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1 Tuesday, 3 November 2009

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 2.16 p.m.

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

8 THE REGISTRAR: Good afternoon, Your Honours. Good afternoon,
9 everyone in and around the courtroom.

10 This is case number IT-04-74-T, the Prosecutor versus Prlic et
11 al. Thank you, Your Honours.

12 JUDGE ANTONETTI: [Interpretation] Today, on Tuesday, the 3rd of
13 November, I would like to greet everyone present, the accused, the
14 Defence teams, the expert witness, the Prosecution, and everyone else
15 assisting us in our work.

16 First of all, the Chamber would like to hand down an oral
17 decision concerning the hearing of the witness Ivan Beneta that should
18 take place from the 9th to the 12th of November 2009. The Chamber hereby
19 decides to allocate three hours to the Petkovic Defence for their
20 examination-in-chief and for any re-examination they might have. Given
21 that there are no specific demands made by the other parties, the Chamber
22 hereby decides to allocate an hour and a half to the other Defence teams

23 and three hours to the Prosecution for the conduct of their
24 cross-examination.

25 The Registrar has informed me of how much time remains for the

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1 Prosecution. Madam West still has an hour and 41 minutes at her
2 disposal.

3 WITNESS: MILAN GORJANC [Resumed]

4 [The witness answered through interpreter]

5 JUDGE ANTONETTI: [Interpretation] Madam West, you have the floor.

6 MS. WEST: Good afternoon, Mr. President, Your Honours,

7 Ms. Alaburic, everyone around the courtroom.

8 Cross-examination by Mr. West: [Continued]

9 Q. Good afternoon, Mr. Gorjanc. Yesterday, when we stopped, we were
10 talking about P11081, which is a map, a BH map. There was some
11 controversy arising yesterday regarding the scale of the map, but now
12 you've had a chance to look at the map overnight.

13 I also want to tell you that next to you, on your right, is the
14 original map up here on the -- standing up straight. In addition, the
15 map you have on the ELMO is a photocopy of the original map, so I want to
16 ask you some questions about it.

17 The photocopy you have in front of you, for purposes of the
18 record, I have written on, and everyone has a copy of the one that I have
19 marked. There is a blue line going up -- going vertically on the map,
20 and that blue line follows the road. You'll see three dots, an A, B, and

21 C. These dots are going to be the areas where I ask you to make an
22 estimation of distance. And then there are also three numbers, 1, 2, and
23 3, that correspond with three pink areas on the map.

24 So my first question for you, Mr. Gorjanc, is: Can you tell me
25 what one block on this map, one square of this map, what that equals in

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1 distance?

2 A. Your Honours, having carefully examined the map, I came to the
3 conclusion that this is not a JNA map, a Yugoslav map. It's a NATO
4 standards map, given that the scale is 1:100.000. That means that one
5 square, one block, represents 1 times 1 kilometres.

6 Q. Mr. Gorjanc, if you look at the dot that is labelled A, do you
7 see that?

8 A. Yes, I do. I see it.

9 JUDGE ANTONETTI: [Interpretation] Just a minute.

10 Mr. Praljak, only take the floor if you have a good cause.

11 THE ACCUSED PRALJAK: [Interpretation] Your Honour, I do have a
12 good reason to take the floor. In technical terms, this is erroneous.
13 The scale of the map is 1:25.000, and everything is wrong.

14 Judge Trechsel, we are mathematics. Our calculations are wrong. The
15 scale is 1:25.000.

16 JUDGE TRECHSEL: You may think whatever you think, you may even
17 be right, but you do not have the right to intervene here, to comment or
18 criticise in any way what the witness says. So please sit down. That is

19 the rule of these proceedings. Please sit down. You do not have this
20 right, and we have to have some order in this courtroom.

21 THE ACCUSED PRALJAK: [Interpretation] Very well. Make sure that
22 there is order. That we're discussing a map that is erroneous, it's a
23 pity. We could proceed more expeditiously.

24 JUDGE ANTONETTI: [Interpretation] Sir, we started dealing with
25 this issue yesterday, and General Praljak says that the scale of the map

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1 is 1:25.000, whereas you are claiming that the scale is 1:100.000. So we
2 are facing a problem. You are both high-ranking officers, so one of you
3 has to be wrong.

4 THE WITNESS: [Interpretation] Your Honour, on the original map on
5 the screen, in the top left-hand corner it says quite clearly that the
6 scale is 1:100.000; whereas, the map that was represented by using the
7 ELMO is enlarged to such an extent that it is de facto a map the scale of
8 which is 1:25.000.

9 JUDGE ANTONETTI: [Interpretation] General Petkovic.

10 THE ACCUSED PETKOVIC: [Interpretation] Your Honours, I really do
11 apologise for intervening, but I have to draw your attention to the fact
12 that there was probably a mistake when the scale of the map, 1:100.000,
13 was placed on the map. If you'll have a look, you'll see that it says a
14 map of Gorazde. It's not a map of Mostar. So someone stuck a part that
15 wasn't really appropriate on the map.

16 JUDGE TRECHSEL: I'm sorry, Mr. Petkovic. What I told

17 Mr. Praljak, of course, also applies to you. We'll see what the witness
18 says. Your lawyers can ask questions when it is their turn, afterwards;
19 but we do have to see to it that we keep the good order.

20 And we'll see where we're getting. I think in -- on the fact,
21 you're probably right, but we have to keep -- please, okay.

22 THE ACCUSED PETKOVIC: [Interpretation] Thank you, but I thought
23 about this all night.

24 THE WITNESS: [Interpretation] That's correct, that's correct.

25 JUDGE ANTONETTI: [Interpretation] Sir, you say that it's a NATO

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1 map. Apparently, this map was drawn up for a situation on the 30th of
2 June, to represent a situation on the 30th of June, 1993. I don't know
3 who the author is, the ABiH, the HVO, someone from Mars. We really don't
4 know. If it's the ABiH or the HVO, that means that at the time in 1993,
5 you had access to NATO maps, at least those who compiled this did. But
6 somewhat surprising, unless in the former Yugoslavia the Intelligence
7 Service was so good that they were able to obtain NATO maps. That's
8 possible by having recourse to spies. Could you explain why this NATO
9 map was used by the ABiH?

10 THE WITNESS: [Interpretation] Your Honour, first of all I would
11 like to tell you that General Petkovic is quite right. On JNA military
12 maps, the inscription -- the vertical inscription states the scale, and
13 then you see the name "Gorazde." Usually, this was placed horizontally
14 at the top of the map. How is it that it's now to the side and how is it

15 that it says "Gorazde," well, I don't know.

16 Secondly, I come to the conclusion -- or I came to the conclusion
17 that it's a NATO map because there are certain markings that were not
18 usually used by the JNA. That concerns the roads or routes that are
19 marked in red throughout Bijelo Polje and Podvelezje. I assume that
20 that's the case because those are the markings they used. However, the
21 center of town and everything else resembles a JNA map, the scale of
22 which is 1:25.000.

23 Your Honours, when preparing my report, the Defence provided me
24 with a map the scale of which was 1:25.000, at my own request, and today
25 I prepared two maps so that we could clarify these matters. If you agree

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1 with this, I can provide you with these maps because I have electronic
2 versions in PDF files.

3 JUDGE ANTONETTI: [Interpretation] We'll see about that, but
4 perhaps the Prosecution will use your maps. Let the Prosecution proceed,
5 and we'll see.

6 Madam West, please proceed.

7 MS. WEST: Thank you, Mr. President.

8 MS. ALABURIC: [Interpretation] Your Honours, I do apologise.
9 Could I just correct something in the transcript?

10 On page 5, line 12, the witness said that you usually have a
11 scale on JNA maps, and he mentioned an explanation, but there's something
12 that is missing, because he mentioned the scale and the scale was

13 1:100.000.

14 JUDGE ANTONETTI: [Interpretation] Ms. West, please proceed.

15 MS. WEST:

16 Q. Mr. Gorjanc, for the purposes of the questions that I'm going to

17 put to you in regard to this map, I want you to assume that the map to

18 your right is the original map. I want you to assume that the map you

19 have in front of you is a photocopy straight from the original map.

20 Okay? Assume those for purposes of these questions. In addition, assume

21 this map was created after the war.

22 Now, I want you to look at the map on the ELMO, the map in front

23 of you, at point A. Do you see point A?

24 A. I do.

25 Q. Now, similar to what we did yesterday, using whatever formula you

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1 think is appropriate, I want you to tell me, between point A, going west

2 to the HVO line, what is that distance?

3 A. It's about 400 metres to the HVO line from point A over the

4 bridge. I think the bridge is Tito's Bridge. So that's from point A to

5 the HVO lines. It would be around 400 metres.

6 Q. Next to that A, can you write "400," please?

7 A. [Marks]

8 Q. Now you see a B. Do you see the point B? From B, going west to

9 the HVO front-line, what is your estimate of that distance?

10 A. The distance marked here is correct. It's 750 metres.

11 Q. Okay. And just next to the B, can you write "750" as well, just
12 so we have that on the map?

13 A. [Marks]

14 Q. Now, finally, do you see point C? This is in the area right
15 below Rastani. We talked about that yesterday. From C to the closest
16 border of Rastani, what is that distance?

17 A. If this is point C [indicates], this would be the shortest
18 distance [marks], and it would be about a kilometre [marks].

19 Q. All right. So for the purposes of this question, I want you to
20 assume for me that the HVO has taken over that area of Rastani where all
21 those lines are, so that the edge of Rastani is the HVO front-line. Do
22 you see that, the edge of Rastani near the point C? Tell me the distance
23 between point C and the closest edge of Rastani.

24 A. Towards the HVO lines, is that what you mean?

25 Q. No. What I mean is that point C close -- yes, from point C, I'm

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1 pointing at the dot, to the closest area of Rastani, which is this area
2 right next to the dot, can you estimate for me how far that distance is?

3 A. It's between 200 and 300 metres. However, Your Honours, this
4 requires a minor explanation because the question arises as to whether
5 the HVO forces were actually on the banks of the Neretva or were they in
6 the depth at certain positions. I don't know where they were, but
7 according to military principles, a river is defended from the depth,
8 from appropriate positions. As to which positions would be appropriate

9 here, well, the first appropriate position would be by the rail tracks,
10 the embankment of the rail tracks, and the first houses of the Rastani
11 settlement by the road and by the rail tracks, at the banks --

12 Q. I'm sorry for interrupting, but I would like to make this
13 question more simple than that. I'm going to put a mark on the map with
14 a red pen, so for the record, this is going to be my mark. And I want
15 you to estimate the difference between point C and my mark.

16 A. [Marks]

17 MR. STEWART: Your Honour, I'm sorry to be fussy again, but again
18 it needs to be said what the mark is so that later people reading the
19 transcript can see what it is. We can see it today, of course, but
20 something like it's a short red line near to letter C, something like
21 that.

22 JUDGE ANTONETTI: [Interpretation] Yes, Ms. West. Tell us that
23 you are claiming that the red line is the HVO position when they took
24 Rastani. Is that what you are saying? Is that what you are claiming?

25 MS. WEST: Thank you, Mr. President. Yes, it is.

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1 JUDGE ANTONETTI: [Interpretation] Mr. Khan.

2 MR. KHAN: I hesitate to rise.

3 Of course, it's for the Bench to determine the utility of all of
4 this questioning. For my part, I must admit that I've been somewhat at a
5 loss. There is a scale, and rather than getting approximations in an
6 imprecise manner, it seems to me that if this map is, in fact, accurate,

7 the evidence that my learned friend wishes to adduce can be done in a far
8 more scientific and accurate manner than the manner that's being given at
9 the moment. Your Honour, there is a scale, and I'm sure these distances
10 can be given from that.

11 JUDGE ANTONETTI: [Interpretation] Mr. Khan, Mr. Khan, you are a
12 very experienced lawyer, and you know better than anyone else that the
13 Prosecution is trying to demonstrate, through this witness, that when the
14 HVO was present in Rastani, at the banks of the Neretva, the road we can
15 see -- where we can see point C was just a few metres away, in close
16 contact. That's what she is trying to demonstrate. So the witness will
17 answer the questions, and let's see how things develop.

18 MR. KHAN: Your Honour, of course I will accept that, but I will
19 note for the record that yesterday my learned friend put a great number
20 of questions prefaced by the hypothesis, Assuming these facts to be
21 correct, and then she put her question. It seems to me that having the
22 benefit of the map, preparing for this cross-examination, aware that she
23 was using this map, the more preferable -- the more accurate and more
24 helpful way of proceeding would have been to, either through my learned
25 friend's good offices or one of the many analysts the OTP have, calculate

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1 the relevant distances from the map and put it to the witness in the same
2 form as yesterday. Assuming that point C to the line represents X
3 distance, would you agree with that? But, Your Honours, at the moment I
4 don't see how the Bench will be overly helped by the rather imprecise

5 evidence that is being elicited from this witness, which does appears to
6 be second rate compared to the scale of map that they are relying upon.

7 JUDGE ANTONETTI: [Interpretation] Very well. It's in the
8 transcript now.

9 Madam West, please continue.

10 JUDGE TRECHSEL: Mr. President, I would say that I fully agree
11 with Mr. Khan. I think this proceeding is really losing a lot of time
12 completely uselessly. I'm sorry. We have this map, and to have the
13 witness estimate what everyone can, with a ruler that is scaled, find out
14 for themselves, I see no point in it, frankly.

15 MS. WEST: Thank you, Your Honour.

16 JUDGE ANTONETTI: [Interpretation] Ms. West, put your questions to
17 the witness directly. And I understand what you are trying to
18 demonstrate, but put your questions to the witness, which will
19 demonstrate everything you are attempting to do.

20 MS. WEST: Indeed, Your Honour, I am trying to do just that. So
21 if I can continue. Thank you.

22 JUDGE ANTONETTI: [Interpretation] Very well. Proceed.

23 MS. WEST:

24 Q. Mr. Gorjanc, so the last point that we will talk about is C. I
25 have put a red mark on the area, as indicated by the President that that

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1 is the edge of the Rastani HVO-controlled area. As the bird flies, just
2 tell me the distance between point C and that red mark.

3 A. Between 100 and 150 metres.

4 Q. Write that on the map, please.

5 A. [Marks]

6 MR. KOVACIC: Your Honours, if I may suggest something. I'm not
7 objecting.

8 [Interpretation] In regard to this question --

9 JUDGE ANTONETTI: [Interpretation] No, I won't allow it. Let the
10 Prosecution do its work. You're trying to prevent her from demonstrating
11 her case. It's obvious, what she is trying to do. She wants to
12 demonstrate that if the HVO was there, then point C was 100 metres away.
13 That's all she is trying to show. Everyone can see that.

14 MR. KOVACIC: [Interpretation] Your Honours, I really want to make
15 a contribution. There's just one sentence I want to say.

16 I do agree with what you have said, but we have a problem with
17 regard to determining the time-period. When did this happen? The map
18 says the situation represents the situation -- the map represents the
19 situation on the 30th of June, but we're assuming some other period is
20 regarded. But I'm not asking for us to change the map and to have a map
21 after the 30th of June, but in the question that is put, one should say
22 that the situation was assumed, there's a hypothesis, it was a situation
23 that one assumed was such after the 30th of June. That's all I'm trying
24 to say.

25 JUDGE ANTONETTI: [Interpretation] Ms. West, I didn't fail to

1 notice the issue of the date, because on the 30th of June the map, with
2 the HVO positions and the ABiH positions, was a certain kind, and then
3 you say the HVO took Rastani. So tell us, when did this take place?
4 That is what is missing. Mr. Kovacic intervened, but I was waiting for
5 you to complete your questions to deal with the issue of the date. In
6 your opinion, Ms. West, the HVO took Rastani and was on the banks of the
7 Neretva when, exactly, on which date?

8 MS. WEST: Thank you, Mr. President.

9 This is something that we addressed yesterday, but just to remind
10 everyone, I indicated yesterday and today that this map is subsequent to
11 August 24th, 1993. And for the purposes of my questions, I included that
12 in the assumption of facts for the witness.

13 Q. Mr. Gorjanc, can you sign the --

14 JUDGE ANTONETTI: [Interpretation] Just a minute, Ms. West.

15 So at the end of August 1993, in your opinion, the HVO was in
16 Rastani, and you are claiming that they could have been on the banks of
17 the Neretva at point C. Do we agree?

