutely. There's no dilemma on that score. That's how things
11 stand.

12 MR. STRINGER: Sorry for the intervention. Mr. President, this
13 is nothing but legal principles that the Trial Chamber doesn't need to be
14 instructed on by a witness, and there's nothing in these questions that
15 relates to the context of any of the conflicts or crimes that are alleged
16 in the indictment. It's pure law, and the Trial Chamber is the master of
17 the applicable law and doesn't need instruction as it's getting in this
18 way.

19 JUDGE ANTONETTI: [Interpretation] You are right from a strictly
20 legal standpoint, the Trial Chamber has not instructions to receive, to

21 know what the applicable rules of law are. But we have seen a document
22 from Colonel Blaskic that incorporates the order from Mr. Boban on the
23 Geneva Conventions and so on. So one might raise the question as to what
24 is the knowledge of the HVO commander on the rules of law and the
25 international conventions especially insofar as in any worthy army there

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1 is a minimum amount that is taught to officers and soldiers as to
2 compliance with rules of war, whether it's the treatment of prisoners or
3 other. So perhaps General Praljak is not, himself, a legal scholar, that
4 is what he said himself, but he does have a minimum of knowledge as to
5 what is allowed and what is not. So I fail to see where the problem
6 lies.

7 Mrs. Alaburic, you have the floor.

8 MS. ALABURIC: [Interpretation] Thank you, Your Honour. I am
9 really asking General Praljak these questions in his position as
10 commander. At what point should you launch an attack on a defended
11 locality, whether it is more important to safeguard civilians and
12 civilian facilities or to achieve a military objective. So in view of
13 these concepts and evaluation of interests from the aspects of military
14 interest, is the topic of my re-direct to General Praljak.

15 Now, the fact that these questions have certain legal
16 repercussions and consequences at this point in time, I --

17 JUDGE TRECHSEL: Excuse me for interrupting. The way you have
18 now formulated the question is really asking what the law is, and that
19 the Prosecution is correct in saying that's not the purpose of direct or

20 cross.

21 I have a feeling that you want to demonstrate something else,
22 namely to what extent the witness was knowledgeable of that law. That is
23 a different aspect, and that is correct, but you should then put your
24 question in a way which makes it clear that you do not want to have him
25 tell the Chamber what the law is, but you want him to demonstrate how

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1 much he knew about it.

2 MS. ALABURIC: [Interpretation] Your Honour, most probably you're
3 right, and most probably, I fail to formulate my question properly, and
4 if so, I apologise for that.

5 Q. Now, General, I'm asking you questions as a military commander
6 about attacks on a defended locality, and it's up to you to weigh up all
7 the relevant factors and decide whether you're going to go ahead or not.

8 Now, your last answer, as far as I remember, was to say that
9 never, under no circumstances, is it permitted to target civilian
10 targets, but then you said that if civilian targets are used in -- for
11 military purposes, then they become military targets.

12 MR. STRINGER: Excuse me, General. I apologise again for the
13 interruption. It was my understanding that this -- the scope of this
14 examination relates to the Jankovic report, which relates itself to HVO
15 artillery, use of artillery. So perhaps for the record, if counsel could
16 specify that we're talking about artillery operations on civilian targets
17 versus infantry operations, which is something different and which would
18 be outside the scope, I think, of the cross-examination.

19 MS. ALABURIC: [Interpretation] Your Honours, for the moment I'm
20 talking about attacks on a defended locality, and the next step would be
21 to take a look at what civilians are exposed to in an infantry attack
22 compared to an artillery attack and what the possible differences are in
23 the conduct of an army during an infantry operation and an artillery
24 operation.

25 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic, the problem is

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1 as follows: You said, "I will be asking questions based on the Jankovic
2 report." This report addresses the issue of the bridge. I thought you
3 were going to ask questions about whether a bridge can be a military
4 target. Now you are moving to another sphere, field, that of villages
5 with civilian population. The Jankovic report does not cover this. Why
6 are you deviating from the original topic? And the OTP is raising that
7 in his own arguments. He did not raise this.

8 MS. ALABURIC: [Interpretation] Your Honours, there are two
9 reports written by Professor Jankovic. One relates to the Old Bridge,
10 and that is not the topic of my re-direct.

