



**Page 46023**

1 Tuesday, 27 October 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Pusic not present]

5 --- Upon commencing at 8.58 a.m.

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

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

11 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar.

12 This is Tuesday. I would like to greet all those present in the  
13 courtroom, as well as the accused, the counsels, the distinguished  
14 members of the Office of the Prosecution, as well as all those assisting  
15 us in the courtroom.

16 Would the counsel of Mr. Pusic like to take the floor?

17 MR. IBRISIMOVIC: [Interpretation] Yes, Mr. President. Could we  
18 please move into private session?

19 JUDGE ANTONETTI: [Interpretation] Let's go into closed session.

20 [Private session]

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 [Open session]

18 THE REGISTRAR: [Microphone not activated]

19 JUDGE ANTONETTI: [Interpretation] Let's have the witness brought

20 in.

21 [The witness entered court]

22 JUDGE ANTONETTI: [Interpretation] Good morning, sir.

23 Could you tell me your name, family name, and date of birth.

24 THE WITNESS: [Interpretation] Milan Gorjanc, 15 March 1943.

25 JUDGE ANTONETTI: [Interpretation] What is your current occupation

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1 or position?

2 THE WITNESS: [Interpretation] At the moment, I am a retired

3 officer of the Slovenian Army.

4 JUDGE ANTONETTI: [Interpretation] So you are a retired officer of

5 the Yugoslav Army. Which rank?

6 THE WITNESS: [Interpretation] Your Honour, I have to repeat. I

7 am a retired colonel of the Slovenian Army, and I did, indeed, serve in

8 the Yugoslav Army. So my rank is that of a colonel.

9 JUDGE ANTONETTI: [Interpretation] Have you already testified

10 before a court or is this the first time you have testified?

11 THE WITNESS: [Interpretation] This is my first time here.

12 JUDGE ANTONETTI: [Interpretation] Please read the oath which will

13 be put before you by the usher.

14 THE WITNESS: [Interpretation] I solemnly declare that I will

15 speak the truth, the whole truth, and nothing but the truth.

16 WITNESS: MILAN GORJANC

17 [The witness answered through interpreter]

18 JUDGE ANTONETTI: [Interpretation] Thank you. You may sit down.

19 THE WITNESS: [Interpretation] Thank you.

20 JUDGE ANTONETTI: [Interpretation] Colonel, you're an expert  
21 witness for the Defence of General Petkovic. You will be testifying for  
22 the following two weeks. Since you're under oath, you are not to have  
23 any contact with General Petkovic's Defence. Hence, you will not be  
24 telling anyone about what's happening within the courtroom, and you may  
25 not meet Ms. Alaburic, neither the other counsels. She must have

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1 explained that. You will be answering her questions. She will be  
2 submitting documents to you in binders, binders which are near your feet,  
3 and the usher will be giving them to you later on. Once she is done with  
4 her questions, the other accuseds' counsels may ask you questions. The  
5 four Judges in front of you will also certainly be asking questions to  
6 you as well. And at the end of all these questions, the Office of the  
7 Prosecutor on your right-hand side may have -- or will be asking you  
8 questions in the context of their cross-examination, and you will notice  
9 that the form of questions will be different from the questions asked by  
10 General Petkovic's Defence or by the Judges, for that matter, because the  
11 Prosecutor is entitled to cross-examine you asking leading questions. To  
12 those questions, you're supposed to answer, Yes, No, or, I don't know,  
13 and you will be waiting for further questions by the Prosecution if they  
14 want you to elaborate.

15 I'm telling you this because we've had problems with witnesses,  
16 surprised at the fact that the Prosecutor just wanted, Yes, or, No, for

17 an answer, but that's it. These are the rules of the game and the  
18 rules and the practice. You may have your own opinion about it, but this  
19 is what it is, and I prefer to tell you this up front to preclude any  
20 problems. So please answer the questions that are asked to you. If you  
21 do not understand the question, do not hesitate to the person who's asked  
22 that question to rephrase or to repeat it.

23 We'll be working for sessions of one hour and a half, but if  
24 during the session you feel unwell, don't hesitate to raise your hand so  
25 that we can stop right away.

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1 This is what I had to say for the proceedings to run smoothly, in  
2 the interest of justice.

3 On this note, I would like to give the floor to Ms. Alaburic,  
4 whom I would like to greet again.

5 MS. ALABURIC: [Interpretation] Your Honours, good morning to you.  
6 Good morning, Mr. Gorjanc. Good morning to my learned friends from the  
7 Prosecution, the other Defence teams, and everybody in the courtroom.

8 Examination by Ms. Alaburic:

9 Q. [Interpretation] Mr. Gorjanc, let's talk about the language in  
10 this courtroom, and let's inform the Trial Chamber how you speak the  
11 languages of the former Yugoslavia. What is your mother tongue?

12 A. My mother tongue is Slovenian.

13 Q. And as for the languages spoken in the territory of the former  
14 Yugoslavia, what other languages do you speak?

15           A.    I speak more or less all the former Yugoslav languages,  
16 especially Bosnian and Serbian.

17           Q.    I would like to inform you that our interpreters speak all the  
18 languages from the territory of the former Yugoslavia, and I believe even  
19 if you add a Slovenian word, if there is a slip of the tongue on your  
20 part, our interpreters will understand that without any problems, and if  
21 there are any problems, we will all make sure that our Judges are  
22 conveyed your thought precisely.

23                    So, Your Honours, for the next ten days in this courtroom, the  
24 language that will be spoken here is something that I would call B/C/S/S.  
25 The last S stands for "Slovenian."

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1           Mr. Gorjanc, if you want to say something in Slovenian, you can  
2 do that without any hesitations.

3           Mr. Gorjanc, let's first inform the Trial Chamber about your  
4 educational background. I'm going to lead you through those questions,  
5 and I hope my learned friends are not going to object to that because  
6 they can already find that in your curriculum vitae. I'm going to read  
7 back to you what you listed in your CV, in terms of your educational  
8 background, and I would like to ask you to make, perhaps correct, or  
9 confirm all that.

10                    You completed the Military Academy in Belgrade?

11           A.    Yes.

12           Q.    After that, you completed the Command Staff School?

13 A. Yes.

14 Q. After that, you completed the Political School of the JNA?

15 A. Yes.

16 Q. After that, you completed the war school or, rather, the School  
17 of National Defence?

18 A. Yes.

19 Q. After that, you attended a course in national defence, which was  
20 a higher form of education, in a national -- in All-People's Defence?

21 A. Yes.

22 Q. And after that, you attended several short courses in state  
23 security; is that correct?

24 A. Yes.

25 Q. As far as I know, that's all that we need to know about your

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1 military education. Would that be correct?

2 A. Yes.

3 Q. Mr. Gorjanc, in the former Yugoslavia and in the JNA, was there a  
4 possibility for an officer to attend continuous education, in terms of  
5 any aspect that was important for the functioning of the army and the  
6 defence of the country?

7 A. No.

8 Q. And as far as your civilian educational background is concerned,  
9 let's see what you did. You dropped out of the School of Politics in  
10 Sarajevo because you started attending the Command Staff School; is that

11 correct?

12 A. Yes.

13 Q. You attended post-graduate studies at the School of Political  
14 Sciences in Belgrade, but you dropped out because you were transferred to  
15 Postojna, which is in Slovenia; is that correct?

16 A. Yes.

17 Q. A few words about your professional background, only the most  
18 important highlights. As a JNA officer, you served in the following  
19 places: Knin, Benkovac, Sarajevo, after that in Slovenia in several  
20 places there, and finally in Uzice in Serbia; did I mention all of them,  
21 Mr. Gorjanc?

22 A. Yes.

23 Q. And the highest rank you achieved in the JNA was -- or, rather,  
24 the highest function was the chief of the Corps Staff in Uzice between  
25 1988 and 1991; is that correct?

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1 A. Yes.

2 Q. In August 1991, you left the JNA and you went to Slovenia; is  
3 that correct?

4 A. Yes.

5 Q. Since the war in Slovenia was in June 1991, that would mean that  
6 during that war you were a member of the JNA in Uzice, in Serbia; is that  
7 correct?

8 A. Yes.



9 Q. Mr. Gorjanc, tell us, were you satisfied with your work in the  
10 JNA and with your life in the former Yugoslavia?

11 A. Yes, absolutely.

12 Q. How come you left the JNA, then?

13 A. Since Slovenia became an independent state, and pursuant to a  
14 decision of the Presidency of the SFRY, the JNA withdrew from the  
15 territory of Slovenia. I believe that it was my obligation, as a  
16 Slovenian, to join the Slovenian Army, and that's why I left the JNA.

17 Q. And before that moment, did the JNA really stay an army of all  
18 Yugoslav peoples or did it change?

19 A. Until the --

20 THE INTERPRETER: Could the witness and counsel please make  
21 breaks. Thank you very much.

22 JUDGE PRANDLER: And wait. Thank you.

23 MS. ALABURIC: [Interpretation] I apologise, Your Honours.

24 Q. Let's go back to my question. Did the JNA remain at that moment,  
25 at the moment when the war broke out in Slovenia, an army of all Yugoslav

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1 peoples and national minorities or did it change? Can you now give us  
2 your answer?

3 A. After the conflict in Slovenia, the Yugoslav People's Army  
4 changed its character and became not only an army of all peoples, but of  
5 only a few or some peoples.

6 JUDGE ANTONETTI: [Interpretation] Witness, a follow-up question.

7           When you were in the Army of Yugoslavia, were you a member of the  
8 Communist Party?

9           THE WITNESS: [Interpretation] Yes.

10          JUDGE ANTONETTI: [Interpretation] Why have you not said so in  
11 your CV?

12          THE WITNESS: [Interpretation] I believe you will find it there.  
13 I did put it there, that I was a member of the Central Committee of the  
14 League of Communists of Yugoslavia.

15          JUDGE ANTONETTI: [Interpretation] Fine, thank you.

16          MS. ALABURIC: [Interpretation]

17          Q.   Mr. Gorjanc, you told us that the JNA had transformed into an  
18 army of some peoples. Which peoples were those?

19          A.   The Officer Staff of the army were 60 per cent officers and  
20 non-commissioned officers from Serbia and Montenegro. When the armed  
21 conflict started in Slovenia, members of the Slovenian ethnicity left the  
22 army, and most of the officers and non-commissioned officers of Croatian  
23 ethnicity also left the JNA, as well as some Muslim officers and Albanian  
24 officers.

25          Q.   In documents that you mentioned in paragraph 5 of your report,

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1          you emphasise that you did not desert from the JNA. Could you please  
2 [as interpreted] why you worded that section in that way?

3          A.   The Presidency of Slovenia invited all officers not to  
4 participate in the aggression against Slovenia. Later on, some accepted

5 that as an invitation to desert the JNA. I didn't want that because I  
6 was under obligation, and when I -- my departure was approved, when it  
7 was -- when I was given the green light to leave, I left only then.

8 Q. When you said "obligation," did you mean the oath that you took?

9 A. Yes, the oath that I took when I started education at the  
10 Military Academy.

11 Q. Mr. Gorjanc, after that, after your return to Slovenia, did you  
12 start working in the Slovenian Army?

13 A. Yes.

14 Q. In your CV, it says that you were the chief of the Department for  
15 Education and Training in the Republican Staff of the Territorial  
16 Defence, and after that you worked at the Centre for Strategic Studies,  
17 firstly as an adviser and then for a brief period of time as a director.  
18 Then you were director at the Centre of Military Schools of the Slovenian  
19 Army. After that, you were a lecturer in tactics and operations at the  
20 Command Staff Academy of the Slovenian Army. And according to your own  
21 words, you were pensioned off in May 1999. Is all that correct?

22 A. Yes.

23 Q. My next question refers to your political activity. His Honour  
24 Judge Antonetti has already asked you something about that, but let me  
25 ask you something about your membership in the Central Committee of the

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1 League of Communists of Yugoslavia between 1986 and 1990. Let me ask you  
2 this: The best-known congress of the League of Communists of Yugoslavia

3 was the one that was abandoned or there was a walk-out by the  
4 Croatian/Slovenian delegations in 1990. Did you attend that congress?

5 A. Yes, I did attend that congress.

6 Q. Did you leave or did you stay after the Slovenian and Croatian  
7 delegations walked out?

8 A. I stayed because I was a member of the delegation of the League  
9 of Communists of the Yugoslav People's Army.

10 Q. Mr. Gorjanc, were you active in Slovenia's Helsinki Committee?

11 A. Yes, I was.

12 Q. It deals with human rights; right? It deals with human rights;  
13 right?

14 A. Yes.

15 Q. Can you specify the period you were a member?

16 A. I still am, as a matter of fact. I'm a member of the board.  
17 However, I'm no longer as active as I used to be.

18 Q. Since when have you been active in the Helsinki Committee?

19 A. 2001 was the starting year.

20 Q. In your CV, you say that you were a military commentator, an  
21 analyst. You published quite a number of articles and works of research.  
22 Is the information reflected in your CV correct?

23 A. Yes.

24 Q. You additionally amended something about the drafts of your  
25 expert reports in two different cases before this Tribunal. At first,

1 you said that those were public reports, whereas later on you clarified  
2 that those were mere draft reports that you never completed and,  
3 therefore, never published; is that right, Mr. Gorjanc?

4 A. Yes. The mistake is all mine.

5 Q. Let me ask you first what cases you were talking about. What  
6 ICTY cases?

7 A. The Kordic case and the Kolundzija case.

8 Q. Can you repeat the name of the other case?

9 A. Kolundzija, the one before it, Prijedor.

10 Q. We'll correct that later on. How did your involvement in the  
11 Kolundzija case end?

12 A. Eventually I was not called to testify because there had been a  
13 plea agreement between the Prosecution and the accused, or at least  
14 that's what I was told at the time.

15 MS. ALABURIC: [Interpretation] By Your Honour's leave, I would  
16 like to move into private session now. I would like to ask the witness  
17 some questions about his involvement in the Kordic case.

18 JUDGE ANTONETTI: [Interpretation] Closed session.

19 [Private session]

20 (redacted)

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11 Pages 46035-46036 redacted. Private session.

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1 (redacted)

2 [Open session]

3 MS. ALABURIC: [Interpretation]

4 Q. Mr. Gorjanc, do you personally know Mr. Petkovic?

5 THE REGISTRAR: We're in open session.

6 MS. ALABURIC: [Interpretation] I'll repeat my question.

7 Q. Do you personally know General Petkovic?

8 A. Yes, we met 35 years ago in Postojna.

9 Q. Did you actually meet or did you work together?

10 A. We worked together in the same barracks for six years.

11 Q. What is your impression of General Petkovic? What was he like 35

12 years ago, except for more hair on his head, no doubt?

13 A. There wasn't that much more, to be perfectly frank. He was a  
14 young lieutenant, young captain, and the commander of an elite unit, a  
15 division, anti-armour battery, as a matter of fact. This was one of the  
16 best units in the entire division. It was also the strike force that the  
17 JNA used for anti-armour combat, the best such unit within that division.  
18 I knew him as an exceptionally composed, calm, and responsible officer.

19 I did not work directly with him, but we were in contact a number of  
20 times. At the time, I was also deputy barracks commander. In my

21 capacity, I was receiving reports from the officers then on duty, and

22 among their number was also the then Captain Petkovic.

23 Q. Mr. Gorjanc, you also happen to be a Praljak Defence military  
24 expert. Let me ask you this question: Did you personally know  
25 General Praljak as well?

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1 A. No, I only knew him from the media.

2 Q. Fair enough. Mr. Gorjanc, I'll be asking you a number of  
3 questions now about the way in which your expert report was drafted.

4 To begin with, who typed it up for our benefit?

5 A. I did.

6 Q. You can write?

7 A. Yes, I can both use a typewriter and a PC.

8 Q. When did you learn to use a PC?

9 A. When I was the chief of the Corps Staff in Uzice.

10 Q. During our meetings, Mr. Gorjanc, you never used a single sheet  
11 of paper. You always brought your computer, nevertheless. Can you tell  
12 me how you organised the whole thing for yourself on your computer in  
13 order to be able to track down all the documents immediately and follow  
14 everything that was going on, document-wise, facing these enormous  
15 amounts of paperwork?

16 A. I've developed a system of gathering required materials.  
17 Everything that's written, I immediately transform into a digital format,  
18 be it an image or a PDF document, and then I make excerpts from certain  
19 relevant documents or sections of documents that I believe to be



20 relevant.