18 MS. WEST: Yes.

19 JUDGE ANTONETTI: [Interpretation] Very well. Please proceed.

20 MS. WEST:

21 Q. Mr. Gorjanc, can you sign your name at the bottom of this map and
22 date it, please?

23 A. [Marks].

24 MS. WEST: Mr. President, may I have an IC number?

25 JUDGE ANTONETTI: [Interpretation] We'll have a number.

1 THE REGISTRAR: Yes, Your Honour. The second marked version of
2 document P11081 shall be given Exhibit IC1089. Thank you, Your Honours.

3 MS. WEST:

4 Q. Mr. Gorjanc, to clarify traveling on this road, during your
5 direct testimony you had indicated that the route along the road, the
6 main road that we're talking about here along the river, was easier at
7 night; correct?

8 A. Yes.

9 Q. And why would that be the case?

10 A. Because I assume that at the time the equipment for nighttime
11 observation was very expensive, it was difficult to obtain it, because
12 all states that produced such equipment kept it in their own hands and it
13 wasn't available on the black market. So the HVO probably did not have a
14 sufficient number of devices for nighttime vision, especially not when it
15 comes to using fire weapons, rifles, light machine-guns and machine-guns.

16 Q. Okay, Mr. Gorjanc, that's not my question. I asked you: Why
17 would it be easier to travel that road, if you were travelling it and not
18 an HVO combatant, if you were travelling that road at night, why was that
19 easier? You testified to this during your direct testimony. Can you
20 give us that answer, please?

21 A. I'm sorry. Not a fighter of the HVO, but a fighter of the Army
22 of BH.

23 Q. So is the reason that it was easier to travel that road if you

24 were a civilian or a member of the ABiH during night, because there was
25 less chance to be hit by artillery fire from the HVO than there would be

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1 during the day?

2 A. Yes.

3 JUDGE ANTONETTI: [Interpretation] Witness, the map and the road,
4 we see very well that the road, after the 24th of August, could be under
5 the fire of the HVO. That is a hypothesis. But a civilian or civilians,
6 Muslim civilians, who wanted to leave East Mostar, looking at the map,
7 there is the road, of course, and we all agree on that. But if they
8 wanted to protect themselves, could they not go along the hill -- the
9 bottom of the hill? There are hills of 400 metres, 700 metres. Wouldn't
10 it be less risky for them to cross the hills in order to go to areas that
11 were less exposed to HVO fire? Is this technically possible or was it
12 possible?

13 And I'm asking you this question because this morning I was
14 looking at a photograph of Rastani, and we see Rastani and the river and
15 then the hill, and the road, indeed, is exposed to HVO fire. That's
16 clear. But there's the hill, and one could pass across the hill, yes or
17 no, in military terms?

18 THE WITNESS: [Interpretation] Yes, there are two or three paths
19 that they could have used, be it civilians or soldiers on foot.

20 JUDGE ANTONETTI: [Interpretation] Very well. So you say there
21 are two or three paths that the civilians and soldiers could have taken.

22 And if the Chamber were to go on site, we would take this path to check
23 this. Unfortunately, when we went there, we didn't have all these
24 problems in mind.

25 Ms. West.

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1 MS. WEST:

2 Q. Mr. Gorjanc, if you can go to list 2. It's the binder on the
3 side. It will say "List 2." We're going to go to P04435, P04435. This
4 is an August 23rd, 1993 SpaBat report, and in the English we're going to
5 go to page 6. For the B/C/S, it's the area underneath the
6 Jablanica-Konjic section. P04435. Do you see it? You probably have it
7 on the screen in front of you by now.

8 So in this document, SpaBat is reporting, and under
9 "Jablanica-Konjic," it says: "Other information."

10 "Officers of the HVO enclave told SpaBat that they would not
11 allow any humanitarian aid convoys through on the road between Konjic and
12 Jablanica unless the agreed exchange of prisoners between the HVO and the
13 BH Army takes place on the 23rd, as planned."

14 And then it says:

15 "The convoy scheduled to proceed from Sarajevo to Jablanica has
16 been delayed for 24 hours, so as to be able to provide security
17 guarantees."

18 The next paragraph says:

19 "According to the BH Army in Jablanica, the Mostar-Jablanica

20 road --"

21 JUDGE ANTONETTI: [Interpretation] Madam West, the officer of the
22 Chamber tells me that this document is confidential, so it shouldn't be
23 shown. It is a document under seal.

24 MS. WEST: If we could go to private session.

25 [Private session]

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1 (redacted)

2 (redacted)

3 (redacted)

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16 (redacted)

17 (redacted)

18 [Open session]

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

21 MR. KHAN: And, Mr. President, whilst members in court are
22 searching for that document, may I say that we don't seem to be able to
23 find it in the binder that's been provided by the Prosecution, and we
24 would be immensely grateful for a copy of the same without delay. Thank
25 you.

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1 MS. WEST: Just procedurally, Mr. President, my mistake. This is
2 another document that should be in private session. I understand that
3 this is in list 2. Is that not the case?

4 [Private session]

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6 (redacted)
7 (redacted)
8 (redacted)
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20 [Open session]

21 THE REGISTRAR: Your Honours, we're now in open session. Thank
22 you.

23 MS. WEST: P05692, P05692. This is a 7 October 1993 -- so this
24 is about three weeks later -- document signed by Lasic, in which he --
25 it's entitled "Order for Defence." In the first paragraph, it says:

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1 "The Muslim Armed Forces within the 4th Corps ... in the general
2 sector of the Mostar warfront, reinforced with 3.500 to 4.000 Muslim
3 soldiers grouped in the area of Jablanica - village of Podgorani - the
4 upper part of the village of Humi-Mostar, have the following task."

5 And it lists the task, and the first is:

6 "At all costs to have the Jablanica-Mostar route under control
7 before winter."

8 Assuming this is true, would you agree with me that this means
9 that on October 7th, 1993, the Jablanica-Mostar route was not under the
10 control of the ABiH?

11 A. The Jablanica-Mostar road, following the Neretva River Valley,

12 was not under the control of the ABiH in the sense, and I must note, it
13 was not under the HVO control, but the HVO was able to act using
14 artillery fire. But on the road, there were ABiH soldiers, so in actual
15 fact it was under their control, but they couldn't pass because of the
16 actions of the artillery.

17 Q. You'll agree with me that anybody on that road, therefore, could
18 not pass because of potential HVO artillery, therefore making the road
19 impassable?

20 A. Yes.

21 Q. I'd like to go to 2D1389. This is a document that you talked
22 about on direct testimony, 2D1389, and it's dated July 1, 1993.

23 And on direct testimony, you had indicated that you believed the
24 4th and the 6th Corps -- and the term you used or that you spoke about
25 was "linked up," when you indicate -- when asked about "linked up," you

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1 indicated that meant unhindered communication. Could you please tell the
2 Trial Chamber what exactly you mean by "unhindered communication"?

3 A. What I meant under "unhindered communication" was passage across
4 the western slopes of Prenj, across the villages and plateau of Glogova
5 using mountain roads towards Jablanica.

6 Q. So when you mentioned "unhindered communication," you were not
7 talking about the main road; is that correct?

8 A. That is correct.

9 Q. Let's go to the end of the war. P08018, and this is going to be

10 a document dated February 23rd, 1994. P08018. This the Peace Accord,
11 and I'm going to specifically speak to the annex attached to it. So the
12 exhibit, it's page 2 under number 1:

13 "The following are to be accomplished in order of priority:

14 "The opening of the following specified routes for humanitarian
15 aid and UNPROFOR convoys, commercial traffic, and the passage of
16 civilians, especially but not exclusively between: Zenica and
17 Stari Vitez ..."

18 And then the second road it mentions is
19 Mostar-Jablanica-Konjic-Sarajevo.

20 Sir, would you agree with me that this UN document indicates that
21 at least by the end of the war, February 1994, the Mostar-Jablanica road
22 was still closed to civilians?

23 A. Your Honour, I apologise, but I really don't have the Croatian
24 translation on the page. I see the English text, but it does not
25 correspond to the Croatian.

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1 Q. So you may go to your binder, sir, 8018, and the Croatian will be
2 behind the English.

3 Maybe the usher can assist.

4 A. I have found it.

5 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, the text in
6 B/C/S is not the correct one.

7 MS. WEST: So, Your Honour, to move things along -- and I'm not

8 sure why e-court does not have the correct B/C/S, but if I may read it
9 again slowly in English and have it translated for him for this document.
10 Thank you.

11 Q. Mr. Gorjanc, I'm going to read it again in English, and my
12 apologies, I'm not quite sure why you don't have it. But this is the
13 Peace Accord from February of 1994, and there's at the front page where
14 there are signatures, but the second page is the annex to the Peace
15 Accord. And number 1 of the annex says that:

16 "The following are to be accomplished in order of priority:"

17 And A, 1A, is:

18 "The opening of the following specified routes for humanitarian
19 aid and UNPROFOR convoys, commercial traffic, and the passage of
20 civilians, especially but not exclusively between:"

21 And it mentions four roads, and the first is Zenica to
22 Stari Vitez. The second is Mostar to Jablanica to Konjic to Sarajevo.
23 The third is Kiseljak to Vares. The fourth is Kiseljak to Bilalovac to
24 Busovaca.

25 So my question, sir, is at least in February of 1994, would you

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1 agree with me that the road from Mostar to Jablanica to Konjic to
2 Sarajevo was still not open for the passage of civilians?

3 A. Yes.

4 Q. Now we've spoken at this point exclusively about the road going
5 north. You also spoke in your direct about a road going south out of

6 Mostar, and it was your testimony, and you tell me if you remember this,
7 that there was some access to the south because you could see that they
8 could go as far as Blagaj. And I want to show you 4D00622. This is a
9 map created by the Petkovic Defence.

10 JUDGE ANTONETTI: [Interpretation] Just a moment.

11 Witness, Madam Prosecutor has said, and you agreed with her, that
12 the road did not allow for the passage of civilians, so you agree with
13 her. That's fine. But what I would like to know is whether civilians
14 could have passed using other roads and not just the route. That is what
15 is important for the Judges. That is, the fact that there was artillery
16 preventing the passage of civilians, was this a total obstacle or not for
17 civilians and their passage?

18 THE WITNESS: [Interpretation] Your Honour, I based my claims on
19 several documents which were issued by the Muslim authorities, and in
20 doing so, I cited two documents from which we see that civilians were
21 moving. One document says that soldiers, holding positions at
22 Bijelo Polje, were not satisfied because civilians are moving unhindered
23 towards the south. And in another document, which is actually a book by
24 a Muslim author in which he says that columns would pass towards
25 Jablanica and Mostar using mountain paths. And a third document, as far

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1 as I can remember, was a report of the Spanish Battalion -- the Command
2 of the Spanish Battalion, which says that refugees from the area of
3 Capljina were passing through Mostar, going to Jablanica. And I

4 concluded from this that it was possible for civilians to use those
5 mountain roads in the direction of the north.

6 JUDGE ANTONETTI: [Interpretation] Madam West.

7 MS. ALABURIC: [Interpretation] Your Honour, if I may, a
8 correction of the transcript.

9 Page 22, line 22, the witness, referring to the first document,
10 said that according to that document, civilians were able to go to the
11 north and south of Mostar, whereas the transcript says only "south."

12 JUDGE ANTONETTI: [Interpretation] Very well. In the French
13 translation, there was mention of the south and north, and in line 22 it
14 says only "south." But everything's fine now, it's been corrected.

15 MS. PINTER: [Interpretation] Your Honour, could there be a
16 correction in the e-court, because this document, 08018, doesn't have the
17 translation in Croatian, but it has a different translation, and the
18 Croatian translation does not correspond to the English text. So could
19 we have the appropriate translation -- Croatian translation in the
20 e-court for this document?

21 JUDGE ANTONETTI: [Interpretation] Yes, Madam Prosecutor.

22 MS. WEST: Thank you.

23 Q. Sir, I want to talk about that south road that you had mentioned
24 in your direct. And again 4D00622, this is a Petkovic Defence map, one
25 that you've seen before. I think you probably have it directly in front

1 of you right now; right?

2 Now, on this map -- I understand that you did not draw this map,
3 but that it shows the blue area, which is HVO-controlled area, and the
4 green area, which is ABiH-controlled area. So for the purposes of this
5 map -- I don't know if we can see it so well on e-court, but you have it
6 in front of you. The bottom of your map extends off; correct? There's
7 no cap of that green area?

8 A. Yes.

9 Q. So let's show a map that's probably a little bit more fulsome.
10 We'll go to 3D03724, 3D03724, map 11. This is a Praljak map of the same
11 area, and it's the situation on areas under control of ABiH and HVO July
12 30th, 1993.

13 Now, if you, sir, focus where -- do you have that map? My
14 apologies.

15 A. This other one, 3D -- [In English] Sorry.

16 Q. So it's the loose bundle. There you go. So this is July 30th,
17 1993, and you'll see the area -- you can tell, from looking at this map,
18 where Mostar is located; right?

19 A. [Interpretation] Yes.

20 Q. And if you look to the area towards the south, sort of where
21 Blagaj would be located, that shows for you that that's where the
22 ABiH-controlled territory ended; correct?

23 A. Yes.

24 Q. All right. So if you assume that that area stops there, you'll
25 agree with me that beyond the area of Blagaj, which is included in the

1 indictment as part of the sieged area under paragraph 110, that beyond
2 the area of Blagaj the ABiH did not control anything south, Blagaj capped
3 the area that they controlled; correct?

4 A. Yes.

5 Q. So let's finally move on to the mountain road that you have
6 spoken about, and you've indicated a number of times that you believed
7 the civilian population could go over that road. And on direct
8 testimony, the document you cited in support of this was 4D719.

9 And I would like to look at that document. I believe it's in the
10 same binder. I'm sorry, it's in the loose one, probably right -- there
11 you go. 4D719. This is a document you were shown by Ms. Alaburic, dated
12 October 1993, and the part that she cited is on the second page of the
13 English, so I'm going to read your testimony to remind you. She said,
14 and she was quoting it, she said:

15 "A large problem for the command of the operations group was
16 presented by the transport of civilian population and everyone else
17 marching north and south."

18 And she said:

19 "My question, Mr. Gorjanc, is: If you think back to that map
20 that we looked at at the beginning of this examination, or, rather, as we
21 first started discussing this subject, how would you explain this, the
22 expansion of civilian population to the north and south?"

23 And your answer was:

24 "These people were probably moving down a mountain road and

25 across the western slopes of Mount Prenj. The road must have been broad

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1 enough for them to be able to advance in both directions, north and
2 south, without -- with no hindrance whatsoever."

3 Sir, just to be clear, is this the only document upon which you
4 base your opinion that the road was broad?

5 A. I believe that I never claimed that it was a broad road. I said
6 that it was a horse path and that it could accommodate two columns of
7 people on foot or horses, and that they could pass each other on that
8 path.

9 Q. Were you given any information about how far it was from Mostar
10 to Jablanica over that road?

11 A. I can only conclude that based on the map, and I can say that it
12 was anything between 20 and 25 kilometres.

13 Q. Sir, it's true that you, yourself, have never been on that road;
14 correct?

15 A. It's true, I wasn't.

16 Q. So I'd like to provide you with a different set of facts and see
17 if your opinion remains the same.

18 First, I want to share with you the testimony of Jeremy Bowen --

19 JUDGE ANTONETTI: [Interpretation] Ms. West, just a moment.

20 To avoid wasting time, if I had known that you were going to
21 insist, I would have given this a number. We had a witness who came and
22 who was in Mostar -- and who arrived in Mostar after taking a road where

23 there were horses through the mountain. I don't have the exact
24 reference, but that witness did say that to us, and the Chamber heard
25 that as a fact. We heard that from somebody under the oath who came to

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1 Mostar via a mountain road. I can't say whether that was a Prosecution
2 witness. I think so. I don't have a reference, but maybe Ms. Alaburic
3 can assist.

4 MS. ALABURIC: [Interpretation] Your Honours, several witnesses
5 have spoken about that corridor, and I believe that at this point you are
6 referring to the English journalist Jeremy Bowen who took that corridor
7 several times and authored several stories, and he said that this
8 corridor was known as the Ho Chi Minh line.

