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1 Tuesday, 2 June, 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Prlic and Coric not present]

5 [The witness takes the stand]

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

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

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

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

13 Today is Tuesday, the 2nd of June. I would like to greet  
14 Mr. Pusic, Mr. Petkovic, and Mr. Stojic, as well as Mr. Praljak. I would  
15 like to greet all the Defence counsel, Mr. Stringer and his associates,  
16 as well as all the people assisting us in this courtroom.

17 I would first of all like to give the floor to our Registrar, who  
18 has an IC number to give us.

19 THE REGISTRAR: Thank you, Your Honour.

20 The Praljak Defence has submitted a list of documents to be  
21 tendered through Witness Slobodan Praljak. The list will be given  
22 Exhibit IC1024. Thank you.

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

24 The Trial Chamber will hand out an oral decision relating to the  
25 behaviour of the parties. I shall read it out slowly.

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1 The Trial Chamber was informed that after the hearing of the  
2 28th of May, 2009, Mr. Stringer and Mr. Karnavas had quarrelled inside  
3 the courtroom. The Trial Chamber cannot ignore this fact, in the  
4 presence of people who may have been shocked by this kind of behaviour;  
5 quite legitimately so. The Trial Chamber would, therefore, like to ask  
6 Mr. Stringer and Mr. Karnavas to apologise in public, and remind them  
7 that whatever the circumstances may be, they must, in light of their  
8 positions, behave in a dignified manner and in control.

9 In addition, the Trial Chamber has noticed that on several  
10 occasions Mr. Karnavas behaved before the Chamber in a way which the  
11 Trial Chamber cannot accept. The Trial Chamber would like to recall at  
12 the hearing of the 26th of May, 2009, Mr. Karnavas overtly criticised,  
13 and in no uncertain terms, the position adopted by the Trial Chamber when  
14 it ruled on the closed session which had been asked. Mr. Karnavas said  
15 he was quite shocked by the decision that had been handed down by the  
16 Trial Chamber; see the transcript on pages 14.755 in private session.  
17 Let me correct the page number. It's 40.755.

18 The Trial Chamber would also like to recall that at the hearing  
19 of the 28th of May, 2009, **Mr. Karnavas' behaviour was totally out of**  
20 proportion and quite shocking when he addressed Mr. Stringer to say they  
21 had not received the e-mail for Mr. Prlic; refer to transcript

22 number 40.965 and subsequent pages.

23 Furthermore, the Trial Chamber has noticed that Mr. Karnavas'  
24 tone is totally out of place. This has to do not only what he says in  
25 the courtroom, but the Trial Chamber would also like to refer to the tone

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1 of voice adopted by Prlic's Defence in its submissions, when it says  
2 request filed by Jadranko Prlic with a view to re-examining the decision  
3 on the request filed by the Prlic Defence to have documentary evidence  
4 admitted into evidence; filed confidentially on the 8th of May, 2009. By  
5 way of illustration, the Trial Chamber refers Mr. Karnavas to  
6 paragraph 12 of his submission, in which he exposes the reasons why he  
7 feels that the Trial Chamber lacks an insight.

8 The Trial Chamber would also like to note that Mr. Karnavas has  
9 already been asked to comply with adequate rules of behaviour. This was  
10 mentioned on the 3rd of February, 2009. He was sanctioned pursuant to  
11 Rule 46(A) (1) of the Rules of Procedure and Evidence, and an oral  
12 decision was handed down by the Trial Chamber on the 14th of January,  
13 2009. The Trial Chamber, therefore, asks Mr. Karnavas to submit his  
14 views before the 4th of June, 2009, on the behaviour that has been  
15 mentioned above so that the Trial Chamber can, if need be, take  
16 appropriate measures.

