



Page 44610

1 Thursday, 10 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 Thursday, September 10th, 2009, and I greet Mr. Praljak,
14 as well as Mr. Prlic, Mr. Stojic, Mr. Petkovic, and Mr. Pusic. Of course
15 I also greet Mr. Coric, and I hope that he will be back with us as soon
16 as possible. I'm also greeting the Defence counsels: Mr. Stringer, his
17 colleague -- his colleagues, and everyone helping us.

18 Judge Prandler will be with us in a minute -- after the first
19 break, actually. He has some business to attend to right now.

20 On behalf of the Trial Chamber, let me issue an oral decision and
21 then I will give my own opinion. Oral decision on the motion of the
22 Prosecution regarding the cross-examination of expert witness Josip

23 Jurcevic and Vlado Sakic. Let me read it slowly because it's quite long.

24 On September 9th, 2009, the Prosecution filed a motion in which
25 it is asking the Trial Chamber to grant it seven hours and 30 minutes for

Page 44611

1 the cross-examination of expert witness Josip Jurcevic, who is planned to
2 be heard from -- on September 14th to September 17th, and six hours and
3 30 minutes for cross-examination of expert witness Vlado Sakic, who is
4 planned to be heard from October 5 to October 7, 2009.

5 On September 10th, 2009, this morning, the Praljak Defence filed
6 a reply to the Prosecution's motion, stating that it did not wish to have
7 a position regarding the said motion.

8 The Trial Chamber recalls that it has given a ruling as far as
9 the time allotted to the cross-examination of these two expert witnesses
10 in its two orders on the modalities governing the way the expert
11 witnesses Sakic and Jurcevic would be heard, orders of April 22nd, 2009,
12 and May 6th, 2009.

13 The Trial Chamber also recalls that on April 14th, 2009,
14 Prosecution had filed under Rule 94 bis a notice in order to be able to
15 cross-examine the expert witnesses Sakic and Jurcevic without giving an
16 indication on the time required for the cross-examination.

17 The Trial Chamber first believes that the motion is in fact a
18 motion to review the orders of April 22nd and May 6th, 2009, and decides
19 to deal with it as such. The Trial Chamber considers that given that the
20 motion is coming at a very late moment, it is in the interest of justice
21 to issue -- to rule on this as quickly as possible, and therefore,

22 believes that it is not important to listen to other parties. The Trial
23 Chamber also notes that the Prosecution was not able to prove that there
24 was an error made that would justify that the orders of April 22nd and
25 May 6th would be revisited. Furthermore, Prosecution should have raised

Page 44612

1 the grounds that it raises now in its notice of April 14th, 2009, and not
2 now at this very late stage in the procedure. Consequently, the
3 Prosecution did not prove the existence of any new element that might
4 justify a review of these two orders. Therefore, the Trial Chamber
5 decides that there's no need to reconsider these two orders and decides
6 to dismiss the Prosecution's motion.

7 The Trial Chamber recalls that the Prosecution will have three
8 hours for the cross-examination of Josip Jurcevic and two hours for the
9 cross-examination of Vlado Sakic.

10 Personally -- on a personal note, I wanted also to add my own
11 opinion, my personal opinion, which goes along with -- which is in line
12 with what has been said. I note that the two expert reports were filed
13 on April 3rd for Sakic - April 3rd, 2009 - and on March 13, 2009, for
14 Jurcevic. I believe that when these reports were received on the very
15 same day or in the days following it, the Prosecution should have read
16 this report, studied it, and therefore, be immediately able to tell the
17 Trial Chamber how long it decided it would need for the
18 cross-examination. I note that the Prosecution filed its notice on
19 April 14th without giving indication of the time required for
20 cross-examination purposes. As a consequence, I believe, together with

21 my fellow Judges in this Trial Chamber, that this motion came in too late
22 and that there was no need, actually, to revisit our decision. So the
23 Prosecution will have three hours for the cross-examination of
24 Witness Jurcevic and two hours for the cross-examination of Vlado Sakic.

25 I believe that our registrar has an IC number for the maps.

Page 44613

1 THE REGISTRAR: That's correct, Your Honour, thank you. 3D has
2 submitted a list containing the exhibits and document numbers of the map
3 used by witness Slobodan Praljak during the proceedings of the 8th of
4 September, 2009. This list shall be given Exhibit Number IC1035. Thank
5 you, Your Honours.

6 JUDGE ANTONETTI: [Interpretation] Very well. Let me give the
7 floor to Mr. Stringer. I believe that he has questions to put regarding
8 these maps.

9 MR. STRINGER: Yes. Thank you, Mr. President. Good afternoon.
10 Good afternoon, Your Honours, Counsel, and everyone in and around the
11 courtroom. Before I begin addressing just a few questions to the
12 general, I don't think this will take too terribly long, Mr. President,
13 in light of the remarks that have just been made by the Court's ruling in
14 respect of the cross-examination and time for these two witnesses, I did
15 want to inform the Trial Chamber that the Prosecution is reviewing the
16 expert report that was more recently filed by the Petkovic team, and
17 although we filed our notice last week saying that we wanted to
18 cross-examine him, it's a very lengthy report, appears to be supported
19 or -- or linked to a huge volume of documents as well, and so I want to

20 inform the Trial Chamber that we're in the process of analysing all that
21 and that we are going to provide the Trial Chamber with what we think is
22 our estimate of the time that we would need for cross. Having just
23 gotten the report we're not in a position to do that now, but we're going
24 to try to do that as expeditiously as possible.

25 JUDGE ANTONETTI: [Interpretation] Thank you very much for this

Page 44614

1 effort. The faster you can tell us the time required for
2 cross-examination the -- that way the Defence can give us its position on
3 this and the Trial Chamber can issue a decision on it quickly and that
4 way everything will run smoothly.

5 MR. STRINGER: Thank you, Mr. President. Now, Mr. President, if
6 I could just make one statement on behalf of the Prosecution in respect
7 of all of the maps, because I think that -- I don't know how productive
8 it would be and -- in fact, I doubt that it would be very productive at
9 all at this point given the many, many hours that the general has been
10 testifying on direct and on cross-examination for the Prosecution now to
11 sort of re-enter a cross-examination on the subject of which party
12 attacked who on any given day. Several of the maps - and the Trial
13 Chamber has those - several of the maps make assertions about HVO attacks
14 in Mostar on the 9th of May, for example, or in Busovaca, or in any other
15 number of places, and rather -- I think, you know, we could spend days
16 and weeks on a cross-examination of just that issue, and I think that in
17 light of all that's been said and the length of time that the general has
18 been testifying, if I can just note for the record that the Prosecution

19 does not accept the characterisation that the general has placed on the
20 maps as to which party initiated or attacked on any given day.

21 It's certainly the general's evidence, and we expect that the
22 Trial Chamber will consider that together with all of the other evidence
23 in the case and reach its own conclusions to the extent it feels it needs
24 to do so about which party launched an attack on any of the locations
25 that are noted in the maps.

Page 44615

1 I'd simply add that the adjudicated facts that the Trial Chamber
2 accepted prior to the trial do include statements or findings about a
3 couple of the combats or military attacks that -- that are referred to in
4 the indictment, and rather getting -- rather than getting into the
5 details of all that, we'd invite the Trial Chamber to reconsider the
6 adjudicated facts, consider all the evidence in the trial, and to accept
7 the Prosecution's statement that it disputes the general's assertions
8 about who started or who launched an attack on a given day, because I'm
9 not going to take all the time to go into that at this point.

10 I do have a few limited points --

11 MR. KARNAVAS: Your Honours, this is totally improper at this
12 point. I believe we're hearing closing argument. If there had been an
13 objection with respect to the maps it should have been made two days ago.
14 It's highly untimely at this point to sort of hear the testimony and then
15 make a general comment. As far as adjudicated facts are concerned, you
16 know, there is a presumption that they're correct, but, you know, it's a
17 rebuttable presumption, and so -- but again I don't think these are very

18 helpful comments at this time of the proceedings. They should have come
19 much earlier. And might I remind the Prosecution that it was at the
20 Trial Chamber's insistence that the maps be dealt with at this stage.

21 Clearly this is not the time to be arguing this. Now, if the
22 Prosecution has questions regarding the maps, I would suggest that they
23 go forward with their questions. Otherwise, you know, I have a standing
24 objection to this sort of lecturing at this point.

25 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, what you said is

Page 44616

1 not noted on the transcript. You already said that, and Mr. Karnavas, I
2 believe, gave us the position of the Defence, so now you can go ahead and
3 put your questions to Mr. Praljak if you have any questions regarding
4 they maps. We heard the Defence, and the Judges will rule in the end.

5 Mrs. Pinter was standing up. I hadn't seen -- does she want to
6 take the floor?

7 MS. PINTER: [Interpretation] Good afternoon, Your Honours, and
8 everybody else in the courtroom. I just wanted to say I agree with what
9 Mr. Karnavas said, and I would like to add that the indictment has not
10 been changed in any way. It was in its original as the accused received
11 them in April. According to the contents of the indictment, it's very
12 important who attacked what and when, because it is on that that --
13 whether it's the HRH -- or, rather, it concerns the HR HB and whether a
14 joint criminal enterprise exists or not, whether it was a plan to launch
15 attacks or whether it was a response to attacks. Thank you.

16 JUDGE ANTONETTI: [Interpretation] Very well. The position of

17 Mrs. Pinter is now also noted on the transcript.

18 JUDGE TRECHSEL: I would like to state at the address of
19 Mr. Karnavas that what I understood the Prosecutor as saying, with too
20 many words, I would concede that, was, "If I don't challenge now, that
21 doesn't mean I change my position." And I think so far it is acceptable.
22 It's not really -- I did not listen, as it were, to any argument beyond
23 that.

24 MR. KARNAVAS: But that goes without saying. They don't have to
25 address everything we always say. I mean, I think that's a given, but I

Page 44617

1 understand they need some time to be overly cautious, and I assume that
2 that was the intention. I'm just -- from a technical point of view I had
3 to raise my objection. Thank you.

4 JUDGE TRECHSEL: I quite accept that. And, Mr. Karnavas, if you
5 allow me an observation, if we could strike off all the words that have
6 been said in this courtroom since 6 -- since April 2006, I think we'd be
7 through far with the administration of evidence. I think it's a normal
8 thing that we say a bit more, that would be absolutely necessary, be it
9 in the courtroom, be it outside. Thank you.

10 JUDGE ANTONETTI: [Interpretation] Mr. Stringer. I also welcome
11 Mr. Karnavas. He's now with Mr. Prlic's Defence.

12 MR. STRINGER: Thank you, Mr. President. I did use too many
13 words. We're probably being overcautious, but we finished our
14 cross-examination in a manner of speaking earlier. It's not clear to me
15 what the status of this is. I suppose it's a re-cross, but I did want to

16 make that remark for the record, and I apologise if I took too much time
17 doing it.

18 WITNESS: SLOBODAN PRALJAK [Resumed]

19 [Witness answered through interpreter]

20 Further Cross-examination by Mr. Stringer:

21 Q. General, we're only going to look at a few of the maps and the
22 first one is your map number 3. Do you have that one in front of you?

23 A. Yes, Mr. Stringer.

24 Q. Okay. And just a quick question on this, because this, for the
25 record, is labelled as "Joint Activities of HVO and ABiH for the Period

Page 44618

1 June to October 29th, 1992"; correct?

2 A. Correct.

3 MS. PINTER: [Interpretation] Mr. Stringer, I do apologise, but
4 may we have the map either on the ELMO or on e-court, because otherwise
5 the other accused can't follow. Thank you.

6 MR. STRINGER: Sure. Let's put it on -- the ELMO, I think is the
7 best.

8 Okay.

9 Q. Now, General, first question is, and we'll talk about this more
10 in a minute, the date of October 29th, 1992. Is that the date -- is that
11 date significant here because that's the date when Jajce fell?

12 A. Yes.

13 Q. Okay. And again just to -- I want to be sure I understand
14 correctly what this is. Here what you've noted in this map or what you

15 say are all the locations where the ABiH was fighting together with the
16 HVO against the VRS, or these are all places where the ABiH and the HVO
17 were -- were holding the -- the front line against the VRS; correct?

18 A. Not quite. This is important, because the -- well, the attacks
19 on Jajce were already going on as well as the attacks on Posavina to
20 secure the corridor that the Serbs needed. So in these two enclaves,
21 Gorazde being one of them, here, and the Srebrenica enclave with
22 Bratunac, there was no HVO there. However, in Sarajevo and all the other
23 area, as well as Bihac and this area here was covered by the HVO, and in
24 places the HVO together with the BH Army, and in other places the BH Army
25 was on its own.

Page 44619

1 Q. And --

2 A. But the colours denote that.

3 Q. And it seems evident but I'll just ask it: The map does not show
4 locations of conflict between the HVO and the ABiH. For example, Prozor,
5 which had just been taking place during October.

6 A. No, you don't see that on this map. The conflict in Rama was an
7 isolated conflict which was quelled very quickly, and it's not included
8 on this map, but it is on another map.

9 Q. All right. And then now the next map is number 4. If you could
10 put that one on the ELMO. And, General, if I understand correctly, this
11 map is a snapshot of the 29th of October, 1992, or is this supposed to be
12 November? That was my -- that was my first question.

13 A. Well, all right. It says what it is, "Joint activities after the

14 fall of Jajce," and simultaneously -- well, the map should be far more
15 complicated. If you wanted them to show how the territory was lost in
16 Posavina, in an offensive launched by the VRS which went on for months.
17 So this on this particular day or after that day, the VRS took control of
18 Jajce, liberated or expanded its corridor and all that remained -- no,
19 I'm here. Jajce fell, and the VRS managed to make a large corridor here
20 in Posavina, but the HVO enclave remained in the area as drawn into the
21 map.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a
23 technical question. I should have put it to you yesterday, but I didn't
24 think about it.

25 The front line is red for the Serbs, and for the ABiH and for the

Page 44620

1 HVO it's in green and blue, but is it continuous? Is it a continuous
2 front line, or is it discontinuous, because here you drew a continuous
3 line, which means that there was no passage possible through the front
4 line. It was --

5 THE WITNESS: [Interpretation] The front line is continuous.

6 JUDGE ANTONETTI: [Interpretation] Very well.

7 MR. STRINGER:

8 Q. And, General, this being the 29th of October, after Jajce fell,
9 then what we see in the area just to the east, south-east of Jajce you've
10 got a blue line there for an HVO position, or HVO part of the line, and
11 then you've got green above it and green below it. So is that how it was
12 after the 29th of October, you had the HVO holding one part and the ABiH

13 holding other parts?

14 A. Correct.

15 Q. The next map is number 5. I just want to come back again to --
16 this is a point, General, that I asked you about earlier or during the
17 cross-examination. This map, you say, relates to -- well, this one's
18 different than the other two because this one actually depicts conflict
19 between the HVO and the ABiH; correct?

20 A. Yes, that's right. In two areas. What happened was that there
21 was active defence on the part of the HVO in the Uskoplje area, and that
22 went on from the 11th to the 23rd of January, and the other thing was the
23 attack by the BH Army where the links between the HVO and Travnik and
24 Vitez were cut off, and on the other side Kiseljak.

25 Q. All right. Let's focus on number 1 first, which I believe

Page 44621

1 relates to Gornji Vakuf or Uskoplje; correct?

2 A. Yes.

3 Q. Now, you've got, and we can see it, the arrows point to a circle
4 or an oval that's coloured orange, and the orange appears to relate to
5 the VRS, and so it's not clear to me what you're telling us is based here
6 or is located here in Gornji Vakuf or just east of Gornji Vakuf. This
7 orange oval on the map, are you saying that that is some sort of a VRS
8 presence?

9 A. No, Mr. Stringer. The VRS is red and the orange colour was
10 chosen for the simple reason that in the detention centre we don't have
11 many colours at our disposal in terms of pins, and so this colour, the

12 colour orange, is readily visible. It just shows that there was a
13 conflict there.

14 Q. All right.

15 A. Everything else is an elaboration.

16 Q. And again, General, this map does not show any HVO guns or
17 artillery position at Makljen Ridge during the period of January 11th to
18 the 23rd; correct? You've not indicated that on the map.

19 A. It's not indicated on that map, and apart from that I never said
20 that at Makljen there was any artillery -- there were any artillery
21 pieces belonging to the HVO.

22 Q. Well, I know you never said that or -- General. It's something
23 that you were asked about on cross-examination, however. Maybe we should
24 go back to it.

25 MR. STRINGER: I'd like to ask if we could put it up in e-court.

Page 44622

1 MR. KOVACIC: Your Honour, I would object, I think, on this line
2 of questioning. It is clear that on this map the author of the map,
3 General Praljak cannot mark whatever anybody imagined. The question
4 regarding map earlier, I mean the assignment, and the description of the
5 map is quite clear. So possibly the Prosecution may produce another map
6 and show the guns or hospitals or power plants or forestry company,
7 whatever they want. The request to Mr. Praljak was, as far as I
8 remember, show us, and this was one of the requests, show us division as
9 it was shown here. This is Mr. Praljak's knowledge and understanding.
10 This is the method he choose. So if the Prosecution want to have

11 anything else on this map, let's prepare another map. Let's bring the
12 witness and present it.