9 JUDGE ANTONETTI: [Interpretation] Yes, that's true.

10 Go ahead.

11 MS. WEST: Thank you, Your Honour.

12 Q. So I'd like to share with you some testimony and that is the
13 testimony of Jeremy Bowen, and you're going to see it on the screen in
14 front of you momentarily. This is from January 23rd, 2007. We're going
15 to go through this slowly.

16 The question was -- and I should say that Mr. Bowen was a
17 journalist from the BBC and spent some time in Mostar. The question was:

18 "Can you describe -- well, first of all, how long did it take you
19 to then travel by foot from Jablanica to Mostar?"

20 "A. It took, I say, about 18 or 20 hours. It was a very long

21 day and quite a bit of the night. We -- they had a caravan of about 20
22 or 25 pack horses, and I think some mules as well. Most of the horses
23 and mules were carrying ammunition, and we rented from them four horse to
24 put our equipment on, and we walked with the horses, and following the
25 horses and following Humo, we walked 'til we got there. I mean, there

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1 was some delays in the route. We were shot at, at one point, and we had
2 to wait there for -- until it got dark, until night fell and it was safe
3 to go on."

4 So let's stop there, and the first thing I want to talk about is
5 this evidence that he was shot upon.

6 Sir, would you agree with me that you had testified that there
7 was no danger of being shot upon on the mountain road by the HVO?

8 A. It was random fire, because the HVO did not have any possibility
9 to observe the road from Vrđi, where they had their mortar positions. I
10 suppose that you're talking about mortar fire.

11 Q. And were you shown any documents to support that this could only
12 have been random fire?

13 A. I haven't been shown any documents. However, I can conclude that
14 from my knowledge of fire, the way fire is opened from that kind of
15 weapon.

16 JUDGE ANTONETTI: [Interpretation] Witness, a technical question,
17 a military question.

18 During the night, is there ammunition or materiel that can

19 illuminate the area, and at that moment we will see in the sky an object
20 which illuminates the entire area? At that time, did the BiH Army or the
21 HVO have that kind of ammunition or materiel?

22 THE WITNESS: [Interpretation] I suppose they did. I wouldn't
23 know. But since the JNA had that, a certain number of flares, as they
24 were called, that was part of everybody's -- every soldier's combat kit.

25 JUDGE ANTONETTI: [Interpretation] Very well. And what is the

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1 surface that is illuminated by such ammunition, and from what distance?

2 THE WITNESS: [Interpretation] A mortar shell that is fired from a
3 120-millimetre mortar, at a distance of 3.000 to 4.000 metres, can
4 illuminate a surface of 600 metres in diameter, and that illumination
5 lasts for up to two minutes, approximately.

6 JUDGE ANTONETTI: [Interpretation] Very well, thank you.

7 MS. WEST:

8 Q. And so we'll just skip down to line 13, where Mr. Bowen was asked
9 to talk about the footpath, and he said:

10 "It was a single footpath, very steep in places. I was amazed
11 the horses, some of which were very heavily laden, were able to keep
12 their footing, and from Jablanica there was quite a steep climb up
13 through wooded slopes, and then when you got to the top, there was a big
14 mountainous plateau. There was a plateau surrounded by mountains, but
15 open ground by then, and so a lot of the walk was through open ground. I
16 mean, it was fantastic terrain. You know, it would be great to hike to

17 do in peacetime, but over two days. We did it over a day; it was very
18 tough."

19 Mr. Gorjanc, this -- his memory of this route was that it was 18
20 to 20 hours, it was very steep, and it was a single path. Would you
21 agree with me that this would not be the ideal escape route for children
22 and elderly and the unfit to get out of Mostar?

23 A. First of all, I couldn't agree that it took over 18 hours to pass
24 that road. It is my deep conviction that during the night, even on
25 horseback, it would be 2 to 3 kilometres an hour, which would make

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1 anything between 10 and 12 hours. The road is not favourable for the
2 passage of children and women, especially if they carry something in
3 their hands.

4 Q. And it's correct, sir, that --

5 THE INTERPRETER: Microphone for the Prosecutor, please.

6 MS. WEST: I'm sorry.

7 Q. It's correct, sir, that you, yourself, have never been on that
8 path?

9 A. Yes.

10 Q. I'd like to show you a video now on Sanction. It's P07431. This
11 is a CNN report about East Mostar. Do you have the screen in front of
12 you, sir? Can you see it?

13 We'll play it now.

14 [Video-clip played]

15 "THE REPORTER: The Bosnian Muslims defending -- escaping the
16 city of Mostar. This remote mountain track is the only strand of hope
17 left for people driven by fear and desperation. Bedraggled, exhausted
18 groups of men, women, and children haul themselves through more than 40
19 miles of physical endurance. It's a journey of sadness, an exodus of
20 despair. Most of them are totally ill prepared for the ordeal. Many
21 women walk over boulders in no more than slippers. The strong carry the
22 weak. The old and hungry often collapse. They bring along just enough
23 to survive, a little food, some water, a weapon to defend against
24 robbers. Scattered, pitiful groups of people with nothing left, nowhere
25 certain to go.

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1 "We found them many miles from their destination, after
2 accompanying Bosnian government soldiers with pack horses. It was high
3 in the Prenj mountains, another day's walk from journey's end, Jablanica
4 far away. This was a place to rest, painful stories to tell.

5 "SPEAKER: [Interpretation] We were expelled by the HVO Croats.
6 Nine houses are burned and one mosque. They killed two of our men and
7 set fire to their bodies."

8 MS. WEST:

9 Q. So, Mr. Gorjanc, I assume you've not seen this report before.

10 A. I have not received interpretation, interpretation into Croatian.

11 Q. Okay. For the purposes of my question, it won't matter. I
12 wanted you just to see the road. In regard to the stretch of the road

13 that you saw, do you think, at least as far as this part of the road is
14 concerned, it was not a broad road?

15 A. I apologise. Again, I'm not receiving an interpretation. I
16 don't know why.

17 Q. Mr. Gorjanc, are you receiving interpretation now?

18 A. [In English] No.

19 Q. Are you receiving interpretation now?

20 A. No.

21 JUDGE ANTONETTI: [Interpretation] Since this is already break
22 time, we're going to take a 20-minute break.

23 --- Recess taken at 3.28 p.m.

24 --- On resuming at 3.51 p.m.

25 JUDGE ANTONETTI: [Interpretation] Ms. West, you have 59 minutes

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1 left.

2 MS. WEST: Thank you, Mr. President.

3 Q. Mr. Gorjanc, we're not going to go back to the video, because I
4 didn't need you to hear what it was saying. I just wanted you to see
5 what was on the screen. And would you agree with me that the mountain
6 road that you saw on the video, at least that portion of it, was not
7 broad?

8 A. [Interpretation] Yes, that part of the road was not broad.
9 However, it's not evident that that was, indeed, part of that road. I
10 based my claim on the analysis of the map that was available to me, and

11 on that map, that was a road that, in the one-time military we knew and
12 we designated it as a horse path. And the average width of that was one
13 to one and a half metres. It was more narrow at certain places and
14 broader at others.

15 Q. Thank you. We'll go to P06365. This is the Jeremy Bowen video.
16 I'm going to show you parts of this and ask questions.

17 Do you see it in front of the screen? If you don't hear the
18 Croatian, please tell me.

19 [Video-clip played]

20 "THE REPORTER: Croatian propaganda echoing over the front-line
21 in Mostar, the most vicious theatre of war in Bosnia-Herzegovina."

22 MS. WEST:

23 Q. Did you hear the Croatian, sir?

24 A. Yes.

25 Q. Okay. So in addition to physical factors in your report, in

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1 paragraph 205 you also wrote about psychological factors, and you listed
2 them as combat operations, propaganda, and psychological operations aimed
3 at the morale of the individual.

4 Now, we started this video, and right before it stopped, what we
5 heard was Croatian loud-speakers. Do you agree with me that propaganda
6 is one of the elements you mention as part of the factors of a siege?

7 A. Yes.

8 MS. WEST: We'll continue for one more minute.

9

[Video-tape played]

10 "THE REPORTER: Since May, Bosnian Croats, aided and abetted by
11 the Croatian government, have been laying siege to about 60.000 people in
12 East Mostar. Almost all of them are Muslims, and they're fighting back
13 hard. There are no safe places in East Mostar. You can be killed or
14 maimed at any time on any street corner. Until it's happening, it's hard
15 to realise how quickly lives can be destroyed.

16 "Franjo Pavlovic, who was born a Croat, made the mistake of going
17 out to repair some shell-damage on what had started out as a quiet
18 morning."

19 MS. WEST:

20 Q. Mr. Gorjanc, would you agree that shelling a civilian population
21 might be also a factor in the psychological element you talked about in
22 regard to a siege?

23 A. Yes.

24 Q. We'll continue for a few more minutes.

25 [Video-clip played]

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1 "THE REPORTER: Life as a Muslim. The Croats expelled them over
2 the front-line into East Mostar in August. He had one chance. A fire
3 engine, the only one left on this side of Mostar, was nearby. Perhaps it
4 could get him to the hospital in time. Nothing in her life before the
5 war had prepared Mrs. Pavlovic for this. She's 53. After they married,
6 she worked as an accountant in a graphic design business. The last

7 traces of that life disappeared when her husband was hit. The streets
8 were empty, and not just because of the shelling. There's a
9 six-hour-long daytime curfew. The idea is to stop people getting hurt.

10 "The hospital was only a few minutes away. Nothing is more than
11 a few minutes away in East Mostar. The doctor hardly had to look at him.
12 Mr. Pavlovic was dead. He'd been killed by shrapnel in the chest. For
13 her sake, he went through the motions. He hadn't examined him yet, she
14 said, Please do more. Everything, from the explosion to this, had taken
15 about ten minutes. The hospital was ready for the next casualties.

16 "SPEAKER: [Interpretation] This morning we were trying to repair
17 our home. It was destroyed by a mortar. He stepped out to find out what
18 the time was and to get some water so that I could wash our clothes.
19 That's when it happened.

20 "THE REPORTER: The more the doctors see, the more it hurts.
21 They said they tried not to let it show. They'd been married for 32
22 years. The River Neretva cuts Mostar in two. These red buildings are on
23 the east bank, the stronghold of the Muslim-led Bosnian government
24 forces, but they have an important foothill on the otherwise
25 Croat-controlled west bank as well. To get there, you have to cross the

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1 Old Bridge which was built in the 1500s. It's been hit many times, but
2 it's still standing, just about. The Croats in the hill know that if the
3 bridge falls, they will have savaged morale on the other side."

4 MS. WEST:

5 Q. Mr. Gorjanc, you wrote that the psychological element is aimed at
6 the morale of the individual. Would you agree that this bridge coming
7 down in Mostar was a significant blow to the Muslim population of Mostar?

8 A. It was not a blow just for the population of East Mostar. It was
9 a blow for the entire humanity. It was a world heritage site. It was a
10 cultural monument of global significance. And as such, of course, the
11 destruction of the bridge did present a blow and affected the morale of
12 the population in East Mostar.

13 MS. WEST: Thank you.

14 [Video-clip played]

15 "THE REPORTER: A local cameraman called
16 Miolan Smajlhodzic [phoen] documented the Croats' attempts to destroy it.
17 He took these pictures. He's dead now, killed by a mortar a month or so
18 ago. They were bringing bodies back from the front the day that we first
19 crossed. The stretcher-bearers worked for a well-organised civil defence
20 network. Men who aren't in the army have to take part. East Mostar,
21 because it's so isolated, has become the Bosnian government's best-run
22 and most highly-mobilised enclave. It has to be because they have so
23 little. They had to hope that the blankets would hide them from the
24 snipers. You can't move very fast when you're carrying a stretcher.
25 Normally, they don't bother to bring the dead this far, but this man was

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1 alive when they started the journey and they wanted to try to get him to
2 the hospital. They didn't see much point in turning back when he died."

3 MS. WEST:

4 Q. Mr. Gorjanc, is sniping a form of the psychological element that
5 you mention?

6 A. Yes.

7 MS. WEST: I'm going to skip ahead in this video a few minutes.

8 [Video-clip played]

9 "THE REPORTER: Most people only go out when they have to, once a
10 day to the soup kitchen. Each container-full has to last a family 24
11 hours. There isn't much, but they all get about the same. The black
12 market, which has corrupted Sarajevo, doesn't exist in East Mostar.
13 Because hardly any aid gets into the city, there's nothing to buy or
14 sell. It's all rationed."

15 MS. WEST:

16 Q. Now, here it appears that there was no food because hardly any
17 aid got in. Would you agree that the situation in Sarajevo was different
18 in that respect because Sarajevo had more food?

19 A. Yes.

20 MS. ALABURIC: [Interpretation] Objection, Your Honour. I believe
21 that we're asking from the witness to speculate. No factual basis has
22 been laid for the question. It doesn't arise from the film that there
23 wasn't any food. It does say that there wasn't much, but the quantities
24 are not mentioned.

25 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, your intervention

1 doesn't serve anything. It just wastes time. You could have put that
2 question in your redirect.

3 Ms. West, you have the floor.

4 [Video-clip played]

5 "THE REPORTER: Civilians do as they're told. They have no
6 choice. Organisation begins at the front-line. They have forward first
7 aide stations. Nusreta Besic, who used to be a geologist, is in charge
8 of this one. She runs it from her own home. She was treating one of her
9 neighbours when there was another explosion. It was very close, even
10 closer than they thought. Two men had been walking down the street. A
11 lot of people live in this area. It's only a few hundred yards from the
12 Croat positions. She slapped the man who was most seriously wounded to
13 try to stop him going into shock. Passersby ran to help. Somebody
14 shouted for some water. The man on the right died. They managed to save
15 the other man. Not long afterwards, another emergency. A woman was
16 lying on the riverbank. She'd been doing her family's washing. She was
17 already dead, shot by a Croat sniper."

18 MS. WEST:

19 Q. Mr. Gorjanc, here we have a sniping incident again, but my
20 question for you is different. In accordance with your theory of
21 All-People's Defence, that the entire population served the purposes of
22 armed combat, then this woman on the bank of the river would have been a
23 member of the armed forces; correct?

24 A. Well, the question is whether it was forbidden to go outside.
25 She more or less went to the front-line to do her laundry. Well, that

1 doesn't seem logical to me. No, she's not a member of the armed forces
2 because she was doing her laundry.

3 Q. What if she had been doing laundry for her son, who was a member
4 of the ABiH? Would she then be considered a member of the armed forces
5 because what she was doing was for the purposes of the armed forces?

6 A. Not even in that case.

7 Q. Okay. Mr. Gorjanc, to be clear, it's your opinion that East
8 Mostar was not under siege and that has much to do with the fact that it
9 was not completely physically isolated. And I'll just remind you of your
10 testimony.

11 Judge Antonetti had asked you:

12 "In this light, would you agree, as a military expert, with the
13 fact that one can say that Mostar is a city under siege, like Sarajevo,
14 or that Mostar is in a different kind of situation?"

15 And you said:

16 "Mostar was in a substantially different situation."

17 And the President asked:

18 "How different?"

19 You said:

20 "To the north, where the main reserves of the BH army were, there
21 were two roads leading. One was down the Neretva River Valley, which was
22 most probably under fire, artillery HVO -- artillery fire. The other
23 route took one across a mountainous area, the western slopes of

24 Mount Prenj and on towards Jablanica. That route was not under fire by
25 the HVO."

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1 So, Mr. Gorjanc, is it your testimony that physical isolation was
2 foremost in your mind in making a determination that Mostar was not under
3 siege?

4 A. Yes.

5 Q. And it's also your opinion, then, that Sarajevo was under siege;
6 correct?

7 A. Yes.

8 Q. Because in paragraph 78 -- excuse me, 74, footnote 35, in your
9 report, you wrote:

10 "In besieged Sarajevo," and you bolded and underlined the
11 "besieged Sarajevo," "some local commanders took civilians to dig
12 trenches ..."

13 The rest of the sentence doesn't have to do with the siege
14 element, but I'd like to look at the physical factor when it comes to a
15 siege.