17 There are two important things regarding this oral decision: A,  
18 what happened at the end of last week, which opposed Mr. Stringer to  
19 Mr. Karnavas when the Trial Chamber had already left the courtroom. The  
20 Trial Chamber would, therefore, like to ask both protagonists to

21 apologise. The Trial Chamber realises that Mr. Karnavas is not here  
22 today, but he will do so when he comes back, and, therefore, ask  
23 Mr. Stringer to apologise to the Chamber. In addition, the Trial Chamber  
24 would like to ask Mr. Karnavas, who's not here today, but his co-counsel  
25 will inform him about this, we would like to have his remarks put down in

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1 writing on what the Trial Chamber has just mentioned in its oral  
2 decision, relying on a series of facts, as it did so.

3 Mr. Stringer.

4 MR. STRINGER: Good afternoon, Mr. President, Your Honours, and  
5 to everyone else in and around the courtroom.

6 I've heard what the Trial Chamber has said. The events that  
7 you've described, Mr. President, that occurred on the record from last  
8 week don't require any comment from me. I think the Trial Chamber has  
9 made its observations about that. What happened -- I can tell the  
10 Trial Chamber what happened after the proceeding ended. I approached  
11 Mr. Karnavas in the courtroom. I said things to him that were better  
12 left unsaid or probably could have been better said to me -- by me to him  
13 alone and not in the presence of the court staff, co-counsel for the  
14 other accused. And if I said anything or acted in a way that was  
15 offensive or troubling to anyone else, I sincerely apologise for that,  
16 and I do wish to apologise to the Trial Chamber for what occurred after  
17 the proceedings.

18 We do get riled up at times, as you know, in this court, and I've  
19 tried very hard, in the time I've been involved in this trial, not to do

20 that and to stay in control of myself, my temper; and I think I've, for  
21 the most part, been able to do that pretty well. But I did lose a bit of  
22 self-control and should not have approached Mr. Karnavas in the presence  
23 of everyone else in the way I did, and again I apologise to anyone who  
24 was present who may have been offended or troubled by that, and I wish to  
25 apologise to the Trial Chamber as well.

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1 JUDGE ANTONETTI: [Interpretation] Very well.

2 Mr. Stringer, this is now on the record. The Trial Chamber would  
3 like to thank you for your words.

4 The Trial Chamber would, therefore, like to ask the co-counsel to  
5 inform Mr. Karnavas of this decision so that we receive his submissions  
6 before the 4th of June.

7 Mr. Praljak, your in-chief will resume, and I would therefore, to  
8 this effect, give the floor to Ms. Pinter again, whom I greet this  
9 afternoon.

10 MS. PINTER: [Interpretation] Good afternoon, Your Honours.

11 WITNESS: SLOBODAN PRALJAK [Resumed]

12 [The witness answered through interpreter]

13 JUDGE ANTONETTI: [Interpretation] The Registrar just told me that  
14 one of the Defence counsel would like to address the Trial Chamber for a  
15 few minutes.

16 MS. TOMASEGOVIC TOMIC: [Interpretation] Good afternoon,  
17 Your Honour. Good afternoon to everyone in the courtroom.

18 I just wanted to notify the Chamber that regarding the documents

19 that the Trial Chamber has asked me to deliver - actually, it was last  
20 week - that a motion would be filed either this evening or, at the  
21 latest, tomorrow morning. These are just technical matters regarding  
22 translation and so on, so I think that you will receive it by e-mail  
23 tomorrow morning at the latest. Thank you, Your Honours.

24 JUDGE ANTONETTI: [Interpretation] Thank you,  
25 Ms. Tomasegovic Tomic.

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1 MS. PINTER: [Interpretation] Good afternoon, Your Honours. Good  
2 afternoon to everyone in the courtroom.