13 Thank you.

14 MR. STRINGER: Well --

15 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, this you did
16 daunting task when marking all these maps, but I must say, and I did
17 notice yesterday but I said nothing because I was waiting for
18 Mr. Stringer's question. You didn't really meet my.

19 Demands, you know. I did want to see on the one hand the front
20 lines, but when you look on the transcript what I was going you to do, I
21 also wanted you to position the ABiH and the HVO units. I did
22 specifically say that, and I also asked you to write down the name or the
23 numbers of all these units so that we could really see how things were at
24 the time, and you did not do this. Maybe you forgot to do it, but if you
25 had done such a detailed work on Gornji Vakuf, we would have seen exactly

Page 44623

1 where the HVO was positioned and where the ABiH was positioned.

2 I had a number of reasons for putting this request to you,
3 because in the indictment there are military attacks that are mentioned,
4 but not just that. We also had the incident at Makljen Ridge, and I
5 wanted to know where the units were positioned, and on these maps we
6 cannot see where the units are positioned.

7 The Prosecution is telling you that you -- why did you draw these
8 three arrows towards Gornji Vakuf. What does it mean exactly, because it
9 doesn't shed much light on anything. We see that an attack is going on,

10 you're telling us that it's the ABiH. Fine. Where were they, at the top
11 of the arrow, at the other side of the arrow? Which ABiH units were you
12 talking about? We don't know. You maybe don't know either. It doesn't
13 shed much light.

14 So let's say that you -- you met my demands but only halfway,
15 unfortunately. I did -- hold it against you, of course, it was a
16 daunting task that I asked you to do, but it's only -- you only did 50
17 per cent of it, unfortunately.

18 JUDGE TRECHSEL: I would like to answer Mr. Kovacic. I think his
19 objection is justified for two reasons: First, this is a map the scale
20 of which does not allow to put artillery positions. I mean, you need one
21 to 100.000 or less to really and truly do that. So it's not the
22 realistic objection to the map.

23 And second, Mr. Praljak has said there was no artillery on
24 Makljen. I see no justification for bringing this question again
25 especially on the basis of a map where it couldn't have been meaningfully

Page 44624

1 shown anyway. So I would like you to go to another question,
2 Mr. Stringer.

3 MR. STRINGER: Well, let's look at an exhibit -- it's one that we
4 looked on this very topic earlier in your cross, General. We're going
5 to -- I'm going to have to ask them to put it up on e-court. It's an
6 exhibit that's in evidence. You've all looked at it before, P01183.

7 General, now, this is Colonel Siljeg writing to the Eugen
8 Kvaternik Brigade on the 18th of January 1993, and he says:

9 "Given that this morning we have launched an attack on Gornji
10 Vakuf from the direction of Makljen, there is heavy fighting going on
11 over there, and therefore, we cannot perform the evacuation."

12 General, I recognise the scale of the map is what it is, but when
13 you're indicating here that there is an ABiH attack or when you're
14 asserting that that's what is depicted in this map, the fact is that the
15 map is false, and it was an HVO attack from the direction of Makljen that
16 occurred during the very period of time that you have written this map
17 for. Isn't that true?

18 A. No, Mr. Stringer. First of all, I would kindly ask His Honour
19 Judge Antonetti to understand that this is what I understood with regard
20 to the maps that I was supposed to draft. The number of units would
21 require tens of huge maps because they're talking about hundreds of units
22 of the BiH Army or the HVO, and if you ask me to draft very correct maps
23 based on documents and my knowledge with regard to the conflict in Gornji
24 Vakuf, I can do it to the best of my recollection and knowledge. It
25 wouldn't be difficult. I can go back to the drawing table. I can go

Page 44625

1 back to the witness stand, and I can testify again for an hour or two.
2 That wouldn't be a problem to me.

3 Second of all, I have shown a very precise map of Gornji Vakuf to
4 an English major depicting the units of the BH Army on the map, but --

5 Q. We've had -- you've got your opportunity to give us an extensive
6 description of each one of these maps the other day, and I think that
7 we've heard enough. We all know what your position is on these maps,

8 General. You don't need to repeat yourself.

9 I've asked you a question. I've put something to you, you denied
10 it, you know the Prosecution position, so I'm ready to move on to the
11 next map, and that's map --

12 A. No, because please -- please.

13 JUDGE ANTONETTI: [Interpretation] General. General, allow
14 Mr. Stringer to ask his questions. You know that Gornji Vakuf is
15 important. I was expecting from you a first map that would have shown
16 the positions prior to the attack, be it HVO or VRS units, but the
17 position the HVO and BH Army units in the region before anything started,
18 and you would have said, "This is where the HVO was. This is where the
19 BH Army was." Then in a second map you would have shown us or you would
20 have told us, according to you, the attack by the BH Army to take control
21 of the Makljen Ridge. Then you would have shown a third map that would
22 explain that following the attack by the BH Army the HVO initiated
23 defensive action, and in fact this document could help to explain this,
24 that is to say, following the Makljen Ridge attack then the HVO decided
25 to conduct an operation against Gornji Vakuf, and you would have shown

Page 44626

1 the third map, and on the third map you would have shown the position of
2 the various units. Not a difficult exercise, especially inasmuch as the
3 issue of Gornji Vakuf had been the subject of very heated debates, I
4 remind you, and I thought that the maps would be very telling about this.
5 Unfortunately, that is not the case except for what we see here with
6 these three arrows saying the BH Army is attacking Gornji Vakuf.

7 It's too late now, so let us listen to the Prosecutor ask his
8 question, and answer his question to the best of your knowledge.

9 THE WITNESS: [Interpretation] Very well.

10 MS. PINTER: [Interpretation] Your Honours. I apologise, General.
11 General Praljak's Defence is not finished with its case, so we're going
12 to call Zrinko Tokic from Gornji Vakuf, together with General Petkovic
13 Defence. His testimony will be supported by the maps and all the other
14 documents. This may be one of the reasons why the general did not
15 provide any more detailed maps.

16 JUDGE ANTONETTI: [Interpretation] Fine. This will be an
17 opportunity to return to this question.

18 Mr. Stringer, go ahead.

19 THE WITNESS: [Interpretation] I would like to answer,
20 Mr. Stringer.

21 MR. STRINGER:

22 Q. You did, General. You said, No.

23 I put it to you that the HVO attacked -- we're getting French on
24 the English channel, at least I am. General, I put it to you that based
25 on this document, in fact, the HVO launched an attack as is reflected in

Page 44627

1 this. You disagreed with me, and we talked about this previously on
2 cross, and so I think we can move from it. We don't need to debate this
3 any more.

4 So the next map, the last map, is number 11. All right.

5 General, this one you have as the situation on areas under

6 control of HV -- of ABiH and HVO, July 30, 1993.

7 Now, General, I want to focus on the blue part that runs roughly
8 from Gornji Vakuf down to Stolac, that HVO territory, and the question is
9 this, General: During the period of time that you were commander of the
10 HVO Main Staff, weren't you responsible to protect civilians against
11 crimes committed by HVO soldiers in that blue zone?

12 MS. PINTER: [Interpretation] Your Honours, I would object to the
13 question. The Prosecutor has 15 minutes to ask questions about the maps.
14 He now re-opens another issue, and it seems that he is cross-examining
15 again. He was given 15 minutes to ask the general about positions
16 depicted on the maps.

17 JUDGE ANTONETTI: [Interpretation] I was quite surprised and
18 startled when I heard you asking this question, because this is a
19 question you've already put to him. You have put this question to him,
20 and he responded, if memory serves. I don't have the transcript, but I
21 still have a fairly good memory, in spite of my age. And he answered,
22 "We are responsible -- we are responsible along the border, along the
23 front line. The rest is not of our responsibility -- or under our
24 responsibility, that's what he said, and the answer was quite clear."

25 Now, starting from the maps, you're asking the question again. I

Page 44628

1 think it's overdoing it. If he wants to answer, he can answer. His
2 counsel is objecting, and I think that she is right to do so. The Trial
3 Chamber.

4 MR. STRINGER: I would like to respond to that, Mr. President,

5 with all due respect to the Trial Chamber.

6 This is a question that was raised by Judge Trechsel in Tuesday's
7 proceedings when we were all looking at this map, because the Prosecution
8 submits that what's shown on this map is inconsistent with and
9 contradicts the witness's testimony on this very point earlier when he
10 claimed that the territory or the zone of responsibility was only the
11 front line.

12 Now, we've got a map that the general's produced that shows --
13 tells us that the ABiH, the Army of Bosnia-Herzegovina, and the HVO had
14 these territories under their control; and I think it's a fair question,
15 and with respect, I think the general successfully avoided answering the
16 question when it was put to him by Judge Trechsel.

17 The general claims that he's only responsible for civilians on
18 the front lines, the place where the blue meets the green. I think the
19 Prosecution, under the circumstances, should be able to put to him that,
20 in fact, he's responsible for protecting civilians throughout the blue
21 area from crimes committed by HVO soldiers, something that he denied.

22 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, your question can
23 be admissible. The problem is the definition that you're giving to the
24 HVO. In your mind, do you mean the military HVO, or do you mean the HVO
25 in the broader sense, meaning to say both the civilian and military

Page 44629

1 understanding of the HVO? That is where the problem lies.

2 MR. STRINGER: This is a direct follow-up to the questions from
3 Judge Trechsel, because as Judge Trechsel pointed out, the reference here

4 is to the ABiH. That's the Army of Bosnia-Herzegovina. And clearly what
5 that tells us, or what we can conclude, in the Prosecution's view, is
6 that the reference to the HVO is, of course, the military or the army
7 component of the HVO, which is the equivalent of the Army of Bosnia and
8 Herzegovina.

9 JUDGE ANTONETTI: [Interpretation] General, please answer the
10 question since the Prosecutor is saying that since you said HVO as -- in
11 terms of its military component, you should answer the question.

12 THE WITNESS: [Interpretation] Mr. Stringer's interpretation is
13 not correct. The use of the word "control" is not literal here. It is
14 an arbitrary expression, a popular expression, and in the interpretation
15 provided by Mr. Stringer it doesn't make sense.

16 The HVO did not conquer the territory. It was defending it. It
17 did not occupy the territory. Therefore, it could not be responsible for
18 the situation before the civilian authorities were established. So it
19 was not responsible as it would have been in the territory conquered by
20 it.

21 The soldiers were, therefore, responsible for only what was
22 happening on the front lines and around it depending on the configuration
23 of the terrain, a hundred, 250 metres around it in order to protect its
24 flanks. The rest does not have anything to do with the military
25 component of the HVO, but the same applies to the BiH Army.

Page 44630

1 What was happening in Tuzla or Zenica was up to the authorities

2 there or the civilian police, and the same was true of Sarajevo.

3 MS. ALABURIC: [Interpretation] Your Honours, I would like to
4 point to the lack of precision in the translation of one part of
5 General Praljak's answer in part -- in lines 7 and 8. The sentence in
6 the two lines is not what the general actually said. The general said
7 that the HVO Army could not be responsible for the situation as it would
8 have been if the territory was occupied before the civilian authorities
9 were established, and as I read the transcript, I'm reading in English,
10 General Praljak, you can follow what was recorded and you can correct me.
11 It says and I quote:

12 [In English] "It could not be responsible for the situation
13 before the civilian authorities were established."

14 [Interpretation] It is not clear that the general was referring
15 to a situation that would have been in place if the territory had been
16 occupied; is that correct, General Praljak?

17 THE WITNESS: [Interpretation] Yes. The borders of the blue
18 enclave is what was held by the troops, and the troops were responsible
19 for that line and not for the territory in-depth, not in any case. I've
20 already explained that, and I have nothing else to add to that. And the
21 same applies to the Army of Bosnia-Herzegovina, although I put the words
22 under the control, the word control is -- defies translation. It is a
23 word used colloquially when we say that somebody controlled something.

24 MR. STRINGER:

25 Q. All right. General --

1 A. A war was being waged between the two sides.

2 Q. Last question on this: Both Gornji Vakuf and Prozor appear in
3 your map to be very close to the area of the front line. So are you
4 telling us that you, as commander of the HVO Main Staff, had no
5 responsibility in respect of civilians who were located in Prozor or
6 Gornji Vakuf?

7 A. This is exactly what I'm saying, sir.

8 Q. So on this map as you've indicated, then, Gornji Vakuf or Prozor,
9 they're not quite close enough to the front line for you to be
10 responsible for them. Is that your evidence, sir?

11 A. Sir, in Gornji Vakuf at the time the line went through the town
12 itself.

13 Q. All right. So let's talk about the -- the civilians on the HVO
14 side of the line in Gornji Vakuf. You're telling us, General, that those
15 civilians were not quite close enough to the line to fall under your
16 responsibility if they were victims of HVO crimes?

17 A. Sir, I don't know what crimes you're talking about.

18 Q. Now, let's just assume that you've got Muslim civilians who are
19 in a detention facility in Gornji Vakuf in the blue zone. Is it your
20 testimony that they're still not close enough to the line to be your
21 responsibility?

22 MS. ALABURIC: [Interpretation] Your Honours, I have an objection
23 to the lack of precision in the question. The question that refers to
24 the front line, for example, in Gornji Vakuf, has to be more specific
25 with regard to the time-frame.

1 MR. STRINGER: Excuse me.

2 MS. ALABURIC: [Interpretation] I apologise, because the front
3 line in January --

4 MR. STRINGER: No, Mr. President.

5 MS. ALABURIC: [Interpretation] Could be the area of conflict.

6 MR. STRINGER: I'm going to object to this kind of testimony.

7 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic.

8 MR. STRINGER: Your Honour, I'm just referring to the line that
9 the general just told us ran right through Gornji Vakuf. That's the line
10 I'm asking him about.

11 MS. ALABURIC: [Interpretation] Your Honours, I would just like to
12 draw your attention to the fact that the maps were drawn at your request
13 to depict the front lines facing the Army of Republika Srpska, and that's
14 why I'm asking when reference is made to front lines to be more specific,
15 because --

16 MR. STRINGER: No --

17 MS. ALABURIC: [Interpretation] Because the witness may be
18 confused by the lack of precision in your question with regard to what
19 kind of front line you have in mind.

20 MR. STRINGER:

21 Q. General, you just told us that there was a line running right
22 through middle -- right through Gornji Vakuf. That's the line I'm asking
23 you about, that specific line.

24 MR. KOVACIC: I'm sorry, Your Honour.

25 MR. STRINGER: This is obstruction, Mr. President.

Page 44633

1 MR. KOVACIC: Your Honour --

2 MR. STRINGER: Tag-team obstruction.

3 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

4 MR. KOVACIC: Before he said that this is obstruction, you should
5 permit me to give a word.

6 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, you have the
7 floor. Your client wants to testify to tell the truth. Up until now he
8 has led himself to the game of questions and answers. He has drawn up a
9 map. He has positioned, according to him, the front line, the position
10 of the BH Army, the position of the HVO, and he has indicated the zone of
11 control. One can argue whether it's military control, whether it's
12 civilian and military control. We're not entering into that discussion.

13 The Prosecutor is then using the map to ask the following
14 question about Gornji Vakuf. He's saying -- he's asking: Is
15 Gornji Vakuf close to the front line? General Praljak answers, Yes.
16 Then Mr. Stringer, who is a professional, goes on to ask the question
17 whether there was a front line within or going through Gornji Vakuf.
18 Mr. Praljak's answer was, Yes. Mr. Stringer pushed ahead with his
19 questions because as a professional that's his job. Then Mrs. Alaburic
20 got up and said, What front line are we talking about, the one with the
21 Serbs or with the Muslims? Then Mr. Stringer again tried to make it
22 clear what we were talking about. And now, Mr. Kovacic, you're
23 interrupting to add something. And this is why I'm surprised. What is

24 it you want to say?

25 MR. KOVACIC: [Interpretation] I accept your words entirely and

Page 44634

1 I'm not going to deal with the matter that Mrs. Alaburic dealt with. My
2 objection is as follows: The question suggestion something impossible.
3 What the question suggests is that on this map and the map of this scale,
4 I don't have the whole map on the screen, I believe that the scale is
5 1:1.000.000 it would be impossible, technically impossible, to show on
6 this map the separation line on Prozor. This is - I apologise - in
7 Vakuf, and the question is --

8 JUDGE TRECHSEL: Yes, yes, yes. You should apologise. Your
9 client has said this was where the front line was. Forget about the map.
10 And on the basis of this, the Prosecutor asks a question. And it is
11 obstructive to intervene and lead away from that, speak about the map.