16 If we can go to P11067. It's list 2. I think you have it.
17 P11067. This is a "Washington Post" article.

18 I think there might be difficulty with e-court. Does everybody
19 have this? I see the witness has it. It's in list 2.

20 A. I don't have it. I have it here.

21 Q. 11067.

22 All right. I see that the witness has it, and I understand it's
23 in list 2.

24 So this is a "Washington Post" article, February 21st, 1994. The
25 B/C/S parts that I'm going to read are translated, but for the English,

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1 it's paragraph 3, and it says:

2 "'The 27.000 people crammed into Mostar's old city are living
3 like rats,' said Jeremy Bowen, the chief UN relief official here. The
4 city's inhabitants have had no clean water or electricity since the siege
5 began. They've lived underground in cellars, storage areas, and
6 basements day and night to avoid the constant shelling and sniper fire
7 from Croat sharpshooters across the Neretva River. Until last week, 60
8 to 70 shells exploded here on average."

9 Skipping the next English paragraph, going to:

10 "More people died here between May 9th, when the siege began, and
11 mid-January than in Sarajevo, according to Alija Alkadic, a member of the
12 local War Presidency, who keeps the figure on hand as a grim reminder.
13 Alkadic has recorded 1.276 deaths here between May 9th and January 15th,
14 compared to 1.097 in Sarajevo, which has a population estimated at nearly
15 400.000."

16 I'm going to skip the next paragraph and then go to the following
17 English one:

18 "The Croat siege of eastern Mostar has made the Serb siege of
19 Sarajevo positively porous. Here, there is no street market to buy even

20 a loaf of bread or cigarettes, nor is there any kind of Serb-fed black
21 market that flourishes in Sarajevo and helps keep people alive there,
22 albeit at high prices in German marks."

23 Mr. Gorjanc, this would indicate that the Mostar siege makes the
24 Serb siege of Sarajevo look porous and that in Sarajevo you could buy
25 bread and cigarettes, although it was a high price. If these factors --

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1 or these facts were true, as compared to Sarajevo, would you -- would
2 your opinion change that Mostar was not under siege?

3 A. No, it wouldn't change, given that civilians were able to leave
4 Mostar and go to free territory in the direction of Jablanica, whereas
5 this was only possible in Sarajevo by using the tunnel, and it wasn't
6 possible to reach a safe place. It was over the Igman Mountain. I don't
7 know why civilians weren't able to leave Mostar. If I were a commander
8 in the eastern part of Mostar, given the conditions in Mostar at the
9 time, I would have attempted to get as many civilians as possible out of
10 the town or to have a road or path built over the mountain so that it
11 would be easier to bring in supplies.

12 Q. Thank you. I'd like to go to P11075. It should be in the same
13 binder, P11075. And there's one English page, and it should be followed
14 by a B/C/S page. And it's unclear to me whether you have -- you have a
15 B/C/S there, but I'm not sure what the translation is. I'm going to read
16 it in English, and I'll read it slowly in case the translation is not of
17 this paragraph.

18 It's page 326 of the English:

19 "Most of the digging was done from the Butmir side," and we're
20 talking about the tunnel in Sarajevo that you just mentioned, "(800
21 metres versus 120 metres from Dobrinja). The two tunnelling parties met
22 underground on July 30th, 1993, in a triumph of engineering prowess and
23 sustained determination. That same night, the army dispatched 600
24 soldiers from the besieged city to Mount Igman to reinforce the campaign
25 to break the siege from the outside. The tunnel, called Object DB,

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1 resembled a kilometre-long horizontal mine shaft. Through it ran
2 electric cables and a light rail system with wheelbarrow-like trolley
3 cars. A constant inflow of groundwater required a pumping system to keep
4 the tunnel from flooding. Passage through the tunnel was dark, damp, and
5 demanding, and the tunnel averaged 1.7 metres in height, but one section
6 was only a metres high, requiring a stooped and swift transit. For the
7 rest of the war, the airport tunnel served as a conduit for arms,
8 munitions, essential supplies and people."

9 Mr. Gorjanc, I'm going to stop right there, and you would agree
10 with me that for at least the people going through this tunnel, there was
11 no risk of artillery fire; correct?

12 A. Yes.

13 Q. And the next passage is:

14 "According to ABiH estimates, over a million person-passages were
15 made through the tunnel from July 30, 1993, until the end of the war.

16 British parliamentarian Paddy Ashdown, later the international
17 community's High Representative for BiH, was among the few foreigners to
18 traverse the tunnel. Bosnian President Izetbegovic travelled through it
19 numerous times. Government officials of ministerial rank were accorded
20 the courtesy of a trolley ride, although some of them declined and made
21 the journey on foot, stooped over like everyone else. In addition to
22 serving as a human passageway, the tunnel enabled the ABiH to transport
23 weapons, ammunition, fuel, foodstuffs, and medical supplies. And
24 according to its estimates, nearly 20 million tons of food passed through
25 the tunnel into the city. This was less than the 31 million tons brought

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1 in under UN auspices by air, and it was dwarfed by the 168 tons delivered
2 over-land in the UN-guarded truck convoys."

3 Mr. Gorjanc, would you agree with me that assuming these facts
4 about this tunnel are correct, that it would be much safer for a person
5 to travel through this tunnel than for that person to leave Mostar by the
6 main road under fire by HVO artillery or over the mountain donkey trail
7 to Jablanica, that this tunnel was a much safer alternative?

8 A. The tunnel, itself, was safer, but entering the tunnel, leaving
9 the tunnel, and going from the tunnel to the Igman slopes was dangerous.
10 It was under Serb fire. However, the mountain trail over
11 Glogovi [as interpreted] couldn't come under direct fire from HVO mortars
12 because they didn't have such a range.

13 Q. Mr. Gorjanc, if you apply the theory you applied to Mostar, that

14 complete isolation -- complete physical isolation is a major component as
15 to whether a siege took place, then you would also have to believe that
16 Sarajevo was not under siege; correct?

17 A. As far as I know, only certain individuals in Sarajevo could
18 leave the town, having obtained permission of the authorities. It wasn't
19 possible for anyone to leave town when they wanted to. But given the
20 documents I've seen, I could see that in Mostar, civilians could leave
21 when they wanted to. I came to that conclusion because ABiH soldiers
22 were uncomfortable because civilians could circulate freely.

23 Q. Mr. Gorjanc, have you seen any document -- any HVO document, any
24 ABiH document, suggesting that civilians could comfortably leave Mostar?
25 When I say "comfortably leave," I mean safely leave, without risk

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1 to [sic] the HVO artillery fire on the main road or without risk of going
2 over the mountain path from Jablanica. Have you seen any document?

3 A. I haven't seen any such documents, myself, but I did see one
4 document. I can't remember what it was. It was a report on morale in a
5 company in the area of Mostar, in the area of northern Mostar, and
6 soldiers were uncomfortable because civilians could go in the direction
7 of the north and the south. And also from SpaBat reports on refugees
8 from Capljina, I could see there were refugees who would head off in the
9 direction of Jablanica. I assume that they could go there unhindered by
10 the Muslim authorities or, rather, by the ABiH.

11 Q. Thank you. Sir, in direct testimony last week, you spoke about

12 the invaluable and inalienable rights of citizens to defend their
13 country, and when you spoke about this in direct testimony, I believe you
14 were quoting or you were talking about the SFRY Constitution. And the
15 question from Ms. Alaburic was:

16 "Article 237 of the document, it talks about how the defence of
17 the country is an inviolable and inalienable right of nationalities
18 working with people and citizens. Let's look at citizens for the time
19 being," she said. "Given your military expertise and your familiarity
20 with these regulations, what does this mean, inviolable and inalienable
21 right in terms of defence?"

22 And you said that:

23 "That means that no one can deny anyone else the right to put up
24 resistance, to resist."

25 You further said that:

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1 "No later regulation contradicting the Constitution could be
2 applied in this sense, in the sense of preventing someone from putting up
3 resistance."

4 Mr. Gorjanc, would you agree with me that the citizens of
5 Bosnia-Herzegovina, and this would include the Muslims, had the same
6 right, and that would be they had the same right to join up with the ABiH
7 and defend their rightful territory against any occupying force,
8 according to the Constitution you quoted?

9 A. Yes, that's what the Constitution of Bosnia-Herzegovina also

10 states, in the same terms as the Constitution of the former Yugoslavia.

11 Q. Thank you. I'm going to show you a map, P09276. You looked at
12 this with me early on in the -- your testimony.

13 Can we have Sanction for the witness, please.

14 Do you see that map in front of you, sir?

15 A. Yes.

16 Q. You remember -- thank you. You remember seeing this last week;
17 correct?

18 A. Yes.

19 Q. And your testimony last week was that this territory outlined in
20 red, beginning in December of 1990, after the elections, until at least
21 the middle of 1994, remained the sovereign territory of Bosnia and
22 Herzegovina. Do you remember that?

23 A. Yes.

24 Q. And does it then not follow, sir -- strike that. Let me back up
25 a minute to show you -- or read to you some of your direct testimony, and

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1 this is from last Tuesday, from Ms. Alaburic. She said:

2 "Mr. Gorjanc, we shall now move on to the doctrine of
3 All-People's Defence. But before that, we will also be talking about
4 laws regulating the Yugoslav People's Army."

5 And she said:

6 "But let's clarify your answer as to -- the Yugoslavs' People's
7 Army at one point became an aggressor in any of the territories of the

8 former Yugoslavia. If I understood you correctly," the question she asks
9 is, "you said that the Yugoslavs' People's Army could not have been an
10 aggressor in the territory of Yugoslavia for as long as Yugoslavia
11 existed; is that correct?"

12 And your answer to her -- to counsel was: "Yes."

13 So, Mr. Gorjanc, my question to you is: Does it not then follow,
14 in looking at this map, that the ABiH could not be considered the
15 aggressor on any of its own territory, as outlined by the red line?

16 A. I don't think I ever claimed that the ABiH was the aggressor in
17 Bosnia or anywhere else in the territory of the former state.

18 Q. So is it your testimony that the ABiH was never an aggressor, in
19 1992 and 1993, in the war between the ABiH and the HVO?

20 MS. ALABURIC: [Interpretation] Your Honours, I would like to
21 object to the imprecision of the question.

22 An aggressor in relation to Bosnia and Herzegovina or in relation
23 to some other entity?

24 MS. WEST: The term "aggressor" I'm using comes directly from
25 Ms. Alaburic's question, so let's -- let's ask it again.

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1 Q. Is it your testimony that the ABiH was never an aggressor, in
2 1992 and in 1993, in the war between the ABiH and the HVO?

3 A. In formal legal terms, it wasn't the aggressor on its own
4 territory. Bearing in mind the fact that the Croats and the Serbs had
5 the very same right, to defend their territory, the question then arises

6 as to who the aggressor was in that unfortunate war in Bosnia and
7 Herzegovina, so that it is very difficult to determine who the aggressor
8 was. International experts or, rather, experts in international law
9 would find that very difficult, and let alone myself, as a member of the
10 military.

11 Q. So, Mr. Gorjanc, let me just go to your answer, where you said:

12 "Bearing in mind the fact that the Croats and the Serbs had the
13 very same right to defend their territory ..."

14 And I'll stop there.

15 If we can go back to Sanction, back to that map that we spoke
16 about earlier.

17 You'll agree with me that the area within that red line is not
18 Serb territory and it is not HVO territory, that is sovereign BH
19 territory; correct?

20 A. Yes, the sovereign territory of Bosnia and Herzegovina, but it's
21 not Muslim territory.

22 Q. Thank you, Mr. Gorjanc. That was not my question.

23 A. That's how it should be put.

24 Q. And that was not my question, but the next question is:

25 Following that, then, during the HVO-ABiH war, the HVO was the aggressor

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1 on that territory within the red outline; is that correct?

2 A. No. The HVO couldn't be the aggressor in its own territory.

3 Q. Can you show me, sir, on the map in front of you, within that red

4 line, what territory was the sovereign, independently -- independent,
5 internationally-recognised territory of the HVO?

6 MS. ALABURIC: [Interpretation] Your Honours, now I really have a
7 serious objection to this question, because this question implies that
8 the HVO wasn't an armed force that was also defending Bosnia and
9 Herzegovina from a common enemy at the time. So I would, therefore, ask
10 my learned friend to first determine the territory of the Army of Bosnia
11 and Herzegovina so that we can proceed.

12 JUDGE ANTONETTI: [Interpretation] The objection is dismissed.
13 Please proceed.

14 MS. WEST: Thank you.

15 Q. Your answer was:

16 "The HVO couldn't be the aggressor in its own territory."

17 Now, you have the map in front of you, and my question is: On
18 that map, within that area of the red line, what territory was the
19 sovereign, independent, internationally-recognised territory of the HVO?
20 Is there any area within that red line that is the sovereign territory of
21 the HVO?

22 A. According to international law, well, not a single part of the
23 territory was recognised that was under the jurisdiction of the HVO.

24 Q. So, Mr. Gorjanc, then as -- if I -- let me ask you this next
25 question. If not a single part of the territory was recognised that was

1 under the jurisdiction of the HVO, then is the answer to my question that

2 there is no HVO territory in that red line, no HVO sovereign territory?

3 Is that the answer to my question?

4 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, why are you on
5 your feet again? Because the Judges fail to understand?

6 MS. ALABURIC: [Interpretation] No, Your Honours. I'm certain
7 that you understand everything. But one day another Chamber will have to
8 consult this transcript, and I believe that I have to state that after
9 the first sentence, the witness wanted to continue, but he was
10 interrupted.

11 JUDGE ANTONETTI: [Interpretation] Sir, were you interrupted, or
12 was your answer cut off or not?

13 THE WITNESS: [Interpretation] Yes, there was something else I
14 wanted to add.

15 JUDGE ANTONETTI: [Interpretation] What was that?

16 THE WITNESS: [Interpretation] I'm afraid that one is trying to
17 identify Bosnia and Herzegovina with the Muslim state. This was an
18 internationally-recognised state that was composed of all the ethnic
19 groups that lived there, the Serbs, the Croats, and the Muslims. It's
20 not for me to assess why a conflict broke out between these three
21 peoples.

22 Being familiar with the history of Bosnia and Herzegovina, I
23 could say that such things occurred in that area every 30 or 40 years,
24 and I cannot claim that one people defending its territory was at the
25 same time the aggressor in relation to one of the other peoples that also

1 laid claim to a certain part of the territory. Bosnia was an entity that
2 was composed of three constituent peoples. That's what was stated in the
3 Constitution of the SFRY and of Bosnia and Herzegovina. As far as I
4 know, that is contained in the Constitution of Bosnia and Herzegovina as
5 well, the Constitution that was drafted in 1992. And, therefore, I draw
6 the conclusion that not a single people could be said to have been the
7 aggressor in that state. All the other units that arrived from the
8 outside and hadn't been called in had no justification to be there, or if
9 they had no justification to be there, they were the aggressor, and that
10 also includes the remainders of the former JNA that was withdrawing from
11 Slovenia and Croatia to the territory of Bosnia and Herzegovina.

12 JUDGE ANTONETTI: [Interpretation] Madam West.

13 MS. WEST: Thank you, Mr. President.

14 Q. Mr. Gorjanc, last Wednesday -- I'm going to read to you a
15 question that counsel put to you, and your answer. And Ms. Alaburic
16 said:

17 "Mr. Gorjanc, let us posit this security threat and let's say it
18 actually happened."

19 And she went on to say:

20 "You're an HVO commander, losing control over a significant
21 portion of your own territory simply because you were betrayed by
22 soldiers of another ethnicity from within your own ranks. What sort of
23 reaction would you have put in?"

24 And your answer was:

25 "I would have considered that to be an act of treason, and I

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1 would have taken any steps available to me, including the pressing of
2 charges against those deserters."

3 So, sir, I want to ask you a similar question, but I'm going to
4 change the facts a little bit. My question is: You were an HVO
5 commander, losing control over a significant portion of territory that
6 was not yours. It belonged to Bosnia-Herzegovina, an independent,
7 internationally-recognised sovereign state. And the reason you lost
8 control was because soldiers from within your ranks used their
9 inalienable right to support the ABiH and resist the occupation of the
10 HVO. Sir, would you -- what I just -- the hypothesis that I just read
11 out to you, would you have considered that to be treason against the HVO?