21 Q. Mr. Gorjanc, you include as part of your report certain maps that  
22 are obviously computer generated. Can you tell me who produced those  
23 maps?

24 A. I produced them myself.

25 Q. Fine. Briefly, how did the Praljak Defence and the Petkovic

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1 Defence get in touch with you? Who was the first to call you?

2 A. Mr. Kovacic was the first to call me. We had a brief encounter  
3 not far from my holiday cottage. We had lunch together, and he simply  
4 asked me whether I was willing to come on board and work with your team.

5 Q. Who took it on from there?

6 A. You were the only person that I then was still in touch with  
7 after that.

8 Q. Mr. Gorjanc, can you roughly give us a year or time when we first  
9 got in touch with you and we started working together?

10 A. I think it was around Easter time 2007. We met no more than a  
11 month later. I think it was actually during the summer break. And then  
12 we would meet at regular intervals over the several months that followed.

13 Q. From our very first meeting, what was the one thing that was  
14 entirely certain as to what the substance of your expert report should be  
15 or should reflect?

16 A. Primarily, the importance of Central Bosnia and Northern  
17 Herzegovina in the war, as well as All-People's Defence as it applied in

18 the previous state or country and as it panned out during the war in  
19 Bosnia and Herzegovina.

20 Q. During our brief meetings -- or, rather, where did we meet?

21 A. Once, I believe, at the Holiday Hotel in Zagreb. I'm not that  
22 familiar with the center of Zagreb, so I asked you to meet me along one  
23 of the roads leading into the city. And then I think I came to your  
24 office in Zagreb about three times total after that.

25 Q. During our meetings -- or, rather, how long were our meetings,

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1 normally?

2 A. The first one took an hour, perhaps, no more than that.  
3 Afterwards, we would normally talk for two or three hours.

4 Q. What about your impression of those meetings? Was I seeking your  
5 professional opinion on any documents or developments of military  
6 relevance to this case, or did we, as a rule, discuss the case generally,  
7 in a general way?

8 A. My impression was you were trying to find out how familiar I was  
9 with the subject matter as a whole. It wasn't that we discussed any  
10 specifics.

11 Q. Mr. Gorjanc, when I explained your brief to you, in terms of  
12 drafting your expert report and when you produced the reports, did you  
13 work independently and did you present nothing but your own independent  
14 opinions, or was there anyone who tried to exert pressure on you to say  
15 this or to say that?

16 A. I was entirely independent, and there was no one trying to  
17 channel my work or monitor my work.

18 Q. Were there any demands that were made by our Defence for you to  
19 alter or change any of your opinions?

20 A. No, none at all.

21 Q. Your expert report has chapters or paragraphs that are numbered.  
22 How come?

23 A. I wrote this, for the most part, as one produces a thesis at  
24 university. I subdivided this into chapters, and you asked me to do just  
25 that for ease of handling here in this courtroom. So I assigned numbers

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1 to the different chapters and paragraphs.

2 Q. Mr. Gorjanc, what were the documents that you used for your  
3 expert report?

4 A. Initially, I was working based on what I had previously  
5 experienced in the Kordic case, and then at a later stage I went back to  
6 you for further documents, especially as original documents were  
7 concerned, although most of the original documents I was able to track  
8 down on the web, specifically Mr. Praljak's web site.

9 Q. What about various memoirs?

10 A. For the most part, those were my books from earlier on.

11 Q. When you wrote about the doctrine of All-People's Defence, you  
12 were using various regulations; right? We lawyers always find it very  
13 interesting, how someone who is not, by profession, a lawyer should be

14 using regulations and books of regulations. I must ask you several  
15 questions in that regard.

16 Were you familiar with the laws and regulations covering the  
17 Defence Sector at the time?

18 A. By all means, I was, yes. Being in command of the units that I  
19 was and my job in the army required a detailed knowledge of regulations.

20 Q. What about your involvement in Slovenia? Were you actively  
21 involved in drafting the defence-related regulations?

22 A. Yes, I was consulted, and I provided certain opinions on the  
23 first-draft Defence Law which was adopted in 1995.

24 Q. One final question about these methodological remarks. In your  
25 opinion, in order to understand the Defence Law, is it not necessary to

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1 actually be familiar with the subject matter, the actual thing, defence?

2 A. Yes, by all means, because laws are always based on practice, in  
3 order to change that practice somehow in one way or another.

4 Q. Mr. Gorjanc, let's move on to your report.

5 I would kindly ask the usher to hand over to the witness the  
6 expert report and all the documents that have been prepared for him.

7 Let's start with chapter 4, which is "Wartime Army." In that  
8 chapter, Mr. Gorjanc, you describe two types of wartime armies, one which  
9 is created from a peacetime army and the second one which is an ad hoc  
10 wartime army. Could you please tell us, just in a very few brief  
11 outlines, what is the notion of an ad hoc wartime army?

12           A.    An ad hoc wartime army is created under the conditions and  
13 principles of the non-existence of a state and the peacetime organisation  
14 of the defence system of such a state. It is mostly created under the  
15 conditions of civil liberation, inter-religious, inter-ethnic and  
16 inter-racial conflicts. It is a chaotic process, at the beginning the  
17 main goal being to resist either the occupying force, the existing  
18 government. And first the units are small, engaged in mostly guerrilla  
19 and terrorist actions. With time, those units gain support among the  
20 population and gradually grow into bigger groups, with the final result  
21 being an army with its system of command.

22           Q.    Mr. Gorjanc, the military expert for the Prosecution,  
23 Andrew Pringle, said before this Trial Chamber that it should take  
24 several years for the -- for a proper army to be created, and that was  
25 recorded on page 24246. Tell us, please, Mr. Gorjanc, would you be able

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1 to agree with Mr. Pringle's assertion?

2           A.    Yes, for the most part, but it depends on the level of threat  
3 that the country faced, the level of preparations, and the level of unity  
4 of the population to support such an army.

5           Q.    When it comes to the organisation of an ad hoc army, how would  
6 this look from a center -- from a top, in a centralised way?

7           A.    It would be easier, it would be much simpler, because in such a  
8 case there would be a state, there would be some tangible conditions for  
9 its creation, there is an officer staff, and then all you have to do is

10 to form commands. And you also have a large number of reserve officers  
11 that had been trained previously from which you can create larger-size  
12 units.

13 Q. If a wartime army is created in a decentralised way, could you  
14 describe the situation for us then?

15 A. In that case, as I've already told you, the process starts with  
16 small units which are not linked up without the unity of command, without  
17 any communication among those units. They have just one link, and that's  
18 their ideology, and the ideology boils down to a countering the enemy,  
19 and it's a much harder way to create a wartime army.

20 Q. Mr. Gorjanc, if you were to compare a decentralised army as  
21 opposed to a centralised army, what would you say? Which chain of  
22 command is established -- established in a faster and more complete way?

23 A. It would certainly be in an organised and centralised way. The  
24 chain of command is actually established even before any units are  
25 established, whereas in an ad hoc army which is formed in a decentralised

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1 way, it is first units, then commands at lower units, and finally  
2 commands at the highest levels.

3 JUDGE TRECHSEL: Excuse me if I interrupt.

4 On line -- on page 21, the first lines, you have said,

5 Mr. Gorjanc, that, I quote:

6 "It depends on the level of threat that the country faced, the  
7 level of preparations, and the population to support such an army."

8           Now, I would be grateful if you could explain in which way it  
9 depends. The greater the threat, what? What is the relation in these  
10 mechanisms that you intimate?

11           I hope I made myself understood.

12           THE WITNESS: [Interpretation] If the threat is higher, which  
13 would mean that the enemy is stronger, then it is more difficult to  
14 establish such an army, especially because of the lack of the necessary  
15 support on the part of the population due to the repressive measures  
16 undertaken by the enemy. However, the enemy repressive measures at a  
17 certain point in time can even stimulate the population to put up more  
18 resistance and join the units faster.

19           MS. ALABURIC: [Interpretation]

20           Q. Mr. Gorjanc, Judge Trechsel's question was a bit different. I  
21 believe that the question referred to the time that was necessary for a  
22 wartime army to be organised, because in --

23           JUDGE TRECHSEL: I'm sorry. I think the witness understood me  
24 quite well, and he gave an answer which I consider a correct and valuable  
25 answer.

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1           If I may sum up, you first said that the greater the threat, the  
2 greater the difficulties, but it may also be that the greater threat  
3 fosters more willingness with a people to get together and to make  
4 efforts which would facilitate an army. So in a way, there is a certain  
5 ambivalence, if I understand you correctly.

6 THE WITNESS: [Interpretation] Yes.

7 JUDGE TRECHSEL: Thank you.

8 Please, Mr. Alaburic, and thank you for your efforts, too.

9 MS. ALABURIC: [Interpretation]

10 Q. Can we now summarise, please --

11 JUDGE MINDUA: [Interpretation] Ms. Alaburic, I'm sorry. This is  
12 an occasion, I think, to ask my own question to the witness.

13 Witness, you quote the expert of the Prosecution, Andrew Pringle,  
14 about the number of years which were necessary to establish an army.  
15 Could you specify what is this number of years, according to you, and if  
16 it is the same in all cases? Because I'm thinking for the moment for the  
17 different armies of the ex-Yugoslavia, the Slovenian, the Croatian Army,  
18 and the others. Those are armies which recuperated officers and soldiers  
19 which were trained by the JNA, and this gives you an impression of an  
20 army which starts from scratch; it's not the case? I'm talking about the  
21 training of the officers and the soldiers, for instance.

22 THE WITNESS: [Interpretation] The creation of different armies in  
23 different states on the ground of the former Yugoslavia is very  
24 different. If I may say so, the HVO, the Army of Bosnia-Herzegovina  
25 [as interpreted], were liberation armies, and they have some joint

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1 characteristics in terms of how they were created. All of those armies  
2 that were formed on the ground of the former Yugoslavia have one thing in  
3 common; all their members, or most of them, had been trained in the



4 former JNA as conscripts and during manoeuvres as members of the reserve  
5 force. Also, some of the officers had been trained by the JNA, both  
6 active through regular education, as well as reserve officers who were  
7 trained as reserve officers in appropriate schools.

8 JUDGE MINDUA: [Interpretation] Thank you very much.

9 But precisely because these officers were very well trained, and  
10 a great number of the soldiers were also, I would like to create a  
11 parallel -- make a parallel between the army of a young state, which is  
12 just starting from scratch. What is, according to you, the number of  
13 years which would be necessary to reach the level of a normal army? With  
14 the case, for instance, of the ex-Yugoslavia or the case of an African  
15 army or an independent state, would there be no difference in the number  
16 of years necessary to do this, to establish this?

17 THE WITNESS: [Interpretation] In such a case when a new state is  
18 created, a state which doesn't have any trained officer staff, that  
19 process would take much longer. A recent history shows, especially when  
20 it comes to the liberation movements in Africa, that those movements took  
21 ten years before they were able to create armies that would be able to  
22 secure them independence.

23 JUDGE MINDUA: [Interpretation] Right. For the moment, I will  
24 stop there, but we will see a bit later.

25 JUDGE ANTONETTI: [Interpretation] Witness, I am listening very

2 wonder.

3 A while ago, you were speaking about the HVO army and the BiH  
4 Army, that they were liberation armies, and when you said that, I  
5 wondered, What does the witness mean? Does he mean that the JNA occupied  
6 the Bosnia-Herzegovina Republic, Croatia, Slovenia, and that when there  
7 was the dismantling of Yugoslavia, there was a liberation which took  
8 place? Is this what you mean?

9 THE WITNESS: [Interpretation] No. The JNA was not an occupying  
10 army, although politicians proclaimed it an occupying army. It was a  
11 state army for as long as it existed.

12 JUDGE ANTONETTI: [Interpretation] Then why do you qualify the HVO  
13 as a liberation army, and BiH?

14 THE WITNESS: [Interpretation] Your Honours, I don't remember  
15 having said the liberation armies. If I did, I misspoke.

16 MS. ALABURIC: [Interpretation] Your Honours, I was the one who  
17 was supposed to intervene to correct the record, because it's the record  
18 that creates problems.

19 On page 23, line 21, here it reads that the witness is speaking  
20 about the HVO and the BiH Army, which were liberation armies. The  
21 witness was speaking about the HVO and about the Liberation Army of  
22 Kosovo. The witness never mentioned the BiH Army. I was going to  
23 correct that, but I did not think that it would create any confusion.

24 JUDGE ANTONETTI: [Interpretation] As you see, I'm listening to  
25 every word. There was a translation problem. Thank you.

1 MS. ALABURIC: [Interpretation]

2 Q. However, I would like to arrive at a simple answer in response to  
3 Judge Trechsel's questions. If there are no objections, I would like to  
4 lead the witness.

5 Is it possible that due to the circumstances and wartime  
6 conditions and special requirements at the time that was necessary for  
7 the formation of a war army was actually shorter than a few years that  
8 have just been mentioned?

9 A. Yes, but a minimum of -- a minimum would be one year.

10 Q. Very well. Let's now continue comparing two armies, the one that  
11 is created in a decentralised way and another one which is created in a  
12 centralised way. What would you say about the influence of local  
13 authorities on the army in these two different types of wartime armies?

14 A. In an army that is created through centralisation, when there is  
15 a state, when there is a supreme command as the primary command, and  
16 where there is a body of law, constitution laws, decrees, and so on and  
17 so forth, and there is also a system which goes from the lowest level to  
18 the highest level of civilian authorities, in such a case an army is  
19 exclusively in the function of the performance of such civilian  
20 authorities, which is the defence of the country together with the  
21 civilian authorities.

22 Q. Could you please focus on the influence of local authorities?

23 A. Local authorities, in principle, when it comes to a centralised  
24 army, don't play any role and don't exert any influence on military

25 units, even at the lowest level.

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1 Q. And what about in a decentralised army or an army that was  
2 created in a decentralised way?

3 A. In such a case, the first units that are created are small units  
4 at local levels, and they are usually supported, created, and  
5 logistically supported by local communities, and those local communities  
6 try to exert influence over those units for as long as possible.

7 Q. Mr. Gorjanc, given your military experience and knowledge, would  
8 you tell us, if a municipality is funding its own military unit, would  
9 you, as a military commander, be able to estimate that the military --  
10 that the municipal authority will exert influence on that unit?

11 A. Of course, because they pay the bill, they foot the bill, and  
12 they will not give up on the influence.

13 Q. Given your knowledge and experience, and also the familiarity  
14 with the events on the territory of the former Yugoslavia, would you say  
15 that the media and public opinion in an environment exert influence on  
16 the behaviour of soldiers in that environment?

17 A. Of course.

18 Q. In this part of your expert report, you explain the components of  
19 a wartime army as manoeuvre and territorial components. Could you please  
20 briefly explain? What is it that you speak about?

21 A. The manoeuvre component has the purpose of carrying out combat  
22 operations throughout the territory of a country or even in enemy

23 territory. Territorial Defence, on the other hand, serves the purpose of  
24 defence and protection of the immediate environment where it is set up.  
25 Another purpose is to monitor the territory throughout, in exceptional

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1 cases to carry out combat operations against the enemy along the  
2 front-line.

3 Q. Mr. Gorjanc, can you please look at the first document now in the  
4 set of documents; not the expert report, but the other binder, which is  
5 the first binder with documents. This is P907, 907, which is an exhibit.  
6 This is a report from December 1992 by the Chief of the Main Staff.

7 At this point in time, I would like to go to page 3. For the  
8 benefit of the Chamber, this is the last paragraph in item 3 of the  
9 report. We see some figures there concerning HVO units. It says that at  
10 that time, the HVO had a total of 45.000 men. As for the professional  
11 units, there were 855 members.

12 Mr. Gorjanc, let us assume that the 855 men were involved in  
13 manoeuvre units, and the remainder, up to 45.000, were with territorial  
14 units. What would you say? What does that tell you about the character  
15 of the HVO as an army?

16 A. If we bear in mind the fact that there were all these brigades  
17 bearing the name of their native areas in which they were established,  
18 one can conclude with certainty and for the most part these are  
19 territorial units.

20 Q. Given the function of territorial units, what would you be led to

21 conclude, based on this document, regarding the character of the HVO as  
22 an army? Was it established in order to conquer territory, to defend  
23 territory, or was it organisation-neutral?

24 A. Given the fact that it was organised mostly based on a  
25 territorial principle, I assumed that its fundamental task was to defend

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1 its territory within its own municipality, the municipality in which it  
2 was established.