12 I'm sorry. Please, Mr. Stringer.

13 MR. KOVACIC: [Interpretation] But, Your Honour, the Prosecutor
14 started with the map. It was not my client. The Prosecutor says this
15 map and then Mr. Praljak answered. Let the Prosecutor asks whatever he
16 wants. I don't have any objection. I'm just warning everybody that
17 yesterday it was very clearly defined that the Prosecution would be
18 allowed to re-cross about the maps, and I leave it in your hands, but
19 when you have a map the scale of which is 1:1.000.000, you can't talk
20 about details. Why didn't he draw cannons on a map? Yes, if the map is
21 different why aren't there separation lines in Prozor. In Gornji Vakuf,
22 Prozor, or Mostar, it makes no difference it's neither here nor there.

23 Give us a different map, a different scale, and it will all be shown.

24 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, the Trial Chamber
25 believes that beyond the question we should have had a map with the front

Page 44635

1 line, but Mr. Stringer's question is more theoretical. His assumption is
2 that in Gornji Vakuf there's a front line. I think this is conceivable
3 for everybody here present. And then he asked a question about the scope
4 of responsibility of a military commander.

5 It is a simple question, and, in fact, this question came to my
6 mind as I was listening to the direction the questions were taking. So I
7 allow Mr. Stringer to ask his question. Mr. Praljak can answer. He can
8 either agree with what he says or he can object and say why, and then
9 this will be on the record.

10 Go ahead, Mr. Stringer, and ask your question, but be very
11 specific.

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

13 Q. General, the map here, your map number 11, is the situation on
14 30th of July, 1993. Now, I'm looking at transcript, page 21 -- actually,
15 page -- top line of page 22, and you said:

16 "Sir, in Gornji Vakuf at the time, the line went through the
17 town itself."

18 So my question, General, is: For Muslim civilians on the HVO
19 side of that line in Gornji Vakuf, weren't they -- weren't you
20 responsible to protect them against crimes from the HVO soldiers?

21 A. I don't know. First of all, Mr. Stringer, after the fall of

22 Bugojno --

23 Q. Well, excuse me, General.

24 A. Just a moment, please I apologise. I apologise. There were no
25 Muslim civilians any more. Only very small parts on the side of the HVO.

Page 44636

1 After such conflicts, what happens is the separation of peoples in the
2 area. That's number one. Second of all, I was responsible for the
3 civilians on the side of the BiH Army -- I was not supposed to bring two
4 cannons and level to the ground regardless of the civilian victims, the
5 army that attacked them. I'm talking about BiH Army.

6 Q. Excuse me.

7 A. That's what I'm talking and that's what I was responsible for.

8 Q. I think the general is having a conversation with his counsel now
9 in a language that we're not getting in English, so --

10 A. I -- I want to answer, Mr. Stringer.

11 Q. Well, I'm trying to keep you to -- what I'm interested in getting
12 and the answers I'm interested in, because you're saying that you're not
13 responsible for civilians who are some distance from the front line. So
14 my question is: In Gornji Vakuf, how far from the front line that ran
15 through the town -- what was the dividing point where you're no longer
16 responsible for civilians in the blue zone?

17 A. Your question is pointless, militarily pointless. First of all,
18 there were no Muslims on that side --

19 JUDGE ANTONETTI: [Interpretation] I do not share this statement,
20 Mr. Praljak. The Prosecutor is saying Gornji Vakuf, but it could have

21 been any other place or town, X, Y, or Z. Assume that it's a town or a
22 city. There are two belligerent parties, A and B. In the zone where
23 belligerent B is there is a civilian population that -- or, actually, on
24 the side of belligerent party A. To make this even more clear, it's the
25 BH Army and HVO. In a given town, a lady, elderly lady, who is Muslim

Page 44637

1 has not left because she's deaf. She's still there. And the HVO comes
2 along and seizes that territory and is fighting against the BH Army, and
3 this unfortunate civilian woman is caught in the middle, and the
4 theoretical question that the Prosecution is asking is to know whether in
5 this hypothetical case the HVO, and the question could have been asked
6 about the BH Army, it's exactly the same thing. So the question is: Do
7 you have responsibility for protecting that civilian person? That is the
8 question. The question is: Should a military commander protect a
9 civilian who is in the combat zone in the area where his own units are
10 positioned? That's the question. There's no trap intended.

11 THE WITNESS: [Interpretation] Well, not on your part, but I'm
12 afraid that Mr. Stringer is trying to set a trap for me, and I'm trying
13 to avoid it by answering accurately.

14 It is true that if in a village the lines -- the front lines
15 move, somebody's attacking, the other party is defending and there's a
16 certain number of since there and the village is under fire either from
17 one side by one army or parties that are inside the village, it is true
18 that the commander is then responsible for civilians. And I showed you a
19 document where I was involved in combat, and there was a village, and I

20 relocated a certain number of villagers, together with their livestock,
21 lest they should be killed in such a clash, that's true. But if in
22 Mostar you have a line that follows down the Bulevar, the next building
23 which is inhabited by Croats or Muslims, it's immaterial. They are there
24 at their own responsibility, and they are under the civilian structures,
25 civilian police, and so on.

Page 44638

1 It is my task to lead the troops and to have them man the bunkers
2 which are there. As for the civilians, nobody, myself included, can
3 prevent them or force them from leaving the front line, but those Muslims
4 and Croats remained, and they lived there on the right bank and on the
5 left bank too.

6 Now, it is the responsibility of the commander that
7 proportionally to the intensiveness of the combat. Now, how would I
8 apply the principle of proportionality? My lads are being killed because
9 we're under attack. I will take out -- I will lead out position two
10 cannon, and I will destroy all the military targets including the bridge
11 and so on. I will raze everything to the ground or I will approach this
12 selectively. I will not fire on mortars that are positioned by the
13 hospital. I will act restrictively. And it's a very difficult decision
14 for a commander to say that I will act restrictively when your people are
15 being killed. I'm just trying to be very accurate.

16 JUDGE ANTONETTI: [Interpretation] You answered. You answered
17 fully.

18 Mr. Stringer.

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

20 Q. Now, also on the map, General, if we just move down along that
21 front line from Gornji Vakuf down toward the south and east, then it's
22 hard to find it here, but the fact is Prozor is also very close to this
23 confrontation line, isn't it?

24 A. No, not close. Prozor was 20 kilometres away from the
25 confrontation line.

Page 44639

1 Q. Could you indicate the location of Prozor for us on map 11, the
2 one that's on the ELMO?

3 A. No, I can't, not on this map. I can do it on another map. I
4 can't do it here because I would only be guessing where it was.

5 Q. General, we saw a report from Luka Markesic from August of 1993
6 where he said that all the Muslims were put into collection centres by
7 Ilija Franjic to make room for incoming Croat refugees from Bugojno. Do
8 you remember that report?

9 A. Okay. I don't recall that report any more.

10 Q. That was P04177. If we could take a brief look at that. I'm
11 almost finished, Mr. President. P04177.

12 JUDGE ANTONETTI: [Interpretation] It will be on the screen in a
13 minute.

14 THE WITNESS: [Interpretation] Well, this is re-cross. It has
15 nothing to do with the maps. I am not opposed to the Trial Chamber
16 allotting additional five hours to the Prosecution, but then let's
17 revisit everything, by all means.

18 MR. STRINGER: Well, I'm just -- I --

19 JUDGE ANTONETTI: [Interpretation] General Praljak, be fair play.

20 The Prosecutor is asking something using a map, and he's asking you where

21 Gornji Vakuf is on this map. You say, "I can't show you." Maybe you're

22 right. It's true the map is not very accurate. The Prosecutor is trying

23 to move forward regarding Gornji Vakuf, and he's using this document

24 which is now on the screen, dated August 14, 1993. You were Chief of the

25 Main Staff at that -- at that time, and I'm sure he's going to ask you a

Page 44640

1 question regarding this document in connection with the map, so please

2 listen. Hear him out, you know, and then answer. I have no idea. I

3 don't know what he's going to ask you.

4 MR. STRINGER: If we could go to page 2. That's it.

5 Q. Markesic writes:

6 "After the fall of the towns of Konjic, Bugojno, and part of

7 Gornji Vakuf, settlement and welfare provision for refugees, women,

8 children, and the elderly from those places is occurring in Prozor

9 municipality.

10 "Initially, they were put up in Croatian houses, but when the

11 number grew they began to be settled in Muslim houses and villages.

12 "Thus the entire Muslim population from Rama municipality is

13 accommodated in three collection centres, Pogradje, Duge, and Lapsunj."

14 And then it goes on to talk about things that were happening with

15 those Muslims in those collection centres.

16 General, tell us, the Muslims in those three collection centres,

17 were they close enough to the front line to benefit from your protection,
18 the front line that you put on this map here?

19 A. First of all, Mr. Stringer, I don't agree with your
20 interpretation of the closeness of the front line. Well, in military
21 terms, it's a completely different matter. But this is 20 kilometres
22 away from any front line, if you want me to be specific in terms of the
23 distance. Even if it were 200 metres away from the front line itself,
24 again it has nothing to do with the military. I was talking about
25 distance from the front line and the protection that the military can

Page 44641

1 accord in the depth of the territory, but it doesn't mean that if it's
2 close to the front line the military will be responsible for providing
3 protection. The fact that the military is trying to protect its back,
4 its rear, and it's responsible for protecting it, and if somebody's there
5 and remained there at their own responsibility, civilians refusing to
6 leave, you have an old man saying, Well, I don't want to leave my home,
7 and then at the got killed because they refused to leave their houses,
8 well, in those cases --

9 Q. So your evidence, General, is that for the Muslims in these three
10 collection centres, the HVO military had no responsibility to protect
11 them; correct?

12 A. I was not talking about the military police. I was talking about
13 the HVO, the army, the military.

14 Q. The commander of the HVO Main Staff had no responsibility in
15 respect of these Muslims. Is that your evidence, sir?

16 A. Yes, that is my testimony.

17 Q. Thank you.

18 MR. STRINGER: No further questions, Mr. President.

19 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter.

20 MS. PINTER: [Interpretation] Thank you, Your Honour. Although my
21 script for the re-direct is going to be changed, but I would like this
22 document, P04177, to remain on the screen, and I'll pursue a different
23 script.

24 Re-examination by Ms. Pinter:

25 Q. [Interpretation] General, would I like you to look at it and tell

Page 44642

1 me who is this document addressed to? Who is the recipient of this
2 report, if you can see.

3 A. Well, it's very difficult. The Croatian Community of
4 Herceg-Bosna. That's as much as I can read. The rest, the Croatian
5 Defence Council --

6 Q. Please look at the stamp.

7 A. Well, the Security and Information Service, SIS.

8 MS. PINTER: [Interpretation] Now, could the general please look
9 at pages 2 and 3 of this document.

10 Q. And you can see that the document was sent to the Main Staff.

11 A. No, no such document reached or was addressed to the Main Staff.

12 And I said that ten times.

13 Q. Yes, I know, General, but this question was again asked, and
14 that's why I also asked it. Let me just get organised. We'll try to be

15 efficient. And right at the beginning I have to warn you, both you and
16 myself, and Judge Prandler is not here to keep an eye on us, we have to
17 make sure that everything is in the record. We must not overlap. So I
18 will ask you to make a pause after I finish my question. So could you
19 please open document P00312. This document --

20 JUDGE ANTONETTI: [Interpretation] General Praljak, I'm still
21 interested in this document. Let me read it, and I don't have to take
22 sides, you know, either -- for this.

23 I just have a document here on the screen, and I'd like to know
24 whether it does reflect the military situation of the -- at the time, as
25 well as the consequences of this military situation. That's what I'm

Page 44643

1 supposed to do. Using a document and using what -- what everyone is
2 saying, I will have to draw conclusions.

3 This is a report made by the SIS. Obviously it's from some kind
4 of intelligence department, and the -- it's an assessment of the military
5 situation by intelligence services, and it says on page 2 that MOS,
6 obviously, is gathering its forces and that attack is probably under
7 plan.

8 If I had the map, of course, I could check where the ABiH
9 position -- where the BH Army units are positioned in order to see
10 whether they're ready to attack or not.

11 Well, in this document I read that there's a great number of
12 Croat refugees, that they left a number of municipalities in Bugojno and
13 so forth and so on. I can read all that. Then also in this document, I

14 read that the military police has decided to accommodate these refugees
15 in flats where Muslims used to leave. So I'm wondering, you know, where
16 these Muslims are. And when I read the document, I note that they've
17 been sent to three collection centres. That's the situation as we can
18 read it in the report.

19 If this -- if the document is truthful and unbiased, this is the
20 situation that the military police, the army, and the civilians
21 authorities had to deal with, as well as the Muslims who ended up in
22 those camps. And you're tell us that you don't know of this document.
23 Fine. We note that. But in a situation as described -- could you tell
24 us whether the situation as described does correspond to what you think
25 it was, what you felt it could have been given the situation that was

Page 44644

1 unfolding at the time?

2 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, I
3 don't know the answer to that question because I was not aware of these
4 events. So when on the 24th I came there, I was greeted by 20 or 30.000
5 refugees, and I passed through them, and I asked the troops to organise
6 it, and I went down to the front line, to the theatre of war, and I claim
7 that throughout that time -- well, there were some minor breaks, but
8 there was an offensive going on at all times. I had some 20 units or so.
9 I don't know how to explain this to you. The only way to do it is this:
10 I went from one small unit to another small unit, and I fought side by
11 side with them, reclaiming some small areas, losing other areas. I had
12 no idea what was going on. How can I say something when I really have no

13 clue. Then when I took a breather, I had to go down to Mostar to see
14 what was going on. On the 14th and the 15th, there was an attack on the
15 southern area of Mostar, and then it goes on and on for 200 kilometres.

16 I was concerned about how to get weapons to Blaskic, whether the
17 helicopters would be able to be air-borne, what would happen with the
18 wounded, the funerals of those who were killed, whether the ammunition
19 would arrive. I don't know how to answer. It is as if there were 50
20 hours in every day. I don't know anything about that. I didn't know
21 anything about that at the time. Of course, I read the same documents
22 that you did.

23 JUDGE ANTONETTI: [Interpretation] Very well, your answer is on
24 the transcript.

25 Mrs. Pinter, I apologise for taking the floor, but since you

Page 44645

1 wanted to put questions to the witness on this document and the
2 Prosecutor had also dealt with it, I wanted to get to the very bottom of
3 things.

4 MS. PINTER: [Interpretation] Thank you, Your Honour. I apologise
5 to my colleague Mr. Stringer, who was not given a list of documents. I
6 wasn't aware of the fact that the list did not reach him. The computer
7 did not work and we were doing it last minute, but now he has the list.
8 All the documents are in e-court. Most of the documents are those that
9 you used, and the binder is a big fat one because we're going to use it
10 as some kind of aide-memoire. It doesn't mean that we're going to use
11 each and every document so just to refresh your memory.

12 Q. So, General, the first document that you have in front of you is
13 P00312, and in the course of the cross-examination there were questions
14 on the 15th of June.

15 THE INTERPRETER: Interpreter's note: Could the counsel please
16 slow down when reading numbers.

17 MS. PINTER: [Interpretation]

18 Q. So line 41421 to 422 about Franjo Tudjman 's positions on
19 Herceg-Bosna and its relationship with Croatia, and then on the 16th of
20 July, 2009, the 13th of July, 2009, and the 16th of July, and the topic
21 was Franjo Tudjman, Gojko Susak, and I could say HR HB, HZ HB, and the
22 Republic of Croatia.

23 This document, P312, is -- responds to a document used by
24 Mr. Stringer in his cross-examination, and that's the minutes taken in
25 the office of the President, taken at a meeting in December 1991. The

Page 44646

1 document is P0089, in December. This document, P312, is dated July 1992.

2 General, let me ask you: Can you, on the basis of this document
3 that you are acquainted with because you have seen it, it has been
4 admitted as evidence in this trial, can you conclude anything about the
5 intentions, positions, and views of Franjo Tudjman towards
6 Bosnia-Herzegovina.

7 A. Yes.

8 Q. Could you appoint us to the parts of this document that help you
9 do so?

10 A. At that time, I was aware because I had my post in the VONS, the

11 National Defence Council and in the defence ministry about the positions
12 of the Croatian leadership, Dr. Franjo Tudjman, Gojko Susak, and all of
13 us vis-a-vis Bosnia-Herzegovina, and the position was as follows. At
14 page 1, this is what Franjo Tudjman says: So negotiations, recognition
15 of Bosnia and Herzegovina. Well, that had already been done. Here he
16 says that Mr. Izetbegovic is the one who wants a unitary state. He is
17 opposed to the cantonal organisation. This is something that he
18 purportedly stated for Der Spiegel and that there were only
19 representatives of the Muslim people in the leadership of
20 Bosnia-Herzegovina. But, again, at page 3 where Boban says:

21 "It's always equal rights. We are not in favour of a war if a
22 peaceful solution can be found no way."