12 A. I would continue to consider this to be treason, since those
13 soldiers were within the ranks of the HVO military and fought with the
14 Croats against the Serbs or, rather, the remnants of the JNA in the
15 territory of Mostar. And once they abandoned that and captured Croatian
16 territory, then they were traitors.

17 Q. Mr. Gorjanc, isn't treason a crime where the victim is the state,
18 a crime that is directed against a state?

19 A. That is a purely legal category, and I'm unable to comment on it.
20 You are certainly more familiar than myself. For me, treason is if
21 somebody turns around against me; he was with me until yesterday, and
22 suddenly he turns against me. For me, that is treason.

23 Q. I want you to assume that the definition of "treason" is: A
24 violation by a subject of his allegiance to his sovereign or to his
25 state. I want you to assume that to be true. If any of these soldiers

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1 betrayed the HVO, Mr. Gorjanc, it could not be an act of treason, right,
2 unless Herceg-Bosna was holding itself out as a state; that's correct, is
3 it not?

4 A. That was betrayal, treason, regardless of whether the HVO was
5 considered to have its own state or not. These men abandoned the common
6 front-line ranks and turned against what used to be their co-fighters,
7 regardless what lofty goals they had in mind. I point out Bosnia and
8 Herzegovina was not a state of Muslims. It was a common state -- a joint
9 state of all three constituent peoples and other peoples living there.

10 MS. WEST: Thank you, Mr. Gorjanc.

11 Mr. President, I have no more questions.

12 JUDGE ANTONETTI: [Interpretation] Very well.

13 Concerning re-examination, Madam Alaburic, you have five minutes.
14 As you asked for four hours, the decision of the Chamber was four hours
15 for the examination-in-chief, including re-examination. So what is your
16 position now?

17 MS. ALABURIC: [Interpretation] Your Honour, we asked for four
18 hours for the examination-in-chief, and at the time of submitting our
19 request, we were unable to assess whether we would need any
20 re-examination, and if we would, for how long. At that point in time, we

21 could not also assume --

22 JUDGE ANTONETTI: [Interpretation] Madam Alaburic, I stop you.

23 The guide-lines of the Chamber were very clear, and they have
24 been applied to Mr. Karnavas. When we fix a duration for the testimony
25 of a Defence witness, within that time-period there is the

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1 examination-in-chief and the re-examination. That is a guide-line.

2 Therefore, don't try and change our guide-lines.

3 You may, perhaps, have questions to put. You must tell us on
4 which points and make an explicit reference to questions put by the
5 Prosecution, because as the Rules say, the re-examination has to be
6 directly linked to examination-in-chief. You cannot embark upon another
7 issue.

8 MS. ALABURIC: [Interpretation] Absolutely so, Your Honour. We
9 had no intention, in the redirect, to embark upon any new issue.

10 JUDGE ANTONETTI: [Interpretation] How much time do you need?

11 MS. ALABURIC: [Interpretation] General Praljak would also have a
12 few questions linked to military issues, and in view of the fact that we
13 had this map and both generals have a large number of observations to
14 make, and I would like this to go into the transcript, General Praljak
15 has prepared a redirect that would last about one hour.

16 Since you gave the Prosecution six times more time than we had to
17 re-examine their military expert --

18 JUDGE ANTONETTI: [Interpretation] Madam Alaburic, it is

19 absolutely out of the question for General Praljak to take one hour.

20 When a witness comes, we assess the time for the
21 examination-in-chief, the re-examination, and 50 per cent of the time we
22 give. The others had two hours for this, and you have to be very careful
23 about this.

24 My question to you is, because this is your witness: How much
25 time do you need for the redirect?

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1 MS. ALABURIC: [Interpretation] Your Honours, this is a joint
2 witness for the Defence of General Praljak and General Petkovic, so
3 I think you should grant us this request.

4 THE ACCUSED PRALJAK: [Interpretation] About 20 minutes, 25
5 minutes.

6 MS. ALABURIC: [Interpretation] And me, I assume a little longer
7 than half an hour. That would be quite sufficient. I believe that those
8 questions would be important. If you consider something to be
9 unimportant, I will stop the questions. And in that case, I think we
10 could complete this testimony today.

11 JUDGE ANTONETTI: [Interpretation] For General Praljak, 20
12 minutes, and you need about 40, 45 minutes; is that right?

13 MS. ALABURIC: [Interpretation] No.

14 JUDGE ANTONETTI: [Interpretation] General Praljak said he needs
15 25 minutes, so let us agree that we can complete this matter by 7.00 this
16 evening. I will confer with my colleagues.

17

[Trial Chamber confers]

18

JUDGE ANTONETTI: [Interpretation] The Chamber rules that all the

19

time that is going to be used now shall be detracted from your credit, of

20

course.

21

Secondly, we will stop at 7.00 p.m. with the re-examination.

22

Therefore, try and be -- to be precise, to avoid objections, because that

23

causes a loss of time. When you have questions, you will say,

24

Madam Prosecutor asked you such and such, and then you put your question.

25

Do we agree now? And you must say what topic you're going to

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1

discuss; the siege of Mostar, the civilians, or I don't know what else.

2

MS. ALABURIC: [Interpretation] Your Honour, I'm very grateful for

3

this decision. And according to our internal decision, we would like

4

General Praljak to start with the re-examination, and I will take over

5

later.

6

JUDGE ANTONETTI: [Interpretation] General Praljak, do not forget

7

to tell us what you are going to put your questions about and to refer to

8

the questions already put. As I know you take notes, it will be easier

9

for you to do this.

10

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

11

Everything will be in accordance with the Rules of Service, as we say in

12

the army.

13

Re-examination by Mr. Praljak:

14

Q. [Interpretation] Good afternoon, Mr. Gorjanc. The topic is: Was

15 Mostar besieged by the HVO. I don't know about the Serbs. Do you know
16 what the relationship between the ABiH and the Army of Republika Srpska,
17 in 1993, in the surroundings of Mostar?

18 A. I have no documents about this, but on the web I found a large
19 number of documents or reports according to which representatives of the
20 BH Army traded with the Serbs in the territory around Velez. I'm not
21 saying for certain, but that meeting was attended, in addition to
22 Arif Pasalic, by even General Mladic, a Serb general, for a certain
23 period of time.

24 Q. Thank you. Will you please -- I want the document 4D00719,
25 4D00719. It is a document dated the 14th of October, 1993.

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1 You have it on the screen now. It is the 4th Corps Command,
2 signed by Chief of Staff Mr. Esad Ramic. Do you see the document,
3 Mr. Gorjanc?

4 A. Yes, I do.

5 Q. Look, please, on page 1. We'll skip over the part referring to
6 prisoners, but towards the end of the first page you will find the words,
7 I quote:

8 "In addition to this, it has been established that it is
9 necessary to stop the traffic along the main road while relieving
10 personnel at positions held by this company."

11 And then it goes on to say:

12 "Due to the more difficult manoeuvre towards the town, it is

13 necessary to cut down trees and clear the way across Kandiljan."

14 My question: What does this mean, that it is necessary to stop
15 the traffic when the troops are taking over their duty? Does this mean
16 that there was traffic along that road, and it was so intensive that it
17 is in the way of the troops when they're taking over their duties?

18 MS. WEST: Mr. President, I object to the form of the question,
19 beginning with: "Does this mean ..."

20 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, do not put leading
21 questions. Put your questions in an open-ended way.

22 THE ACCUSED PRALJAK: [Interpretation]

23 Q. What does this mean, to stop the traffic?

24 A. It means that the traffic was so heavy that it is in the way of
25 the troops going to take over their duty. Let me explain what "across

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1 Kandiljan" means.

2 Q. No, we'll come to that. On page 2, it says that:

3 "The deputy corps commander, Sulejman Budakovic, Tetak, six days
4 ago," which means on the 8th of October, "ordered to stage assault
5 against the dam area by using all available weaponry in order to
6 disencumber our units," that is, units of the ABiH, "operating towards
7 Vrdi."

8 My question: Do you know when the Neretva-93 offensive started,
9 how long it lasted, and along which axis?

10 A. I did not study that operation because not in context, but I know

11 that it was in September 1993 and that activities were directed towards
12 Prozor and Trnica [phoen]-Vrdi.

13 Q. Page 3, I quote:

14 "A major problem for the command of the operations group is the
15 transport of the civilian population and others marching in the direction
16 of the north and the south. That is why it is necessary for the civilian
17 authorities to take over control of civilian transport."

18 Could you comment on this? How is this transport carried out,
19 and where are those people going?

20 A. I think that I have already spoken about this in my testimony. I
21 referred to this document several times. This refers to the road
22 across -- along the slopes of Prenj Mountain that the English journalist
23 referred to as the Ho Chi Minh Trail.

24 Q. Tell me, Mr. Gorjanc, in answer to a question by the Prosecutor,
25 you agreed with certain positions emanating from a certain text. My

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1 question is: Did you, yourself, use those road along -- around Mostar,
2 Tepcici, Bijelo Polje, and so on?

3 A. Yes, several times, because I was frequently in Herzegovina.

4 THE ACCUSED PRALJAK: [Interpretation] Now we move on to the maps.

5 JUDGE ANTONETTI: [Interpretation] Just a moment, please. I do
6 not wish to waste time, but I discover this sentence from the October --
7 from the 4th Corps. I assume that what is written corresponds to the
8 reality. One has the impression that the army does not want to concern

9 itself with this issue of transport, and they wish the civilian
10 authorities to take over. But in their writing this, then it means that
11 there are people passing there; yes or no?

12 THE WITNESS: [Interpretation] Yes, that is obvious from the
13 document.

14 JUDGE TRECHSEL: Witness, I seem to detect certain
15 inconsistencies. Here, they speak of transport of civilians. What do
16 you understand under the term "transport of civilians"? What does that
17 mean?

18 THE WITNESS: [Interpretation] I think the author of this document
19 had in mind the passage of civilians.

20 JUDGE TRECHSEL: I'm sorry. Is the translation wrong? I don't
21 want you to interpret and suppose what the author thought. I ask you:
22 What does "transport of civilians" mean?

23 THE WITNESS: [Interpretation] The transport of civilians would
24 actually mean transporting civilians in vehicles or on horseback.

25 JUDGE TRECHSEL: Right. That's how I would also understand it.

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1 Now, you said that that was a transport over the Ho Chi Minh path. That
2 is the one we have seen experts of individual; correct?

3 THE WITNESS: [Interpretation] Yes.

4 JUDGE TRECHSEL: You will not say that you think that vehicles
5 transported civilians over that path? Do you say that?

6 THE WITNESS: [Interpretation] No, I never said that anywhere.

7 JUDGE TRECHSEL: Okay. Then something here is unclear.

8 Plus another point. Mr. Praljak asked you, Have you been on
9 these roads? And you have answered, Yes. And these roads, in the
10 context, must include the path on which previously you told us two or
11 three times you have never been. How do you solve this, please?

12 THE WITNESS: [Interpretation] Your Honour, on this particular
13 path, I never was, but I would frequently travel
14 Sarajevo-Jablanica- Mostar along the main road, and I frequently stayed,
15 in the former times, 30 years ago, in the area of Dubrava, because the
16 father of my late wife was born in Dubrava.

17 JUDGE TRECHSEL: That is not contested, but we were talking about
18 the passage in the text which you said referred to the mountain path, and
19 Praljak asked you, Have you been on all these mountain roads? And it
20 would have been honest if you had said, On most of them, but not on the
21 Ho Chi Minh path, because you have created certain doubts.

22 Thank you. Please continue, Mr. Praljak.

23 THE WITNESS: [Interpretation] Your Honour, you are quite right.

24 JUDGE ANTONETTI: [Interpretation] Just a moment, please.

25 Witness, I did not refer to this question of passage along the

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1 Ho Chi Minh path, but one needs to read the whole sentence, but if I make
2 a mistake, don't hesitate to correct me. My impression is that the
3 author of this document is raising an issue linked to the transport of
4 civilians, and specifically to wounded civilians, because wounded

5 civilians would, a priori, not be transported on horseback. And he says,
6 in continuation of this stage -- of this sentence, that it is necessary
7 to repair the armoured vehicles and adjust it for this purpose, and
8 during the night, because there might be fire.

9 So my impression is, then, that reading this document, there is
10 the transport of civilians that can be done on board vehicles,
11 specifically wounded civilians, and then there's another category of
12 civilians who are not wounded, who are walking towards the north and
13 toward the south. According to you, in military terms, is that the
14 description given here?

15 THE WITNESS: [Interpretation] Your Honour, the description is
16 correct, but I think transport by armoured vehicles refers to wounded
17 people in Bijelo Polje, Salikovci [phoen], Potaci [phoen], in the
18 direction of the hospitals -- to the hospital in Mostar, and not wounded
19 civilians towards the north, towards Jablanica.

20 JUDGE ANTONETTI: [Interpretation] Very well.

21 General Praljak, I apologise for intervening, but I think that
22 the sentence required some clarification.

23 THE ACCUSED PRALJAK: [Interpretation] I'm very pleased, Your
24 Honours.

25 Q. Just once again, we're talking about Ho Chi Minh that Bowen

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1 refers to, but you were not there and no one has been there. We're
2 talking about the document. What does it mean, to stop the traffic? Is

3 this movement of people or movement of vehicles?

4 A. It is movement of vehicles, and this refers to point C that Madam
5 Prosecutor marked.

6 Q. Is it possible to conclude from this that vehicles were moving in
7 such numbers that they're an obstacle to the ABiH when soldiers are going
8 to take up their shifts?

9 Please look at this map first. Madam Prosecutor told you that
10 this map was prepared by the Bosnia-Herzegovina authorities. Is it
11 correct that the scale is incorrect?

12 A. Yes.

13 Q. How many brigades are shown on this map as belonging to the ABiH?

14 A. Three brigades, the 41st, the 47th, and the 48th.

15 Q. Were there any other units, outside those brigades in the
16 documents, which altogether constituted the 4th Corps?

17 A. Yes, there was the 42nd Brigade, and I have no information as to
18 its location, but its territory was the broader area of Pijesak --
19 Pjesci. I don't know whether this was true for that particular point in
20 time.

21 THE ACCUSED PRALJAK: [Interpretation] Mr. Gorjanc --

22 MS. ALABURIC: [Interpretation] Your Honour, could we note in the
23 transcript we're talking about 11081, map number 11081.

24 THE ACCUSED PRALJAK: [Interpretation]

25 Q. You have elements of siege which this body of Bosnia-Herzegovina

1 drafted and stated, and we don't know who signed it, and he described
2 Mostar as a concentration camp. How can four brigades be situated in a
3 concentration camp? Is that possible?

4 A. No, it is not.

5 Q. It says here that supply of power, electricity, water, and gas
6 was stopped. Did you ever hear Mostar having any gas?

7 A. No. Maybe bottled gas, butane gas.

8 Q. I'll now give you a map where certain mortar positions have been
9 marked, and of tanks, of the HVO, so please have a look. And here's
10 another one.

11 Will you take it, please?

12 Will you look at the more -- range of mortars, assuming they're
13 82 and 122 millimetres, can they reach all the areas of Bijelo Polje,
14 Vrapcici, and the rest?

15 A. No.

16 Q. Please put the second map on the ELMO. Will you please mark that
17 map with your date and signature?

18 A. [Marks]

19 Q. My question is: This map of the 30th of June, 1993, do you know
20 who had control over the Bjela Bridge, until when?

21 A. I don't know exactly. However, the road that goes via Glogova
22 towards Jablanica went along the Bjela Valley, which means that the
23 bridge was destroyed but there was a roundabout way.

24 Q. Do you know or did you see a document showing when the second
25 lane of the Bjela Bridge was destroyed?

1 A. I don't know that.

2 Q. Thank you. Do you know until what date the Army of Bosnia and
3 Herzegovina controlled Rastani or was in Rastani?

4 A. I don't know.

5 Q. Thank you. Do you agree with me that when it comes to military
6 maps, every time every change should be marked by a date?

7 A. Yes.

8 Q. Thank you. Look at the following map.

9 Could you please put the map on the ELMO?

10 This is a map of Mostar. Could you please show it to all of us?

11 Take a pen and show us how many parallel streets in the city of Mostar
12 there are from north to south. The Prosecution showed you just one
13 street.