3 Q. If we go to paragraph 24 of your expert report, line 5, you  
4 mentioned the concept of immediate front-line, you talk about army  
5 activities outside the immediate front-line. Can you define that concept  
6 for us? What does it mean?

7 A. The immediate front-line covers an area in which certain units  
8 directly involved in combat are operating, units being used for quick  
9 interventions along the front-line. In a specific area and given the  
10 nature of the war in Bosnia-Herzegovina, the range would be between three  
11 and five kilometres from the confrontation line into one's own territory.

12 Q. Can you tell us what the deployment was like, the front-line and  
13 then the three- to five-kilometre belt, and then all the way behind the  
14 lines? What exactly goes on there?

15 A. In a theatre of war like that, within the three- to five-range  
16 kilometre, you have mostly battalion level units and direct firing  
17 support for those units, 82-millimetre mortars, 120-millimetre mortars.  
18 Further behind, you can have the artillery weapons with a greater range.

19 But for the most part, you have soldiers resting, or operative reserves,  
20 as we call them.

21 Q. Paragraph 25, the last bullet, you conclude that it is impossible  
22 to carry out large-scale offensive operations with units of the  
23 territorial component without previous thorough training from the  
24 individual to the unit at the operational level. Can you briefly explain  
25 what you mean by that?

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1 A. There are several joint tactical units taking part in operation,  
2 at least two to three brigades with appropriate artillery support, and  
3 these units must be properly trained to operate as a single entity. It  
4 would even be good if they were able to operate as a single entity within  
5 the operative unit. You cannot defeat an enemy brigade if you're using a  
6 single brigade of your own. The general principle is the ratio should be  
7 1:3 in favour of the attacking party, attacking side, in some cases even  
8 a greater ratio than that.

9 Q. You react here, Mr. Gorjanc, to a decision by  
10 Enver Hadzihasanovic, commander of the 3rd Corps Command. The document  
11 number is 4D1473, 1473. This is the second document in that binder.

12 JUDGE ANTONETTI: [Interpretation] Witness, I'd like to come back  
13 to a question which was asked to you by Ms. Alaburic, but she didn't  
14 elaborate on her question. Still, I do think that it is a question which  
15 is fundamental for the case. There are, of course, quite a few  
16 fundamental questions, but this one is even more fundamental.

17 Ms. Alaburic highlights the fact that the HVO is a territorial  
18 army, and you said that the names -- that the brigades had the names of  
19 the municipalities. And we were shown a document to the effect that  
20 there are 45.000 soldiers in the HVO and a professional branch of 855  
21 soldiers, among which 85 officers. Now, you know as well as I do that in  
22 the HVO there were professional units. Now, with an 800-strong unit,  
23 is it possible to carry out large-scale military operations in a  
24 territory such as Bosnia-Herzegovina, to take control of these  
25 territories or to annex them? Do you think it's possible?

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1 THE WITNESS: [Interpretation] Professional units would certainly  
2 not be able to establish control. Nevertheless, when I spoke of the  
3 territorial army, I said their main objective was to monitor their  
4 territory. All these brigades were established on a territorial basis.  
5 That's a fact. Therefore, they monitor the territory of their own  
6 municipality or municipalities in which they were established. Along  
7 these lines, you could say that the HVO was establishing control over  
8 some of the territory, whereas the unit that was used for activities  
9 throughout the territory would not have been able to do that.

10 THE INTERPRETER: Interpreter's correction: Replace "800  
11 individual units" by "a 800-soldier unit."

12 MS. ALABURIC: [Interpretation]

13 Q. Mr. Gorjanc, when you say control --

14 THE INTERPRETER: Soldier unit --



15 MS. ALABURIC: [Interpretation]

16 Q. -- of the territory, what exactly does that mean?

17 A. That means controlling traffic, controlling any population  
18 movement, protecting features and facilities of particular importance,  
19 and control over any potential incursions by enemy forces into the  
20 territory, or possibly repelling any incursions.

21 Q. If my conclusion is right, these are military functions which are  
22 important in order to defend the territory of a municipality. Right?

23 A. Yes.

24 Q. So when you say "control," did you have in mind other functions,  
25 such as upholding public law and order or anything like that?

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1 A. No, "control" in the military sense alone.

2 Q. In this context, meaning no offensive actions could be launched  
3 through these territorial component units, we see your reaction to this  
4 decision by the 3rd Corps Command. This is 4D1473, 4D1473. Mr. Gorjanc,  
5 could you clarify the meaning of this document, please?

6 A. In the memoirs of the commander of the Lasva Operative Group,  
7 General Alagic, I noticed something which I didn't mention here. When  
8 the 305th Jajce Brigade was involved along the Visoko front for the first  
9 time as a whole, as a single entity, this proved to be very successful,  
10 and then I went on looking for a document which I then found on the web,  
11 on Mr. Praljak's web site, the document being a decision by the commander  
12 of the 3rd Corps for the setting-up camp. He took all the units to a

13 certain area in Central Bosnia in order to have a joint training

14 exercise, and in order --

15 JUDGE PRANDLER: Excuse me.

16 THE INTERPRETER: Microphone, please.

17 JUDGE PRANDLER: Yes. Let me repeat only briefly that please  
18 kindly indicate in which binder can we find that article, in particular  
19 the 4D1473 document. Thank you.

20 MS. ALABURIC: [Interpretation] Your Honour, I forgot to explain  
21 how the binders are organised. You have a small binder containing the  
22 expert report and then three binders containing documents which we shall  
23 be discussing with this witness. The documents are organised based on  
24 the chapters of the expert report. There is a blue slip of paper  
25 separating them, there is a title every time, and the documents are

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1 ordered in a sequence that I shall be following as I examine the witness.  
2 If I run out of time, I may have to skip something, but I'll always give  
3 you advanced notice of that. Therefore, we are now dealing with binder  
4 number 1, and this is the second document in that binder.

5 Q. Mr. Gorjanc, could you please continue explaining the importance  
6 of this document?

7 A. The Command of the 3rd Corps decided to use all of their forces,  
8 including the territorial units, the municipal staffs, and all of their  
9 units, to set up camp in an area in which their units were otherwise  
10 partially involved along the front-line, the objective being to raise

11 their stamina, the stamina of soldiers, commanders, members of those  
12 units, to strengthen the bonds of trust between them and their general  
13 comradeship, as a whole. Previously, it says that there should be a  
14 manoeuvre to fool the enemy, in terms of hiding their own intentions of  
15 carrying out combat operations. The aim or the objective was to properly  
16 train the units for them to be able -- units, the rank of a brigade, in  
17 order to perform large-scale combat operations, to train them for that  
18 purpose.

19 Q. In relation to this, I have two further questions.

20 You said units of the 3rd Corps, as a single entity or as a  
21 whole. What exactly does that mean? Does that have to do with the units  
22 taking shifts the way the BH Army had been functioning up to that point?  
23 What exactly did you mean by that?

24 A. If you look at this notion, you see that the units that were  
25 deployed along the front-line would become a form of decisive defence, in

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1 terms of defending that line, whereas the other units that were resting  
2 in their own respective areas would now come to this area where they were  
3 setting up camp, and then they were all -- they were all about to carry  
4 out some training together.

5 Q. Is my understanding correct? Is this the first time that the  
6 army was not working in shifts, but rather they were all together there  
7 without rotating, all present in this camp for this round of training?  
8 Right?

9 A. Yes, that's right.

10 Q. When you read a part of this decision about concealing their true  
11 intentions, can you tell us what that means to you? How do you interpret  
12 this?

13 A. It's difficult to say. The commander, in one portion of the  
14 document, says that defence activity will be actively used to inflict the  
15 greatest possible losses on the Serbs, the Chetniks, in terms of manpower  
16 and equipment. Nevertheless, when I looked up the positions of those  
17 units on the camp map, as a soldier I simply couldn't understand why the  
18 greatest part of those forces were actually positioned away from the  
19 front-line facing the Serbs, stretched along a very broad front facing  
20 the Serbs; towards Mount Vlasic, towards Tesanj, towards Tuzla and so on  
21 and so forth. As for offensive operations, large-scale offensive  
22 operations, as the document states, they would need to join forces along  
23 a narrower front and then direct this action at a single target.

24 Q. What was your conclusion, according to what you saw on the map?  
25 What was the brunt of the 3rd Corps attack?

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1 A. Given the deployment, I would say that the target was to cut off  
2 communications in the Lasva and Lepenica Valleys, which means between  
3 Travnik and Vitez and Vitez and Kiseljak.

4 Q. Very well. Mr. Gorjanc, could you please tell us something  
5 about -- about army taking shifts? You've explained that very well.  
6 What matters to us here is the following question: According to your

7 knowledge and experience, army taking shifts, does it reduce or increase  
8 militarily in discipline?

9 A. In any case, it reduces military discipline.

10 Q. Could you tell us briefly why?

11 A. One-third of the units, in principle, I'm talking in principle  
12 and the ratios could be different, in principle one-third is on the  
13 front-line, engaging the enemy. The other third is in the vicinity of  
14 the front-line, in the facilities or on other premises, and one-third is  
15 at home, on furlough, in neighbouring places, and this is especially  
16 typical of a territorial army. When it comes to that one-third that is  
17 at home, in factual matters the commander cannot exert effective control  
18 over their behaviour as soldiers and citizens.

19 Q. Mr. Gorjanc, could you please try, in view of your military  
20 experience and knowledge, could you please try and tell us if everybody  
21 knows what the effect on military discipline and an army taking shifts  
22 has? How come that somebody will decide to organise their army in such a  
23 way?

24 A. It happens when the opposing party also applies that type of  
25 warfare under adverse weather conditions and other conditions, when the

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1 intensity of combat is not that high, when there are no forthcoming  
2 offensives on the part of the enemy side, and also it has a positive  
3 effect on the morale of the fighters and the population alike. And,  
4 thirdly, this reduces the cost of logistics, the accommodation of

5 soldiers, and if they spend time at home they can look after their  
6 households, their family members, and the local commune as well.

7 Q. If you have an army that is not organised as an army taking  
8 shifts, do you have to have barracks or some other facility where the  
9 troops would be billeted, where they would spend nights?

10 A. It would be desirable to have barracks or facilities where the  
11 troops could not only be billeted and sleep, but also where they could  
12 have some sort of a normal life, where they could have washing  
13 facilities, entertainment facilities, and so on and so forth.

14 Q. Given your good knowledge of the facilities of the JNA in the  
15 territory of Bosnia and Herzegovina, could you please tell us where the  
16 barracks were located in the territory of North Herzegovina?

17 A. In the territory of North Herzegovina, there were just two such  
18 facilities, one in Mostar and the other in Capljina.

19 Q. Very well. In paragraph 37 of your expert report, Mr. Gorjanc,  
20 you're trying to explain the difference between warfaring in one's own  
21 territory and warfaring in the territory of a different state, of another  
22 state. Could you please briefly explain the difference to us?

23 A. The difference arises primarily from --

24 JUDGE ANTONETTI: [Interpretation] Before we move on to  
25 paragraph 37, I would like to ask a follow-up question. I was really

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1 interested in what you said on a third facing the front-line, a third as  
2 a reserve, or a third at home -- and a third at home.

3 THE INTERPRETER: Interpreter's correction, and a third at home.

4 JUDGE ANTONETTI: [Interpretation] So I have these three figures  
5 in mind.

6 Let's assume, and this is a hypothesis, let's assume there is an  
7 offensive action, and I underline "offensive," so you have a third facing  
8 the Serbs on the front-line. Knowing this, how can the HVO carry out an  
9 offensive action if you have a third of the soldiers at home and a third  
10 in reserve? How can the HVO solve that problem?

11 THE WITNESS: [Interpretation] It would be exceptionally  
12 difficult, especially to organise an offensive on a large scale. You can  
13 organise an attack by recruiting reservists close to the front-line, and  
14 those troops who are at home are not easy to gather if they are at home,  
15 if it's not coming up to the time when they are supposed to return to the  
16 front-line.

17 JUDGE ANTONETTI: [Interpretation] Does that mean that with the  
18 so-called system of territorial army, is it impossible, from a military  
19 point of view, to carry out large-scale military operations?

20 THE WITNESS: [Interpretation] I think it's impossible, if you're  
21 talking about a large-scale operation which would require the engagement  
22 of an entire brigade, if not more people.

23 JUDGE ANTONETTI: [Interpretation] Fine. I'm sure we'll have an  
24 opportunity to come back to this.

25 MS. ALABURIC: [Interpretation]

1 Q. Just one more question, and then we will bring that chapter to an  
2 end.

3 In paragraph 37, Mr. Gorjanc, you're trying to point out the  
4 difference between waging a war in one's own territory as opposed to  
5 waging a war in the territory of a different state. Could you please  
6 explain the difference to us?

7 A. The difference arises from the fact how the civilian authorities  
8 act. In one's own territory, where there is an already-arranged system  
9 of power which is implemented and regulated, military units and military  
10 commanders are duty-bound to respect those regulations and show such an  
11 attitude towards civilian authorities. The attitude, that means mutual  
12 trust, mutual cooperation, and mutual respect. In case when you are in  
13 the process of taking another territory or liberating one's own territory  
14 after it had been under the jurisdiction or military occupation of  
15 another army, then the military commander has all the powers to take over  
16 some of the authorities of the civilian authorities, and in that case we  
17 call such a commander a military government. However, even in such cases  
18 he has to cooperate with the authorities that had previously existed, if  
19 such authorities are cooperative, if such authorities are of assistance  
20 to that commander. If those authorities are hostile, he has the right to  
21 remove and bring in his own people. If we are talking about the  
22 liberation of the formerly -- of former territories, he has such powers,  
23 but he has to cede power to the previously-elected authorities or bring  
24 in his own people that had been appointed by the central authorities of  
25 the mother state.



1 Q. Could you please tell us, Mr. Gorjanc, how is this done by the  
2 American Army in Iraq, for example, or another state?

3 A. Every American division has a brigade for civilian affairs. That  
4 brigade has the task to establish civilian authorities in the territory  
5 that the American Army takes. That brigade has, on its strength,  
6 different experts, mostly lawyers, administrative experts, experts in the  
7 matters of economy, and so on and so forth.

8 Q. What you have just told us, Mr. Gorjanc, is that something that  
9 arises from the military doctrine as a rule that is applicable to all  
10 situations, or would that be something specific for Bosnia or  
11 Herceg-Bosna?

12 A. No, this is what every military in the world does, with the  
13 caveat that the American Army is specific in that case, owing to the fact  
14 that it has a special unit.

15 MS. ALABURIC: [Interpretation] Your Honours, since I have  
16 finished with this part of the expert report, maybe this would be a good  
17 time for a break.

18 JUDGE ANTONETTI: [Interpretation] Twenty minutes' break.

19 --- Recess taken at 10.31 a.m.

20 --- On resuming at 10.52 a.m.

21 JUDGE ANTONETTI: [Interpretation] The hearing starts again.

22 Ms. Alaburic, you have the floor.

23 MS. ALABURIC: [Interpretation]

24 Q. Mr. Gorjanc, we shall now move on to the doctrine of All-People's  
25 Defence. But before that, we will also be talking about laws regulating

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1 the Yugoslav People's Army. But let's clarify your answer to the as to  
2 whether the Yugoslav People's Army at one point became an aggressor in  
3 any of the territories of the former Yugoslavia. If I understood you  
4 correctly, you said that the Yugoslav People's Army could not have been  
5 an aggressor in the territory of Yugoslavia for as long as Yugoslavia  
6 existed; is that correct?

7 A. Yes.

8 Q. That would then mean that after the break-up of Yugoslavia,  
9 Yugoslavia could have been an aggressor in some of the parts of the  
10 former Yugoslavia; am I right in thinking that?

11 A. That was after the withdrawal from Slovenia, the JNA only by  
12 name, but in factual terms it was no longer -- it was no longer the  
13 Yugoslav People's Army. It was not even the Army of the Federal Republic  
14 of Yugoslavia. That was created subsequently. In that sense, I don't  
15 think that the JNA was an occupator [as interpreted] anyway. However,  
16 the remainder that withdrew from Slovenia and Croatia behaved as an  
17 occupator [as interpreted] -- as an occupying force in Bosnia-Herzegovina  
18 is a fact.

19 Q. Tell us, Mr. Gorjanc, when did the so-called Yugoslav People's  
20 Army withdraw from Slovenia?

21 A. It started withdrawing from Slovenia on the 18th of July, and it

22       withdrew completely on the 26th of October, 1991.