23 And at page 5, again, Franjo Tudjman says: However we have to
24 say this -- at page 5, Franjo Tudjman says: Should the convention of
25 the HDZ be held, the HDZ in Bosnia-Herzegovina? It is up to you to

Page 44647

1 decide. So the leadership of the HZ HB, the representatives of the
2 people, are independent. The Republic of Croatia **helped Herceg-Bosna --**
3 **or, rather, Bosnia and Herzegovina, not counting the areas inhabited by**
4 **Serbs, but Muslims and Croats with equal amounts in the same manner and**
5 **in a way it treated it as a sovereign state with accepting an**
6 **international position of Bosnia-Herzegovina indicating that the three**
7 **peoples within Bosnia and Herzegovina should get organised and agree on a**
8 **relationship that would guarantee equal rights. The Serbs didn't want to**
9 **do that. Muslims didn't want -- didn't want to do that either,**

10 politically, ideologically, and later on also militarily, and it also
11 follows at page 6.

12 Q. General, time is really precious for us. In this document, it is
13 stated that Stipe Mesic was present. My question to you as regards
14 Stipe Mesic is this: To the best of your personal knowledge, your
15 contacts and subsequent knowledge that you obtained having read the
16 transcripts and documents, in the course of 1991, 1992, and 1993, while
17 Stipe Mesic was in HDZ holding high positions within the Republic of
18 Croatia, did he ever oppose publicly the policy pursued by the Republic
19 of Croatia or the Croatian HDZ towards Bosnia and Herzegovina?

20 A. Never anywhere. So in meetings at the military and defence
21 council -- and here he says at page 6 --

22 THE INTERPRETER: Interpreter's note: The witness is kindly
23 asked to slow down when reading.

24 MS. PINTER: [Interpretation]

25 Q. [No interpretation]

Page 44648

1 A. And he goes on to say what everybody knows. We recognise the
2 sovereignty of Bosnia-Herzegovina and so on and so forth.

3 At that time -- through this time, he never ever mentioned
4 anything that would indicate that he was distancing himself or that he
5 disagreed with some conclusions or way of thinking, and he never
6 mentioned any agreements between Slobodan Milosevic and Franjo Tudjman in
7 Karadjordjevo.

8 Q. Thank you very much. I suggest that we should move on. Our new

9 document that I'm going to show you is 3D03748.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, Mr. Mesic has
11 taken the floor on page 6. This is important given his character. You
12 know, it's important to know exactly what he says. And all the words he
13 says must absolutely be weighted and assessed.

14 I note that he says that the authority was destroyed. He must be
15 referring to the authority and the organs over in Sarajevo, which are no
16 longer competent, or maybe he's referring to the authorities of former
17 Yugoslavia. **And then he says that the HVO has set up of some kind of**
18 **authority.** There are places where civilian organs were elected, where --
19 and there is authority. And he says:

20 "We recognise the sovereignty of Bosnia and Herzegovina, **and we**
21 **also recognise the organs of power who were elected, which were elected."**

22 Now, when we look this -- when we scrutinise all this, does this
23 mean that he is recognising the HVO in all its components? Yes or no?

24 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, he
25 recognised some forms of HVO for a very simple reason, because the war

Page 44649

1 had destroyed in some areas, completely destroyed any possibility for the
2 functioning, and that is why things happened in Sarajevo. The Assembly
3 wasn't functioning. The government was reformed. It became a single
4 ethnic -- mono-ethnic government. The members of the government would
5 change like waiters, and this is how it was, but it is undoubted that
6 Mr. Mesic accepted and recognised the HVO government as an interim
7 government for the duration of the war and until the internal structure

8 of the state is agreed; but the borders of the country, the legitimacy of
9 the borders and the recognition of Bosnia-Herzegovina as a state was not
10 disputed at any point. It was uncontrovertible.

11 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter.

12 MS. PINTER: [Interpretation] Yes. The general would like us to
13 take a break, and it is our time to make a break.

14 JUDGE ANTONETTI: [Interpretation] Very well. Let's break as
15 usual.

16 --- Recess taken at 3.44 p.m.

17 --- On resuming at 4.13 p.m.

18 JUDGE ANTONETTI: [Interpretation] The hearing is back in session.

19 MS. PINTER: [Interpretation] Thank you, Your Honour.

20 Q. General, Franjo Tudjman and his ideas and objectives with respect
21 to Bosnia and Herzegovina, that's the subject that we discussed a number
22 of times during the examination, and his intention to divide Bosnia and
23 Herzegovina and his relation towards Alija Izetbegovic, but first of all,
24 let's look at a brief video. It's a programme, a film by Croatian Radio
25 Television by journalist Goran Milic. It's called "A Visit to Turkey,"

Page 44650

1 and it was broadcast in June or July this year. We obtain the tape
2 through the Ministry of Justice, the Department for International
3 Co-Operation and Legal Assistance and Co-Operation with International
4 Criminal Courts.

5 JUDGE ANTONETTI: [Interpretation] Prosecutor.

6 MR. STRINGER: Thank you, Mr. President. Just for the record,
7 it's our understanding that this exhibit, as well as three other ones
8 that are on this -- the list, is not on the Defence 65 ter exhibit list.
9 So I just note that for the record in the event that it's tendered at a
10 later time or -- thank you.

11 JUDGE ANTONETTI: [Interpretation] Very well.

12 MS. PINTER: [Interpretation] Yes, it's true that it's not on the
13 65 ter list. First of all, because it was broadcast in June this year.
14 So it couldn't have been on the list. However, as I understand it, we
15 are now in the redirect stage where the Defence can use documents that it
16 has in its possession in order to challenge the allegations made by the
17 Prosecutor during cross-examination.

18 We were not able to know on the 31st of March, 2008, what the
19 Prosecutor's cross-examination would be like and which documents we need
20 to have on the list in order to challenge his allegations, and therefore,
21 I think that the Defence has every right to show the video and to use
22 documents that are not on the 65 ter list.

23 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter, for the procedure
24 to be observed you should say that during the cross-examination the
25 Prosecutor at such and such a page asked the question and that you,

Page 44651

1 therefore, believe there's an additional question to be put in relation
2 to the reply. Otherwise, it remains a bit vague. You're saying that
3 Mr. Stringer spoke of Mr. Tudjman, but we don't know exactly what you're
4 referring to, so you have to be very specific in your reference.

5 MS. PINTER: [Interpretation] Thank you, Your Honour. Obviously
6 the problem was with me, because at the very beginning, with P00312, I
7 referred to the date of the cross-examination. I quoted the pages of the
8 cross-examination, and I said that it related to matters regarding Franjo
9 Tudjman's views of the Republic of Croatia **and Bosnia-Herzegovina. So**
10 **this is a block, a set of documents or exhibits on Franjo Tudjman, Gojko**
11 **Susak, the Republic of Croatia, and the HZ HB. It was my mistake that in**
12 order to save time I did not give the same date and pages as the
13 reference.

14 JUDGE ANTONETTI: [Interpretation] Very well.

15 MS. PINTER: [Interpretation] Can we see the video now, please.
16 I'd like to ask the registrar to place the transcript on the screen, and
17 it is 3D03748.

18 THE REGISTRAR: Your Honours, we cannot view the video and the
19 transcript -- [French on English channel]. Yes, Your Honour. The way
20 the courtroom is -- is featured is that we cannot view both the video and
21 the transcript at the same time. It's either one or the other.
22 Currently the video is on the screen. Thank you, Your Honours.

23 MS. PINTER: [Interpretation] Well, we'll play the video.
24 Everybody has the transcript. It's on e-court.

25 THE INTERPRETER: The interpreters note that they do not have the

Page 44652

1 transcript.

2 MS. PINTER: [Interpretation] We apologise to the interpreters.

3 MR. STRINGER: Excuse me, Counsel. The Prosecution doesn't have

4 the transcript either. We don't have a hard copy of any of these
5 exhibits. I wasn't going to squawk about it too much, although I think
6 it appears binders have been made for others. But in any event, we don't
7 have the transcript or any of the documents.

8 THE INTERPRETER: The interpreters note that they cannot
9 interpret without the transcript. Thank you.

10 MS. PINTER: [Interpretation] During the examination-in-chief of
11 General Praljak we offered to print out for the Prosecutor all the
12 exhibits we intend to use. The Prosecutor said at the time that he does
13 not use a hard copy but the electronic version exclusively, and guided by
14 that we didn't print anything out. Of course it wouldn't have been a
15 problem to make an extra copy of the hard copy version, but since during
16 the examination-in-chief the Prosecutor said he only accepted it on
17 e-court, then it was my mistake -- it is my mistake for not doing this.

18 My colleague Mr. Kovacic has always -- has told me that it has
19 always been the case, that we always work that way, but this brings me
20 into a somewhat difficult position, but Mr. Stringer has the entire list
21 of documents and can look at them on e-court.

22 JUDGE ANTONETTI: [Interpretation] At any rate, in the
23 interview -- in the video it's Mr. Demirel's interview, and I think there
24 will be an interpretation of what he says in Turkish, I understand. So
25 let us see the video and we'll see what the situation is.

Page 44653

1 MS. PINTER: [Interpretation] Thank you, Your Honour. It seems we
2 have some technical problems now and that it is not possible to play the

3 tape.

4 Q. General, while we're waiting for the video to start --

5 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter, we can't see it
6 right now.

7 [Video-clip played]

8 "Ten years ago we went to the funeral of Franjo Tudjman. He was
9 the only European president to be there. Today you think also it was a
10 wise decision?

11 "Yes, I think it was a wise decision, because I know him very
12 closely. He was a man of his people. He loved his people. And then he
13 just worked for his people, and then I -- I appreciate and I admire his
14 determination that the Croatia should become an independent country and
15 Croatia should be standing on her own feet, and the Croatia should -- one
16 day should become a part of Europe. And then I have seen the goodwill of
17 Croatian people, and the Croatian administrators. They -- first of all,
18 late President Tudjman was very clever and a very wise man, and then
19 things developed, and after President Tudjman, the President Mesic is
20 doing very well, and now the -- there is peace in Bosnia-Herzegovina.

21 "This show that we are doing is not so political. I like what
22 you said about President Tudjman, but it's more personal. I see you ..."

23 MS. PINTER: [Interpretation] Thank you.

24 Q. General, do you have personal knowledge that the former

25 President, President Demirel, paid visits before the events, before

1 President Tudjman's funeral?

2 A. Yes. Not once -- well, President Tudjman, as far as I remember,
3 also travelled to Turkey, and President Demirel and President Tudjman
4 together, I think it was at the end of 1993, in May, formed a joint
5 delegation of the Croatian and Muslim people with the assignment of going
6 to Herceg-Bosna and the Mostar area to make another attempt to try and
7 prevail upon the politicians down there to calm the situation down and to
8 reach a compromise which would put a stop to the war.

9 Q. Thank you. Let's move on to the next document now, which is
10 P01158, and it is the presidential transcripts of the 15th of January,
11 1993. It's already an exhibit, and we talked about those minutes so many
12 times that I didn't make any special references to the pages, but it is a
13 document, which relates to the meeting held in President Tudjman's
14 offices where Mr. Izetbegovic was present, as well as Lord Owen and many
15 others that we have mentioned during these proceedings.

16 I'd now like to ask you, General Praljak, to go to page -- well,
17 to save precious time, the page number in Croatian is ERN number
18 01322250. And in English it is page 8 of pages 55.

19 As we're still on the topic of President Tudjman -- have you
20 found the page, General? 2250 are the last digits.

21 You've spoken at length about the document already with relation
22 to the 15th of January and the issuance of an order and the circumstances
23 under which the alleged order on resubordination was given, and I'd now
24 like to ask you to focus especially on the portion which speaks of Franjo
25 Tudjman and his views of Bosnia-Herzegovina and relations within

1 Bosnia-Herzegovina.

2 A. I think that this conversation, as indeed a series of other
3 documents that have been admitted into evidence, is once again testimony
4 to the crystal clear political option on the part of the leadership of
5 Croatia led by Dr. Franjo Tudjman on the subject of Bosnia-Herzegovina
6 and the war there, and he reiterates here, since Mr. Izetbegovic does not
7 agree with the corridor, the situation around the corridor, which
8 according to the Vance-Owen Plan was given to the Serbs and says that if
9 the Serbs are given that corridor and the Serbs don't want to negotiate
10 without it, that he was in favour of war. And Dr. Tudjman says -- well,
11 we're in this kind of situation. Are we going to continue waging a war
12 or not? And he goes on to say that he doesn't see any possibility of we,
13 meaning Bosnia-Herzegovina and Croatia, **would win the war without it --**
14 extending it for years and suffering enormous losses. And he says this
15 strengthens our conviction that a policy of peace should be pursued,
16 because peace means, he says, a certain amount of compromise. And then
17 he goes on to say that in Posavina there were 138.000 Croats, and now
18 with the actions of the Army of Republika Srpska in that smaller enclave
19 that we saw on the map there are only 13.000 people left. And now these
20 people can't go back because of the Serb tanks and cannons and guns. And
21 Mr. Izetbegovic goes on to speak over the following pages that I'm
22 leafing through now because I'm well aware of what was said during the
23 conversations, anyway, President Tudjman goes on to say that he agrees
24 that the Serb should be forced to reach a compromise, but he also says

25 that Mr. Izetbegovic quite simply is seeking for war. And Franjo Tudjman

Page 44656

1 says, Wait a moment. We can't continue the war for two or three years.

2 Croatia is not prepared to participate in that at all cost. He says that

3 Croatia has suffered enough. And then he says something very important,

4 and it is this: There's a problem. Two million Serbs are in the west,

5 half a million of them are in Croatia, the rest are in Bosnia, and he

6 says, We cannot close our eyes before this fact. He's not waging a war

7 against the Serbs. We're not in favour of war. Therefore, Croatia has

8 to turn toward the problem of dealing with its economy and so on and so

9 forth, the problems that face it.

10 Q. General, in that same transcript Gojko Susak was mentioned, so
11 I'd like to ask you to turn to ERN page number 1322293. The last digits
12 are 293. And in the English version it is page 51 out of pages 55.

13 A. Gojko Susak also says that they discussed that famous document
14 that the Prosecutor has termed "ultimatum," and that the document was
15 discussed in Geneva, and he says, Well, you down there. You have to
16 reach an agreement. Because he's talking about a different state and
17 that they should be -- they should know who does what. And he says that
18 he can't understand what is contentious in all of that and that
19 everything was in the common defence interest. And then I'll just quote
20 the last sentence. He goes on to say, "Well, you're killing yourselves
21 down there." So he's thinking about the Muslims and Croats in
22 Bosnia-Herzegovina from the aspects of a different state and then he

23 says, You don't need the Serbs. You don't need the Serbs to fight you
24 because you're going to kill each other. And I have to tell you, madam
25 Pinter, that the meeting of the 13th with high-ranking French delegation

Page 44657

1 where I present my views and I say in crystal terms over there that the
2 war will continue and I go on to explain why it will continue.

3 THE INTERPRETER: Could Mr. Praljak kindly be asked to slow down.
4 Thank you.

5 THE WITNESS: [Interpretation] From the talks that we had,
6 Mr. Izetbegovic did not give up on the war option. Unfortunately, when
7 he couldn't gain a victory over the Serbs and Franjo Tudjman says that
8 that's impossible because they're strong and the international community
9 didn't want to see that either, then he says the BH Army turned towards
10 the weaker side, that is to say, toward the HVO, the Croatian Community
11 of Herceg-Bosna, in fact. So that is the basis of this whole story and
12 the crux of the relations between the two parties. Never a desire for a
13 state, never a desire for a war. Boban speaks about peace here. We
14 weren't in favour of the war, we in Croatia as a system for defence,
15 neither in Bosnia-Herzegovina, and we spent a great deal of time and
16 effort to prevent a war with the BH Army, but I think that certain
17 structures, the powers that be, forced Mr. Izetbegovic, because when he
18 talks about Brcko here, he says, Here we have it. What can I say about
19 Brcko when they died over there? In Dayton it became a district
20 ultimately. It could have become a district earlier on and then the
21 problem would have been solved, but there was no desire for a compromise

22 until we had this balance of forces with thousands of dead, and
23 unfortunately peace arrived just when we could see who was able to defeat
24 whom. That's the logic of war. Nobody managed to settle this with peace
25 negotiations. But at least we saw who advocated what.

Page 44658

1 MS. PINTER: [Interpretation]

2 Q. Thank you. Staying with the topic of Franjo Tudjman and the
3 relationship between Bosnia-Herzegovina and vice versa, the BH's
4 relation, its politicians towards Croatia, we have P07500, the document
5 in front of you, which is a document which on the 9th of August this
6 year --

7 JUDGE ANTONETTI: [Interpretation] The interpreters are asking you
8 to slow down a little bit. Thank you, Mrs. Pinter.

9 MS. PINTER: [Interpretation] Thank you, I will do my best, and I
10 do proffer my apologise to the interpreters.

11 Q. So the document is P07500. It was used in the cross-examination
12 by Mr. Stringer on the 9th of August, 2009, and that's recorded at 43470,
13 lines 16 through 25. It's a report on the movement of refugees of the
14 HR HB, the office for refugees and displaced persons. And from this
15 document the Prosecutor used only a couple of tables that were shown to
16 you, and now I would like you to go to page 15 of this document, which is
17 ERN -- yes. The pages are paginated. It's the same page in the English
18 translation, page 15, line 2.