3 Examination by Ms. Pinter: [Continued]

4 Q. [Interpretation] Good afternoon, General.

5 A. Good afternoon.

6 Q. Let us continue with the binder entitled "The Main Staff." Could  
7 you please look at document --

8 A. Will you explain about the numbers?

9 Q. Well, the general has just reminded me we have been obliged by  
10 His Honour Judge Antonetti to provide notice regarding documents  
11 pertaining to May 1993 and Mostar. What we have managed to ascertain so  
12 far is that the documents bearing number 01, the documents issued by --  
13 documents issued by the commander, but it might also occur that Mr. Raguz  
14 was also issuing documents bearing this designation, 01. He was in  
15 charge of relations with UNPROFOR at the time. Documents bearing the  
16 reference number beginning with 03 are documents that are issued by the  
17 operations office of the Command, and by analysing documents through

18 e-court, it has been ascertained that these are the reports that are  
19 sent to the Main Staff about daily developments in Mostar.

20 As regards the other task that we received, and that was to  
21 notify the Trial Chamber about the documents that are or are not in  
22 e-court, I can say that General Praljak's Defence has up-loaded into  
23 e-court all the documents it had as of the 1st -- or, rather, from the  
24 1st until the 15th or the 16th of May, 1993. And having gone through the  
25 e-court, we have also ascertained that the Prosecution also has the same

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1 documents. So these are the documents that are at our disposal. They  
2 were -- they have been presented, and some, indeed, have been admitted  
3 into evidence, either as Prosecution or as Defence exhibits.

4 JUDGE ANTONETTI: [Interpretation] Thank you. I will have ample  
5 opportunity to address these issues again when I shall put my questions  
6 to Mr. Praljak.

7 MS. PINTER: [Interpretation] Just one more -- just one brief  
8 notice. Some of these documents are in the binder pertaining to Mostar  
9 1993, but not all of them, because we selected only those that have not  
10 yet been admitted and that might be of some use to us.

11 Q. So, General, I would like you to look at document 3D01097. It  
12 has already been admitted into evidence.

13 A. Well, this is a document that was sent using packet radio, so  
14 there can't be my signature on it, but it is a document I issued. And  
15 here, once again -- well, it deals with the fact that at that time, when  
16 the BH Army had launched an extremely strong attack on Bugojno, and from

17 Bugojno towards Gornji Vakuf, simply the whole system broke down.

18 In other words, the units were disjointed. They were not  
19 carrying out their orders, and simply -- well, in a military it's  
20 ridiculous to write words to the effect of "last warning because of the  
21 failure to carry out orders," because you could use wording like that in  
22 education, but not in military. But, unfortunately, we had to issue such  
23 threats several times and beg and show that our lack of power, in a way,  
24 by issuing such orders, in order to organise those exhausted units,  
25 disorganized units in some way in order to mount a defence.

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1 Q. Now I would like you to open document 3D01101. It's yet another  
2 order that you issued.

3 A. Well, the same sort. The date is the 25th of July, and the  
4 attacks are really fierce. Our lines in the area of Gornji Vakuf are in  
5 disarray, for all intents and purposes, and I add here that at that time  
6 in particular -- with many, but in particular there were problems with  
7 the units from Livno, for a very simple reason, because they were under  
8 strong influence of their local authorities, and Mr. Stanko Vrgoc and  
9 Mr. Andabak sometimes - and we'll see later - to put it quite simply, did  
10 not obey orders, and here in the PS, I actually threaten them; although  
11 if you were to ask me what I had to threaten them with, I would be  
12 hard-pressed to give you an answer. Because if you issue a threat, then  
13 usually you have to be able to back it with something, some sanctions,  
14 and you have to have a way to implement them. But at that point in time,  
15 unfortunately, we did not have any --



16 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you told us that  
17 you had read a lot of things. You quoted us a lot of books about the  
18 war. Perhaps you read books about World War I. During World War I,  
19 there were, in the French forces, some units that did not abide by the  
20 orders. These people were court-martialed and executed as a result.  
21 Didn't you read anything about that?

22 THE WITNESS: [Interpretation] Yes, Your Honour, I have read a  
23 lot. For instance, the Russian Red Army, just behind the fighters that  
24 were mounting an assault, there were the NKVD people who would simply  
25 shoot on the spot anyone who attempted to run away or run back. So

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1 there's a lot of such instances in the wars; not only in the First World  
2 War, in any war.