23           Q.    Could you please repeat the year?

24           A.    It was in 1991.

25           Q.    Can we then consider that after the dates that you've just

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1       mentioned, the JNA no longer existed and that the remains of the JNA  
2       could have been an occupying force in one of the parts of the former  
3       Yugoslavia?

4           A.    Yes.

5           MS. ALABURIC: [Interpretation] Thank you for that clarification.

6           Your Honours, we will start this section with a video-clip.

7           JUDGE TRECHSEL: I thought this was a bit fast.

8           If Slovenia is off the former Yugoslavia, does that mean that the  
9       rest does not exist as a mutilated SFRY? You seem to say Slovenia off,  
10      Yugoslavia broken, doesn't exist anymore, and I wonder whether this is  
11      correct.

12          THE WITNESS: [Interpretation] Your Honours, I'm not a lawyer,  
13      especially not an expert for international law. However, in my view,  
14      personally, the JNA stopped existing and Yugoslavia stopped existing  
15      because it did not contain Slovenia, and Croatia also declared its  
16      independence at the same time. So it was a rump Yugoslavia, as they call  
17      it, but it was no longer Yugoslavia with its former six republics.

18          JUDGE TRECHSEL: That is different. If you say it was rump  
19      Yugoslavia, I can accept that. The question, of course, then arises

20 whether this still means that an aggression is possible, an aggression is  
21 not possible. But as you state, you are not a lawyer, and this is  
22 essentially, I think, a legal question. I will not insist that you  
23 answer at all. I think you have done as good as you can be expected to  
24 do.

25 Ms. Alaburic.

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1 MS. ALABURIC: [Interpretation] Your Honours, I absolutely agree  
2 with you. I wanted the witness to provide us with his own opinion on  
3 that. And we know exactly when Yugoslavia broke up and what was  
4 happening at the time, so I don't think we should have any problem with  
5 that.

6 Your Honours, the section about All-People's Defence is something  
7 that we would like to start with a video-clip. If you will allow me, I'm  
8 not going to inform you in advance who is depicted in the video-clip. I  
9 would like to ask the witness to tell us that, and then we would provide  
10 some explanations as to what the whole thing is all about.

11 [Video-clip played]

12 THE INTERPRETER: [Voiceover] "We are doing everything to make any  
13 interference with Yugoslavia impossible, even after me, because anybody  
14 who would think that after my departure Yugoslavia could be weakened from  
15 inside and that it is now in danger to become prey for some invasion from  
16 the Soviet part, I don't believe in that. Yugoslavia has a firm unity,  
17 regardless of its multi-nationality. Today, Yugoslavia has, it could be

18 said, one of the strongest militaries in Europe. Then we also have  
19 All-People's Defence with a huge number of people, and we enacted into  
20 law that everybody must be faithful to the defence of the country and  
21 thereon.

22 "Yugoslavia can deploy 8 million people in the battle-field, and  
23 8 million is not a joke, especially considering that those people are  
24 Yugoslav, who are accustomed to being on a war path."

25 MS. ALABURIC: [Interpretation] Your Honours, my associate,

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1 Davor Lazic, tells me that the translation or interpretation did not  
2 start from the very beginning, but I don't think we should re-run the  
3 video-clip. I would like to draw your attention that the film is in  
4 electronic courtroom under number 4D1733.

5 THE INTERPRETER: The interpreters would appreciate if that  
6 information was furnished before the video-clip was played.

7 MS. ALABURIC: [Interpretation]

8 Q. Mr. Gorjanc, a question for you. Do you recognise the person on  
9 the video-clip?

10 A. I did not have the image on my screen, but I recognised it by  
11 voice. This is Josip Broz Tito. He was my commander for a number of  
12 years. He was talking about 8 million people that he could arm at any  
13 one time. At that time in Yugoslavia, the units of the Yugoslav People's  
14 Army and the Territorial Defence of all republics numbered about  
15 2.400.000 people, and the figure of 8 million refers to the entire

16 population, able-bodied men, ranging in age from 16 to 60. That would be  
17 the approximate explanation.

18 Q. In this statement dated 1978, just before his visit to the US,  
19 his statement to an American journalist, he mentioned the doctrine of  
20 All-People's Defence. What about these 8 million potential soldiers?  
21 Does that have anything to do with the doctrine?

22 A. Yes, in every way. Under the Constitution, the entire  
23 population, those who were able-bodied and able to resist in an armed  
24 way, the number would have grown significantly even compared to that.

25 Q. You mean the women, too?

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1 A. Yes, them, too.

2 MS. ALABURIC: [Interpretation] Could I have the usher's  
3 assistance, please. If Mr. Gorjanc's monitor can be switched to e-court.  
4 I now understand that he didn't see the video-clip, so the monitor is  
5 probably in the wrong mode.

6 Q. Meanwhile, Mr. Gorjanc, could you please explain when the  
7 doctrine of All-People's Defence was first established?

8 A. The doctrine was first discussed in the autumn of 1968, following  
9 the incursion carried out by the Warsaw Pact powers into Czechoslovakia.  
10 Yugoslavia then felt that it, too, was at risk from the same forces.  
11 Facing that kind of power and in that kind of environment, a textbook  
12 army, such as the JNA, would not have been able to withstand an  
13 aggression. The doctrine was then adopted and became part of the

14 Constitution in 1974, after which it was elaborated in a systematic way.  
15 The first documents about the doctrine in writing were first released in  
16 1973. The doctrine was complete, you might say, in terms of the theory,  
17 by 1976.

18 Q. Mr. Gorjanc, were you, too, involved in the creation of that  
19 doctrine and its implementation?

20 A. The implementation, yes, sure thing, but as for the creation of  
21 that doctrine, at a lower level, the level of my command, starting with  
22 battalion level and company/platoon level corps.

23 Q. Could you tell us, in the briefest possible terms, what the  
24 essence of the doctrine of All-People's Defence might be?

25 A. The substance of the doctrine is about pooling together all the

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1 resources of a country, in this case Yugoslavia, for the purpose of  
2 defending its sovereignty and integrity, meaning the armed forces and all  
3 the other players involved in armed as well as non-armed resistance and  
4 any other activities supporting that resistance, regardless of the age  
5 and sex of those involved.

6 Q. We will speak about that in greater detail when we come to the  
7 regulations.

8 Now, paragraph 44, if we could please move on to that, you talk  
9 about committees for ONO and DSZ, which is short for "All-People's  
10 Defence" and "Social Self-Protection," ONO and DSZ, "Social  
11 Self-Protection." Mr. Gorjanc, could you tell us what these committees

12 were, headed by who?

13 A. These committees for ONO and DSZ were a form of political control  
14 exercised by the League of Communists, the party, over the entire defence  
15 system. The committees comprised representatives or leaders of various  
16 socio-political organisations in certain environments, as well as  
17 municipal presidents, a municipal executive board president, the head of  
18 the Internal Affairs Secretariat, the commander of the Territorial  
19 Defence, and by virtue of his position, also the commander of whichever  
20 JNA unit happened to be in a certain specific area. These committees had  
21 within their remit the organisation of defence in a certain area. In  
22 case the defence wasn't functioning, it was their job to take any  
23 measures available to them to set up forms of resistance. Whenever that  
24 wasn't possible, they would take charge of commanding the defence of that  
25 area. The committee would normally be headed by the president or the

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1 secretary of the League of Communists in a certain local area.

2 Q. Speaking of these committees for ONO and DSZ, if you tried to  
3 compare these to bodies that came into existence in the early 1990s in  
4 certain parts of the former Yugoslavia, and I believe that was the case  
5 in Slovenia as well, which particular body could you compare these  
6 committees to?

7 A. In Slovenia, we had something that we referred to as  
8 coordination, ranging from the local communes and then on to  
9 municipalities in the republic itself. The coordination body was headed



10 by the prime minister, who was also the president of the party in power.

11 In other areas, such as Bosnia and Croatia, in particular, they had  
12 something they called crisis staffs at municipal levels or district  
13 levels. And that's about as much as I know.

14 Q. You say that these committees were also organised at the level of  
15 local communes and municipalities; right?

16 A. Yes.

17 Q. Based on your knowledge, these crisis staffs that were set up in  
18 the early 1990s across Croatia and Bosnia and Herzegovina were organised  
19 at municipal levels, too, or not?

20 A. As far as I know, they were organised at the municipal level,  
21 headed by a party president or a mayor normally from the party that won  
22 the elections.

23 Q. A hypothetical question. Were someone to tell you that these  
24 crisis staffs in municipalities across Bosnia-Herzegovina had influence  
25 over military units in these same municipal territories, would you

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1 believe that this had anything to do with how the All-People's Defence  
2 committees had been working previously?

3 A. The way they conducted their business was almost identical.

4 Q. Fair enough, thank you. Mr. Gorjanc, let's look at the first  
5 document after the blue paper. I think the documents are separated by a  
6 blue sheet of paper. 1D2976, 1D2976. This is the Constitution of the  
7 SFRY. At this point in time, we will be looking at Article 240,

8 paragraph 3. Article 240, paragraph 3.

9 Can you please read this article, Mr. Gorjanc?

10 A. "Each citizen participating in resistance against the enemy in an  
11 armed way is a member of the armed forces of the SFRY."

12 Q. Mr. Gorjanc, can you now tell us, from the point of view of a  
13 citizen, who in the former Yugoslavia would be considered a member of the  
14 armed forces of the SFRY?

15 A. Anyone putting up resistance to an attacker, an aggressor in any  
16 way, armed or not.

17 Q. Can you repeat your answer? Armed or --

18 A. Armed or not, armed or in another manner. In an armed manner or  
19 in another manner.

20 JUDGE ANTONETTI: [Interpretation] Witness, I have a question, a  
21 follow-up question.

22 I'm reading paragraph 3 of Article 204 [as interpreted], and I  
23 put myself -- I place myself in the generalised defence -- people's  
24 defence. You have been an officer in the JNA, and you have said that  
25 during several years you were in the same barracks as Captain Petkovic.

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1 I would like to know, according to your memories, at the level of the JNA  
2 were there some orders, or circulars, or instructions which were either  
3 written or verbal on possible problems in the ex-republics of Yugoslavia,  
4 and trouble, let's say, and where the JNA would have intervened? Has  
5 such an assumption or hypothesis has been envisaged or not?

6 THE WITNESS: [Interpretation] Your Honour, there were no  
7 particular instructions regarding that. Nevertheless, the JNA during its  
8 existence intervened several times in different areas; Kosovo, first and  
9 foremost, when there was unrest. The last such intervention was on the  
10 9th of March, 1991, in Belgrade, when there were the huge nationalist  
11 rallies taking place. However, there were no specific instructions  
12 regarding that.

13 Back in 1988, sometime in the spring of 1988 - I can't remember  
14 the exact date, I was not personally involved in that - a document was  
15 produced covering the entire territory, in the sense of involving JNA  
16 units in the eventuality of riots, unrest, rallies. This document was  
17 produced specifically for Slovenia, and eventually the person who outed  
18 this document, published this document, was tried simply because the  
19 document was a classified one, a state secret.

20 JUDGE ANTONETTI: [Interpretation] Witness, of course it goes  
21 without saying that this document would have been interesting --  
22 particularly interesting, since we don't have this document - maybe we'll  
23 have it one day, you never know - that in case of incidents, you spoke  
24 about the intervention of the JNA in Kosovo. When there are incidents,  
25 trouble, can you consider that a civilian may be potentially a combatant

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1 if one applies Article 240 which we are -- which we have here, and if he  
2 potentially, he is a combatant, will then the JNA -- can it -- can the  
3 JNA arrest him then?

4 THE WITNESS: [Interpretation] The doctrine of All-People's  
5 Defence was not meant to be used against one's own citizens, it was meant  
6 to be used against an external enemy. In situations involving one's own  
7 citizens, it was the civilian police that took action.

8 JUDGE ANTONETTI: [Interpretation] Right. Thank you very much for  
9 your answer.

10 MS. ALABURIC: [Interpretation]

11 Q. When you say "an external enemy," Mr. Gorjanc, who exactly do you  
12 have in mind?

13 A. One of the states that conceivably could have attacked Yugoslavia  
14 at the time. We prepared equally in relation to all of the neighbouring  
15 states surrounding us.

16 Q. Very well. Let us try to wrap up Article 240, paragraph 3. It  
17 follows, based on this article, does it not, that a person putting up  
18 armed resistance in defence of his country and another person defending  
19 his country in an unarmed way would be equally considered, both of them,  
20 as fighters and members of the JNA; is that what the doctrine of  
21 All-People's Defence amounted to, in practical terms?

22 A. Yes.

23 Q. Article 237 of this same document, it talks about how the defence  
24 of the country is an inviolable and inalienable right and duty of the  
25 nation's nationalities, working people, and citizens. Let's look at

1 citizens for the time being, Mr. Gorjanc. Given your military expertise

2 and your familiarity with these regulations, what does this mean, the  
3 inviolable and inalienable right, in terms of defence?

4 A. "Inviolable and inalienable" means that no one can deny anyone  
5 else the right to put up resistance, to resist. No later regulation  
6 contradicting the Constitution could be applied in this sense, in the  
7 sense of preventing someone from putting up resistance.

8 Q. Very well. Let's move on to the next document now, the Law on  
9 All-People's Defence. This is 4D1470. You discuss this law in  
10 paragraph 54 of your expert report. We'll be looking at some key  
11 regulations which I think are material to our understanding of the  
12 doctrine of All-People's Defence. To start with, Article 91, Article 91.

13 It reads:

14 "The armed forces make up a single entity and are comprised of  
15 the Yugoslav People's Army and the Territorial Defence."

16 And then, in paragraph 2, there is the following provision:

17 "Any citizen who, with weapons or in any other fashion,  
18 participates in resistance against the enemy is also considered a member  
19 of the armed forces."

20 Mr. Gorjanc, is this the same fundamental provision that we  
21 analysed a minute ago?

22 A. Yes. This is the operationalisation of a constitutional  
23 provision in the form of a law.

24 Q. Let's move on to Article 3, defining the notion or the concept of  
25 All-People's Defence. Could you please pay particular attention to the

1 concept of all-people's resistance in line 7. It's right there. There  
2 are the various forms of all-people's resistance being enumerated there.  
3 What is the place of all-people's resistance in the doctrine of  
4 All-People's Defence?

5 A. Resistance, I would say, is the chief component -- the main  
6 component of All-People's Defence.

7 Q. Very well. Let's look at Article 17 of the same law. In this  
8 article, there are definitions of the basic forms or, rather, the basic  
9 rights and duties within the scope of All-People's Defence. Mr. Gorjanc,  
10 could you please tell us, what were the basic rights and duties within  
11 All-People's Defence?

12 A. I apologise. The basic rights and duties were the military  
13 obligation, the obligation to take part in civil protection, the  
14 obligation to fulfill work obligation, to be trained for All-People's  
15 Defence, and to meet requisition requirements.

16 Q. Let's look at the Article 118 of the same law, which regulates  
17 the reinforcement of the armed forces. And here it says that:

18 "Units and institutions of All-People's Defence are reinforced,"  
19 and I'm quoting, "with personnel from the regular and reserve armed  
20 forces."

21 Could you please tell us, Mr. Gorjanc, who makes up the regular  
22 force, on the one hand, and who makes up the reserve force, on the other  
23 hand?

24 A. The regular force is composed of active officers of -- or active

25 military personnel, students of military schools, and civilians serving

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1 in the armed forces. Soldiers carrying out their military duty are also  
2 part of that strength.

3 Q. Very well. And what about the reserve -- the reserve armed  
4 forces?

5 A. The reserve armed forces are composed of able-bodied men who had  
6 served in the army, those who had regulated their army service in a  
7 different way, and female military conscripts.

8 Q. Let's skip the Law on Service in the Armed Forces, Your Honours.

9 JUDGE TRECHSEL: Excuse me for interrupting.

10 Mr. Gorjanc, I fail to understand this. The title is  
11 "Reinforcement of the Armed Forces," and then:

12 "The armed forces shall be reinforced with personnel from the  
13 regular armed forces."

14 To me, this reads tautological because the regular armed forces  
15 are the armed forces. How do the armed forces reinforce the armed  
16 forces? I would be grateful if you could explain.

17 MS. ALABURIC: [Interpretation] Your Honour, I believe that the  
18 problem arises from the translation or interpretation and that  
19 Mr. Gorjanc does not understand your question.

20 THE WITNESS: [Interpretation] Judging from what His Honour has  
21 just said, it is a tautology, but it's not about reinforcing forces, but  
22 to make up forces.