19 As you can see, General, at page 15 it is stated that -- in this
20 report that Muslims violated the Christmas cease-fire, which was --

21 concluded with the Croats with the approval of the international
22 community and the representatives Ejup Ganic and Silajdzic are openly
23 telling the public that the cessation of hostilities in central Bosnia
24 would not happen in a very long time.

25 THE INTERPRETER: Interpreters note: The counsel is kindly asked

Page 44659

1 to slow down.

2 MS. PINTER: [Interpretation]

3 Q. What was Ejup Ganic's function in Bosnia-Herzegovina in 1993 and
4 1994? Do you know that?

5 A. Yes, he was a member of the presidency of Bosnia and Herzegovina,
6 and I think that he was in a way the number two person in politics
7 together with Silajdzic well.

8 Q. Did he visit the Republic of Croatia **in 1993 and 1994 to the best**
9 of your knowledge?

10 A. In 1992 and 1993 he even came to see me. I met with him. We
11 talked about the arming of Bosnia and Herzegovina, and even at that time
12 he presented the same views. In fact, he requested weapons, but his
13 political views were as is indicated here, and that is that if they would
14 not be able to defeat the Serbs they would turn on us, particularly in
15 Central Bosnia, **and then they would move westwards down the Neretva River**
16 valley. And they had those vague plans to reach Ploce, so not the
17 corridor down to Neum but to Ploce, and Ploce is in the territory of the
18 Republic of Croatia. **This is something that Sefer Halilovic published in**

19 a book of his, so it was an insane idea. There was some information to
20 the fact that they were making deals with the Serbs for the BH Army to
21 take of course with the approval of course that they would take the area
22 from Ploce to Neum and then the Serbs would take Dubrovnik.

23 And finally it resulted in the September 1993 agreement the
24 military agreement between the VRS and the BH Army, between their
25 political elites, in other words.

Page 44660

1 Q. Thank you very much. Now I would like you to look at document
2 3D03751. It's a press briefing for Monday, the 3rd of January, 1994.
3 The page is 10 of 14 in the English version. It begins with, "Sarajevo,
4 2nd of January, 1994." You -- General, you have the Croatian
5 translation?

6 A. Yes.

7 Q. It's a report filed by the Reuters News Agency, and I would like
8 to draw your attention to the second paragraph at page 10. And that
9 would be page 12 in the English version. So you have the Croatian
10 translation?

11 A. Yes, yes.

12 Q. So you can use it. It's right at the end. So can you tell us,
13 what kind of report is this and whether those allegations are identical
14 to the allegations contained in the documents that we had -- have looked
15 at, and that's P07500.

16 A. Well, it just testifies to the same thing that I knew on the
17 basis of those conversations. Ejup Ganic was a hawk so to speak in the

18 politics there, and he advocated the taking of the Lasva Valley, and his
19 words are quoted here that we would ensure our existence there to a
20 certain extent. In other words, they were conquering space for them,
21 territory, and that's how the attacks started on the Lasva Valley, and
22 then of course they extended to the Neretva River valley as times went
23 by. But I claim that in late 1992 there was already, according to all
24 the information that I had at my disposal, a very strong core within --
25 well, there were not all of them there, but within the Army of Bosnia and

Page 44661

1 Herzegovina, for a certain territory that the Muslim people could not get
2 territory by defeating the Serbs, but it could do so by defeating the
3 Croats.

4 THE INTERPRETER: Microphone, please.

5 MS. PINTER: [Interpretation]

6 Q. Ejup Ganic also said or, rather, he made it known that his forces
7 are not ready to stop fighting and he said that Muslims intended to take
8 control, to wrest control away from the rebel Croats over the rich valley
9 of the Lasva River in 1994 either by armed force or negotiations.

10 "If we take the Lasva Valley, we have closed the circle and
11 ensured our survival, existence, up to a certain extent."

12 If we look at three documents -- once we've looked at three
13 documents in a row, I will ask you questions so that we have the whole
14 picture.

15 Could you please look at 3D03752. It's again a report published

16 on the 26th of June, 1993, in the "Independent" newspaper. You have the
17 Croatian text.

18 I would like to draw your attention here to the end of this
19 article where it says -- just a moment. I don't have a marked copy.

20 "In Sarajevo, Ejup Ganic." It's the third paragraph in English,
21 and it's the fourth -- it's the fourth paragraph in Croatian.

22 "Ejup Ganic, a member of the president and a close ally of
23 Mr. Izetbegovic issued a dire prediction that the war in Bosnia **would**
24 last another 15 years and would be accompanied by terrorist attacks if
25 the world helped to finish off Bosnia."

Page 44662

1 And so the date is the 26th of June, 1993. And now I would like
2 us to look at 3D02591. So this document, 3D02591 was used by His Honour
3 Judge Antonetti when he asked questions on Tuesday, the 7th of September,
4 and it's tied in with the expert report filed by Mr. Gorjanc. So I'm
5 just giving a reference for the question. It's at line 39 -- it's at
6 page 39, line 10 of our daily transcript.

7 The date is the 21st of October, 1993, and it's about -- it's an
8 intercept involving Zuka and Alija Izetbegovic.

9 Now, General, who is Zuka?

10 A. Zuka was a commander in the BH Army whose units took part in the
11 offensive Neretva 93 in Konjic, Jablanica, and Mostar areas. And now I
12 would not like to go into the question of who committed the massacre in
13 Grabovica and the one in Doljani and Uzdol and so on. It's not the

14 subject --

15 Q. No, not at this moment, but I would like you to look at page 1,
16 last sentence.

17 JUDGE TRECHSEL: Excuse me, a little correction to the
18 transcript, I think. On page 52, line 7, the date of this is indicated
19 as 21st of October, 1993. I think that's what you actually said, but
20 what I read in both versions would be 21st September.

21 MS. PINTER: [Interpretation] Yes, the 21st of September. Thank
22 you, Your Honour. Obviously I misspoke and said October. And the date
23 is important, the 21st of September, 1993.

24 Q. General, this last sentence on page 1 of this document -- well,
25 let me explain first. This -- this is what Zuka says:

Page 44663

1 "We don't have what Alija Izetbegovic says."

2 Is that right?

3 A. Yes.

4 Q. But from what Zuka says, can we -- are we able to know what the
5 discussion's about?

6 A. Yes, with a great deal of certainty.

7 Q. Zuka says:

8 "Sefko says that you ordered us to hold all war operations
9 towards the Croats."

10 And then Zuka goes on to say:

11 "Mr. President, I -- the last time I came to see you we talked.
12 You're our commander and we respect you. That's without a doubt. Sefko

13 tells me over there that you told him something that wasn't specific. I
14 have no reason to believe him, because I don't see anything written down
15 on paper, and that is why it's good that you called."

16 And Zuka goes on to say:

17 "Mr. President, we will soon meet, but I would like to tell you,
18 I think it would be a happy piece of news for you, and as far as Stolac
19 and those parts down there are concerned, Dubrava, et cetera, and the
20 rest, rest assured that we have the force and strength, and not only
21 that, we also have the strength for Neum, and if they are impertinent,
22 behave improperly, we will take Grude and Listica from them. We will
23 take everything from them, Mr. President. We're not far away from
24 Listica, Mr. President. We can do it, and we see that we can do it."

25 Now, Listica, what's that, General?

Page 44664

1 A. That's Siroki Brijeg.

2 Q. Thank you. Now I have one more document, and after that I'll ask
3 you a question on all these together.

4 The next document is P05162, and I think it's in front of you. I
5 think it's under seal. I'm not quite sure, so can we have it on
6 Sanction, please. Thank you.

7 The topic of Uzdol was referred to on pages 43852 of the 25th of
8 August, 2009, and 44179 of the 1st of September, 2009. The pages are
9 44210 and 44179, yes.

10 General, in item 2 of this report titled "Political Situation,"
11 it is noted that -- well, it relates to the situation in Prozor, which as

12 it says, Peacefully accepted the Uzdol massacre, they took it in their
13 stride and have not to date abused the town's Muslim community.

14 Now, this is a document of the 17th of September, 1993, General.
15 Looking at this document now, can you link it up with Zuka and what was
16 said, that he wouldn't stop, and what Ganic said about leaving Central
17 Bosnia?

18 That's my first question, and I have another question after that.
19 And that question is as follows -- perhaps I can ask it straight away.
20 Do these documents show that the HVO, the armed forces of the HVO, were
21 in a strong offensive?

22 A. Defensive.

23 Q. I said offensive. Does it show that the HVO was in an offensive,
24 and the general's answer was, No, it was in a defensive.

25 A. The BH Army was in an offensive.

Page 44665

1 Q. Thank you. That concludes this topic. You wanted to say
2 something?

3 A. Mrs. Nika, you asked me whether this document links -- no. The
4 BH Army has the right, according to war law, to attack the HVO, and
5 that's what it does. Whether it has the right or not, well, I don't
6 know. It's an army. And from these documents it's clear that Ejup Ganic
7 and many around him do not want peace. They want to reach Ploce, Ploce
8 in Croatia. So that's the port. Not only the Neum corridor. Neum is
9 unimportant in this -- in these situations. But the HVO, there's always
10 somebody rebelling there. As far as that group of people is concerned,

11 the Croatian Defence Council was a rebel structure. They -- in their
12 eyes they were the sole legitimate representatives of Bosnia-Herzegovina,
13 Muslims, and when they doesn't do anything to the Serbs, then they
14 proclaimed us to be rebels because we were the minority ethnic group
15 there, and following that logic you had to deal with the situation
16 militarily.

17 Now, as far as this document on Uzdol is concerned, I don't want
18 to link up this and say who committed any crimes, but I was in Uzdol at
19 the time. We had -- well, I was even involved in an action to defend
20 part of Vakuf. We stopped that. We transported two tanks and prevented
21 a further massacre in Uzdol with a counter-attack, and the fact that
22 the -- well, the population didn't take anything in its stride. At that
23 point in time I and many other people invested a great deal of effort to
24 prevent the situation from escalating by talking and negotiating and that
25 they shouldn't rise to this occasion. Quid pro quo doesn't exist, but if

Page 44666

1 in a small village when there are no refugees, they have already left,
2 there's just 200 people, and then when somebody kills 41 of those 200
3 people, a fifth, therefore -- or not a fifth -- yes, a fifth of the
4 population, it's a terrible thing, and I claim that as a prevention the
5 only thing we could do was to talk, to entreat, to have a heated
6 discussion, and what we could do technically speaking was to protect the
7 mosque, to place guards in front of the mosque, and to place guards in
8 front of the religious leader, because symbolically if somebody wanted to
9 retaliate those are the two things that they would choose for

10 retribution, and then the situation calmed down.

11 Now, how the situation was calmed down, if you weren't there you
12 can't even dream of what the psycho-physical state of those people there
13 was like with all the dead, when they're burying 41 people and tensions
14 grew and you had to go back and do the same thing again to calm the
15 situation down. But the Muslim offensive at that time had already been
16 routed in a way, and so some people had more time to devote themselves to
17 this problem. And quite frankly as a human being I am proud of my role
18 in all that, because as we can say they took the massacre in Uzdol in
19 their stride peaceably. Well, that's debatable how any people would take
20 anything like that in their stride is a very debatable question.

21 Now, as far as these documents are concerned Mr. Ganic says there
22 will be a war and he is issuing threats. He says the French are
23 supporting Bosnia **but the government not. Now, which French, I suppose**
24 some people there, I don't know, he says the British are even worse.

25 Q. Could you tell us the number of the --

Page 44667

1 THE INTERPRETER: Could the speakers kindly slow down and speak
2 one at a time for the benefit of one and all. Thank you.

3 THE WITNESS: [Interpretation] It says that the British are
4 enemies to Muslims --

5 JUDGE TRECHSEL: Did you realise you were asked again for the
6 fifth or what times to slow down when speaking. You go on like a
7 motorcycle -- racing motorcycle. It simply doesn't work. I don't
8 understand that you have not understood this after four months of

9 testifying.

10 THE WITNESS: [Interpretation] I thank you, Judge Trechsel, and it
11 is true what you say, but unfortunately it's not something that you
12 understand but something that you cannot understand. Your mind
13 understands it, but the body doesn't, so I fully understand it. And
14 after all this time I simply cannot control the rate of my speech, so I'm
15 guilty as charged but not because I'm stupid and because I don't
16 understand, but because I -- well, I would like that to be repeated.

17 So in this document Mr. Granic said that the British government
18 that they hate the Islam, so he's talking about Islam, not
19 Bosnia-Herzegovina. He says that Abdic, of course the one who won the
20 most votes for the post in the Presidency of Bosnia-Herzegovina is
21 flexible and would be amenable to a compromise but that Mr. Izetbegovic
22 and I say that it was under the pressure of his radicals for the most
23 part couldn't do it although I still say that without the radicals his
24 political options would have been different. So that's all I have to say
25 on that.

Page 44668

1 MS. PINTER: [Interpretation]

2 Q. Thank you very much, General. I made a pause less we should
3 overlap so I would like to ask the registrar how time we have left so
4 that I can organise myself to see whether I have to skip some documents
5 or whether I can go through all of them. Unfortunately, General, we have
6 to strive to save time. Well, we'll go quickly now?

7 Let us move on to a new topic. That's the military police.

8 Could you please look at document P00957. It's a document that was used
9 on the 3rd of -- or, rather, on the 8th of July, 2009, in the
10 cross-examination by Ms. Tomasegovic, and it's recorded at page 42716.
11 It's a document, the structure of the military police of the HVO, dated
12 the 26th of December, 1992.

13 In the course of the examination by Ms. Tomasegovic you wanted to
14 explain some of the documents and she wouldn't let you, and she was well
15 within her rights because it was her cross-examination. So she didn't
16 allow you to say everything you wanted to about some documents. So now
17 I'm asking you about this document.

18 Do you have anything that you want to bring the attention of the
19 Trial Chamber to, and can we perhaps read this document in such a way
20 that we can see who is in command of the military police units?

21 A. Yes. Page 3 of the Croatian text there are two things: The
22 military police administration commands and controls all the units of the
23 military police. And the last sentence is:

24 "The military police platoons in the brigades shall carry out the
25 orders of the brigade commander within their jurisdiction."

Page 44669

1 This is what I knew about the role of the military police at the
2 time within the HVO structure, and I have nothing else to add.

3 Q. Thank you very much. Now I would like you to look at document
4 P -- or 5D00538. This document was used by the -- in the
5 cross-examination on the 8th of July, 2009, and it's also recorded at
6 page 2 -- at page 42716 of the transcript.

7 General, is this a document which would be tantamount to an
8 order, or is this a document that contains within it some efforts to
9 impose some kind of order in the HVO?

10 A. Yes. This is a meeting where problems are presented, in
11 particular, in item 1, in paragraph 3 where cases of murder and robbery
12 are mentioned, also the attack on the Rumboci hospital. It's an HVO
13 hospital. Some insane people from the HVO targeted their own hospital
14 and then based on this, various options are present on how to impose
15 order. But the conclusions remain. This document is comprehensive. And
16 the conclusions say that the military police administration has to
17 organise some kind of training and that the military police
18 administration has to specify the rights of the military police in the
19 exercise of their duties.

20 Well, I don't want to go into this document. It's a
21 comprehensive document a very detailed document. All you need to do is
22 just read it to see what this is all about.

23 Q. But it's not an order?

24 A. No, it's not.

25 Q. Now I would you to look at P05381. It's a document. It was used

Page 44670

1 on the 7th of July, 2009, in the cross-examination. The number of the
2 document is P05381. And the transcript page is 42640 through 42642.

3 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter, you asked a
4 question about the time remaining. The registrar is telling me you still
5 have one hour and seven minutes.

6 MS. PINTER: [Interpretation] Yes. Very well. Thank you very
7 much. We won't have to skip any of the documents. Thank you very much,
8 Your Honours.

9 Q. General, the document is the one that you signed, isn't it?

10 A. Yes.

11 Q. And can you tell us how was this document made? You didn't have
12 an opportunity to explain that in the cross-examination.

13 A. Well, from Perica Turajlija who was our military policeman who
14 stayed behind to fight unlike some of the other members of his unit who
15 simply left the front line and then the group that remained or, rather,
16 the whole was the ATG group, and I asked for it to be disbanded and that
17 the members be returned to their original units because it couldn't
18 function any more as an organised unit or group.

19 Q. Thank you. Now would I like to 5D04394. It's a document that
20 was also discussed on the 7th of July, 2009, and you were shown this
21 document at page 42640. It's again another of your documents, and you
22 weren't given an opportunity to saying something more about it apart from
23 answering the question, so could you please tell us what was it that you
24 wanted to say about this document?