3 JUDGE ANTONETTI: [Interpretation] Very well.

4 MS. PINTER: [Interpretation]

5 Q. General, I have to follow up with a question. And what was the  
6 situation like in the HZ-HB and the HVO? Why did you not have this  
7 procedure in place?

8 A. Well, Ms. Pinter, you will see later on that we did instigate  
9 proceedings and that -- well, first of all, the Main Staff was not able  
10 to remove a brigade commander easily. It was a long, drawn procedure.  
11 There would be a report first and so on. Only Mate Boban was in a  
12 position to do so. So you file a report, and by the time it reaches  
13 Mr. Boban, who's probably away attending some talks and so on, so it was  
14 a long road. And there is also a question of how to investigate the

15 whole matter. There was a commission that was supposed to be set up to  
16 determine the facts and so on. And at the time when the fate -- or,  
17 rather, there was the problem of the BH Army breaking through the lines.  
18 It had to be resolved within a day or two or even a couple of hours.  
19 Simply, well, we did carry out those things. Sometimes I did demand that  
20 somebody be removed from their posts.

21 I used all kinds of means, threats and other acts. And, on the  
22 other hand, if a unit refuses to obey an order, together with its  
23 commander, then in the kind of organisation that existed in the HZ-HB,  
24 you really don't know what to do with this unit. Naturally, you should  
25 have to have a military court and stiff sanctions, but down there,

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1 although we did do this, you will see the number of proceedings that were  
2 instituted, but it was impossible to achieve this kind of a solid  
3 organisation.

4 Q. Thank you very much. Now I would like you to look at document  
5 3D01908 -- 019088. I don't think that I gave the correct number.  
6 I think it should be 01988, 3D.

7 A. Well, this is an excellent commander from Tomislavgrad,  
8 Zeljko Glasinovic, who was a professional soldier. He took part in an  
9 operation that NATO launched to liberate Kuwait. He was a professional  
10 soldier. He served in the Canadian Army, and his nickname was Glava.  
11 And that's why I say "Glava" here, using his nickname, and I tell him,  
12 Well, I'm not going to issue any orders to you. I simply expect you to  
13 join the fight because the situation is very serious, too serious for any

14 stories and for fucking around. That's what it says here.

15 Well, this is a document -- Your Honours, you know, the worst  
16 thing is when you realise, and a commander must not really allow himself  
17 to do that, when a commander realises that an order would not be obeyed,  
18 it's better not to issue any orders, because then the order would not be  
19 obeyed, and you destroyed what little authority you have in front of  
20 those people. Of course, you have some authority vis-a-vis the people  
21 that are fighting. So it's better not to issue an order, because the  
22 whole system breaks down when people see that an order has not been  
23 obeyed, and it is also -- it also becomes quite obvious that you don't  
24 know what to do, in terms of sanctions, because you are severely limited,  
25 and then it's better to count on people's willingness to do things; in other

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1 words, you're a soldier, you are aware of the situation, I'm not going to  
2 order you anything, I'm just expecting you to do something. And this tells  
3 you what situation we faced and what the level of organisation was in that  
4 army; although I keep repeating that one should differentiate between  
5 those who fought honorably and obeyed orders and those who didn't.

6 Q. Could you please look at P03719. This is a response to a memo  
7 signed by Tihomir Blaskic or, rather, somebody signing it for --

8 A. What's the number?

9 Q. It's P03719.

10 A. This is a document dated -- well, here Mr. Blaskic is responding  
11 to the commander of the Nikola Subic Zrinski Brigade from Busovaca. And  
12 it would take us a long time to comment on it. The document speaks for

13       itself in terms of what kind of control Mr. Blaskic had when he -- well,  
14       this commander from Busovaca, the commander of this brigade, is  
15       subordinated to Mr. Blaskic, and something of this sort does not exist in  
16       an organised army. This is the kind of correspondence providing some  
17       explanations. This would be more fit for diplomacy or some civilian  
18       structure, where two people haggle over who understood what in what way  
19       and who should do something. It's not a situation where you have a  
20       commander who issues an order that had to be obeyed.