14 A. Four, and in some places there are as many five.

15 Q. Yes, four, you're right. Very well. And now could you please
16 tell us -- can you take a pen and show us at least two or three parallel
17 streets from north to south, and can you mark the map with your signature
18 and date?

19 A. The main one through the city [indicates], the bypass along the
20 mountain slopes, and there is another one from the Old Bridge up to the
21 Carinski Bridge and then connects with the Main Street.

22 Q. Could you please mark them with 1, 2, 3?

23 A. [Marks]

24 Q. And then another one that goes between the bypass and the
25 Main Street which was once known as Marshal Tito Street. Put 1, 2, 3, 4

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1 next to them.

2 A. [Marks]

3 THE ACCUSED PRALJAK: [Interpretation] Can the witness have a
4 better pen? Mine is red. It's better. We won't be able to see a thing
5 on the map otherwise.

6 And your signature, sir.

7 THE WITNESS: [Marks]

8 JUDGE ANTONETTI: [Interpretation] Let's give an IC number to the
9 map.

10 THE ACCUSED PRALJAK: [Interpretation] And the previous one as
11 well.

12 JUDGE ANTONETTI: [Interpretation] No, no, just this one.

13 THE REGISTRAR: Your Honour, the map just marked by the witness
14 shall be given Exhibit IC1090. Thank you, Your Honours.

15 THE ACCUSED PRALJAK: [Interpretation] One more question.

16 Q. Mr. Gorjanc, do you know that from the railway station in Mostar,
17 across the entire city of Mostar, there is a railway tunnel?

18 A. Yes.

19 Q. Which means that you can use that tunnel and pass through Mostar,
20 sheltered from everything and everybody; is that correct?

21 A. Yes.

22 MS. WEST: Objection. Mr. President, objection to the form
23 again.

24 THE ACCUSED PRALJAK: [Interpretation] Very well.

25 Can we please have the following map?

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1 Q. And, Mr. Gorjanc, this is a map whose scale is
2 1:25.000, just like the one that was shown to you by
3 Madam Prosecutor, and it demonstrates precisely what we have forgotten.
4 And I'm talking about Kandiljan.

5 A. Kandiljan.

6 Q. You're going to show us, on this map, how behind Gradina, across
7 Kandiljan, where you can go and what you can reach, and you're going to
8 mark all that for us.

9 The document number, 4D00719, says that it is necessary to cut
10 the branches on the road towards Kandiljan. Mr. Gorjanc, could you
11 please show us that road?

12 A. [Marks]

13 MR. KOVACIC: [No interpretation]

14 [Interpretation] Your Honours, I would like to correct the
15 record.

16 Line 11, page 44, the general is talking about a map whose scale
17 is 1:25.000, which you can see in the map.

18 THE ACCUSED PRALJAK: [Interpretation].

19 Q. Mr. Gorjanc, is number 2 here the area of Kandiljan?

20 A. Yes.

21 Q. And what about number 1; is that the hill called "Gradina"?

22 JUDGE ANTONETTI: [Interpretation] A problem. There was a mistake
23 in the transcript. You did say "20.000," Mr. Praljak, but it is 25.000,
24 is it not?

25 Ms. West --

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1 THE ACCUSED PRALJAK: [Interpretation] Correction, I said
2 "25.000." Your Honour, I could not make that mistake, because there is
3 no 20.000 scale.

4 JUDGE ANTONETTI: [Interpretation] Ms. West.

5 MS. WEST: Mr. President, this witness was purported to be an
6 expert on military general subject matters. He is now testifying on
7 factual matters in Mostar. I was very careful, when we put the map in
8 front of him, to assume certain facts. The reason that this becomes
9 important is if later the Praljak Defence looks to admit these maps, you
10 now have an expert, who's never been purported to be a factual witness,
11 trying to authenticate maps, so I object to any factual evidence coming
12 from him, and I put the Praljak Defence on notice: I would object to the
13 admissibility to any of these maps.

14 MR. STEWART: Your Honour, while we're sorting things out, I do
15 wonder, perhaps it's my misunderstanding, but when Mr. Praljak suggested
16 that the first of those two maps he'd shown the witness, in quick
17 succession, should also have a number. Your Honour said, No, just this

18 one. But if that one doesn't have a number, we've got a document which
19 is different from any other map in the case which was referred to in the
20 course of examination, and, therefore, in accordance with normal
21 practice, it would need a number.

22 JUDGE TRECHSEL: There's an error, Mr. Stewart. We have always
23 refused giving numbers to maps that were not in any way marked by the
24 witness. They can be directly put on IC and have an admission, like any
25 other document, only when the witness marks the map. Then he signs, then

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1 we give a number IC. That's the way it's always been.

2 MR. STEWART: Well, [overlapping speakers] my confusion.

3 JUDGE TRECHSEL: You are excused.

4 MR. STEWART: Well, he signed it. Mr. Praljak, having added some
5 marking which the witness --

6 JUDGE TRECHSEL: He should not have.

7 MR. STEWART: -- then alluded to. Well, Your Honour, I'm lost as
8 to what happens to it, but Your Honour is the judge and I'm not, so --

9 JUDGE ANTONETTI: [Interpretation] Ms. West, to answer your
10 objection, you said that he was not a fact witness, which we agree with.
11 The first map to which we have given an IC number, the witness showed us
12 that there were four streets. He marked them with numbers 1 to 4. So
13 whoever did it, you or somebody else, he marked them. And the second map
14 that we see now, General Praljak is asking him to pin-point an area, and
15 this is what he has just done. Nobody -- anybody else could have done

16 that. For me, you don't have to be an expert or a fact witness to do

17 that. Do you agree with me?

18 MS. WEST: I don't, Your Honour, because the difference is the
19 first map he showed him, he was just marking roads that were going north
20 and south. The question on this most recent map that Mr. Praljak has is
21 line 16 at page 64:

22 "You're going to show us on this map how behind Gradina, across
23 the Kandiljan, where you can go and what you can reach, and you're going
24 to mark all of that for us."

25 That's quite different. He has to have some factual

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1 understanding of this to know, You go down this street you take left, you
2 take a right. That is a very different answer to --

3 MR. KOVACIC: Your Honour, just a slight detail.

4 If my dear colleague [overlapping speakers] would --

5 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, just a moment.

6 MR. KOVACIC: -- would know the locations, then would see that it
7 is the same question. It is exactly what she was asking, the only
8 difference being that General Praljak - and obviously the expert - are
9 aware of particular locations, what is the name. That is the only
10 difference. It is the same set of questioning, the same subject matter.

11 And by the way, the expert just mentioned, before General Praljak
12 asked, one of those locations, Kandiljan. He mentioned it, without being
13 asked about it.

14 JUDGE ANTONETTI: [Interpretation] Witness, sir, you said that you
15 were in Mostar. The area of Gradina, is it an area that you're familiar
16 with? Have you been there?

17 THE WITNESS: [Interpretation] Your Honour, I was never there, not
18 in that part; however, I'm familiar with that area. Yesterday, you
19 provided me with a map. I did that, and I memorised those places because
20 already yesterday the Prosecutor asked me about that place, and that's
21 why I studied that place in detail, and I studied it based on the map
22 that you provided to me.

23 JUDGE ANTONETTI: [Interpretation] Very well.

24 THE ACCUSED PRALJAK: [Interpretation]

25 Q. Colonel Gorjanc, if there is that road, indeed, behind

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1 Gradina Hill, across the area that is mentioned in this document that I
2 have just cited, would the traffic through that area, owing to the
3 protection given by the hill and the houses, would that traffic be
4 complete and protected from the HVO?

5 A. I can't agree completely. It is not protected from mortar fire.
6 It is protected from infantry fire and artillery fire.

7 Q. Very well.

8 A. However, bearing in mind the distance for mortars of 120
9 millimetres, that would be the ultimate range, and 80-millimetre mortars
10 can't reach this, bearing in mind the drawing or, rather, the sign
11 depicting "mortar."

12 Q. Very well. One more question. According to your familiarity
13 with the confederation, could one from any point --

14 JUDGE TRECHSEL: Excuse me. I have a preliminary question.

15 On this map, Witness, you have drawn a red line across,
16 underlining practically the word "Kandiljan," whatever that means. On
17 the map, I cannot find any road at all that leads from the bottom of the
18 hill somehow back to the street. Can you comment on this? Perhaps I am
19 inept, but I see no -- I see the word "Kandiljan," but that's not where
20 you can transport.

21 THE WITNESS: [Interpretation] Your Honour, no, you can't
22 transport. This is a path for people on foot and, exceptionally, cattle.

23 JUDGE TRECHSEL: Thank you.

24 THE ACCUSED PRALJAK: [Interpretation]

25 Q. Sir, I'm going to read the last sentence from the document

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1 4D00719:

2 "Due to an impediment over towards the city, the branches on the
3 road over -- leading to Kandiljan have to be cut."

4 This is from the document of the BiH Army. We don't know how
5 wide this road is, but it does connect certain houses and buildings.
6 What does it mean, this term "broncage" or cutting branches?

7 A. This means to clear up the area of the road and around the road
8 because that area was mostly covered by shrubbery, by the very low
9 Mediterranean shrubbery.

10 Q. Okay. We will not go over that any longer.

11 Can we have the following map, which is 1:50.000 and shows the
12 northern part of Mostar, Mostar and its northern part? Could we please
13 have that on the ELMO?

14 Could you please sign the previous map, sir?

15 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, can we give a
16 number? If it doesn't have a number, we have to give this a number, this
17 map that depicts Kandiljan.

18 THE REGISTRAR: Yes, Your Honour. The most recent map just
19 marked by the witness shall be given Exhibit IC1091. Thank you, Your
20 Honours.

21 THE WITNESS: [Interpretation] Your Honours, with your leave,
22 could I have the map back to sign it? I forgot to sign it. I apologise.

23 JUDGE ANTONETTI: [Interpretation] You don't have to, because in
24 the transcript it's very clear.

25 THE ACCUSED PRALJAK: [Interpretation]

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1 Q. Mr. Gorjanc, the first map that I showed you, which was a copy of
2 the Prosecution map where I marked the range of mortars, you confirmed --
3 or, rather, did you confirm that that was correct? If that was correct,
4 could you please sign that map?

5 And can I ask to have an IC number for that map?

6 A. Can I have the map back?

7 JUDGE ANTONETTI: [Interpretation] The first map that we saw, the

8 Chamber does not accept that map.

9 THE ACCUSED PRALJAK: [Interpretation] And the last map, could the
10 witness be provided with the last map, please?

11 JUDGE TRECHSEL: It would be helpful if you gave the number of
12 the map, because otherwise the record does not know which is the next
13 one.

14 THE ACCUSED PRALJAK: [Interpretation] 3D00850 is the map we
15 already saw, but to a different end. 3D00850 is a military map of Mostar
16 to -- the scale is 1:50.000.

17 THE WITNESS: [Interpretation] I apologise, General. What I have
18 now is a map of 1:25.000.

19 THE ACCUSED PRALJAK: [Interpretation] You have to sign that one.
20 We have already finished with that map. All it takes for you is to sign
21 it, and then I'll move on.

22 THE WITNESS: [Marks]

23 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you have confused
24 us now with all the maps. We have given two IC numbers. That should
25 suffice. And now you are going to show the witness a new map. That's

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1 the way I understood you.

2 THE ACCUSED PRALJAK: [Interpretation] Your Honours, this is the
3 rest of the area towards the north to show how many roads -- how many
4 paths there are in the villages north of Mostar. There are 30 different
5 possibilities, but let me not speak on behalf of the witness. This is

6 the map. Let the witness talk.

7 JUDGE ANTONETTI: [Interpretation] Usher, could you please provide
8 the witness with that map, with the new map.

9 THE ACCUSED PRALJAK: [Interpretation] We have it here.

10 Could you please move to the northern part on the map? But it's
11 better to put it on the ELMO, because we will then be able to see it in
12 its entirety in colour.

13 Q. The northern part, Colonel, sir --

14 JUDGE PRANDLER: Mr. Praljak, in the meantime let me tell you the
15 following: You were given 20 minutes, and let me qualify that --
16 clarify, rather, that although it was mentioned that those 20 minutes
17 should be taken away from the Defence 2D, but, on the other hand, you
18 have still, in a way, timing which you can also use for yourselves, and
19 that is why I believe that your time will be accounted on your Defence,
20 that is, Defence 3, it is my first point.

21 My second point is that you have been given, as I just mentioned,
22 20 minutes. I would like to ask the Registry how many minutes have you
23 used so far. I believe it is much more than 20.

24 [Trial Chamber and registrar confer]

25 JUDGE PRANDLER: Twenty-three. So I was now told that you used

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1 23 minutes, so kindly try to finish with your questions, if possible,
2 within a few minutes now. Thank you.

3 MS. NOZICA: [Interpretation] Your Honours, I apologise.

4 On line 22, page 71, it says in the transcript that Mr. Praljak
5 will be using the time of 2D Defence. We don't mind, but that was not
6 the spirit of the Chamber's decision. That's why I stood up to
7 intervene.

8 JUDGE ANTONETTI: [Interpretation] It's usually the
9 Presiding Judge who should announce this. Mr. Praljak, the time that you
10 spent, 23 minutes, plus the following minutes will be deducted from your
11 three hours, so -- I forgot that you had three hours. You used 23
12 minutes, which will be deducted from your three hours, and that doesn't
13 apply to Mr. Petkovic's Defence.

14 As Judge Prandler said, could you please bring your questioning
15 to an end, after having shown that last map to the witness.

16 THE ACCUSED PRALJAK: [Interpretation] Yes, I will bring my
17 questioning to an end. This is my time and Ms. Alaburic's time, and I
18 don't think that in situations where it takes five minutes to bring the
19 map to the witness -- it's impossible. Maybe I should better sit down
20 and maybe we should accept the most unbelievable thesis of Ms. Prosecutor
21 that there was just one road.

22 Q. Colonel, could you please take a pen, and can you please show us
23 several ways how one could get from Mostar behind -- you will see here --
24 could you please blow up? You have and I've given you the magnifier.
25 Look at the exit from Mostar behind Gradina, Kandiljan. Yes, stop.

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1 Good. Excellent. Could you please start drawing, starting from number

2 2? Can you start drawing routes? So number 1, that's the highway. Of
3 course, you're right. What about where you see number 2, can start
4 drawing from there.

5 MR. KOVACIC: I think that a better pen should
6 [overlapping speakers] --

7 JUDGE ANTONETTI: [Interpretation] Witness, could you please put
8 the figures in squares? There are already circles, and as you are
9 drawing routes, could you please put numbers in squares? Otherwise,
10 we're going to mix things up. Mr. Stewart reminded us yesterday that we
11 have to be very precise.

12 THE WITNESS: [Marks]

13 THE ACCUSED PRALJAK: [Interpretation]

14 Q. Could you please connect Gradina with Kandiljan, behind Gradina?

15 A. [Marks]

16 Q. And could you --

17 JUDGE TRECHSEL: We have just seen that this is not a road. This
18 is a footpath for a person walking or a cattle. Mr. Praljak, please do
19 not confuse things. We have had this on the record.

20 MR. STEWART: Your Honour, the witness is being confused by the
21 way it was put. He was asked to put numbers in squares --

22 THE INTERPRETER: Microphone for counsel, please.

23 MR. STEWART: Sorry. There was a reference to numbers
24 already in circles. He was asked to put numbers in squares. I don't
25 think he quite appreciated that it was a new set of numbers. It could be

1 that letters might be better. Although, just a tiny suggestion, but
2 that's what happened. So the square around number 2 is just a complete
3 mistake.

4 JUDGE ANTONETTI: [Interpretation] Yes.

5 Sir, when I said that you should put the numbers in squares, I
6 was referring to your numbers, but you have put squares around the
7 numbers that were already there. Use letters, A, B, C, D, and then
8 indicate the paths that could be roads or that could be footpaths.

9 THE WITNESS: [Marks]

10 THE INTERPRETER: Counsel for Mr. Praljak -- microphone for
11 Mr. Praljak, please.

12 THE ACCUSED PRALJAK: [Interpretation]

13 Q. Towards the north. Have a look at the paths to the right and
14 mark all the paths that lead up to number 6, and so on and so forth.