25 A. Well, I'm responding to Mr. Valentin Coric, telling him that

Page 44671

1 don't want to suspend, that I do not agree, that I did not allow --

2 Q. 5D, 5D04394. 5D. It's a Defence document. Yes. General,
3 please go ahead.

4 A. Because he was the only one who stayed at the front line. The

5 rest fled. And what is important about this document is to say that I
6 cannot punish individuals who belonged to another establishment chain,
7 and in this case, it's the military police. So a unit attached to my
8 units from the military police, I cannot sanction them. And that is why
9 I say to Mr. Valentin Coric, "Well, do your duty." And I list here all
10 those who refuse to obey Mr. -- the orders, Mr. Andabak and then some
11 people who went AWOL, and Mr. Turajlija was their commander, and some
12 people who stopped the German humanitarian aid or did something, so it is
13 the duty of the commander at whatever level to inform the structure that
14 this unit belongs to the other chain of command, in other words. And I'm
15 telling him, "Well, I am telling you what was wrong, and please take
16 appropriate action."

17 There's nothing else I have to say.

18 Q. Now I would like you to look at document P04262. It's a document
19 that was used in the cross-examination on the 9th of July this year. The
20 transcript page is 42833, and this document was discussed in the
21 cross-examination. You wanted to tell us something about the reasons why
22 this order was issued, as far as you know, and please share that with us
23 now.

24 A. Well, the problem was when a certain structure was not
25 functioning, and you are the last in the food chain. The buck stops at

Page 44672

1 you when it comes to solving problems. And then you accept bypassing the
2 system to avoid greater evil. That doesn't mean that the system doesn't
3 function any more. It's warning. It's not an order issued by

4 General Petkovic for a certain reason as is stated here. In view of the
5 lack of efficiency in the operation of the brigade military police
6 units -- well, I'm not going to go into reasons why that was so. So
7 General Petkovic says, "Well, take things into your own hands. Appoint
8 these people, because all this moaning and whining serves no purpose."

9 I was in agreement with General Petkovic, because it was my
10 position that the system could be bypassed but without the command part
11 except in a very short time period. And on the other hand, I fully
12 understood what he did, and I didn't revoke his order, his warning,
13 although as his superior, I was well within my rights to do that, which
14 means that despite a certain degree of disagreement, I also bear a
15 certain amount of responsibility for a thing like this, because I didn't
16 issue another piece of paper saying no, I hereby revoke this for reasons
17 of -- because it was done in a way to -- by way of improving the system
18 for at least a short time period, and I didn't also want to put my deputy
19 in an unenviable position, because I considered that all of his arguments
20 were logical. But I wouldn't have done it the same way because then you
21 change the system and the system is quite specifically defined.

22 MS. ALABURIC: I would just like to correct the record at this
23 page, line 4, if you see two lines -- or two dashes, this is where
24 General Praljak's words have to be recorded. It says here who the
25 brigade military police is to address when it encountered some problems.

Page 44673

1 So, General Praljak, it doesn't say here what General Petkovic actually
2 said in this warning. So who is the brigade military police supposed to

3 address when it had some problems?

4 MS. TOMASEGOVIC TOMIC: [Interpretation] Just a moment. Just a
5 moment. It doesn't say anything about the brigade military police
6 talking to anyone or doing to anyone.

7 MS. ALABURIC: [Interpretation] The whole document is about the
8 brigade military police. You can see that from the subject and the whole
9 document is about the brigade military police, and so it's not
10 controversial.

11 MS. TOMASEGOVIC TOMIC: [Interpretation] No, no, it is
12 controversial because it says here that the lack of efficiency on the
13 part of the brigade military police officers -- it says here that the
14 lack of the brigade military police is that the commander should address.
15 Which commanders? The commanders of the brigade military police platoons
16 or the HVO commanders? We cannot say that on the basis of this document.

17 MS. ALABURIC: [Interpretation] Your Honour, I just had a remark
18 about the transcript, and I thought it was in your interest for
19 General Praljak's words to be recorded accurately. I didn't want to now
20 enter into any polemics as to what the contents of the document are.

21 MS. PINTER: [Interpretation] Well, we have marked this part and
22 we will ask for a verification request. This is the most painless method
23 of dealing with that.

24 Q. General Praljak just one more question before we move on to
25 another document. When you were at the Rama front line in the summer --

1 well, August, September, and October, you used the military police on the

2 front lines.

3 A. At times.

4 Q. Complete units or military police battalions and both the basic
5 and the professional so to speak or whatever they were called, the light
6 assault?

7 A. The professional force. Those who were trained to fight. But I
8 simply have to say this sentence is very clear. So it often occurs that
9 the lack of efficiency on the military police units in the brigade -- in
10 the brigades, the commanders, address the military police chief, the
11 commanders of those units of the military police address them, and this
12 is the accurate depiction, and General Petkovic says, "Well take it all
13 and do it yourself."

14 Q. Why doesn't General Petkovic issue an order but a warning?

15 A. Well, he couldn't issue an order because it would be outside of
16 his scope of exercise of command, but he says, "Well deal with it any
17 which way you can so that it can finally start functioning."

18 THE INTERPRETER: Interpreters remark the speakers are again
19 speaking very fast.

20 MS. PINTER: [Interpretation]

21 Q. Now I would like you to look at document P03934. It was
22 discussed, it was shown to you on the 7th of July, 2009, at page 42642,
23 line 6.

24 In this document, General, I would like you to say in item 2 when
25 is it says "Units and crews at VP," what does it say, VP?

1 A. Military police. So it's not military police.

2 Q. Firing position.

3 A. Yes, firing position. If you have a VP of the artillery, that's
4 a firing position of the artillery.

5 Q. Thank you very much.

6 JUDGE PRANDLER: I'm sorry, Ms. Pinter. I do not understand.

7 The answer, I believe it is line 18, that the answer: "Military police.
8 So it is not military police." Now, it is either military police or not
9 a military police. What was the answer, really, is my question. In the
10 English transcript, I said: "Military police." Full sentence. Full
11 stop. And the second sentence: "So it's in the military police." I
12 really don't understand this. Thank you.

13 THE WITNESS: [Interpretation] In the document, P03934,
14 document -- VP, in brackets, means "firing position," "vatreni položaj,"
15 and has nothing to do with military police.

16 JUDGE PRANDLER: Thank you, Mr. Praljak.

17 MS. PINTER: [Interpretation]

18 Q. General, open document P00460, please. You were questioned on
19 the document by Judge Antonetti, on the 17th of June this year. The
20 transcript page is 41000.

21 JUDGE TRECHSEL: Excuse me, General, I'm coming back one step.
22 I'm a bit amazed about this answer to the point raised by Judge Prandler.
23 If VP here suddenly, surprisingly, exceptionally does not mean military
24 police but firing position, I fail to understand how one gives orders to
25 fire firing position. Firing positions are locations and not commanders

1 of something. So this needs some more explanation if VP here suddenly is
2 to have quite a different meaning from what it usually has.

3 MS. PINTER: [Interpretation] It's not a new meaning. It's that I
4 indicated item 2 of this document to the general. I point that out. And
5 in point 2 it says: "Units and crews on the VP ..." and in item 1 it
6 says: "The shift on the use of the front line and firing positions."

7 JUDGE TRECHSEL: I apologise. If I had studied the document more
8 carefully, my question would not have come up. It was superfluous. I
9 apologise. It's a bit due to the general speed we are running in, but
10 that's my fault.

11 MS. PINTER: [Interpretation] Well, we have to move at speed, at
12 high speed, if we want to finish the job by the time that we have
13 allotted.

14 Q. Anyway, P00460 is the next document I'd like to look at. It's a
15 document that was shown to you by Judge Antonetti. However, His Honour
16 used P00459. They are two identical documents, in actual fact, but P0040
17 is already an exhibit; whereas document P00459 is not an exhibit, and the
18 Judge was surprised how come that document wasn't used.

19 Now, what I'd like to ask you now in that regard and based on
20 that document, General, is this: You didn't complete your explanation of
21 this convoy titled Merhamet. So could you tell us what you wanted to
22 explain with that -- respect to that portion?

23 A. Just a one sentence. In the hundreds of documents that we've
24 seen in the 92 binders that we brought in the courtroom about the overall

25 assistance given by the Republic of Croatia to Bosnia and Herzegovina,

Page 44677

1 rather, the BH Army and the Muslim people, when we had the document we
2 constantly, during this period of time, in one way or another, first of
3 all legally and then we smuggled weapons to the BH Army, passing the HVO
4 units; because in a war it would be completely impossible to explain to
5 somebody fighting alongside you in the HVO that his son would be killed
6 or wounded by weapons which the Republic of Croatia and Franjo Tudjman,
7 Gojko Susak, Slobodan Praljak, Jadranko Prlic, Bruno Stojic,
8 Milivoje Petkovic, and Valentin Coric of the people here would let
9 weapons through before the conflict, during the conflict, and after the
10 conflict. And this was smuggled in through Merhamet, and I was aware of
11 all this from start to finish. And it's something that one can't
12 explain, except to say that to provide weapons to the opposite side to
13 defend itself and then also to accuse that side to go and accuse that
14 side of having committed a crime with intent to defeat that army and cut
15 off part of the territory goes beyond the frameworks of the little reason
16 that I have left.

17 Q. Thank you. During the cross-examination recorded on pages 42265
18 of the transcript, if I've read the numbers out correctly, yes, I have,
19 and later on, on several occasions and today, too, during the
20 examination, you were asked whether any measures were taken and whether
21 any sanctions were taken and whether an inquiry was launched into whether
22 anybody had actually committed crimes of any kind. Now, do you have any
23 knowledge about that? You answered all those questions, and I'd like to

24 ask you to take a look at this next document, which is 1D02577. It's a
25 document which is already an exhibit. It dates to September 1994.

Page 44678

1 You've already seen the document, haven't you?

2 A. Yes.

3 Q. So you're well-acquainted with it. Now, do you know, do you have
4 any knowledge about the verification of all the events that -- all the
5 events were investigated that were reported and uncovered and that
6 proceedings were taken in this regard?

7 A. What I can tell you is the following, and I'm testifying about
8 this once again under oath, under the solemn declaration, as
9 Judge Antonetti would say, and here's my testimony I -- I don't know that
10 I or any of the other accused anywhere, at any time, or any service
11 within the HVO, would try to hide an event without describing it, without
12 reporting it.

13 Now, what seems to be the most difficult thing in this trial is
14 that it's difficult to understand how you can put your wishes into
15 practice and do what you want to do. And when we became more powerful
16 and had more resources and when these crimes were reported, then you
17 could resort to legal resources and deal with the matter. So I'm saying
18 that to the best of my knowledge, none of the five - as to Pusic, he
19 wasn't anybody who I'd ever met before - none of us ever hid anything and
20 you could see that from the documents. Everything was described
21 precisely as it happened.

22 And Judge Antonetti asked, for example: If somebody wanted to do

23 something, could they hide it? Well, yes, but nothing was hidden. And
24 when the time came to deal with the chaos and increase the power that you
25 had because you can't give somebody responsibility if you don't provide

Page 44679

1 him with the power necessary. You can't tell him to dig a hundred
2 hectares without providing him with the right tools. So there was no
3 cover-up. Everything was verified and investigated and people were taken
4 to court as is the case today too. They were prosecuted. And the
5 difference between observing that something had been done and to
6 establish who the perpetrator was requires time and resources. You have
7 to prove it and so on and so forth, and that's all I have to say on that
8 subject.

9 Q. Thank you, General. Let's move on to the next document which is
10 P03803.

11 Now, Judge Trechsel asked you, on the 31st of August this year,
12 whether Ivica Lucic, who is mentioned in the document linked to the
13 meeting in Gornji Vakuf on the 16th of January, 1993, whether it was
14 Ivica Lucic who was the head of SIS; and your answer was, to the best of
15 your knowledge, there were two or more individuals with the same name,
16 Ivica Lucic. Now, take a look at this document, please, which is dated
17 the 30th of July, 1993, and you will see that it is about the appointment
18 of the Eugen Kvaternik Bugojno Brigade and the relieving the duty of the
19 brigade commander, and it also deals with Ivica Lucic.

20 A. Yes that's right. I subsequently remembered that I do know this
21 particular Ivica Lucic, the brigade commander. I didn't remember it at

22 the time, but I do know the man. And it's not the Ivica Lucic who was
23 the head of SIS.

24 Q. Yes that's within the structure of the armed forces. Ivica Lucic
25 from the armed forces; right?

Page 44680

1 A. Yes, from the HVO Army, not the armed forces, the army. The
2 armed forces includes everyone, whereas this is the army.

3 Q. On the 7th of September, you were asked by Judge Antonetti
4 whether during the time that you were commander of the HVO there were any
5 conflicts with the VRS. Look at document 3D03747 now, please, in order
6 to answer that, and tell us about the signatories of this document and
7 the positions that the document refers to. Does it refer to the Army of
8 Republika Srpska or does it refer to the BH Army or both perhaps?

9 A. This is operations report dated the 9th of August, signed by
10 Ivan Primorac and Mr. -- Colonel Zvonko Skender. It's the same
11 Mr. Skender, who -- well, he is a colonel here, an HVO colonel, but he
12 was also a colonel of the legion of honour. He was a member for 33
13 years, and he arrived after he retired. And this document in item 7
14 speaks about the fact that there were shortcomings at the separation line
15 and the front line, the military line or whatever you'd like to call it.
16 And it goes on to say what the positions were facing the Chetniks as they
17 call them and then it goes on to say which features and elevations and so
18 on.

19 So it's the line from Stolac or around Stolac which is being held
20 facing the Chetniks, both the men and materiel and everything else that

21 you need for defence purposes. And it says here that the Chetniks'
22 forces were at Kobiljaca, Kamena, Donje Brdo and so on, and then it goes
23 on to speak of the Muslim forces and explains in the same way where
24 their -- where the lines were facing the Muslims because unfortunately in
25 that area and at that time the HVO was fighting two adversaries, both of

Page 44681

1 them attacking it.

2 JUDGE TRECHSEL: A point in the transcript. We read on page 69,
3 line 23, that Mr. Skender was a member of the Legion [Realtime transcript
4 read in error "region"] of Honour and probably it was legion that one
5 should read here.

6 THE WITNESS: [Interpretation] [No interpretation]

7 JUDGE TRECHSEL: I hear that Mr. Praljak confirms.

8 JUDGE ANTONETTI: [Interpretation] Is it 5.30? I think it's time
9 for a coffee break. 20 minutes. Thank you.

10 --- Recess taken at 5.30 p.m.

11 --- On resuming at 5.58 p.m.

12 JUDGE ANTONETTI: [Interpretation] We resume. Mrs. Pinter, you
13 have the floor.

14 MS. PINTER: [Interpretation] Thank you very much, Your Honour.

15 Q. General, we both have to curb our proclivity to rush because the
16 French booth has experienced great problems because of our speed. We
17 will have to make pauses, we will have to speak slower because we want
18 everything to go on the record.

19 We talked about 3D03747, and I would like to ask you to give us

20 your answer. It is unclear what you say at page 70. You say "military
21 lines" or whatever it is that you call them, and then you go on to say
22 what the positions were facing the Chetniks, as they called them
23 "Chetniks." Who is "they?" Because it's not on the report that it's
24 "they."

25 A. It's the Republika Srpska Army, and in this document the

Page 44682

1 signatories refer to it as the Chetnik forces, which are deployed in the
2 Stolac area and to the south in Kobiljaca. Comovi -- I think it's
3 actually Comovi, Kamena, Donje Brdo. Well, these are obviously hills,
4 elevations. So this document proves my point, and that is that at that
5 time the HVO had its combat positions facing the Republika Srpska Army
6 and that the war was being waged there at Livno, Tomislavgrad, Rama, and
7 further up from Gornji Vakuf towards Kupres and then on the other side
8 from Stolac to the south. And also to the north, of course.

9 Q. Very well. Now I would like you to look at document 3D02322. At
10 transcript page 43678, you were asked about document P04142, and that's
11 the plan and programme for the basic military training and education of
12 soldiers. And why in this plan and programme, why didn't it include
13 training about international humanitarian law and laws of war. And
14 document 3D0322 contains also your memo or, rather, your signature is on
15 it. It's dated the 26th of September, 1993. So could you please tell us
16 what this is all about.

17 A. It's document 02763.

18 Q. Yes. You're entirely right. This one doesn't have -- or,

19 rather, it has a Croatian translation, but to save some time let us move
20 on to 3D02763, and then you can use it to explain the previous document.

21 A. Well, I received a letter from the Red Cross in order to be able
22 to organise yet another in a whole series of seminars on international
23 humanitarian law for HVO officers. Of course, I responded in the
24 affirmative that we accepted the offer, but I want to note, Ms. Pinter,
25 that in the training plan it is not explicitly listed, but humanitarian

Page 44683

1 law was dealt with, and in several places you have a discussion of a
2 humane warfare, how to fight humanely and the meaning of human life, and
3 I think that this seminar was held on the 14th of October, if I remember
4 correctly, as soon as the circumstances in the theatre of war allowed it.
5 It's 3D0838.