23 JUDGE TRECHSEL: Thank you. It's not the first time, probably  
24 not the last time that we stumble over such subtleties or difficulties in  
25 translation. Perhaps you could give or read the word "reinforcement" in

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1 the original language, and the interpreters perhaps find another word  
2 than "reinforcement," the title of number 5.

3 MS. ALABURIC: [Interpretation] Maybe Mr. Gorjanc should read the  
4 entire Article 118.

5 THE WITNESS: [Interpretation] "The units and institutions of the  
6 Yugoslav People's Army and units, institutions, and staffs of --"

7 JUDGE TRECHSEL: Excuse me. I'm sure this is a well-meant  
8 proposal, but it's a long article, and what he -- the witness just has  
9 not read is what I wanted; namely, the title numbered 5, which is above  
10 Article 118. Just that title, if you please.

11 THE WITNESS: [Interpretation] "Bringing units up to strength in  
12 the armed forces."

13 JUDGE TRECHSEL: Thank you. I think I grasp it now. Thank you.  
14 End of the interruption, Ms. Alaburic. Excuse me, please.

15 MS. ALABURIC: [Interpretation] Thank you, Your Honour.

16 Q. In Article 118, it is confirmed that JNA units are brought up to  
17 strength with the men from the active and reserve forces; is that what we  
18 have just read?

19 A. Yes.

20 Q. All this is very well regulated by the Law on the Service in the



21 Armed Forces. However, that document is not on our list. Let's look at  
22 the following document, which is 4D14 --

23 JUDGE ANTONETTI: [Interpretation] Hold on, hold on. Witness, I  
24 have a follow-up question on the basis of that document.

25 I was struck by the content of Article 12 on the role of the

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1 League of Communists in wartime. Under this Article 12, it plays a  
2 fundamental role, it's a driving force. Since you have known the  
3 Yugoslav system very well, and then you've also -- or you also know the  
4 system of your country, Slovenia, very well, could you tell me if, in  
5 your country, Slovenia, for example, or any country, in case of war, as  
6 regards the mindset and mentality of the country's inhabitants, is it the  
7 political party which is in power, which federates, coordinates,  
8 supports, the people's defence?

9 On that basis in Herceg-Bosna, was it the role of HDZ HB to do  
10 this and to play that role which was carried out formerly by the League  
11 of Communists, but since it disappeared, is it a political -- a political  
12 party's role to do that?

13 THE WITNESS: [Interpretation] Your Honour, it's very difficult  
14 for me to claim that. The League of Communists, in its programme, said  
15 that it was the leading political and ideological power of the Yugoslav  
16 society. As far as I know, there is no such provision in the HDZ, i.e.,  
17 that it is the leading political power of the Croatian people in  
18 Bosnia-Herzegovina. There was some other parties present in the Croatian

19 people and Croatians also belonged to some other parties in  
20 Bosnia-Herzegovina, so it would be very difficult for me to determine or  
21 to draw that parallel between the League of Communists and the HDZ.  
22 However, I'm not excluding the possibility that at certain levels there  
23 may have been such attempts.

24 JUDGE ANTONETTI: [Interpretation] Thank you.

25 MS. ALABURIC: [Interpretation]

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1 Q. Let's look at the Law on Military Service. 4D1471 is the  
2 document number, 4D1471. The first article is Article number 47. This  
3 is the whole chapter in the law that regulates the obligation to serve in  
4 the reserve forces of the armed forces.

5 Mr. Gorjanc, tell us, please, who was subject to that obligation  
6 to serve in the reserve forces of the armed forces?

7 A. I apologise. I don't have that document here.

8 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, in which binder  
9 can I find that document?

10 MS. ALABURIC: [Interpretation] Your Honour, I'm following the  
11 sequence of documents. I do have to say there has been some confusion.  
12 I am taking the document -- the documents one at a time in the sequence  
13 as they have been dispatched to my case manager. We are on the second  
14 binder. It is the first document in the second binder. This is what  
15 I've just been told.

16 JUDGE TRECHSEL: Ms. Alaburic, in my second binder the number of

17 the first document is 4D01472. You have called 1471, so which one do you  
18 want? It's the number or the place, what we should rely on? The first  
19 document, to make it easier, is called "Decree on the Declaration of the  
20 Law on Service in the Armed Forces," and it is of February 1985, and the  
21 second one is dated "Belgrade, 1986," and is called "Law on Compulsory  
22 Military Service."

23 MS. ALABURIC: [Interpretation] Your Honours, document 4D1472 is  
24 the one that I have skipped because you have not allowed us to put it on  
25 our 65 ter list, and now I'm on document 4D1471, which is the second

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1 document in the sequence of documents in the second binder.

2 Q. I would now kindly ask the witness to -- I apologise for not  
3 having been aware of the fact that we have moved on to the second binder.  
4 I thought that we were on the first one. My mistake.

5 In Article 47, the law prescribes who are those who are subject  
6 to serving in the reserve forces of the armed forces. Mr. Gorjanc, could  
7 you please tell us whose duty was that?

8 A. Of all those citizens of Yugoslavia who have completed their  
9 military service, also those who had regulated their military service in  
10 a different way, and also women conscripts.

11 Q. In Article 48, it is stipulated how long the obligation to serve  
12 in the reserve forces lasts. Mr. Gorjanc, could you please tell us that?

13 A. From the day a person stopped his obligatory military service,  
14 and then in men up to the age of 60, and for women, from the ages of 19

15 to 50.

16 Q. In Article 69, there are provisions about the military records of  
17 military conscripts. Could you please explain to the Trial Chamber as to  
18 how the military records were kept?

19 A. It was done on the territorial principle in municipalities, in  
20 the departments for All-People's Defence. In municipalities, I would  
21 like to say that in the year 1990 a decree came on the establishment of  
22 military districts, the military territorial commands, and then the  
23 records were taken over from the military departments of municipalities  
24 by the military districts and fell under the legal jurisdiction of the  
25 JNA.

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1 Q. In this part of your report, you talk about mobilisation. Could  
2 you please tell us about the forms of mobilisation that existed at the  
3 time?

4 A. Mobilisation could have been public or classified, general or  
5 individual, in the narrow sense of that term, it could be partial.

6 Q. In the end of that chapter, you refer us to a book by  
7 Gavro Perazic entitled "Constitutional, Political, International Legal  
8 Status of All-People's Defence and Armed Forces." Could you please tell  
9 us, Mr. Gorjanc -- we can find this in paragraph 62 of your report.  
10 Could you please explain to us who Gavro Perazic was?

11 A. Professor Gavro Perazic, a colonel in the JNA, was one of the  
12 biggest experts on international laws of war in the former Yugoslavia.

13 He authored several works about that subject.

14 Q. If I understand his positions well, given the doctrine of  
15 All-People's Defence, he believes that a participant in the resistance is  
16 not only a person carrying arms and fighting, but also all those who do  
17 not carry arms but are potential fighters, which means that people who  
18 are members of the reserve forces, and, therefore, in case they are  
19 arrested, they should be treated as prisoners of war. Did I understand  
20 the whole point properly?

21 A. Yes.

22 Q. Mr. Gorjanc, according to what you know and according to how you  
23 understand the rule -- regulations that prevailed at the time of the  
24 former Yugoslavia, is that how you saw the doctrine of All-People's  
25 Defence, and did you think that this was how it should have been applied?

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1 A. Yes.

2 Q. Now, let us now look at the application of the doctrine --

3 JUDGE ANTONETTI: [Interpretation] In general, paragraph 62 of  
4 your report is an interesting one, but I'm trying to figure out what  
5 exactly you meant. Let's take the case of a 30-year-old civilian who's  
6 not a member of any armed forces, but who's capable of holding a gun at  
7 some stage. Can that person or must that person be detained on the  
8 grounds that he's a potential enemy, and if arrested, what's his status?  
9 Is he a prisoner of war, or a combatant and, hence, has the status of a  
10 war prisoner, or is it a potentially -- or is it potentially a civilian

11 who can be a combatant, and could he possibly refer the matter to any  
12 authority or to any court? Could you -- it is a complex matter, but I  
13 hope you understand my question.

14 THE WITNESS: [Interpretation] Under the Constitution and the  
15 laws, all those who put up resistance, irrespective of the fact whether  
16 they carry arms or not, are members of the armed forces. All those who  
17 have served in the army are military conscripts, irrespective of the  
18 facts whether they have been assigned to units or not. This means that  
19 if there is an indicia that such people who are not carrying arms and  
20 look like civilians, at first glance, if there are indicia that they  
21 might be detrimental, too, then they have to isolate it. Only in case  
22 that it is proven that they act in a detrimental way, they can be  
23 arrested. In any case, they enjoy the status of prisoners of war.

24 JUDGE ANTONETTI: [Interpretation] This is an accurate answer, but  
25 I would like you to specify something.

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1 You said if there are indications, that person can be isolated.  
2 This is what you said, if there are indicia. Now, what does that mean,  
3 "isolate them," according to you?

4 THE WITNESS: [Interpretation] "To isolate" means to restrict  
5 movement in a certain area or even within a person's place of residence,  
6 in their homes, placing them under house arrest or a special room that is  
7 monitored, under surveillance. I'm not talking about a POW camp.

8 JUDGE ANTONETTI: [Interpretation] And according to you, according

9 to the surveys/studies carried out with an armed forces, or according to  
10 what you learned in the Military Academy, do these people have rights,  
11 these people who are isolated, or is it so that the only right they have  
12 is to remain silent?

13 THE WITNESS: [Interpretation] They're a POW.

14 JUDGE TRECHSEL: Mr. Gorjanc, still on paragraph 62, this last  
15 sentence is not quite clear for me. First you say if he, that is, a man  
16 in serviceable age, is not found in open, armed combat, the enemy should  
17 consider these men fit for military service. Are you sure you want to  
18 say "should" here? If you say "could," "might," I would understand, but  
19 do you state a duty for the enemy here?

20 THE WITNESS: [Interpretation] Your Honour, in this case I'm  
21 quoting Colonel Perazic. Nevertheless, I personally believe that this is  
22 offered as a possibility, not an obligation.

23 JUDGE TRECHSEL: All right. Then there is -- the language is not  
24 quite clear.

25 And furthermore, you say "because in a different situation, they

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1 could be found bearing weapons." You establish here a relationship of  
2 causality. I must confess that I don't see any logic in this.

3 THE WITNESS: [Interpretation] All able-bodied men and other  
4 citizens are under an obligation to put up resistance. If they can get  
5 hold of arms, they are certainly expected to use those arms.

6 JUDGE TRECHSEL: I will not insist on this, bearing in mind that

7 you're not a lawyer and you do not formulate along the way lawyers would  
8 expect -- be expected to. Thank you.

9 Sorry, for the record, the last sentence, I'm speaking "would be  
10 expected to." Thank you.

11 JUDGE ANTONETTI: [Interpretation] General, in your country, have  
12 you been personally faced with that same problem by which you isolated  
13 potential enemies or have you never been faced with that particular  
14 circumstance?

15 THE WITNESS: [Interpretation] Personally, Your Honour, over in  
16 Slovenia I never encountered a situation like that. The armed clashes  
17 went on for a mere ten days over there. Nevertheless, the Slovenian  
18 authorities and the army, the Territorial Defence and police, were  
19 arresting JNA officers, taking them to prisoner camps, even arresting  
20 some in their homes and taking them away from their families in order to  
21 take them to these prisoner camps. One of these camps was in a coal mine  
22 over in Hrastnik.

23 JUDGE ANTONETTI: [Interpretation] Fine. You provide an example,  
24 the conflict lasted for ten days. But as far as you know, has the  
25 Slovenian Army arrested Serbs who were not JNA officers, but who were

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1 Serbs and who could potentially pose a threat?

2 THE WITNESS: [Interpretation] No, not as far as I know, but they  
3 had under their control most citizens hailing from other republics who  
4 were believed not to be loyal to these newly-established Slovenian



5 authorities. That is why those people were erased from the register of  
6 citizens of the state of Slovenia, and as a consequence those people had  
7 to leave.

8 JUDGE ANTONETTI: [Interpretation] Fine.

9 MS. ALABURIC: [Interpretation]

10 Q. Mr. Gorjanc, let us return to this document, the excerpt from  
11 Gavro Perazic's book, 4D1492.

12 In response to Judge Trechsel's question, you said you were, in  
13 actual fact, quoting Mr. Perazic specifically in Article 62 of your  
14 expert report. Could we please, then, pay close attention to the  
15 following sentence which I'm about to read. It's at the very bottom of  
16 page 200:

17 "If they were not caught in open armed struggle, the enemy can  
18 consider them to be potential fighters or combatants, and that is how  
19 they shall be treated, because in another situation they might be caught  
20 with weapons in their hands."

21 While quoting Perazic, did you believe these people to also be  
22 potential combatants and that they should be treated as such, potential  
23 soldiers of an enemy army?

24 A. Yes.

25 Q. All right. That wraps up this chapter, and we are now moving on

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1 to All-People's Defence in Bosnia and Herzegovina, the application of  
2 All-People's Defence.

3           Let us look at what the Constitution of Bosnia-Herzegovina has to  
4 say about this. It's a new chapter. It's in binder 2, 1D1236. You  
5 refer to this in paragraph 64 of your report. What we're dealing with is  
6 Article 162. Article 162, paragraph 3, reads:

7           "Every citizen who, with arms or otherwise, participates in  
8 resistance to the aggressor shall be considered a member of the armed  
9 forces of the republic."

10           Mr. Gorjanc, you can focus on the screen in front of you.

11           A. Your Honours, may I just say one thing? I don't have the  
12 transcript on my monitor. Therefore, I'm no longer able to follow the  
13 pace and when I should start answering.

14           MS. ALABURIC: [Interpretation] Could we please have --

15           Q. Now you have it on your screen. Could you please look at  
16 Article 162, paragraph 3. I've just quoted from it. I'm not going to  
17 repeat. Tell us, Mr. Gorjanc, do you see any difference between the  
18 definition in the Constitution of Bosnia and Herzegovina and what we saw  
19 as having been prescribed in the former Yugoslavia?

20           A. None whatsoever.

21           Q. In your opinion and in your understanding of this provision, are  
22 the armed and unarmed resistance against an aggressor, are they one and  
23 the same, in your view?

24           A. Yes.

25           Q. Let's look at the following document, which is the Decree on

1 Defence. This is 4D408. It is already in evidence, and we will not  
2 dwell upon this document for long. I would just like to highlight some  
3 parts that might be of some importance for the topic of All-People's  
4 Defence.

5 In Article 5, line 3 or bullet point 3, a reference is made about  
6 resistance of people during the war. In Yugoslav regulations, reference  
7 is made to all-people's resistance. In your view, from a military  
8 perspective, is there any difference between the two terms?

9 A. No, there is no difference. It's just about the wording.

10 Q. Let's look at Article 46, where reference is made to the rights  
11 and obligations of citizens in terms of defence. Mr. Gorjanc, we looked  
12 at the Yugoslav regulations and we saw that the defence of the country  
13 was right and the obligation of all citizens. Was the situation the same  
14 in Bosnia-Herzegovina?

15 A. Absolutely the same.

16 Q. Let's look at Article 48. Could you please tell us whether  
17 Article 48 speaks about work obligation? Was work obligation one of the  
18 forms of non-armed resistance?

19 A. Yes, that's how it could be understood. Units of work obligation  
20 were very often directly engaged on the front-line.

21 Q. How old did you have to be in order to fall under work  
22 obligation?

23 A. It started at the age of 15 and lasted until the age of 60.  
24 However, in mobilisation call-up papers, I often saw that work obligation  
25 extended up to the age of 65.

1 Q. Let's look at Article 66. Mr. Gorjanc, could you please help us  
2 to understand this article properly? I'm going to be very brief. This  
3 is about the deployment of human and material resources, and the final  
4 part of the provision reads so that all human and material resources of  
5 the republic are utilised for defence, to the optimum of their  
6 professional and other abilities. Could you please take an example of a  
7 chemical engineer who is a top expert for explosives. Could you take  
8 that example and explain how, based on the provisions of this law, such  
9 person could be engaged in the defence of the country?

10 A. In any case, he had to be engaged either in the production of  
11 explosives or -- in the production of basic or raw materials for the  
12 production of explosives, or in the institutes for the development of new  
13 explosives, or in the depots where explosives and explosive materials  
14 were safeguarded.