15 A. [Marks]

16 Q. These are roads, sir?

17 A. Yes.

18 Q. How far are they? How far are these roads from HVO positions?

19 A. It depends. Given that in the area of Potok, the HVO was on the
20 left bank, so in some cases it's 500 metres away, but on average over a
21 thousand metres.

22 Q. Have a look. From number 7, Jasenjani, is it possible to go to
23 Bjela by route, and is this a route that could also be used by cars?

24 A. As far as I know, on the basis of the map I had at my disposal,

25 the road in question is a dirt road that could be used by vehicles.

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1 Q. Thank you. This map has a scale of 1:50.000. Have a look
2 here --

3 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, the Chamber
4 believes that we have understood that there are roads -- routes that make
5 it possible to go from Mostar in the direction of the north, northwards.
6 This is something that has been confirmed by the witness. He's marked
7 certain locations, A, B, C, D, so now you can just say, Well, these
8 routes, these paths, and this is what you want to demonstrate, in fact.

9 And in addition, you have also used up all your time, so we have
10 to conclude now.

11 THE ACCUSED PRALJAK: [Interpretation] I will, Your Honours, I
12 will conclude, but one more question.

13 Q. In the document, I quote:

14 "Order the Civilian Protection to repair and cut off the road
15 through Kandiljan," or clear up the road.

16 Sir, how old were these military maps when this was written, in
17 your opinion?

18 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I don't agree with
19 Judge Trechsel, so I have to confer with my colleague, but Judge Trechsel
20 wants you to stop there. I would like you to conclude with number 6, so
21 I'll ask Judge Prandler what his position is.

22 What is your decision?

23 JUDGE PRANDLER: As far as I know, Judge, actually, Mr. Praljak
24 has used at least now more than 30 minutes. We have given 20 minutes.
25 We have more than 10 minutes used. Frankly, I don't see any major need

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1 to continue with the maps. And when our Presiding Judge said that the
2 Chamber believes that you have understood that there are routes, that is
3 it.

4 JUDGE ANTONETTI: [Interpretation] Very well. By a majority oral
5 decision, the Chamber believes that you have used up your time. We will
6 now just give an IC number to the references made by the witness, and we
7 will have our break. Mr. Registrar.

8 THE REGISTRAR: Your Honour, the latest map just marked by the
9 witness shall be given Exhibit IC1092. Thank you, Your Honours.

10 THE ACCUSED PRALJAK: [Interpretation] Thank you, Mr. Gorjanc.
11 I'd like to thank the Judge.
12 I wasn't granted 20 minutes. There was an agreement with Ms. Alaburic
13 for the time that should be allocated so that I could demonstrate the
14 frenzied fabrication of, and absurd references to, some sort of Ho Chi
15 Min's path which served as ABiH propaganda. Throughout the time it was
16 possible to pass through with thousands of soldiers. And nobody wants to
17 go over there to check the roads. Your Honours, you should forget about
18 these scholastic discussions. /unclear/ You can go to Mostar and see
19 whether these roads can be used by cars, five or six kilometres away from
20 HVO positions. Instead of gaining insight into basic facts, for years

21 now we have been arguing over the banalities of whether I would get three
22 more minutes to address the brazen lies disseminated by the Prosecution.

23 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we have understood
24 that you are very emotive about this.

25 We will have our 20-minute break, and then we will resume with

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1 Ms. Alaburic's questions. And we will then conclude at 1900 hours.

2 --- Recess taken at 5.37 p.m.

3 --- On resuming at 5.59 p.m.

4 JUDGE ANTONETTI: [Interpretation] Before I give the floor to Ms. Alaburic,
5 Judge Mindua has a question he would like to put to the witness.

6 JUDGE MINDUA: [Interpretation] Yes, thank you.

7 Mr. President, in fact, I do have a question I would like to put,
8 because during the break I tried to give some thought to the various
9 possibilities in relation to the routes, and in particular in relation to
10 the two maps that we have had a look at, map IC1091 and IC10 -- IC1091,
11 with regard to Kandiljan, and also the last map of Mr. Praljak's,
12 3D00850.

13 So my question is as follows: Obviously, I fully understand that
14 when one is in the eastern part of Mostar, there certainly are dozens of
15 paths or routes, footpaths or horse paths, that can be used to move
16 around the surroundings. I can understand that. But what I have failed
17 to understand is the issue of the four routes, donkey routes or footpaths
18 that we referred to immediately prior to the break. So what I would like

19 to know is whether these paths, independent ones, that is to say, can
20 each path be taken to leave the eastern part of Mostar and go to
21 Jablanica or to any other place in the country, or, rather, do the four
22 paths join up -- link up? Do the four routes lead to a main route which
23 would be at risk of being subjected to HVO artillery fire? That's my
24 question.

25 THE WITNESS: [Interpretation] Those four parallel routes concern

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1 a narrow stretch of eastern Mostar. It's in the area from the lower part
2 of -- well, I can't say exactly where right now, but I know that there
3 used to be an automobile association technical service there, and there's
4 also a location in the northern part, the petrol station. That's where
5 those paths, in fact, join up and form one route, and then that one route
6 or path continues for about 500 metres, in my assessment, and then it
7 forks off -- branches off and forms several paths that lead through
8 Bijelo Polje. The only part that we -- the only part that is dangerous
9 is the one that we've mentioned, the Kandiljan part. That's from the
10 petrol station to Kandiljani, and that part of the route is just a single
11 route which can be used by motor vehicles.

12 JUDGE MINDUA: [Interpretation] Thank you very much, Witness.

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 Ms. Alaburic, you've asked for 40 minutes, roughly. Use your
15 time in such a way that we can conclude with this witness today.

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

17 evening to everyone in the courtroom.

18 Re-examination by Ms. Alaburic:

19 Q. [Interpretation] Good evening, Mr. Gorjanc. Since we're dealing
20 with these maps and these routes, if I have understood you correctly, the
21 Ho Chi Minh path went through Visoravni and Glogova; is that correct?

22 A. Yes.

23 Q. Tell me, on the map that you have behind you, is Glogova shown on
24 the map or is Glogova even further to the north, in the direction of
25 Jablanica?

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1 A. The Glogova Plateau isn't shown on the map, nor is the actual
2 entrance shown or, rather, the road that forks off the main road.

3 Q. Have I understood you correctly? The Ho Chi Minh path was, in
4 fact, to the north, in the direction of Jablanica, and it can't be seen
5 on the map?

6 A. Yes.

7 Q. Thank you. Now let's return to our beautiful doctrine on
8 All-People's Defence.

9 Yesterday, Mr. Gorjanc, with regard to an objection raised by
10 Judge Prandler about the All-People's Defence concept having been created
11 in order to defend from the aggressor --

12 JUDGE PRANDLER: Excuse me, Ms. Alaburic. It was not an
13 objection which I raised, but a question. I wonder if you said objection
14 or question, what I raised yesterday. So I raised a question, not an

15 objection. Thank you.

16 MS. ALABURIC: [Interpretation] Your Honour, I didn't say
17 "objection." I apologise if I was responsible for problems with the
18 interpretation. I said that you initiated discussion on the matter by
19 putting this question.

20 Q. And, Mr. Gorjanc, on page 29 to 31 of the transcript yesterday,
21 you said the Yugoslav concept of All-People's Defence was created in
22 order to defend the country from aggressors, and you said that its
23 purpose had nothing to do with internal conflicts in Yugoslavia. Do you
24 remember that?

25 A. Yes.

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1 Q. Tell us, did Yugoslavia have a military doctrine of any kind in
2 the event of internal conflicts?

3 A. No, because we never assumed that something like that could
4 happen. In 1988, there was the first law that was passed in which only
5 military police units could be engaged. Prior to that date, this -- such
6 engagement wasn't possible in any instructions or rules.

7 MS. ALABURIC: [Interpretation] Could we now show the witness
8 certain documents?

9 Q. Mr. Gorjanc, you have them, in fact, in front of you. Many of
10 them are familiar to you. We've already used them. The first one is
11 P274.

12 JUDGE TRECHSEL: Excuse me. Ms. Alaburic, do you refer, perhaps,

13 to documents that are in the binders that are next to Mr. Stewart,
14 because I don't know what documents you want to refer to and how I find
15 them. Thank you.

16 MS. ALABURIC: [Interpretation] Your Honour, you should have been
17 given a new set of documents. Because I didn't want you to have to
18 consult these numerous binders, I prepared a different set.

19 JUDGE TRECHSEL: I will look for it. Maybe I find it here.
20 Thank you.

21 MS. WEST: Ms. Alaburic, do we have a new binder?

22 MS. ALABURIC: [Interpretation] I know that we always prepare
23 documents for you. If you haven't received them now, we can only give
24 you our copy, if you need it. But these really are documents you have
25 already seen. You could follow this by using Sanction. I know that

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1 Mr. Stringer did this.

2 Let's have a look at P274. It's a decision on declaring a state
3 of war. Have a look at the introductory part of the document.

4 Q. And, Mr. Gorjanc, tell us whether the Presidency of the Republic
5 of Bosnia and Herzegovina thought that an act of aggression had been
6 committed against the Republic of Bosnia and Herzegovina.

7 A. Yes.

8 Q. Could you tell us how they define the aggressor?

9 A. The Presidency of Bosnia and Herzegovina defines an aggressor
10 as -- or defines the aggressor as the Republic of Serbia, the Republic of

11 Montenegro, the Yugoslav Army, and terrorists of the Serbian Democratic
12 Party.

13 Q. On the basis of this document, would you say that the Presidency
14 of Bosnia and Herzegovina believes that a civil war broke out in Bosnia
15 and Herzegovina, or do they believe that an act of aggression was
16 committed, or some other form of armed conflict had commenced?

17 A. Given -- well, in view of who believes whom to be an aggressor,
18 well, I would say that the aggression was an act of aggression committed
19 from the outside, an external act of aggression.

20 Q. Very well. Have a look at item 2. The Presidency of Bosnia and
21 Herzegovina declares a state of war, and the aim is to liberate the
22 Republic of Bosnia and Herzegovina from its aggressors. Does your
23 previous answer confirm this thesis?

24 A. Yes.

25 Q. Have a look at item 3. It's a decision taken to organise an

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1 all-people's resistance under item 3?

2 A. Yes.

3 Q. Mr. Gorjanc, is there a significance difference between
4 all-people's resistance and All-People's Defence?

5 A. No.

6 Q. Now let's have a look at the following document, 4D1164.

7 This is an order from the Presidency of Bosnia and Herzegovina on
8 stating -- on proclaiming a general public mobilisation in the territory

9 of Bosnia and Herzegovina. Under item 1, can you tell us who is being
10 mobilised by the Presidency?

11 A. A general public mobilisation is being ordered of all military
12 conscripts in the territory of the Republic of Bosnia and Herzegovina.
13 This includes military conscripts from the age of 18 to 55.

14 Q. Tell us whether there were any men fit for military service
15 between 18 and 55 years of age who were not liable for military service?

16 A. No, there weren't.

17 Q. Have a look at item 2. What does the order further state with
18 regard to mobilisation?

19 A. All citizens fit for military service, men from 18 to 65 and
20 women from 18 to 50 -- from the years 18 to 55, are ordered to
21 immediately report to civil protection units.

22 Q. Mr. Gorjanc, according to these provisions, were there any men or
23 any women fit for work who are at least 18 years of age or 55 years of
24 age -- or 65 years of age, 55 in the case of women, were there any such
25 individuals who were not mobilised pursuant to this decision?

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1 A. No.

2 Q. Item -- under item 4, work obligation is ordered -- continuous
3 work obligation is ordered in all public companies. Mr. Gorjanc, what
4 are public companies? Do you remember that?

5 A. These are socially-owned companies, utility companies,
6 electricity companies, water supply system, other companies that serve

7 the citizens.

8 Q. Have a look at item 5. Work obligation is also being ordered for
9 all enterprises and private crafts and other shops. According to this
10 decision, are there any people fit for work, who work in some of the
11 companies referred to, who were not mobilised in order to perform their
12 work obligation pursuant to this order?

13 A. There were no such individuals.

14 Q. Have a look at item 7. It says:

15 "A failure to adhere to this order --"

16 JUDGE ANTONETTI: [No interpretation]

17 [Interpretation] Ms. Alaburic, as you both speak the same
18 language, could you make a small break, because the interpreters are
19 crying.

20 MS. ALABURIC: [Interpretation] Your Honours, I am apologising.
21 I'm trying to follow the English interpretation. Obviously, it seems
22 that the French booth is taking a little longer, so I'll bear that in
23 mind. I do apologise.

24 Q. So item 7, what would be the consequences of failure to comply
25 with this order, Mr. Gorjanc?

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1 A. Could you repeat the question?

2 Q. Item 7 states what the consequences are of failure -- any failure
3 to adhere to this order. Could you tell us what those consequences are?

4 A. First of all, there's criminal responsibility and misdemeanor

5 responsibility, or material responsibility, perhaps.

6 Q. Let's have a look at 1D942, 942. It's a platform for the
7 activities of the Presidency of Bosnia and Herzegovina in wartime
8 conditions. In the introductory part, it is stated that a war has been
9 imposed by aggression on Bosnia and Herzegovina. Have a look at item 5,
10 in which reference is made to the all-people's -- combat of all peoples,
11 and item 6 says this is a platform which is an appeal to all citizens to
12 join the combat against the act of aggression.

13 Mr. Gorjanc, in your opinion, is this an example of the doctrine
14 of All-People's Defence or is it some other kind of doctrine?

15 A. It fully corresponds to the provisions of the doctrine -- of the
16 Yugoslav doctrine of All-People's Defence.

17 Q. Thank you very much. In the course of your testimony,
18 Mr. Gorjanc, we spent a significant amount of time on defining the nature
19 of members of armed forces and on determining the differences between
20 definitions in accordance with international law and definitions that one
21 finds in the Constitution of the SFRY. Amongst other things, you said,
22 on page 46279 of the transcript, that the doctrine of All-People's
23 Defence was not fully in accordance with international law and the
24 protection of civilians because they don't only define members of armed
25 forces as people who bear weapons but also citizens who aren't carrying

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1 weapons but contribute to the events of the country, such citizens are
2 also considered as members of the armed forces. Do you remember that

3 answer, Mr. Gorjanc?

4 A. Yes, I do.

5 Q. Now let's have a look at document P7. It's a manual on
6 international law and the application of the provisions of international
7 law. It is a voluminous document, which is why it's not contained in
8 this set of documents. It's a document you can find in one of the
9 Prosecution binders, but I will only refer to item 48, paragraph 3, and
10 I think that the electronic courtroom will suffice for my purposes.

11 In item 48, paragraph 3, there is a definition of a member of the
12 armed forces who is not a soldier at first glance.

13 May I assist with the page number? In the Croatian, it is
14 page 41? Could you enlarge it a little, please? It's not paragraph 3,
15 but paragraph 4. My mistake. It is paragraph 4.

16 Mr. Gorjanc, could you please tell us -- it states here that a
17 citizen, during an armed attack or in a military operation in preparation
18 for an attack, wears no identification marks and cannot be distinguished
19 from the civilian population, shall be considered a combatant and a
20 member of the armed forces on condition that he openly bears arms during
21 the military engagement and when the adversary can see him, during
22 engagement, in military deployment which precedes the mounting of the
23 attack. There are a few more words, but I don't think they matter.

24 In the second paragraph, however, there is a definition of
25 members of the armed forces of the SFRY. They are defined as members of

1 the Yugoslav People's Army and the Territorial Defence, but also every
2 citizen who, with arms or otherwise, takes part in resistance against
3 attackers.

4 Mr. Gorjanc, what we have just said from the handbook on the
5 application of regulations of international law illustrates the
6 difference that you have made in defining members of the armed forces?

7 A. Yes.

8 Q. Let us now look at a document in my set of documents, 1D1236,
9 1D1236. It is the Constitution of the Republic of Bosnia and
10 Herzegovina, which in item 162, paragraph 3, says that:

11 "Every citizen who, with arms or in another way, takes part in
12 resisting the aggressor is a member of the armed forces of the republic."