6 Q. No, it's not 3D, it's 4D00838.

7 A. Yes. Well, in document 4D00838, we have an order by
8 General Petkovic stating that in Tomislavgrad, in Citluk Hotel, there
9 would be a seminar and all available officers, about 40 to 50 officers
10 and NCOs only from that operational zone were sent there to hear all that
11 again, although I state that from the beginning of the war this was done
12 through those booklets and seminars and through "Hrvatski Vojnik"
13 journal, that every soldier was aware, was taught the basic tenets that
14 everybody has to comply with in a war.

15 Q. Thank you very much. Let us move on to the next document, and I
16 will list the following documents that were used on the 8th of September
17 2009 in re-cross by the Stojic Defence, and you were shown 3D1104,

18 P05104, and P05188, and they pertained to an order, your order,
19 forwarding Mate Boban's order related to the -- I have to repeat the
20 first number. It's 3D01104.

21 In your answers, when Mr. Stringer and Ms. Nozica asked you some
22 questions, you explained this order. So I don't want to go into
23 documents with you. I just referred to them so that we can all refresh
24 our memory, but I want to ask you whether the Main Staff appointed,
25 recommended, and removed from office persons who were in charge -- who

Page 44684

1 were charged with securing military investigative prisons and detention
2 centres.

3 A. No.

4 Q. Did the Main Staff appoint or discharge from office the wardens
5 of the detention centres?

6 A. No.

7 Q. Did the Main Staff ever receive any reports about the conditions
8 in the prisons and detention centres?

9 A. No.

10 Q. Did the Red Cross, the international organisations, ever directly
11 follow up with the Main Staff or submit reports about the conditions in
12 the prisons and detention centres? Did they send them to the Main Staff?

13 A. No.

14 Q. Thank you. I have been warned that I have to repeat the 3D
15 number. It's 3D1104. And the other two numbers. So P05014 and P05188.

16 Well, General, I think we discussed the documents, and there's no

17 need for us to elaborate any further unless you want to add something, so
18 I would like to now move on to document P06937. This document was
19 discussed at page 41535, 41842 through 41843 on the 23rd of June, 2009,
20 and also in the course of the cross-examination by Mr. Stringer.

21 THE INTERPRETER: Interpreters note: The counsel is really
22 kindly asked to speak slower when listing numbers.

23 MS. PINTER: [Interpretation]

24 Q. So as regards to document P06937, please just bear in mind the
25 log-book number, the reference number which is in the upper left-hand

Page 44685

1 corner of this document.

2 And now I would like you to turn to document P07878. Document
3 P07878 is dated the 16th of February, 1994. It was issued by the
4 military police administration. It is addressed to the security sector,
5 signed by the then chief of the military police administration, Zeljko
6 Siljeg, and it is a report about the prisoners of war.

7 Could you please turn to page 01014572. In English that's
8 03059591, third paragraph, and could you please look at what is stated
9 here. Who issues the order on the 8th of November, 1993, and what is the
10 reference number, the log-book number?

11 A. It's an order by Zlatan Mijo Jelic. Responsible person is Zoran
12 Stegar, and Branko Sliskovic was in receipt of it.

13 Q. The reference number, the log-book number?

14 A. 02-717/93.

15 Q. Could you please read the log-book number from the document

16 P6937?

17 A. It's the same number, 02-717/93.

18 Q. In document P07878, it's a document from 1994, right at the
19 beginning of that year. It is not stated anywhere that you gave your
20 approval or anything of the sort, that you authorized the release of
21 Ismet Kero; is that correct?

22 A. Well, anyone anywhere in any way, it's a forgery, and I've
23 already said everything I had.

24 Q. Yes, you did say everything you had, but we had to go through
25 this document to see that we have one and the same number for two

Page 44686

1 different documents, and it actually belonged to this other document and
2 not to the one that is purportedly signed by you.

3 General, did you ever sign any document without indicating your
4 approval or disapproval, agreeing it, not agreeing with, prohibiting it,
5 or anything of the sort?

6 A. Well, most of my documents were orders, but if I didn't issue
7 those documents, I participated in something or I agreed with it or
8 approved with it -- approved it. Well, you can't see it here. Somebody
9 simply forged my signature, General Slobodan Praljak, and you don't know
10 what this actually is, what's indicated by the signature.

11 Ms. Pinter, I really don't have anything else to say about it. I
12 wasn't there. I didn't write it and ...

13 Q. General, I'm just waiting for the transcript, not because I think
14 that you have to say anything else. I just want everything to be on the

15 report.

16 Now I would like you to look at document P06524. Mr. Stringer
17 asked you some questions about this document at page 44463, line 22, and
18 the Prosecutor put it to you that this order was drafted and that it
19 contains an order for the destruction of the Old Bridge. **And now I would**
20 **like you to look at it and to tell us something about this document,**
21 **because you didn't have an opportunity to state your view, whether this**
22 **is an order to destroy the Old Bridge. You would really have to have**
23 **that document in front of you.**

24 A. No, one has nothing to do with the other. Here it is only stated
25 that plans should be made for some attacks, for some offensive actions,

Page 44687

1 in order to tie down the BH Army units lest they should move to another
2 area which they would be able to take piecemeal from the hands of the HVO
3 defending those areas as it happened in Kakanj, and then there was peace.
4 And Konjic, and then there was peace. And then Vitez before that and
5 then there was peace. They would always take a piece of territory and
6 then there would be peace. And it says -- it tells us that the theatre
7 of war is a whole, and never in the history of warfare planning an
8 offensive action had nothing to do with the destruction of bridges. Even
9 if you assume that an action was to be launched to take East Mostar or to
10 liberate it, whatever way you want it, you can't destroy the bridge which
11 you would use to cross over. In the history of warfare, bridges are
12 always destroyed after a retreat, in any war, on the Rhine, the Remagen,
13 and so on. There is simply no military logic to it, but these are just

14 minor actions and planning of minor actions, and I really don't have
15 anything else to add. This has nothing to do with the destruction of the
16 Old Bridge.

17 Q. Thank you very much. And now that we've come to the topic of the
18 Old Bridge, I don't have to say that it was discussed in the
19 cross-examination.

20 In the course of the cross-examination when the Prosecutor played
21 the videotape P01040, you wanted the video to be rewound so that you
22 could show some parts of the tape that you thought were important. So
23 let's first play video P01040, which was the first video to be played.

24 [Video-clip played]

25 THE WITNESS: [Interpretation] Well, I can say here that this is

Page 44688

1 obviously footage that was taken on the 18th of November. It's the
2 fact -- could you please stop there. So that the tank -- there's no
3 collapse of the Old Bridge. Oh, yeah. No, no, I'm sorry. Yes, so
4 that's the 8th of November. What it's -- well, what should be noted here
5 is that the tank shells -- and you can see that -- well, we couldn't
6 analyse it, because we didn't have the important part of the recording,
7 of this recording that was recorded, and that's the black smoke that His
8 Honour Judge Antonetti noted. The tank shell does not produce any black
9 smoke. It hits and it destroys it, and there's a dust cloud.
10 Unfortunately since this part of the tape wasn't there, we couldn't
11 analyse the smoke, and based on everything that I know and what you can

12 see on the image it cannot be caused by a tank shell. It's explosive --
13 explosive which according to the findings of the expert and all the
14 information was placed inside the Old Bridge. It would be good had we
15 had it at the time, because then greater experts than I am would have
16 been able to tell us based on the smoke what kind of explosive it was,
17 but I think that even laypersons can see that this was not a tank shell.

18 MS. PINTER: [Interpretation] Yes. Very well. We can play the
19 tape on.

20 [Video-clip played]

21 THE WITNESS: [Interpretation] I think you can see quite clearly
22 where the explosion was.

23 [Video-clip played]

24 MS. PINTER: [Interpretation]

25 Q. Is that the pause, when you said there was a lull?

Page 44689

1 A. Yes. I think that -- what I assume, and I think it's fair that
2 this wouldn't have been broadcast by any major television channel, so
3 this was spliced. He -- the person who showed this probably linked the
4 two together; the explosion that didn't topple the bridge and the one
5 that did on a tape filmed by somebody else. So all this is montage. It
6 has all been edited. You can see that if you look at the smoke and now
7 he has superimposed one over the other to get it in a shorter space, and
8 we notice that a portion was missing. We didn't have the breath of it
9 all. It was this Mr. Schotte or Scott or Scotts or whatever.

10 [Video-clip played]

11 THE WITNESS: [Interpretation] Stop there. Now, Your Honours,
12 this is not a tank shell. This certainly isn't a tank shell, which means
13 that somebody else, without a doubt, was targeting the Old Bridge. **And**
14 as this is a much smaller calibre, because obviously not much damage was
15 done, it couldn't have been a shot from the position where the tank was
16 at.

17 MS. PINTER: [Interpretation]

18 Q. Now, General, for the record I'd like to say that we're looking
19 at IC00574, chapter 1.

20 [Video-clip played]

21 THE WITNESS: [Interpretation] Stop. Move on. Now, this shell,
22 judging by anything that the human eye can see and that you can conclude,
23 is coming somewhere from the north, from a northerly direction.

24 JUDGE ANTONETTI: [Interpretation] I want this to be on the
25 transcript. We see, and we will show it again because we have enough

Page 44690

1 time, we clearly see that there is an impact with a flash, but the impact
2 and the flash are on the other side of the bridge. We need to see this
3 again, and please look carefully.

4 [Video-clip played]

5 MS. PINTER: [Interpretation] May we go back?

6 [Video-clip played]

7 THE WITNESS: [Interpretation] What I'm claiming, Your Honours and
8 Ms. Pinter, is that there is no position from the north from which the
9 HVO could target the Old Bridge. **Who was doing the firing, I don't know,**

10 but you can go to Mostar, I can bring in the large map that I showed, the
11 2 by 2 metres map if Their Honours want to see it. There is no HVO
12 position on the northern side of the bridge for this kind of projectile
13 to be firing.

14 Now, who did the firing, I don't know, so one must distinguish
15 between the two, who was doing what from where?

16 JUDGE ANTONETTI: [Interpretation] Can we play it again maybe ten
17 times so that everyone sees -- sees correctly and that there's no doubt
18 left?

19 [Video-clip played]

20 MS. PINTER: [Interpretation]

21 Q. General, perhaps for the record you could describe what we just
22 saw.

23 JUDGE ANTONETTI: [Interpretation] Just a minute. I would like to
24 note something on the transcript.

25 We see two tires hanging on the other side of the bridge, and

Page 44691

1 there -- and because of the fire they're going to oscillate.

2 [Video-clip played]

3 JUDGE ANTONETTI: [Interpretation] Right now. Actually, one is
4 actually going to fall into the water.

5 There were two tires hanging. The shot comes from the north, and
6 one of the tire falls into the water and the others are just -- the other
7 is just hanging on, and they're not facing us. They're behind us.

8 THE WITNESS: [Interpretation] I have nothing to add there.

9 JUDGE TRECHSEL: Perhaps for the record just it is correct to add
10 that these shots purportedly coming from the other side, perhaps from the
11 north, do not create any visible damage to the bridge. They seem to be a
12 relatively light calibre. What one sees is light, and it affects the
13 tires, but one does not see any stones falling down or anything of that
14 kind.

15 [Video-clip played]

16 MS. PINTER: [Interpretation]

17 Q. Can we move on? Should we show more of the tape?

18 A. Yes, yes. Well, no. We've actually seen something there coming
19 from the south. This isn't a tank either. So there was somebody else
20 shooting.

21 [Video-clip played]

22 THE WITNESS: [Interpretation] This is a tank, and quite obviously
23 there, well, it's a large plot surrounding this bridge. They're shooting
24 from the south and from the north. See for yourselves.

25 May we see the section where the bridge actually falls into the

Page 44692

1 water?

2 MS. PINTER: [Interpretation]

3 Q. [No interpretation]

4 A. Yes, the destruction of the Old Bridge on the 9th, taken by that
5 Muslim.

6 JUDGE TRECHSEL: May I ask perhaps a few questions about the
7 tank?

8 Do you have an idea of what type of tank it is that was shooting?

9 You must, because otherwise you could not be too precise about the
10 ammunition.

11 THE WITNESS: [Interpretation] Ninety-nine per cent certainty it
12 was a T-55 tank of Russian manufacture, a T-55, most probably.

13 JUDGE TRECHSEL: Thank you. Is that tank equipped with a
14 machine-gun coaxial to the main barrel?

15 THE WITNESS: [Interpretation] Yes.

16 JUDGE TRECHSEL: Is it -- is it possible that what we see as
17 lights that are rejected, which is an ammunition that doesn't do damage
18 to the bridge itself, that it is what is sometimes used, a tracing
19 bullet. In order to be economic with the heavy stuff one first shoots a
20 lighting, small calibre, to see whether the aim is right, and then
21 after -- afterwards one shoots the big barrel. Is that a possible
22 explanation?

23 THE WITNESS: [Interpretation] No, Your Honour Judge Trechsel.

24 The tank does have a 7.62 calibre, I think, on it, a machine-gun which is
25 too small a calibre to send anything towards the bridge. So this is a

Page 44693

1 higher calibre than the 7.62 that we saw, the red. So with a machine-gun
2 on a tank, which is defence towards an infantry, at this distance where
3 the tank is there's absolutely no military connection there, nothing to
4 do with it.

5 MS. PINTER: [Interpretation]

6 Q. Are we on IC00574, chapter 3? We are.

7 [Video-clip played]

8 MS. PINTER: [Interpretation]

9 Q. There's no need to go into that now. Very well. Now we go to
10 IC00820.

11 JUDGE TRECHSEL: I'm sorry, I still have a question about the
12 tank. I have opened the -- on the internet I have looked at the T-55. I
13 have here T-55A, which has actually three types of ammunition for the
14 cannon. The -- the one that one uses on armoured targets, it is sort of
15 partly empty, and then the force is all concentrated. I'm sure you know
16 what I mean. Then there is the normal one, and there is one that causes
17 shrapnels to go.

18 Would any of these ammunitions give a black smoke?

19 THE WITNESS: [Interpretation] I don't know that. I'm not that
20 expert in this field.

21 JUDGE TRECHSEL: Thank you.

22 MR. KOVACIC: Your Honour, perhaps -- perhaps it would be helpful
23 to -- just to indicate that there were a lot of questions and something
24 also in expert report of Dr. Jankovic on the tank shell, which was
25 allegedly targeting the bridge. So probably the answer is there.

Page 44694

1 JUDGE TRECHSEL: Thank you, Mr. Kovacic.

2 MS. PINTER: [Interpretation]

3 Q. General, we're now going to look at some ORF footage. IC00820.
4 It was used together with Dr. Jankovic's testimony.

5 [Video-clip played]

6 THE WITNESS: [Interpretation] Can we see that again, please? Can
7 we have the footage again?

8 [Video-clip played]

9 THE WITNESS: [Interpretation] Well, that's not the beginning. I
10 apologise, but this isn't from the beginning. Can we take it from the
11 beginning, please.

12 MS. PINTER: [Interpretation]

13 Q. That's what we have IC00820 the IC number.

14 A. Well, this is obviously what I said, the first explosion and the
15 waterfall shown in -- or water fountain was spliced and attached to the
16 part that was thrown out that Judge Antonetti mentioned. So can we have
17 the continuous damage.

18 MS. PINTER: [Interpretation] IC00820 is next, please - we seem
19 to have some technical problems - or IC00821. This was used together
20 with Professor Jankovic as well, and it's from Television Mostar. If
21 they manage to play that for us.

22 Q. General, I'm afraid we don't seem to be able to have that last
23 tape which we planned to show. There seem to be technical difficulties.

24 MS. PINTER: [Interpretation] Your Honours and everybody else in
25 the courtroom, I'm sure you understand the problems we're having with the

Page 44695

1 technical aspect.

2 THE WITNESS: [Interpretation] Well, never mind, but the camera
3 shows -- the footage shows in continuum the water fountain, the point at
4 the bridge where the explosion begins and after which the bridge falls

5 down.

6 According to all logic, there was a second explosion on the
7 bridge, because the first did not give the desired result, and since the
8 person didn't film the second explosion properly, he put the two
9 together; whereas on this second IC number, we have the continuous
10 footage of the bridge, and I have nothing further to state.

11 JUDGE TRECHSEL: Okay. I was just suggesting that we go on,
12 because as we will, in all probability, have an expert. We will, again,
13 have another round of bridge destruction. Please, Ms. Pinter.

14 MS. PINTER: [Interpretation] Thank you, Your Honour, but that was
15 the last subject we wanted to deal with. I can see that our -- my
16 colleagues have a happy smile on their faces. I know there are other
17 topics that we could deal with, but --

18 THE WITNESS: [Interpretation] From the book, from the book.

19 MS. PINTER: [Interpretation]

20 Q. Yes, I know that. We've also prepared the book. So while we're
21 waiting for the technicians to prepare the material, we can look at
22 3D00374 in our binders. It is the book by Slobodan Praljak, "How the Old
23 Bridge Was Destroyed." And I'd like to look at 3D16-0035 of the Croatian
24 text, and in English it is on page 3D16-0113. And on that particular
25 page, the letters are underlined which refer to the Croatian text, the

Page 44696

1 only portion in that excerpt that's been underline.