21       Q.     But could you please look at item 6 and 7, in particular 7, in  
22       this response, where he informs the commander of his duties.

23       A.     Well, I say --

24       Q.     And who is in charge of the displaced persons?

25       A.     Yes. Well, he tells him that in socialism, there was the council

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1       of workers in companies, and in the self-management system that existed  
2       in Yugoslavia, they actually made decisions. It was the highest-ranking  
3       organ in a factory or any kind of company, and all first decisions were  
4       debated there. I remember in school the council of workers would discuss  
5       whether one would buy Grundig or Siemens Electronics, and carpenters,  
6       janitors, and cleaning ladies took part in the debate, on an equal  
7       footing.

8       So Tihomir Blaskic says, You have to exercise command and control  
9       and leave the refugees to the civilian bodies. But it's easy to say  
10       that, but when you have displaced persons in Prozor who have come from  
11       Bugojno - we said that there were 15.000 of them - then it's easy to say

12 it's for the civilian authorities to deal with. But if you see that the  
13 civilian authorities cannot do it, then you can't just leave them there  
14 and not get involved, not help them. It is simply just shifting  
15 responsibility, and I didn't act in this way. And if the civilian  
16 authorities need something, and at the same time you see that they cannot  
17 do what they are supposed to do; so you have to assist in the effort to  
18 take care of the 15.000 people, to find buses to transport them wherever,  
19 to coal, get the oil for the gasoline for the buses, introduce some kind  
20 of order and so on. So, in other words, if you see that there's a  
21 problem, and you have a responsibility as a human being, regardless of  
22 your structural responsibility, it has always been my attitude that you  
23 have to help.

24 JUDGE TRECHSEL: Mr. Praljak, if I look at this passage on item  
25 7, it seems to me almost a caricature, because here is Colonel Blaskic

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1 writing a long letter, discussing with a subordinate commander this and  
2 that, and then he puts in "your responsibility is to pass decisions by  
3 issuing orders." I think he's right, but what kind of example is he  
4 giving? Isn't that a contradiction in terms or at least the behaviour of  
5 a chief which by his superior ought to have been corrected?

6 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, I'm not  
7 sure I understand what the contradiction is about. It must be the  
8 translation or something. I'm sorry. I just don't understand.

9 JUDGE TRECHSEL: Mr. Praljak, I would not exclude that it is my  
10 mistake. I don't like having everything blamed on our poor and valiant

11 interpreters. What I mean is this: On the one hand, we have here a  
12 two-page - three-page in the translation - letter of a military commander  
13 to his subordinate in which he discusses, in a very civilian tone, like  
14 in an administration of social welfare organisation or something like  
15 that. He discusses this problem with his subordinate as if they were  
16 having a glass together. And in the framework of this, however, he tells  
17 his subordinate, You must order. You must decide and pass orders. He,  
18 himself, is not doing this, he is discussing; and how can he expect the  
19 subordinate to act as a military commander when he, himself, acts like a  
20 talk-master of some sorts? And the ultimate question is: Wouldn't it  
21 have been for the commander of Mr. Blaskic to tell him to comply with  
22 what he demands of his subordinate?

23 THE WITNESS: [Interpretation] Your Honour, Blaskic did issue an  
24 order to him, but he did not comply with this order. Blaskic had  
25 received military training on the hands of the JNA, whereas the Busovaca

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1 commander probably hadn't, and those who hadn't were thick on the ground.