13 If we compare this definition with the definition from the
14 Constitution of the SFRY, what is the conclusion we could make?

15 A. Meaning they are identical.

16 Q. Mr. Gorjanc, in the course of your testimony, on transcript
17 page 46311, you said, when describing the situation in the territory of
18 Bosnia and Herzegovina, that there were three categories of prisoners of
19 war. First, combatants; second, potential combatants or military
20 conscripts or reserve forces; and, thirdly, other persons who, without
21 arms, are in another way putting up resistance. Is my understanding
22 correct?

23 A. Yes.

24 Q. A moment ago you said, if I understood you properly, that every
25 able-bodied man between 18 and 60 was a military conscript. Is that

1 right?

2 A. Yes.

3 Q. If he was subject to obligations stipulated by the regulations
4 passed by the authorities in Sarajevo, was he a military conscript of the
5 ABiH?

6 A. Yes.

7 Q. Tell me, Mr. Gorjanc, if we recall the discussion about the
8 isolation of Muslim soldiers in the HVO, and if we now focus on the
9 second category of military conscripts, that is, able-bodied men of
10 Muslim ethnicity between 16 and 60, what would you say -- to which
11 category of war prisoners would they belong out of the three?

12 A. Able-bodied men without weapons are ranked in the second group.

13 Q. That is, potential combatants or a reserve force; is that right?
14 The potential combatants were the reserve force; is that right?

15 A. Yes.

16 Q. Mr. Gorjanc, in answer to a question from my learned friend
17 Ms. West and His Honour Judge Antonetti, you gave your opinion about
18 certain situations. I would like to refer to two situations. I consider
19 your answers to be perfectly correct. But in connection with those same
20 facts, I will refer to a different situation.

21 On page 46285 to 46291 - this is transcript pages - you spoke
22 about a group of men who were at the Heliodrom. There was a
23 four-month-old child. There were people over 80 years of age, and there

24 were women with small children. And you said -- when asked about the
25 arrest of these people, you said that the arrest was illegal and

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1 inhumane. Do you remember that?

2 A. Yes, I do.

3 Q. I think that your answer is quite correct, but let me ask you
4 about a different situation.

5 We're talking about fighting in a built-up area. The fighting
6 has started, and as a commander of one of the two conflicting armies, you
7 decide to launch an attack on the headquarters of the command of the
8 enemy army. Tell me, the headquarters of the enemy command, would you
9 consider it to be a legitimate target?

10 A. Absolutely.

11 Q. This command is situated in a housing apartment block, and you
12 expect the fire to be opened at the command. You assume that the command
13 will not surrender and that the fighting could go on for at least a
14 couple of hours. My question to you now is: It is an apartment block
15 inhabited by thousands of people who are at risk. As a military
16 commander, what would you do in such a situation?

17 A. I would try to evacuate the population that might be at risk.
18 Before that, I would try to warn the command about this and ask them to
19 evacuate the population.

20 Q. Would you evacuate a four-month-old baby?

21 A. Certainly, in the first place, before anyone else.

22 Q. Would you evacuate a person older than 80?

23 A. Yes.

24 Q. Would you evacuate a woman with a small child?

25 A. Certainly, I would.

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1 Q. If some seven days later you were to find that the danger for
2 them had passed, would you allow those same people to return to their
3 homes?

4 A. [No interpretation]

5 Q. Thank you. My second question about a hypothetical situation
6 refers to a question put to you by His Honour Judge Antonetti.

7 Could you repeat the answer, Mr. Gorjanc? Seven days later, if
8 you were to assess that the danger had passed, would you allow them to go
9 home?

10 A. Yes.

11 Q. So my next question relates to your answers noted on pages 46292
12 up to -- I'm sorry, I misspoke. No, no, 46292 and 46296, 46296.

13 His Honour Judge Antonetti asked you several hypothetical
14 questions as to what you would do with inhabitants of a Muslim village,
15 and you are an HVO commander, if you knew that your own soldiers could
16 abuse those people and maybe even kill them. And your answer mostly was
17 that you would have to take every possible measure to keep your soldiers
18 under control. If you were unable to do that, to send them to the
19 front-line; therefore, move them out of the rear, where that village is

20 situated, et cetera. Did I understand your answer correctly?

21 A. Yes.

22 Q. I consider your answer a correct one.

23 Now, let me ask you the following: You have a Muslim village in
24 the zone of combat operations or in the immediate vicinity of that zone
25 of combat operations. The inhabitants of those -- of that village are

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1 exposed to danger from those combat activities. Another danger threatens
2 from several thousand Croats who were refugees or who were expelled from
3 Central Bosnia because of ABiH activities and who are hostile towards the
4 Muslim population in the area to which they have arrived. And as a third
5 danger to which they are exposed are your own soldiers who have some
6 measure of hostility towards Muslim citizens. The fighting is severe.
7 There is a danger of losing control of the territory that you held up
8 until then. You don't have a sufficient number of soldiers. Every
9 single soldier is invaluable on the front-line, and you cannot spare a
10 single soldier to guard the Muslim... inhabitants of this Muslim village.
11 What would you do in such a situation with the Muslim
12 inhabitants of that village or any other inhabitants of that village?

13 A. I would move them outside the zone of military operations, combat
14 operations.

15 Q. Several observations about the structure of your report linked to
16 the questions by my learned friend Ms. West.

17 In Chapter 6, you speak about the application of the doctrine of

18 All-People's Defence in Bosnia-Herzegovina, and in the first part of that
19 chapter you elaborate on the regulations, the contents of the
20 Constitution, the contents of certain regulations relating to defence,
21 et cetera; is that right?

22 A. Yes.

23 Q. Did the Prosecution show you a single law of Bosnia and Herzegovina
24 or any decree relating to defence that was not contained in your report?

25 A. No, they did not.

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1 Q. With the exception of the error in the date of an amendment to
2 the Decree on Armed Forces, did the Prosecution present any objection
3 regarding the way in which you presented the contents of the regulations
4 of Bosnia and Herzegovina on defence?

5 A. No, they did not.

6 Q. Madam Prosecutor, asking you about this part of your report, the
7 one relating to regulations, in a sense objected that you mentioned only
8 four documents, and this can be found on page 46245 -- 46265, 265, and
9 you said that you didn't quote the documents in this part of the report,
10 but you did in another part of the report. And this answer is to be
11 found on page 46254. So let us now look, Mr. Gorjanc, very briefly at
12 some of the documents that you referred to in reliance to the civilian
13 population.

14 4D33 -- I will list them all, and I will have a question
15 referring to all of them. 4D33, a document of the 42nd Brigade of the

16 4th Corps of the ABiH, dated the 16th of April, 1993, and it says:

17 "In villages with the Muslim nation, guard duty should be set up
18 and full control of the village achieved."

19 And also:

20 "Through the bodies of the civilian authorities, achieve contact
21 with all members of the Muslim population or require full commitment in
22 defence of their homes."

23 "Demand full engagement in the defence of their homes."

24 The next document is 4D34, by the same author two days later,
25 dated the 18th of April, and it says:

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1 "Through the bodies of the civilian authorities, achieve
2 co-operation with the population of Dubrava and Stolac."

3 4D34 is the document number.

4 The next document you quote in this part of your expert report is
5 a document of the 42nd Mountain Brigade, dated the 18th of April. And
6 towards the very end of the document, it says:

7 "When drafting a plan, views and proposals should be exchanged
8 with municipal boards and, if necessary, in agreement with other
9 institutions of the Muslims in the territory."

10 And at the very end of the document, it says:

11 "Review the possibility of providing food supplies from local
12 sources, should the need arise to use them."

13 This document is 4D35.

14 The next document, 4D1476, 1476, is a document of a brigade of
15 the 3rd Corps. The date is the 31st of January, 1993, which says that:

16 "In places of inhabitants, to secure the village, all able-bodied
17 population should be engaged, all military conscripts, regardless of
18 whether they are under work obligation or members of the battalion."

19 The next document is 4D1727, 4D1727, a directive for the defence
20 of the sovereignty and independence of Bosnia and Herzegovina. I will
21 refer only to the relevant parts.

22 In item 2, there is reference to the armed population, which
23 needs to be united under a single command of the TO Staff. And then in
24 item 4, there is reference to the mass resistance of citizens. In item
25 5, there is reference to the formation of volunteer units of the

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1 Patriotic League, patriotic forces, et cetera. Item 6.2 says that when
2 collecting intelligence information, loyal citizens and members of the
3 population should also be engaged. Paragraph -- item 6.4, talking about
4 engineering security, that fortification, masking, should be carried out
5 in co-operation with all other subjects on the territory.

6 I could cite other passages, but we don't have enough time.

7 And the last document in this series, 4D1603, instructions for
8 building and strengthening combat morale of the ABiH, from February 1993,
9 and item 1, in the first part, speaks about the unity of the army and the
10 people and about the need to defend oneself through the assistance of the
11 people to the army by taking care of the wounded, providing materiel,

12 collecting information about the enemy, discovery and preventing agent
13 provocateurs, sabotage, et cetera.

14 And there's something else I wish to draw your attention to,
15 sabotage activities, but we can refer to those in other documents.

16 On the basis of all these documents and everything else that you
17 used in your report and then that you have read, tell us, do these
18 documents have any connection to what you described as unarmed members of
19 the resistance?

20 A. These documents present the operationalisation of the position
21 and doctrines of All-People's Defence in military documents, such as
22 orders, reports, instructions, and so on and so forth.

23 Q. Mr. Gorjanc, did my learned friend the Prosecutor show you any
24 document emanating from the Muslim forces that would negate the
25 application of the principles of All-People's Defence on the part of the

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1 BiH Army?

2 A. No.

3 Q. Mr. Gorjanc, you have dedicated a whole chapter to the doctrine
4 of All-People's Defence in Bosnia-Herzegovina, and you speak about
5 sabotage actions. Are they part of the doctrine of All-People's Defence?

6 A. I have to be very precise in the interpretation of the term
7 "sabotage." This refers to the activities behind the enemy lines with
8 infiltrated forces or the forces that have been there from before and are
9 armed. These are not classical sabotage actions.

10 Q. Let's look at two general documents to see whether sabotage
11 actions were part and form of struggle on the part of the BiH Army.

12 The first document is 4D1730. This is an analysis of combat
13 activities undertaken by the 3rd Corps, and the document was issued in
14 February 1993. In the very introduction, a reference is made to the
15 All-People's Defence or resistance put up against the aggressor. And in
16 the last part of the second paragraph, it says that most of the
17 intelligence was collected through units in contact through observation
18 or by gathering intelligence from the population.

19 Tell me, please, the claim about the intelligence co-operation
20 with the population, is that part of unarmed resistance put up against
21 the aggressor?

22 A. Yes.

23 Q. In bullet point 14, it says:

24 "Continue an even bigger application of the infiltration of
25 sabotage groups behind the enemy lines and tell them to carry out

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1 sabotage activities."

2 Judging by this document, what would you say, Mr. Gorjanc? Were
3 sabotage actions an important part of the activities of the BiH Army?

4 A. In every respect, because sabotage action behind enemy lines
5 brings much more results than operations on the front-line and engages
6 fewer men.

7 Q. And now let's look at 4D1240, 1240. This is a directive by the

8 Staff of the Supreme Command of the Armed Forces of Bosnia-Herzegovina,
9 dated September 1992, and let's look at bullet point number 4, where
10 reference is made to the forces which should be engaged in lifting the
11 blockade of Sarajevo and engaged in the defence of free territory and
12 offensive, whereas auxiliary forces have to be used for sabotage actions
13 behind enemy lines.

14 Mr. Gorjanc, do tell us, were there any special units that were
15 engaged in sabotage activities or should there be any -- some other
16 interpretation of these words?

17 A. As far as I know, in the BiH Army there were no special units,
18 but some more courageous soldiers would infiltrate themselves behind the
19 enemy lines, or there were some special-purpose units, such as the 7th,
20 the Black Swans, and Mujahedin, and so on and so forth.

21 Q. In Chapter 6 of this document, there is a list of all the
22 contents of an armed struggle, and the last is: "Sabotage and
23 anti-sabotage struggle." And it says here:

24 "Carry out large-scale sabotage activities behind the enemy lines
25 and prevent them from bringing in fresh troops and fresh supplies, and

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1 thus inflicting as much damage as possible."

2 Judging by this document, Mr. Gorjanc, what would you say about
3 sabotage activities as a form of struggle undertaken by the BH Army?

4 A. I would say that this was a very important element and form of
5 combat activities for the BiH Army, given the fact that they always and

6 constantly emphasised that problem.

7 Q. In Chapter 7, about intelligence support, it says:

8 "The tasks of intelligence support should involve intelligence
9 bodies, surveillance units, and the population."

10 Would you say that this is also one form of non-armed resistance
11 put up against the aggressors?

12 A. Yes.

13 MS. ALABURIC: [Interpretation] Your Honours, could we please go
14 into private session -- into closed session?

15 [Private session]

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

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11 Pages 46526-46529 redacted. Private session.

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2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 [Open session]

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

16 MS. ALABURIC: [Interpretation] I'm going to mention just a few
17 witnesses who testified in this courtroom and said that they were
18 familiar with the existence of the corridor and the possibility for
19 people to leave Mostar: Mr. Kemal Lizde, in P10137, paragraph 26;
20 Witness DW, transcript 23261; Witness BB, to Ms. Nozica's question,
21 transcript 9851.

22 Q. Mr. Gorjanc, I will have some questions about what
23 Mr. Cedric Thornberry told us here in this courtroom. Do you know who
24 that was?

25 A. Yes.

1 Q. Who was he?

2 A. He was one of the negotiators in Bosnia and Herzegovina.

3 Q. He was also a member of UNPROFOR?

4 A. Yes.

5 Q. In any case --

6 A. Yes, that's how I know him.

7 Q. On page 26266 and 26267, told us that he was aware of the
8 corridor, and then he went on to tell us that in the month of August and
9 early September 1993, a media campaign was organised which was supposed
10 to reveal for the whole world what the situation in East Mostar was. He
11 said, literally, that the campaign was directed at the population of
12 western states and that it was expected that they would put pressure on
13 the governments of their respective countries in order to undertake more
14 energetic measures in order to resolve problems in Mostar. This was
15 recorded on page 26274.

16 Mr. Gorjanc, as a person who worked in the Centre for Strategic
17 Studies in Slovenia, could you please tell us something about media
18 campaigns that were organised by the BiH Army or Alija Izetbegovic's
19 government?

20 A. One of such campaigns was the siege of Sarajevo. It is my deep
21 belief that if they had wanted to call -- to talk before that, they would
22 have reached an agreement, especially in view of the fact that Karadzic
23 publicly appealed to them at this Assembly session not to organise the
24 referendum. Further on, such a campaign was showing victims. I read

25 some memoirs, for example the one written by General McKenzie, who wrote

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1 about the shell that landed in Sarajevo, and similar things. There was
2 many such things, not only in Bosnia. It was -- it started also already
3 in Slovenia.

4 Q. And just one more question because we're coming up to 7.00.

5 Mr. Gorjanc, if somebody were to show you a document that would
6 demonstrate that Alija Izetbegovic's government deliberately pursued a
7 policy to present themselves as a victim, would that fit into what you
8 have just told us about media campaigns?

9 A. Yes, absolutely. It seems to me that one such document does
10 exist. Its author is Halilovic, who says in it that, We should stop
11 being a victim and that we should start relying on our own powers and
12 strengths.

13 MS. ALABURIC: [Interpretation] This brings my additional
14 examination to the end. Thank you very much, Mr. Gorjanc, for having
15 come here to testify on behalf of Mr. Petkovic.

16 JUDGE ANTONETTI: [Interpretation] Witness, on behalf of my
17 colleagues I would like to thank you for having come here and testifying
18 for almost two weeks. I wish you a safe journey back to your country.

19 As everybody knows, we have a witness only next week. I looked
20 at the distribution of time this morning. I hope that the witness will
21 be at the disposal of the Chamber on Monday at 2.15.

22 Thank you very much.

23 [The witness withdrew]
24 --- Whereupon the hearing adjourned at 7.03 p.m.,
25 to be reconvened on Monday, the 9th day of

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1 November, 2009, at 2.15 p.m.

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