2 Anyway, General, these are excerpts from the paper,
3 "Oslobodjenje" of the 19th of June, 1997, and, in fact, it confirms what

4 you've told us.

5 Now, tell us, please, of course you saw the article later on, but
6 did you see it as soon as it was published, as it -- when it came out?

7 A. Well, a little later, probably, because at that time I was
8 already troubled by the act I was held accountable for. And the
9 protection of the Old Bridge **was a concern of ours throughout the time I**
10 was there. And what's important here is the following, I'm going to read
11 it out slowly, and I thank the interpreters:

12 "At the moment when it happened, a camera was turned towards the
13 bridge by a Scotsman who was in this city as member of the British Army.
14 He was ordered by Budakovic to go to Sarajevo, accompanied by members of
15 military security of the 4th Corps command, but instead of giving the
16 precious document as it had been agreed to the then-director of Radio
17 Television Bosnia and Herzegovina, he jumped on the first UNPROFOR plane
18 and left Bosnia."

19 Therefore -- well, Budakovic here, I think, already at that time
20 was either the deputy commander of the 4th Corps or perhaps perform --
21 was acting as the 4th Corps commander. And secondly, regular British
22 troops in that area -- there were no regular British troops in that
23 region, because as you know, the region was under the military control --
24 well, I can't really say control, but supervision, or whatever, operating
25 there on behalf of UNPROFOR was SpaBat, the Spanish Battalion.

Page 44697

1 Now, Mrs. Pinter, I don't know who, I know how, Your Honours,
2 someone wanted to prolong the war and to increase the conflict between

3 the Croats and Muslims, and that is why they committed this act at a
4 point in time when General Petkovic was in Split, when I was in
5 Tomislavgrad, and when duty was being handed over. The commander of the
6 HVO, of the Main Staff, Slobodan Praljak, did not destroy the Old Bridge
7 in the BH Army attacks when there was absolutely justification for
8 destroying the Old Bridge **as a military target. We did not do that. We**
9 didn't destroy the hanging bridges that people used to cross over. That
10 was not our objective or goal. That was not the kind of war we were
11 waging.

12 We were defending ourselves, but 20 obvious military targets in
13 town, we did not fire at with tanks. I don't say that there were not any
14 civilian casualties, but with respect to the number of soldiers killed,
15 according to the 4th Corps commander Drekovic - he writes about this in
16 his book - the number of civilian casualties was very small precisely
17 because of the manner in which we engaged in warfare -- or, rather, how I
18 led the army, commanded the army, and that would be all I have to say.

19 Q. Well, the transcript stopped. I don't know if everything has
20 been interpreted.

21 General, thank you very much for the five months that you spent
22 in the witness stand. I would like to thank the Trial Chamber, all my
23 colleagues. The Defence counsel has no more questions for
24 General Praljak.

25 A. I would also like to thank you for all the questions you asked

1 me. I would like to apologise for wandering, and I would like to

2 apologise to the interpreters. I really didn't mean it. It was just my
3 body that refused to obey my orders of my mind. Thank you very much.

4 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak, on
5 Monday next week, we'll be hearing your expert witness. He will be
6 sitting in your chair, and unfortunately you'll be back at the back of
7 the room.

8 I believe that Mr. Scott has something to tell us.

9 THE WITNESS: [Interpretation] I have something to say. If at any
10 point in this trial you want to ask any additional questions, I am at
11 your disposal. I'm ready to go back to the witness stand.

12 JUDGE ANTONETTI: [Interpretation] Very well. I took due note of
13 this.

14 Mr. Scott.

15 MR. SCOTT: Good afternoon, Your Honours, and in terms of
16 Mr. Praljak's last comment, why are we not surprised.

17 I'm afraid I need to try -- perhaps try the Chamber's patience a
18 bit late on this Thursday afternoon and perhaps other counsel's as well
19 because I'm sure everyone is anxious to leave the courtroom. However, I
20 do have to make a submission with the greatest respect in connection with
21 the ruling the Chamber made earlier today. And if nothing else, I just
22 want the record to be clear about the Prosecution's position on the
23 matter. And this is in connection with the time for cross-examination of
24 the Praljak witnesses that are scheduled over the next few weeks.

25 Mr. President, Your Honours, and I'm going to look at my notes in

1 rather detail in order not to use any excess words as possible in the
2 time that we have, so forgive me if I follow my notes rather closely,
3 perhaps, than usual.

4 Mr. President, Your Honours, there's never been a previous
5 ruling, and it has never been the practice in this case that the time
6 estimate for cross-examination was required to be placed in the notice
7 requesting cross-examination. That has never been the prior ruling or
8 practice of this Chamber. I went through all the submissions
9 requesting -- all the filings requesting cross-examination since the
10 trial began, this afternoon, by the Defence and by the Prosecution.
11 That's never been done. The Chamber will not find a single filing in
12 which the request for time has been put in one of those notices. This is
13 the first time that's ever happened.

14 Secondly, with an expert witness and a Rule 92 ter witness, there
15 has never been -- it has never been required by the Defence or the
16 Prosecution to date, it has never been required that the opposing party,
17 be it the Defence or the Prosecution, had to make a special showing to
18 justify more time for cross-examination than direct examination. It has
19 been universally recognised that given the fundamental fact that the
20 tendering party is putting in most -- much if not most of the direct
21 examination on paper, be that a report, an expert report, or a statement,
22 it's only a matter of fundamental fairness that the opposing party be
23 given more time for cross-examination than direct. That has been the
24 consistent practice in this Chamber since April 2006 until today.

25 This has been the practice to date. It certainly was the

1 practice throughout the Prosecution case, which worked to the benefit of
2 the Defence, and we provided to the Chamber information demonstrating
3 this in our filing yesterday. It is absolutely clear, the record speaks
4 for itself, that in all instances of 92 ter witnesses and experts that
5 they've been -- the opposing party has been provided more time if needed
6 or requested to conduct the cross-examination.

7 This is a new and different situation. I'm sorry to say,
8 Your Honour, but I have to make a record, this is another situation where
9 the rules applying to the Prosecution are different than rules that apply
10 to the Defence during the Prosecution case. The Prosecution case is
11 being treated to a disadvantage, and the rules have changed. The reality
12 is there is no prejudice to the Defence in this situation. We have two
13 witnesses, each of whom are scheduled for an entire court week. The time
14 is there. The request has been made consistent with past practice, and
15 with due respect, Your Honour, the Prosecution feels it has been
16 treated -- it is being treated very unfairly in this situation.

17 So in that respect, Your Honour, and I guess it's become,
18 perhaps, a bit of a dirty word, but if the Chamber wants to call it a
19 request for consideration, then there it is. But the rules -- the
20 Prosecution submits that the rules have changed to the Prosecution's
21 disadvantage. We do need adequate time to conduct a meaningful
22 cross-examination of these two witnesses, and we ask to be granted more
23 time to do so. Obviously any counsel, again, be that the Defence or the
24 Prosecution, has to prepare an examination in advance, and that's why I'm

25 on my feet at this late hour and not raising this on Monday afternoon for

Page 44701

1 the first time.

2 Therefore, Your Honour, that's our submission. I appreciate the
3 Chamber giving me the opportunity to raise it at this hour. Thank you.

4 MR. KOVACIC: [Interpretation] Your Honour, I will not respond to
5 this. I will just say one sentence. The Trial Chamber did, well I can't
6 now claim with certainty but I think it was April this year, ruled to
7 accept the experts' testimony that was proposed and also allotting the
8 time to the parties. Until yesterday or the day before yesterday, which
9 was when the first proposal was made, the Prosecution just sat there not
10 reacting. It could have sought to review or reconsider -- the
11 reconsideration of the decision within a reasonable time, but they failed
12 to do so. They could have appealed against the decision, yet they failed
13 to do that either. And now, once we've made our plans for the stay of
14 the witness here and all the other witnesses based on the known
15 parameters that we received through the decisions, through this
16 particular decision, and we knew that nobody wanted anything outside of
17 the decision, nobody applied for additional time and nobody, in fact,
18 questioned the decision at all, we had to and we could do a detailed
19 plan.

20 I don't see that there's any reason for the Trial Chamber to
21 amend or change its decision in any anyway. Thank you very much.

22 MR. KHAN: With the leave of my learned friend before he rises to
23 respond to the submissions of Mr. Kovacic, it is my submission that all

24 of this is unnecessary, to say the least. In the oral ruling of this
25 morning, a unanimous Bench dismissed the Prosecution's application on the

Page 44702

1 grounds that it was, amongst other things, a motion for reconsideration.

2 Now, as far as the record, making a record is concerned, I don't
3 know if it's a Grammy record or a CD, but as far as a court record is
4 concerned, my learned friend, Mr. Stringer, did stand up after the
5 Presiding Judge gave his ruling to make further submissions; and once
6 again those further submissions, those further objections, were dismissed
7 by the Bench.

8 Here we are at the end of the day for the third time, it seems to
9 me, revisiting an issue that has been judiciously determined not once but
10 on three previous occasions if one counts the decision this morning as a
11 reconsideration.

12 Now, Your Honours, the rules do allow for an application for
13 leave to appeal. That can be done in writing. But to keep having this
14 tennis match, this ping-pong against judicial rulings is rather
15 indulgent. And I do know that all sides, not just my learned friend,
16 Mr. Scott, all sides in this courtroom have been guilty of indulgence and
17 self-indulgence on various occasions to varying degrees. But this kind
18 of ping-pong match is hardly conducive, in my respectful submission, to
19 the proper determination of this matter in an expeditious manner. And
20 for those reasons, I would ask that the submission is not only
21 inappropriate but should be summarily dismissed. If the Prosecution have
22 further objections, of course, an application for leave to appeal can be

23 put in writing.

24 Your Honour, those are my submission on this matter. I am
25 grateful.

Page 44703

1 MS. ALABURIC: [Interpretation] Your Honour, if you allow me
2 please.

3 MR. SCOTT: Your Honour, excuse me.

4 MS. ALABURIC: [Interpretation] Please allow the Petkovic Defence
5 to also state its views. I would like to answer, Your Honours --

6 MR. SCOTT: Excuse me for a moment ... [Overlapping speakers]

7 MS. ALABURIC: [Interpretation] I am entitled -- Your Honours --

8 JUDGE ANTONETTI: [Interpretation] Mr. Scott, you said something.
9 The Defence has responded and they're not finished because Mrs. Alaburic
10 would also like to say something, and then you will take the floor again
11 and give her a chance to tell her position.

12 MR. SCOTT: [Overlapping speakers] [Previous translation
13 continues] ... My concern, Your Honour, is that this is what always
14 happens. As I make a point, the Prosecution makes a point, and then we
15 run through a series of Defence -- everyone one the Defence side, with
16 great respect, pops up and then my time is gone as it will be tonight.
17 And this is what's happened a number of times in the history of this
18 case, so I'm making that point but --

19 JUDGE ANTONETTI: [Interpretation] You will have the time. You
20 will have the time. I can stay until midnight to listen to you, if
21 necessary.

22 Mrs. Alaburic.

23 MS. ALABURIC: [Interpretation] Your Honour, the Petkovic Defence
24 would like to express its understanding for the arguments proffered by
25 the colleagues from the Prosecution when they asked for more time to

Page 44704

1 examine General Praljak's expert witnesses. The understanding is there
2 because we presented virtually identical arguments when expert witnesses
3 called by the Prosecution were heard. Other Defence teams presented
4 similar arguments. Let me remind you about the arguments by the
5 Prlic Defence for the -- for expert witness Tomanovic, and so on and so
6 forth.

7 My learned friends for the Prosecution have never expressed their
8 understanding or agreement with our objections, but they object pose them
9 strenuously.

10 I would like to remind the Trial Chamber about some developments
11 in this courtroom which completely refute what Mr. Scott has told us a
12 little while ago, that it has been a practice of this Tribunal and that
13 now this practice is being changed in the course of the Defence case.
14 Let me give you just one example. It is the Prosecution military expert,
15 Mr. Pringle.

16 The Trial Chamber had ruled that four hours would be allotted for
17 the examination-in-chief and that all the Defence teams would have a
18 total of four hours for the cross-examination. General Petkovic's
19 Defence applied to be given additional time, elaborating topic by topic
20 in greater detail its arguments and also providing documents that we

21 wanted to ask expert Pringle about; so we asked for additional time, and
22 we elaborated the reasons and documented the reasons with a set of
23 documents. Our request was denied so that the Petkovic Defence, in the
24 end, received one hour, out of a total of four hours allotted to all the
25 Defence teams, for the examination of witness Pringle.

Page 44705

1 The Petkovic Defence then asked -- sought leave to appeal against
2 the decision of the Trial Chamber. The Prosecution did not support us in
3 our request, although the motion was based on the arguments that are very
4 similar to the ones presented by our colleagues from the opposite side
5 today. Our motion was denied, and we were not granted leave to appeal
6 against the decision.

7 I would also like to remind the Trial Chamber that the
8 Petkovic Defence also sought additional time for the examination of
9 expert witness Bruno Stojic, elaborating the topics and documents it
10 wanted to show to the witness and discuss with him, and it was also
11 important to did that on time. I would like to remind you that we did
12 that two months before the witness was supposed to appear in the
13 courtroom.

14 So everything that Mr. Scott said about the practice of the
15 Tribunal so far to the detriment of the Prosecution, which is now being
16 changed, purportedly again, to the detriment of the Prosecution this is
17 just a misrepresentation of facts.

18 Thank you very much.

19 JUDGE ANTONETTI: [Interpretation] Mr. Scott, you have the floor.

20 MR. SCOTT: Thank you, Mr. President. I'm going to start with
21 the last, and I have great respect for my friend Ms. Alaburic, but I
22 couldn't disagree more with some of the things she just said. There was
23 no misrepresentation involved. I will come back to that in a moment.

24 Let me respond very briefly to the points made.

25 In fairness, Your Honour, let me be as transparent as possible,

Page 44706

1 given what had been established practice. I believe and I will take
2 responsibility, I believed that as the time of the actual appearances of
3 these witnesses came closer in time, it provided some additional --
4 request was made ahead of time was consistent with what I believed to be
5 established practice, and what I still submit has been established
6 practice up until now, that there would be at least a serious
7 consideration given based on a fundamental principle that the
8 cross-examining party concerning an expert or a 92 ter witness is given
9 more time to conduct cross-examination. I thought that would be the
10 rule. If the rules have changed, then, in the future, I'll try to see
11 that our team and myself conducts itself differently, but that was
12 based -- expectations do develop in a case over a three-year period.
13 There are establish practice. There are expectation that is come into
14 play and I believe that it's only fair for the parties to be able to have
15 some predictability as to what the rules of the game are, and in this
16 case it has not been.

17 Secondly -- next, in response to Mr. Kovacic, this -- this
18 request has absolutely no impact whatsoever on scheduling, none, zero.

19 So with all due respect to Mr. Kovacic, it's completely disingenuous to
20 stand up and say this, quote, late request will impact the scheduling in
21 the case. Each witness -- each of these witnesses is scheduled for an
22 entire court week, four days, with no other witness scheduled around
23 them. So whether or not -- whatever the Chamber does, but I want the
24 point to be clear, whatever the Chamber does, it will have no impact on
25 scheduling, no other witness is coming to The Hague, no other witness

Page 44707

1 will be delayed, no other witness will be asked to stay over. It is
2 completely incorrect for counsel to suggest that this will impact
3 scheduling one iota.

4 Next, in terms of Mr. Khan's comments about Mr. Stringer, I
5 certainly heard Mr. Stringer's comments, and while he addressed another
6 matter, there were no additional submissions on this point. I take full
7 responsibility for making the submissions on this point.

8 In light of the Chamber's ruling, Mr. Stringer quite correctly
9 did say that as to the future Petkovic witness, that there would be an
10 additional filing made in these circumstances. That's what he addressed.
11 I'm the only one addressing this particular point, and, again, I take
12 responsibility for that.

13 Again, I disagree with Ms. Alaburic's submissions. I think there
14 has been time, in fact, various times, in fact, in the last three-plus
15 years that the Prosecution has been understanding of Defence positions
16 and has, in fact, supported Defence positions on various occasions.

17 Thank you, Your Honour, for allowing our submissions.

18 JUDGE ANTONETTI: [Interpretation] The time has come to close the
19 session. Would I like to thank the interpreters for their work. I thank
20 all of you, and I -- we will reconvene on Monday.

21 --- Whereupon the hearing adjourned at 7.03 p.m.,
22 to be reconvened on Monday, the 14th day
23 of September, 2009, at 2.15 p.m.

24

25