2 So the first thing he's telling him is this: I remember how it  
3 worked with Blaskic, and I remember this one document. It said, I order  
4 that yesterday's order that I had issued be carried out. That was the  
5 general tone, the same as the threats that I used to make. Just go ahead  
6 and try not carrying out this order, if you dare. And they don't, but  
7 then what can you do? There's a brigade there with a single commander  
8 appointed by someone, or rather you have to select a different mode of  
9 communication, and then he tries and explains to him what he has to do in

10 order to become a commander because there's nothing he can do about him.  
11 I can make threats to the effect that I'll beat someone up, or star [as  
12 interpreted] someone; but the simple fact of the matter is this is a  
13 failure to carry out orders. So this is the case, and you can't replace  
14 a brigade commander, and you can't throw half the brigade into jail.  
15 Well, then, please --

16 JUDGE TRECHSEL: Thank you.

17 JUDGE MINDUA: [Interpretation] Witness Praljak, in fact I have  
18 read the letter by Colonel Tihomir Blaskic. I don't have much problem  
19 with it, inasmuch as, if I take your own testimony into account, when you  
20 said that this was an army just being formed, not like any other army, so  
21 I can understand that the commander somehow teaches, trains his  
22 subordinate by way of this rather lengthy letter. However, I think that  
23 this commander is right.

24 In item 2, when he says this, when he addresses the issue of a  
25 commander's responsibility, he sets out a theory of military command and

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1 the commander's responsibility. With regard to this opinion expressed by  
2 Colonel Blaskic, it seems to be opposed to yours. Yours is that in a  
3 situation characterized by chaos, in a psychological situation of  
4 generalised revenge, it was impossible to supervise what your  
5 subordinates were doing, but this does not seem to be Colonel Blaskic's  
6 theory. What do you think of this?

7 THE WITNESS: [Interpretation] If you look at paragraph 2,  
8 Your Honour Judge Mindua, Blaskic says that if there is someone in

9 Busovaca not carrying out orders, he says, this has to be prosecuted.  
10 And one has to be very determined about this. If you take measures  
11 against those failing to carry out orders, in that case, he addresses the  
12 brigade commander, instructing him thus: It is not up to you to  
13 liberally discuss this. Try to distinguish between soldiers, on the one  
14 hand, and civilians, and the commander as well, the army distinguish,  
15 because they are responsible, regardless of the zone. And I don't see  
16 here Blaskic is teaching him how that should work.

17 Nevertheless, again and again I have stated and restated this in  
18 this courtroom, everyone simply knows what should be done. That is  
19 terrifyingly simple. What should an army look like? What should a court  
20 look like in Bosnia-Herzegovina? It's very simple when it's written down  
21 on paper. But the question that follows is: How does one actually do  
22 this on the ground in a situation where there is fighting going on and  
23 you are facing problems with people who are there - I have to say this  
24 again - of their own free will. Yes, there has been a mobilisation, but  
25 the essence of this mobilisation is this: If you fail to respond, then

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1 you go to jail for 20 or 30 years, in countries such as France, or  
2 America, or elsewhere. If you have a mobilisation in Bosnia-Herzegovina,  
3 be it for Bosnians, for Muslims, or for Croats, they can all go where  
4 they please, but what happens to you is you lose any legal basis  
5 whatsoever to do anything else. Any soldier can come up to you and tell  
6 you, Throw me in jail, if you like, and then once I'm out of jail, I'll  
7 jut cross the border, and that's that. And then you have nothing up your



8 sleeve. You have nothing to threaten them with, except to try and talk  
9 them into it. So it turns into more of a conversation trying to convince  
10 them, persuasion. You yell at them, you shout at them. I had the  
11 ability to do that to a far greater extent than Blaskic. Blaskic was  
12 more of a soldier. I was a soldier, too, but I had other methods  
13 available to me to motivate people, to praise them, to threaten them, to  
14 punish them. It's an entirely different perspective, the army, on the  
15 one hand, and in Rama -- or Prozor in July, for example, you had 15.000  
16 persons, and 1.500 soldiers had lost the will to fight in any way  
17 whatsoever. And there is nothing at all you can do to make them fight  
18 again. All they want to do is go to Croatia because in their own native  
19 area they had lost everything by this point.