15 Q. Mr. Gorjanc, if you were a commander in wartime, would you engage  
16 such an engineer who worked in a factory and supplied the enemy army?  
17 Would you consider such a person as a more dangerous enemy than a foot  
18 soldier on the front-line?

19 A. Of course.

20 Q. Let's look at Article 70. The entire chapter is entitled "Scope  
21 and Structure of Civil Defence." The previous chapter of the same law  
22 applies to military defence. I conclude, therefore, Mr. Gorjanc, there  
23 are two basic types of defence, military and civil defence. Is that the

24 way I should understand it?

25 A. Yes.

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1 Q. In Article 71, there is the description of --

2 JUDGE TRECHSEL: Excuse me. I'm still a bit puzzled about this  
3 chemist who you have said, Mr. Gorjanc, that he's obliged to work on  
4 explosives. Now, let's say he's engaged in working on fertiliser or  
5 another very essential product for agriculture. Who is deciding whether  
6 he's going to do this or whether he's going to another department of the  
7 factory or to another factory to work on explosives? Who is taking that  
8 decision?

9 THE WITNESS: [Interpretation] The decision is taken by the  
10 administrative and executive bodies who assess where he would be more  
11 needed. Maybe he would be needed in the production of fertilisers,  
12 because agricultural production is also very important for resistance and  
13 for supplying armed forces, but this is not within the purview of  
14 decision-making by military bodies.

15 JUDGE TRECHSEL: That's quite logical, yes, and it is not his own  
16 task to decide. You have said, No, thank you, or you have gestured, No,  
17 thank you.

18 Ms. Alaburic, excuse me.

19 MS. ALABURIC: [Interpretation] Thank you, Your Honour, for --

20 JUDGE ANTONETTI: [Interpretation] Witness, just to come back to a  
21 doubt I have: We have this chemist who's working in a factory. Everyone

22 knows that sometimes agricultural products may be used to make bombs.  
23 But independently from that, if the belligerent part considers that this  
24 chemist, this engineer, is a potential danger because of his knowledge,  
25 of his know-how, in such a case may he be isolated, put aside?

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1 THE WITNESS: [Interpretation] I believe so, yes.

2 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic.

3 MS. ALABURIC: [Interpretation] Your Honour, I would like to ask  
4 you something. We know that you decided that only General Petkovic's  
5 Defence will be entitled to examine Mr. Gorjanc. However, since  
6 Mr. Gorjanc is a joint expert used by both Praljak and Petkovic Defence,  
7 we would kindly ask you to take off from our time, if this is deemed to  
8 be necessary, by General Praljak's Defence, that you should allow  
9 General Praljak's Defence to put some questions, if, with your leave,  
10 General Praljak has one question to put to the witness.

11 JUDGE ANTONETTI: [Interpretation] Wait a minute. I have to  
12 consult my colleagues.

13 [Trial Chamber confers]

14 JUDGE ANTONETTI: [Interpretation] The Chamber sees no problem,  
15 but on two conditions. First of all, that the time spent will be  
16 deducted from your time, and then General Praljak has to tell us what is  
17 the purpose of the question.

18 THE ACCUSED PRALJAK: [Interpretation] Thank you, Your Honours.

19 Just for the sake of clarification, the question concerns

20 prisoners of war. In current war and after the Second World War, whether  
21 those were rocket scientists, chemists, physicists, in Germany it was  
22 Heisenberg, or, for example, in Russia, where engineers were being taken  
23 away, in that sense I wanted to ask Mr. Gorjanc -- and maybe I would have  
24 a few more questions by way of clarification, with your leave.

25 So my first question is: Who may be considered a prisoner of

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1 war, for example, in the Second World War, in the Vietnam War, and so on  
2 and so forth? Thank you very much.

3 THE WITNESS: [Interpretation] When we're talking about that  
4 category of people, a chemist in this particular case, I can provide an  
5 example from the Second World War.

6 Engineers, Slovenians, were arrested as civilians by the German  
7 occupying forces, and they were taken to camps where they continued  
8 working as engineers in chemical plants and institutes. After the war,  
9 in 1948 they were sentenced as collaborators and traitors by the  
10 Slovenian government.

11 And as for the other militaries in other wars, war prisoners were  
12 all those who were found with arms in their hands and also those who  
13 didn't carry arms.

14 There were all sorts of types of isolation during different wars.  
15 For example, in the Second World War, after the attack by the Japanese  
16 Imperial Army against Pearl Harbor, all or nearly all citizens,  
17 irrespective of their age and sex, who were American citizens were

18 incarcerated, if that is any sort of clarification that the general is  
19 satisfied with.

20 MS. ALABURIC: [Interpretation] I propose that I should finish  
21 this line of questioning the way I intended to.

22 JUDGE TRECHSEL: Witness, I wonder how you know this. Were the  
23 Americans -- were the Japanese arrested in the United States after  
24 Pearl Harbor, were they prisoners of war, according to your view, and in  
25 the sense of the Geneva Conventions?

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1 THE WITNESS: [Interpretation] I wouldn't know that. I apologise.  
2 I don't know, because I could only draw that knowledge from movies.

3 JUDGE TRECHSEL: Thank you. And I will not press you on this.  
4 I think it's totally irrelevant, and you are not supposed to be an expert  
5 on the Law of War. Thank you.

6 MS. ALABURIC: [Interpretation] Thank you, Your Honours.

7 I will go back to Article 66 in this law in the follow-up to  
8 Judge Trechsel's questions as to who would decide where the hypothetical  
9 engineer would be assigned.

10 Q. Mr. Gorjanc, let's look at Article 66. What does Article 66 say?  
11 Who will take the decision on deployment of such people? What did you  
12 say? Who is it who decides about the assignment of such people?

13 A. It is the civilian authorities, upon the request, for example, of  
14 companies that need people.

15 Q. And what is the basic criterion when it comes to the assignment,



16 in view of this article?

17 A. Professionalism and capability to contribute towards resistance  
18 in the highest possible level.

19 Q. Very well, then. Let's look at Article 47, paragraph 3. It says  
20 that citizens should communicate urgently to the reporting centre or the  
21 state authorities any defence-related information they've learned or  
22 noticed. Tell us, Mr. Gorjanc, does this refer to the intelligence  
23 activities on the part of citizens?

24 A. This is about intelligence activities on the territory.

25 Q. Let's look at document 4D1475. It's not the -- if it's not in

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1 the next -- in the sequence, then it is the one after. It is 4D1475.

2 This is an order issued by the commander of the 3rd Corps of the  
3 BiH Army, dated March 1993. Let's look at the ending of the second  
4 bullet point. It says:

5 "As a special task, maintain connections with our structures and  
6 sympathizers in temporarily-occupied territory."

7 Could you please tell us, Mr. Gorjanc, whether that would be in  
8 the function of the exercise of the Intelligence Service on the part of  
9 the citizens?

10 A. Yes.

11 Q. And now let's look at document 4D409. This is a Decree Law on  
12 the Armed Forces of the Republic of Bosnia-Herzegovina. Article 4,  
13 paragraph 3, speaks about the bringing up to strength of war institutions

14 and units. Mr. Gorjanc, how was this done in Bosnia-Herzegovina? How  
15 were war units brought up to strength?

16 A. War units were brought up to strength from the ranks of military  
17 conscripts who served in the army, military conscripts serving in the  
18 army, and other able-bodied men who regulated their army service in any  
19 different -- any other way.

20 Q. Does this refer to reservists?

21 A. Yes, we're talking about the reserve composition, save for the  
22 conscripts who were serving in the army at that time.

23 Q. People who were reservists, were they also potential combatants?

24 A. Yes.

25 Q. When they became actual combatant?

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1 A. When they were deployed into units and when they started carrying  
2 arms.

3 Q. And now let's look at the following decree, 4D412. This is the  
4 Decree on Service in the Army of the Republic of Bosnia-Herzegovina.  
5 Let's look at the decree law just briefly. Article 3, paragraph 1,  
6 defines the term of military personnel serving in the army, and  
7 Article 4, paragraph 2, speaks about soldiers and persons in the reserve  
8 force which -- who enter into service within the army.

9 Mr. Gorjanc, tell us, please, persons in the reserve force, what  
10 is the basis for them entering into the army service? Is that their army  
11 obligation or some other obligation?

12 A. Based on their army obligation upon a mobilisation call.

13 Q. Let's look at Article 60. This is about health-care, but we  
14 would like to see how the legislator differentiates between certain  
15 categories. In view of this provision, Mr. Gorjanc, would you say that  
16 there is a difference between army members and members of the armed  
17 forces during a state of war?

18 A. No.

19 Q. Well, very well. And now I would like us to look at document  
20 1D1238. These are the amendments to the Decree Law on Defence. Let's  
21 look at Article 4. Actually, I'm going to skip this document altogether  
22 because there is no need to look at it. I wanted to draw your attention  
23 to other courier tasks and other tasks this decree defines. They're also  
24 members of the armed forces, people who act as couriers, what do they do  
25 exactly?

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1 A. The Defence Department in every municipality had the courier  
2 service which carried mobilisation call-up papers and other information  
3 to military conscripts. Those were people who were members of the staff  
4 of the Department of Defence or, alternatively, military conscripts who  
5 were not assigned to any units, but were still present on the territory.

6 MS. ALABURIC: [Interpretation] What the witness has just said,  
7 Your Honours, is regulated by Article 126(C) of this law.

8 Q. Paragraph 114 of your report, sir, contains a conclusion as to  
9 whether, under the BH regulations, the doctrine of All-People's Defence

10 was, in fact, applied. Could you please outline your conclusion?

11 A. Bearing in mind the totality of laws and regulations in  
12 Bosnia-Herzegovina, all citizens had the right and duty to participate in  
13 the country's defence and to directly contribute to its success in  
14 various ways, regardless of their age group, sex, or social status. In  
15 practical terms, the entire population was placed under the banner of  
16 All-People's Defence.

17 Q. We've looked at the regulations, and could we now go and look  
18 at individual decisions and orders, showing how, if at all, this doctrine  
19 was implemented.

20 The first document that I'd like to discuss with you is 4D403  
21 which is a decision on the organisation of the armed forces of the  
22 Republic of Bosnia-Herzegovina. Could you please explain about item 1?  
23 There is a distinction there between staffs and commands. Could you tell  
24 us what this is about?

25 A. This was adopted from the organisation of Yugoslavia's

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1 Territorial Defence, where they had staffs at various levels and unit  
2 commands within the TO.

3 Q. Were you to look at the types of tasks they were performing and  
4 to draw, based on that, a distinction between the staffs and commands,  
5 what would that difference be, the difference between the two?

6 A. In the erstwhile Territorial Defence, the staffs were in actual  
7 fact commands. They were only called staffs. I assume that the

8 distinction here is provided based on the erstwhile doctrine. I'm not  
9 sure what time or period it dates back to.

10 Q. 1992.

11 A. That means that they based the whole thing on the erstwhile  
12 structure of territorial defence in Bosnia-Herzegovina.

13 Q. Look at item 2, please. The Main Staff of the Armed Forces is  
14 classified as a staff and not a command. What would you say about that?

15 A. This a direct transfer from the erstwhile structure. The staffs  
16 were, in actual fact, commands over units. The units were the corps, the  
17 divisions, the brigades, the regiments. As far as the corps is  
18 concerned, I don't think there could have been any talk of that back in  
19 Bosnia-Herzegovina at the time, that far back.

20 Q. You have told us that the staffs, in actual fact, were performing  
21 the tasks of commands; right?

22 A. Yes.

23 Q. Then why do we see commands as a special separate structure here?

24 A. I'd be hard put to answer that question. I think this was copied  
25 from the erstwhile system of All-People's Defence.

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1 Q. Next one up, P274, 274, the decision to declare a state of war.  
2 Paragraph 2 defines, as one of the objectives, the following:

3 "A more efficient involvement of all human and material  
4 potentials."

5 And paragraph 3 talks about organising all-people's resistance.

6 In your opinion, Mr. Gorjanc, does this have anything to do with the  
7 doctrine of All-People's Defence?

8 A. Yes.

9 Q. Next document, 4D1164, 4D1164. This is an order to declare a  
10 general public mobilisation in the territory of the Republic of  
11 Bosnia-Herzegovina. Based on paragraph 1, who was it that was mobilised  
12 as a result of this order?

13 A. All men of military age, between 18 and 55 years of age.  
14 Further, all citizens, men between 18 and 65 years of age, and women  
15 between 18 and 55 years of age, in terms of their respective war  
16 assignments, civil protection and other defence-related activities.

17 Q. Talking about the first group you mentioned, men, men liable for  
18 military duty, does that refer to men who were in the reserve?

19 A. All those liable, because there wasn't the textbook structure.  
20 It was only being set up, and they needed to draw up military records for  
21 that purpose. As I said, most of the records had been taken over from  
22 the JNA through the military districts, and one needed to establish a  
23 whole new set of military records to be used.

24 Q. Paragraph 7 says that any failure to adhere to this order would  
25 entail criminal and other responsibility under conditions of a state of

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1 war. Based on what you know about the laws that prevailed in the former  
2 Yugoslavia and at the time in Bosnia and Herzegovina, what punishments  
3 were envisaged for a crime of this nature?

4           A.    This was a misdemeanor, and this is described in greater detail  
5           in each of the provisions.  And then there were certain punishments that  
6           were imposed under the Penal Code.

7           Q.    The next document is 4D1727.  This is a directive on the defence  
8           of sovereignty and independence of the Republic of Bosnia-Herzegovina,  
9           dated April 1992, signed by Hasaneferdic, who was then commander, and --

10           JUDGE ANTONETTI: [Interpretation] Just a question.

11           In document 4D1164, one sees that women may also be considered as  
12           taking part in the territory of defence, the territorial defence.  Could  
13           you tell me what is your point of view on the following situation?  A  
14           woman who is wearing a camouflage uniform is cooking either in barracks  
15           for soldiers or on the ground.  According to you, this woman, is she a  
16           soldier or civilian personnel?

17           THE WITNESS: [Interpretation] If she is within the barracks and  
18           cooking for soldiers there, then she's performing a task within that  
19           military unit and is, therefore, to be considered a soldier.

20           JUDGE ANTONETTI: [Interpretation] And if she's in the field with  
21           the unit, is she carrying out a military mission or is she a civilian?

22           THE WITNESS: [Interpretation] She's on a military mission.

23           JUDGE ANTONETTI: [Interpretation] All right.

24           MS. ALABURIC: [Interpretation]

25           Q.    Mr. Gorjanc, 4D1727, paragraph 2, says that forces of the

2 command. Getting people together like this and placing them under a  
3 single command, is something like this anything that has to do with the  
4 doctrine of All-People's Defence?

5 A. Yes, fully. It's entirely consistent.

6 Q. Paragraph 4, where it talks about stage 1, armed resistance by  
7 citizens on a massive scale, does this have anything to do with the  
8 doctrine of All-People's Defence?

9 A. Yes.

10 Q. Paragraph 5, set up units of the TO, volunteer units, the  
11 Patriotic League, TO units, and other patriotic forces throughout the  
12 municipality, does this have anything to do with the doctrine of  
13 All-People's Defence?

14 A. Yes.

15 MS. WEST: My apologies.

16 Good afternoon, Your Honours. Kim West for the Office of the  
17 Prosecution. Good afternoon to everyone else in and around the  
18 courtroom.

19 Ms. Alaburic has been very pristine in her questions and have  
20 almost all have been open-ended questions. However, in the last ten  
21 minutes, and I understand that she's trying to get through some  
22 documents, there have been a number of leading questions, and I would  
23 just ask that they remain open-ended.

24 MS. ALABURIC: [Interpretation] I thank my colleague, and I fully  
25 agree with her objection and her remark. It was entirely my fault. I



1 had failed to preface this by saying how I was going to examine the  
2 witness on this particular subject. I'll be asking about certain  
3 components of this document, and depending on his answers, I'll be asking  
4 an open-ended question at the very end.

5 Q. If that is not consistent with the doctrine of All-People's  
6 Defence, why, and how, precisely, if it's inconsistent with the doctrine,  
7 why not? If it is, yes, and if it's not, why not? Could we just go  
8 through the document with these brief questions, simple questions, and  
9 clarify the whole thing eventually at the very end?

10 If we could go to paragraph 6.2, Mr. Gorjanc, gathering  
11 intelligence involved one's own forces and equipment, MUP forces, loyal  
12 citizens, and local inhabitants, are we looking at intelligence that is  
13 part of the doctrine of All-People's Defence?