11 The other one, the other report, is the one which the
12 Praljak Defence never tendered officially, and through an oral decision
13 of yours, you allowed the Prosecution to use it. And I'd just like to
14 remind you that the Petkovic Defence objected and said that it was a new
15 piece of evidence. However, you decided that questions can be asked
16 based on that new document. And now my questions relate exclusively to
17 that second report by Professor Jankovic, which was never tabled as an

18 expert report, and according to General Praljak, it should not have been
19 examined in this courtroom, but since your ruling allowed this --

20 JUDGE ANTONETTI: [Interpretation] I understand.

21 MS. ALABURIC: [Interpretation]

22 Q. General Praljak, a question linked to that second report now, and
23 that is the question of proportionality during an artillery or any other
24 kind of attack, for that matter, on a defended locality.

25 General, please tell us, do you know that under the principle of

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1 proportionality possible civilian casualties and damage to civilian
2 facilities in any attack on an undefended locality must be significantly
3 smaller than the military effects achieved by an attack on the undefended
4 locality? Have you ever heard of the greater importance that is given to
5 the achieving of a military effect then on the -- which must be then much
6 greater than the civilian casualties, or is it the first time that you
7 hear it?

8 A. Ms. Alaburic, 30 years before the war started, out of curiosity,
9 I studied wars from Napoleon on. I studied all the relevant books, and I
10 focused precisely on this issue: What is the proportion? And I could
11 speak about this for hours with all the facts that I have in my head; how
12 in every war that follows the number of civilian casualties increases:
13 The Vietnam war, the Iraq war, the Israel and Palestine conflict. This
14 has been the subject of my interest for years. I know that, and I
15 presented many of the facts to the Judges already. So I claim that I
16 knew that. I was perfectly well aware of that and this is one of the

17 most difficult military conundrums ever since it was first introduced
18 because you have this principle of proportionality under the law, and
19 that is why we applied this rule very restrictively, absolutely
20 restrictively.

21 So the Old Bridge **was a military target, and when they attacked**
22 and -- on around the 20th of September when they launched this
23 large-scale offensive, we, in the HVO - and I can claim on the basis of
24 everything that I read in the books - we were the only side that would
25 not have destroyed the bridge.

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1 Well, all the armies destroy bridges as they retreat. They burn
2 the bridges behind them.

3 Q. If I can just sum up your answer. So you are aware of this
4 proportionality test, and you applied it as the commander of the HVO; is
5 that so? Could you please just very briefly answer?

6 A. Yes, and we applied it restrictively, madam. So 20 military
7 facilities were in the centre of Mostar. They were military targets,
8 command posts, headquarters.

9 Q. Yes. We'll go through all that with our witnesses, but one last
10 question, General Praljak. Is it your position that at the time when the
11 BH Army started using the Old Bridge **for military purposes did the**
12 Old Bridge **become a legitimate military target at that time?**

13 A. Yes, absolutely, like Monte Cassino and any other facility. It
14 was a military target, but we -- I did not allow it.

15 Q. Thank you very much, General Praljak.

16 MS. ALABURIC: [Interpretation] Thank you very much, Your Honours,
17 for the time that you've accorded me.

18 JUDGE ANTONETTI: [Interpretation] One last question. You said as
19 using the maps that the Serbs had destroyed all bridges except for the
20 Old Bridge. **Why didn't they destroy the Old Bridge?**

21 THE WITNESS: [Interpretation] Hey, the man that they sent to
22 activate the explosives inside the bridge, he -- he died. We killed him.
23 The HVO killed him. And number two, the speed with which we were able to
24 take the bridgehead off further down from the Old Bridge **to the east, and**
25 **my order to protect the Old Bridge against the mortar shells, that's what**

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1 protected it. Exposing 40 people to a great deal of danger, I order that
2 this cultural monument should be protected, and it was protected up to
3 the last minute of my stay there.

4 JUDGE ANTONETTI: [Interpretation] It's almost 7.00 p.m. Tomorrow
5 General Praljak's Defence needs some time to prepare for the additional
6 questions that will heard on Thursday, but before Mr. Kovacic or
7 Ms. Pinter has an opportunity to put questions to Mr. Praljak, the OTP
8 will be asking questions based on the maps, and we shall finish Thursday
9 with the additional questions.

10 This is the best use of our time, and with that, I would like to
11 wish you a pleasant evening, and we shall meet again and reconvene on
12 Thursday at 2.15 p.m. **Thank you.**

13 --- Whereupon the hearing adjourned at 6.56 p.m.,
14 to be reconvened on Thursday, the 10th day
15 of September, 2009, at 2.15 p.m.

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