14 A. Yes.

15 Q. 6.4 --

16 JUDGE ANTONETTI: [Interpretation] Hold on. Witness, I wanted to  
17 ask a question earlier on, and I didn't, but I would like to take  
18 advantage of the consideration of 6.2 to ask the following question.

19 In your CV, I saw that you had been an intelligence officer for a  
20 short period of time during your career in the JNA. As an intelligence  
21 officer, at the time whilst exercising your duty, were you in plain  
22 clothes or dressed with a military uniform?

23 THE WITNESS: [Interpretation] At the division staff in Postojna,  
24 I was in charge of reconnaissance units within that division, the scouts,

25 their training and their potential involvement in the eventuality of war.

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1 I was a military man. I was not a civilian.

2 JUDGE ANTONETTI: [Interpretation] Right. So you always wore a  
3 uniform?

4 THE WITNESS: [Interpretation] From Day 1 to the very end.

5 JUDGE ANTONETTI: [Interpretation] All right. I'm asking the  
6 question because sometimes some military people wear civilian clothes for  
7 intelligence work.

8 THE WITNESS: [Interpretation] Yes, it's possible, particularly  
9 when one crosses over into enemy territory.

10 MS. ALABURIC: [Interpretation]

11 Q. Mr. Gorjanc, I think now you need to clarify this. Were you with  
12 the Security Service in the army - Intelligence Service, that's what it  
13 would translate into - or in the --

14 THE INTERPRETER: Interpreter's note: Could counsel please  
15 repeat this question. The interpreter did not understand the question.  
16 Thank you.

17 JUDGE TRECHSEL: The interpreters have not understood your  
18 question, Ms. Alaburic, even though, of course, the witness has. But it  
19 would be nice if you could repeat it, and then the witness would answer.  
20 Thank you.

21 THE INTERPRETER: Interpreter's note: It is hard to do an  
22 interpretation when there is too much interference between the two

23 languages. The question should ideally be phrased either in Croatian or  
24 B/C/S or in English. Thank you.

25 MS. ALABURIC: [Interpretation]

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1 Q. The SIS is the [In English] Security -- Intelligence Service,  
2 Security Service, Intelligence Service. [Interpretation] And if VOS, the  
3 military intelligence -- [In English] Military Informative Service.

4 [Interpretation] Did you work for what resembled the SIS back in  
5 Yugoslavia or in the VOS?

6 A. I was with the intelligence. It was called the Security Service  
7 or, as we called it, the KOS.

8 THE INTERPRETER: The interpreter did not hear the last part of  
9 the witness's answer.

10 MS. ALABURIC: [Interpretation] Your Honours, I know that this  
11 right now is somewhat unclear to you, but I think it really is necessary  
12 to clarify this now.

13 Q. If the KOS was the same thing as the SIS, would that mean that  
14 you were working with a service that, in Herceg-Bosna, was called the  
15 VOS?

16 A. Yes.

17 MS. ALABURIC: [Interpretation] Your Honours, as far as the  
18 terminology is concerned, let me make this clear to everyone in the  
19 courtroom. I discussed this with our interpreters in order to be able to  
20 avoid confusion, because they use the word "intelligence," everything

21 that we say about these services, and we concluded that the simplest  
22 thing might be to use the abbreviations SIS and VOS so we all know what  
23 we're talking about. The SIS and the VOS was the Military Intelligence  
24 Service that was within the Main Staff. It was a part of the Main Staff,  
25 and I don't think there should be any further problems understanding

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1 this.

2 If my understanding is correct, we should take a break now.

3 Right?

4 JUDGE ANTONETTI: [Interpretation] Right, but I'll give the floor  
5 to the Registrar for an IC number which was urgent.

6 THE REGISTRAR: Thank you, Your Honour. The Stojic Defence has  
7 submitted an objection to 4D list of exhibits with Witness Curcic. The  
8 document shall be given Exhibit IC1086.

9 JUDGE ANTONETTI: [Interpretation] All right, 1086, IC1086.

10 Now a 20-minute break.

11 --- Recess taken at 12.29 p.m.

12 --- On resuming at 12.50 p.m.

13 JUDGE ANTONETTI: [Interpretation] Let's resume.

14 Ms. Alaburic.

15 MS. ALABURIC: [Interpretation]

16 Q. Mr. Gorjanc, the issue of somebody working in the KOS or not was  
17 a delicate issue in Slovenia, and after this confusion with terms, could  
18 you please tell us whether you ever worked in KOS?

19 A. Never. I was not even an informer, a secret informer.

20 Q. Very well. We've clarified that. Let's go back to our document.

21 In the meantime, I've decided to reduce the number of questions  
22 based on this document. Let me point you to Article 64. We're still on  
23 the same document, which is 4D1727, 4D1727.

24 JUDGE MINDUA: [Interpretation] My apologies, Ms. Alaburic.

25 You wanted to clarify something as regards the witness working or

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1 not with KOS, KOS being the intelligence -- the Military Intelligence  
2 Service within the Main Staff. Is that right, Witness?

3 THE WITNESS: [Interpretation] Yes. Nevertheless, it had its  
4 officers in units starting with battalions upwards. In every unit, there  
5 was a KOS officer or a KOS department. In a division, there was a  
6 department with several officers.

7 JUDGE MINDUA: [Interpretation] All right. But you said that you  
8 didn't work for KOS; is that correct?

9 THE WITNESS: [Interpretation] That's true. I never worked for  
10 KOS.

11 JUDGE MINDUA: [Interpretation] Good, very well. So you worked  
12 for the counterpart of the SIS, but with a uniform?

13 THE WITNESS: [Interpretation] It was not its counterpart. It was  
14 a decolent [as interpreted] of the Military Intelligence Service, also  
15 known as VOS.

16 JUDGE MINDUA: [Interpretation] Many thanks.

17 JUDGE ANTONETTI: [Interpretation] Witness, this is very  
18 complicated for us. As regards the service in which you worked, you said  
19 that it was the equivalent of VOS. But KOS, was it an equivalent of VOS?

20 THE WITNESS: [Interpretation] Those were two completely different  
21 services, completely separate. KOS was in charge of internal security in  
22 the units and in the areas where the units were deployed. VOS or the  
23 Intelligence Service was active in collecting intelligence about a  
24 possible enemy, a possible opponent. KOS, on the other hand, collected  
25 intelligence about one's own forces, one's own officers, one's own

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1 territory.

2 JUDGE ANTONETTI: [Interpretation] So I understand better now.

3 MS. ALABURIC: [Interpretation]

4 Q. Mr. Gorjanc, it stems from what you've just told us that in the  
5 Yugoslav People's Army, KOS was tied to the General Staff of the JNA?

6 A. It played a dual role. While it was still KOS, until the year  
7 1952, it was tied exclusively to the Ministry -- or, rather, the State  
8 Secretariat for National Defence. Later on, for a while it was tied to  
9 the General Staff or, rather, its Administration for Security, and for  
10 the last ten years or so - I can't tell you exactly for how long - it was  
11 again the Administration for Security that was subordinated to the  
12 Federal Secretariat for National Defence and the Ministry of Defence.

13 And maybe I can simplify things for you. It was a state within  
14 the state of the army.

15 Q. Tell me, please, did KOS also control the moral and political  
16 suitability of the officers, their loyalty, their behaviour in private  
17 life?

18 A. It was its basic, fundamental duty.

19 Q. You've also told us that you were once or at some point in time  
20 the subject of KOS activities and surveillance?

21 A. Yes, it did happen from time to time.

22 MS. ALABURIC: [Interpretation] I am correcting the  
23 interpretation. My question was whether you were an object, [In English]  
24 object, [Interpretation] of KOS activities and surveillance.

25 [In English] Okay, maybe it's a good translation. I don't know.

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1 I thought that maybe it's not, so I apologise if it's correct.

2 JUDGE TRECHSEL: I would suggest the word "target."

3 MS. ALABURIC: [Interpretation] Yes, I believe that this would be  
4 the best interpretation. But the most important thing is that we  
5 understand each other.

6 Q. Mr. Gorjanc, I would like to draw your attention to Article 6.4  
7 of the same directive, where reference is made to all the other subjects  
8 in the territory that are duty-bound to work on the securing facilities.

9 A. Yes.

10 Q. Does this have anything to do with All-People's Defence? Could  
11 you please provide the whole of the document from the point of view of  
12 All-People's Defence? Does it have anything to do with All-People's

13 Defence?

14 A. This is an example of how the doctrine was operationalised by way  
15 of a directive to engage military forces.

16 Q. Let's look at the following document, which is 1D942, 942. This  
17 is a platform for the activities of the Presidency of Bosnia and  
18 Herzegovina in conditions of war. Please, let's first look at  
19 paragraph 5 of this document, which speaks about the political basis of  
20 the All-People's Defence war. In the second line, a reference is made to  
21 the All-People's Defence war of all citizens and all peoples, aimed at  
22 liberating Bosnia-Herzegovina. In your understanding of the doctrine of  
23 All-People's Defence, does this have anything to do with that doctrine?

24 A. Yes.

25 Q. Let's look at the paragraph 6 of the same document. An appeal is

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1 to launch to all patriots and all citizens in Bosnia-Herzegovina to  
2 actively join the patriotic front. This appeal to all citizens, does  
3 this have anything to do with the doctrine of All-People's Defence?

4 A. Yes.

5 Q. Very well. Let's look at the following document, which is  
6 4D1240, 4D1240. I am repeating the document number, 4D1240. This is a  
7 directive issued by the Supreme Command Staff of the Armed Forces of the  
8 Republic of Bosnia-Herzegovina, dated September 1992. The document has  
9 several significant parts and several important claims. Irrespective of  
10 the topic that we are covering. At the moment, I would like us to look



11 at the entire document.

12 On page 1, Mr. Gorjanc, could you please look at the definition  
13 of aggressor as the combined forces of the armed forces of Serbia and  
14 Montenegro, the rump of the former JNA, and so on and so forth, and it  
15 says here that the aggressor is preparing actions by which it wants to  
16 separate the Republic of Bosnia-Herzegovina from the Republic of Croatia.

17 Would your personal knowledge about the plans of the activities  
18 of the JNA in that territory point to the fact that there was, indeed,  
19 such a goal even during the time when the JNA was functioning?

20 A. Yes, there was such a goal.

21 Q. And that was in case of an attack from the West?

22 A. Yes, for the aggression from the West or, to be more precise, in  
23 the case of the NATO forces landing in the territory of Central Dalmatia.

24 Q. Did you -- using one of the maps, did you depict that planned  
25 activity?

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1 A. I illustrated the plan of a possible engagement of the forces of  
2 my corps that had been elaborated in February 1991.

3 Q. This was still a JNA corps?

4 A. Yes, the JNA corps from Uzice, which is in Serbia.

5 Q. Let's look at number 3 on page 3, Mr. Gorjanc. This is how  
6 neighbours of the armed forces were defined, and we're talking about  
7 Bosnia-Herzegovina, and I quote:

8 "The Armed Forces of the Republic of Croatia engaged in the

9 offensive activities for the liberation of the territory of the Republic  
10 of Croatia, some part of the forces engaged in the territory of Dubrovnik  
11 will cooperate closely with our forces in an effort to liberate  
12 East Herzegovina and particularly the towns of Trebinje and Stolac ..."

13 If this document was signed by Mr. Sefer Halilovic, the commander  
14 of the Army of Bosnia-Herzegovina, what would you then conclude? Is he  
15 talking about the joint, synchronised activities undertaken on the part  
16 of the armies of the two states?

17 A. This document shows that this was, indeed, a joint action of two  
18 allies, to say the least.

19 Q. When you say in the function of two allies working together,  
20 could you please repeat your answer, because the end of the sentence was  
21 not interpreted. You said that this shows that their cooperation was in  
22 the function of the two of them working as allies, to say the least?

23 A. I can't claim, based on this document, this was a coordinated,  
24 joint action, because there should have been a special staff that would  
25 be in control and command of such a joint action, if that, indeed, was

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1 the case.

2 Q. Thank you very much. Irrespective of the degree of cooperation,  
3 it is indisputable that it was cooperation?

4 A. It was a joint activity.

5 Q. Could you please look at bullet point 4, second paragraph. It  
6 says:

7 "Main forces to be engaged on lifting the blockade of Sarajevo to  
8 liberate -- to defend liberated territories and for defensive  
9 activities."

10 My question to you, Mr. Gorjanc, is this: If the Army of  
11 Bosnia-Herzegovina was planning an action to lift the blockade of the  
12 city of Sarajevo, according to your knowledge of the territory of Bosnia  
13 and Herzegovina, what territory should have the BiH Army have had  
14 complete control of?

15 A. In order to lift the blockade of the city of Sarajevo, the Army  
16 of Bosnia-Herzegovina should have had full control of the territory of  
17 Mount Igman, the territory of Konjic, and the territory of North  
18 Herzegovina.

19 Q. Very well. Let us look under 5; tasks, operational forces, in  
20 connection with the 4th Corps. That's on page 4. Certain activities are  
21 planned in cooperation with the forces of the Republic of Croatia. Could  
22 you please explain the cooperation with the forces of the Republic of  
23 Croatia, could you say something about the degree of that cooperation?

24 A. This term, "sadestvo" [phoen] is a higher form of cooperation.  
25 This immediate cooperation and joint combat activity in one and the same

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1 facility or against one and the same target of the operation.

2 Q. Let's look at number 6, "Content of Armed Combat," where it says  
3 "Sabotage and Anti-Sabotage Combat." This is on page 7 of the B/C/S  
4 text, and here reference is made to continuous conduct of large-scale

5 sabotage operations in the aggressor's rear. Could you please explain,  
6 Mr. Gorjanc, this term "aggressor's rear," what area is that?

7 A. The aggressor's rear depends on the size of the unit that is  
8 engaged on the front-line, and the views of that are different in  
9 different armies. In the army that existed in Bosnia-Herzegovina, the  
10 rear meant the area behind the first line of defence, which was three to  
11 five kilometres from the contact line or contact point with the enemy.

12 Q. Mr. Gorjanc, this kind of planning of sabotage warfare as an  
13 important element of combat, does it have anything to do with  
14 All-People's Defence or not?

15 A. This is completely and fully in the spirit of All-People's  
16 Defence.

17 Q. Could you please look at Chapter 7, under "Intelligence Service"  
18 or "Intelligence Support." This is on your page 8. It says:

19 "The task of intelligence support will engage intelligence bodies  
20 and reconnoitering units, the MUP forces, and the population."

21 Mr. Gorjanc, could you comment upon the engagement of the  
22 population within this context?

23 A. The population is deployed across the entire territory, and the  
24 population can continuously observe the situation as it evolves on the  
25 territory. The only question is: To what degree is the population

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1 organised in order to convey the results of their observation of the  
2 territory as quickly as possible? In the former state, within the

3 concept of All-People's Defence and the gathering of intelligence about  
4 the enemy, there was a special service, the so-called Local  
5 Reconnoitering and Intelligence Service. Military intelligence officers  
6 would engage or hire reliable members of the population who gathered  
7 intelligence, and they, in their turn, spread their network further  
8 afield.

9 Q. Let us now look at a chapter called "Logistics as Support."  
10 Let's look at the quarter-master's support. This is on your page 9.  
11 Could you please tell us, when it comes to food supply, accommodation,  
12 the possibilities of maintaining hygiene, does this have anything to do  
13 with the doctrine of All-People's Defence?

14 A. Yes, because it relies fully on the population.

15 Q. And were I to ask you now about this document in its entirety,  
16 was this document prepared in terms of having anything to do with the  
17 doctrine of All-People's Defence, what could you tell us as a general  
18 clarification?

19 A. It's a textbook example of how the doctrine of All-People's  
20 Defence was operationalised, in terms of a military order.

21 Q. Let's look at the next document, Mr. Gorjanc. This is 4D1603,  
22 1603, 1603. That's right. Page 1, paragraph 1.1:

23 "The unity of all components of armed struggle and resistance."

24 Paragraph 2:

25 "The unity of the army and the people must be fostered and

1 boosted through all various forms of preparing both the army and the  
2 people to defend the country."

3 There is mention there of all sorts of efforts being made by the  
4 people to help the army; manifested in its financial security, care for  
5 the sick and wounded, gathering information on the enemy, uncovering and  
6 obstructing enemy agents, securing important features, participation in  
7 fortification of the terrain, and other activities.

8 Mr. Gorjanc, what about this definition and these tasks; does  
9 that have anything to do with the doctrine of All-People's Defence?

10 A. Yes.

11 Q. Fine. On to the last document, in terms of this whole, 4D766,  
12 proposed measures to organise All-People's Defence war. Paragraph 2 and  
13 the first line in paragraph 1:

14 "Maximum mobilisation of all segments and potentials of the state  
15 to ensure its survival."

16 The bullet that I mentioned:

17 "At this crucial hour, we must organise all political forces,  
18 parties, associations, movements, and citizens to form a patriotic  
19 front."

20 Can you comment on this document from the perspective of  
21 All-People's Defence?

22 A. It is fully in the spirit of All-People's Defence.

23 Q. At 6.3 of your expert report, you talk about actions in the enemy  
24 rear by relying on the population. This is one of the elements of the  
25 doctrine of All-People's Defence. You told us about what "the rear"

1 meant in this case, and could I please ask you to explain, why is this  
2 considered a part of the doctrine of All-People's Defence?

3 A. Simply because this activity in the enemy's rear was particularly  
4 important in terms of inflicting the losses and damage on the enemy, and  
5 leaving the enemy in disarray, reducing the pressure along the front-line  
6 and raising the morale of one's own forces, raising the morale of one's  
7 own forces and the population on either side of the front-line.

8 Q. And now 4D1476, the next document. This is an order by the 306th  
9 Mountain Brigade belonging to the 3rd BH Army Corps, January 1993,  
10 securing rural areas. Paragraph 2 reads:

11 "Involve all able-bodied residents to secure the villages in  
12 which they live. All conscripts, regardless of whether they have work  
13 obligation or are battalion members, on condition that they are free, are  
14 to be involved."

15 Can you comment on this from the perspective of involving  
16 population not directly on the front-line?

17 A. Under the doctrine, the entire population was committed to  
18 establishing a level of security to ensure that the units involved in  
19 military actions got enough rest.

20 Q. Based on this document, it would follow that a commander of the  
21 BH Army was determining what tasks military conscripts would have, those  
22 who were not in the army. Can you --

23 MS. WEST: Objection, Your Honour, to form.

24 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, be careful, be  
25 prudent.

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1 MS. ALABURIC: [Interpretation] Your Honours, I was just  
2 introducing the question. I didn't actually ask my question yet. I was  
3 just stating that this was an order by a military commander of the  
4 BH Army which establishes what military conscripts were to do.

5 Q. Mr. Gorjanc, could you please comment on this? How is it  
6 possible for a commander of the army to determine and decide how military  
7 conscripts should be involved in activities in certain villages and  
8 towns?

9 A. I suppose there were no functioning civilian authorities in place  
10 in these areas, no police providing security. In order to establish a  
11 security system, he had to do this himself. I happen to know that this  
12 was in the immediate vicinity of the front-line on the eastern slopes of  
13 Mount Vlasic, in the immediate vicinity of the Serb forces that were  
14 there. It was only logical for him to do that, and under the doctrine he  
15 was definitely allowed to take those steps.

16 Q. When you say the doctrine allowed him to take those steps, what  
17 exactly do you have in mind?

18 A. I mean all military conscripts, regardless of whether they were  
19 deployed to military units, were duty-bound to respond to any call-up to  
20 perform their military duties. In this specific case, this entailed  
21 security.



22 Q. The next document that I have prepared for you -- or, rather, a  
23 set of three documents should be an example of acts of sabotage that were  
24 carried out. Of course, you can't address this from a factual  
25 perspective, or at least not in detail, but perhaps you could comment on

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1 4D462, 4D462, which is an official transcript or record reflecting an  
2 interview. The interviewee was Salko Alihodzic. He describes actions  
3 taken by the population and organised by the BH Army in Dubravaska Plateau  
4 in mid-July 1993. Please look at the document and tell us whether it has  
5 anything to do with acts of sabotage carried out under the doctrine of  
6 All-People's Defence.

7 A. I happen to be familiar with this area. I know for a fact that  
8 the area was HVO controlled at the time. There were no BH Army units  
9 around. This is not a textbook act of sabotage, in terms of penetrating  
10 behind enemy lines in order to carry out sabotage. It is my conviction  
11 that this gentleman was probably keeping a rifle at his home. Someone  
12 then simply called him, and he joined this action. But it wasn't the  
13 unit, as such, in this case that was organised to perform this.

14 Q. The next document is 4D910, 910. Likewise, an official record.  
15 The interviewee here is Musair Klaric, describing the very same event.  
16 In paragraph 2, he says that all of this was happening based on a  
17 scenario devised by the BH Army in the area of Dubrava. Can you comment  
18 on this, Mr. Gorjanc, in the overall context of these documents and what  
19 you know about that?

20 A. I could say that this -- this is basically about ad hoc training  
21 and establishment of BH Army units at someone's request. He says, There  
22 were very few of us at the beginning, but later we grew to become a group  
23 of about 120 men, weapons were then distributed, and so on and so forth,  
24 which means that weapons had been hidden somewhere previously. You  
25 couldn't simply carry weapons across arms, especially not in these

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1 quantities, and still pass unobserved.

2 Q. The last document of this set is 4D1730, the last document in  
3 this set. Let me draw your attention to a set of proposed measures. I'm  
4 talking about item -- paragraph 14, which is page 4 in your copy, sir. I  
5 will read, and you can simply listen because it's simple enough. The  
6 task is as follows:

7 "Continue to insert, on an even larger scale, sabotage groups in  
8 the enemy's rear in order to carry out acts of sabotage or commando  
9 raids."

10 Could you comment on this from the perspective of acts of  
11 sabotage as part of the doctrine of All-People's Defence?

12 A. Yes.

13 Q. Does that have anything to do with that?

14 A. Yes, it's fully consistent with the most salient premises of the  
15 doctrine.

16 Q. All right. Let's move on to the next document, then. Let me  
17 just take a minute to sort the documents out.

18 The next paragraph is in relation to Chapter 7 of your report.

19 The issue is Muslim soldiers as a potential security problem.

20 To begin with, Mr. Gorjanc, we should look at three maps on our  
21 screens. The first map is 4D1216, 4D1216, which is a map of Mostar up  
22 until the 30th of June, 1993. You see, Mr. Gorjanc -- do you see the  
23 East Mostar area here?

24 A. Yes, I do.

25 Q. And what about the blue portions? That marks the positions of

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1 the HVO? What would you say? Up until the 30th of June, 1993, who is it  
2 that is in control of the areas to the north and south of Mostar?

3 A. The HVO.

4 Q. All right. 4D561, the next map. As a matter of fact, I don't  
5 have a question about that map.

6 Let's move on to the next one, 4D562, just these two maps for you  
7 to see what was going on further north from East Mostar in  
8 Central Bosnia. We'll put all of these together at a later date. You've  
9 seen these maps before, and there's no need for us to dwell on them any  
10 longer now.

11 Let's first try to see if the HVO had any inkling whatsoever that  
12 the BH Army was planning to take the whole Neretva River Valley. The  
13 first document is 4D948.

14 Sir, this is an order by the Chief of the Main Staff, dated the  
15 7th of June, 1993. Looking at this, could we conclude that the HVO knew

16 anything about the BH Army being about to launch offensive operations in  
17 the areas of Jablanica, Bijelo Polje, and Mostar?

18 A. This shows that the HVO was taking some preemptive measures in  
19 the expectation that the BH Army would be launching offensive operations  
20 throughout the area.

21 Q. The next document is 4D702, 702, the letter by the Chief of the  
22 Main Staff of the HVO. The date is the 30th of June, 1993, after the  
23 BH Army had seized control of the territory to the north of East Mostar.  
24 The date is the 30th of June, 1993. The letter was sent to Mr. Wahlgren  
25 and Mr. Morillon. Paragraph 6 reads, I quote:

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1 "We would like to remind you that during the meeting with  
2 General Morillon in Medjugorje on June 26th, 1993, our side warned about  
3 the possibility that the Muslim side was organising a frontal assault  
4 against the town of Mostar, the HVO positions, and its surroundings."

5 The next paragraph claims that this was very easy to foresee and  
6 was logical as a continuation of offensive activities by the Muslim  
7 forces that had begun in Central Bosnia and then later continued in  
8 Northern Herzegovina:

9 "The Mostar Valley and the whole of Neretva Valley are only a  
10 continuation of the same geo-strategic entity across which the Muslim  
11 leadership wanted to gain access to the sea."

12 My first question to you, Mr. Gorjanc, you being someone who is  
13 knowledgeable about the geographical setup of Bosnia-Herzegovina, is it

14 true that the Mostar Valley and the entire Neretva Valley are a  
15 continuation of the same geo-strategic entity?

16 A. That is entirely true.

17 Q. Looking at this document, could you, too, conclude that the HVO  
18 knew about these offensive operations that were being planned?

19 A. Yes, they sure knew about this. We know that because they warned  
20 the UNPROFOR commander for Bosnia.

21 Q. Mr. Gorjanc, let's imagine we're facing the following situation,  
22 we have the following premises: Firstly, the HVO units in the area  
23 contained a large percentage of Muslims. The HVO units in the area  
24 contained a large percentage of Muslims. Secondly, up until that point  
25 in time, no special steps had been taken against the Muslim soldiers in

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1 the HVO, in terms of a precaution, in terms of being disarmed, or  
2 isolated. Given your vast knowledge and experience, what would you be  
3 led to conclude about the relationship between the HVO military  
4 commanders and their Muslim soldiers?

5 A. There are two possibilities. Either they were not careful, which  
6 I very much doubt because they had even gone so far as to warn  
7 international players about this possibility and have given their units'  
8 tasks that were aimed at stopping precisely this. I think the intention  
9 and the general will was to maintain these relations at a good level of  
10 cooperation and to continue to work as allies.

11 Q. I asked you specifically about the Muslim soldiers in the HVO,

12 who were members of the HVO.

13 A. I believe that the HVO commanders did trust those men, after all,  
14 probably knowing most of them on a personal basis, and they had been  
15 fighting head to head with the Croat soldiers from the same units for at  
16 least six or seven months previously.

17 Q. Mr. Gorjanc, looking at this point in time, late June, if you had  
18 been an HVO commander in the area and if you had known about these plans  
19 and operations being in the offing by the BH Army, if you had even  
20 suspected that there was a possibility for Muslim soldiers not to remain  
21 loyal to you, would you have taken any measures, and if so, which?

22 A. The first measure I would have taken would have been to establish  
23 surveillance, especially concerning officers in higher levels of command,  
24 and units that were predominantly Muslim. I would step up surveillance.  
25 Another measure I would have taken was purely operative. I would have

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1 moved a unit like that, a unit that we didn't particularly trust, and put  
2 it somewhere else, along a different section of the front-line, to work  
3 alongside another unit that appeared to us more trustworthy, because had  
4 there been any enemy activity, the damage would have been limited.

5 Q. Mr. Gorjanc, imagine the following situation. You, as an HVO  
6 commander, lose control over a piece of territory, and then this area is  
7 conquered by the BH Army in cooperation with your own soldiers of Muslim  
8 ethnicity, and then all your misgivings are confirmed as a real and  
9 present danger. What would you, as a commander, do in a situation like

10 that?

11 A. When I talked about surveillance measures, I would have applied  
12 those to all soldiers still remaining in my units. Wherever this danger  
13 was greater, especially near the front-line, I would have simply had no  
14 choice but to isolate those soldiers.

15 Q. Mr. Gorjanc, let's look at what exactly happened, in territorial  
16 terms, following the 30th of June. Please look at 4D622.

17 We're moving on to binder 3 right now, Your Honours, and this is  
18 the first document in binder 3.

19 Mr. Gorjanc, since you're not a fact witness, everything we're  
20 talking about is hypothetical, of course. Assume that on the 30th of  
21 June the BH Army established control over a territory covering about 26  
22 kilometres to the north of East Mostar, and assume that they established  
23 control over the territory stretching south of Mostar towards Buna and  
24 Blagaj. What would you say about that, about all these territorial  
25 conquests about East Mostar? Would you have considered that to be a

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1 militarily relevant development?

2 A. Yes.

3 Q. In view of your knowledge and understanding of Bosnia and  
4 Herzegovina, if the road northbound is opened towards Jablanica and  
5 Central Bosnia, would, in such a situation, it be possible for the units  
6 of the 1st and 3rd Corps from Central Bosnia to come to fight in Mostar  
7 and further afield south?

8 A. Yes.

9 Q. I'm going to show you some documents that indicate that the  
10 services in charge of security --

11 JUDGE ANTONETTI: [Interpretation] We have a few minutes left  
12 only, and, Witness, this map for me is fundamental. Therefore, this  
13 deserves to spend a little time on it, a few minutes.

14 According to this map, one can see that the HVO controls an area,  
15 including Mostar, part of it. In blue, we have the BiH -- sorry, in  
16 green, in green. In blue it's the HVO. In green, it is the BiH, and the  
17 BiH controls Mostar East, the east of Mostar. And then you have the  
18 Serbs, who are on the right of the document. Now, the question which,  
19 from my point of view, is very important, according to what you know,  
20 according to your knowledge, an inhabitant of Mostar East, can he, with  
21 this military map, leave Mostar East either by the north or by the south,  
22 inasmuch as one sees that the band is controlled by the BiH. The strip  
23 controlled by the BiH has a certain length. We don't have the exact  
24 length of the distance, but there are at least a few kilometres.

25 So, I summarise, is it possible for an inhabitant of Mostar East

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1 to leave Mostar East, passing by the area controlled by the BiH, either  
2 by the north or by the south?

3 THE WITNESS: [Interpretation] Yes, it was possible.

4 JUDGE ANTONETTI: [Interpretation] Very well, he can pass. Now,  
5 we have on the left the HVO, and the Serbs on the right, according to



6 this map. I suppose that the HVO had artillery, and I suppose that the  
7 Serbs also had artillery. Notwithstanding the fact that there was  
8 artillery on both sides, could an inhabitant of Mostar East, maybe by  
9 taking some precautions, leave by the north or leave by the south?

10 THE WITNESS: [Interpretation] Yes, they could, especially during  
11 the night.

12 JUDGE ANTONETTI: [Interpretation] Right. With the technical  
13 knowledge you have, which is certainly 100 times superior to mine, could  
14 you -- can you tell me what is minimally the strip which is controlled by  
15 the BiH, as one sees it in the length or distance, as we see it?

16 THE WITNESS: [Interpretation] In what sense? The width of the  
17 corridor, Your Honours?

18 JUDGE ANTONETTI: [Interpretation] Yes, the width of the corridor,  
19 the width.

20 THE WITNESS: [Interpretation] The width of the corridor was some  
21 seven or eight kilometres. However, on the slopes of Mount Velez, it was  
22 impossible to take a route from the north to south, so this was limited  
23 to Donje Polje, the city of East Mostar, and the enlargement of  
24 Bijelo Polje, and further afield. In factual terms, it was possible to  
25 take several roads through the town, and then onwards towards

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1 Bijelo Polje there were just two roads, one along the River Neretva and  
2 the other one was the main road.

3 JUDGE ANTONETTI: [Interpretation] Right. You are affirmative on

4 this, you are positive?

5 THE WITNESS: [Interpretation] Yes.

6 JUDGE ANTONETTI: [Interpretation] One last question before the  
7 end of the hearing, because there's another case coming. The inhabitants  
8 of East Mostar, since there could be some artillery shelling, was it  
9 easier during the night to take the roads towards the north and the  
10 south? Would it have been easier by night?

11 THE WITNESS: [Interpretation] It was easier by night, when it  
12 comes to leaving the town and going towards the area of Buna and  
13 Bijelo Polje. It was, however, much more difficult across the mountain  
14 of Prenj in the direction of Jablanica, the western slopes of Prenj.

15 JUDGE ANTONETTI: [Interpretation] Very well. It's practically  
16 the time to finish our hearing, because I don't want to get in trouble  
17 with the Judges who are coming for the next hearing. We are, therefore,  
18 going to stop here. We will resume tomorrow.

19 The Registrar will tell us how much time the Defence still has  
20 for General Petkovic. We will see this tomorrow. Apparently, we have to  
21 finish with one of the binders.

22 Therefore, I wish everybody a pleasant day, end of the day, and  
23 tomorrow, sir, Witness, we will have the pleasure of seeing you tomorrow  
24 morning at the hearing, which will start at 9.00.

25 Thank you.

2 --- Whereupon the hearing adjourned at 1.44 p.m.,  
3 to be reconvened on Wednesday, the 28th day of  
4 October, 2009, at 9.00 a.m.

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