20 This is a huge crowd of people no longer organised in any way  
21 whatsoever. There is no will left in their eyes. There is no tenacity.  
22 They have no motive to fight on. They have no desire to fight on.  
23 Regrettably, you have no legal basis to do anything about this at all.

24 JUDGE MINDUA: [Interpretation] Thank you.

25 MS. PINTER: [Interpretation] Thank you, Your Honours.

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1 Q. Let us move on to 3D01527.

2 A. Yes. This is an order that I wrote. This is the situation on  
3 the 28th and over the following period. The situation wasn't entirely  
4 bad. As far as the army was concerned, I was the commander, the  
5 commander of the Main Staff. In the simplest of terms, I refused to lose  
6 this war. The chief duty of any commander in any army is not to lose in

7 a battle or war.

8 At this point in time, for me, it was important not to lose  
9 Gornji Vakuf or Rama, so what I'm doing here is I'm mobilising all  
10 civilian police officers into HVO units, and I am making threats to the  
11 effect that I would beat them black and blue or have them shot, which was  
12 an exaggeration, needless to say. But the circumstances too were  
13 excessive, exaggerated. Obviously, the shooting would not have occurred,  
14 needless to say. It's just a threat that I'm making here in a bid to  
15 convey this to the civilian police officers, and making a threat to the  
16 effect that I would have them shot.

17 And it's absolutely true, Your Honours, that as far as this  
18 document on mobilisation was concerned, I'm not sure if I had a legal  
19 basis to actually pass anything like this, in terms of sending civilian  
20 policemen to the front-line. But at the moment, they, too, were part of  
21 the armed forces, and they were armed; whereas I had no intention of  
22 losing out. I'd lost Bugojno, but I refused to lose Vakuf and all the  
23 rest because these forces that were attacking us at the time were on  
24 their way to, as they said, sweep everything clear all the way up to  
25 Croatia's border. And I certainly didn't need any sweeping cleared by

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1 the BH Army. I was no occupier in those parts. A year or so before, we  
2 had fought alongside each other against Republika Srpska. It's true that  
3 I'd made these threats, but that's all they were, empty threats, of  
4 course.

5 You see, Your Honour Judge Mindua, once you've scared someone

6 like this, then you go and have a talk in Travnik, such as the one you  
7 saw in the other document. You try to raise their morale, you try to  
8 talk to them, tell them what would happen; that there would be refugees,  
9 that they would be expelled, and so on and so forth.

10 So much for that.

11 Q. P03778, please. Thank you. This has been exhibited already.  
12 Nevertheless, we have discussed the topic covered by this document a  
13 great deal already, so perhaps you, General, should now explain what it  
14 is about.

15 A. I arrived down there on the 24th. I talked to General Petkovic,  
16 and we assessed the situation. We ascertained that in a military sense,  
17 the situation was more than bad. My decision was to go to the  
18 Uskoplje-Rama front. All of our assessments told us that this would be  
19 an axis -- strategic axis used by the BH Army in order to push through.  
20 If we lost that, it would be difficult to stop them anywhere else. I  
21 then asked to have military police placed under my command as an  
22 operative unit, and this was done.

23 Q. Done by who?

24 A. Mate Boban and Mr. Bruno Stojic, the co-signatory. Mate Boban  
25 made the call, but the first person I went to was Mr. Stojic and

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1 Mr. Boban. The decision, nevertheless, was eventually taken by  
2 Mate Boban. Stojic was there to operationalise this decision.

3 Nevertheless, one thing that is noteworthy here is that  
4 Mr. Coric's understanding is correct as to what this operative

5 subordination would mean, how it would work. He says that in addition to  
6 the military involvement of these units mentioned here, and they're being  
7 subordinated to the HVO, one needed to make sure that there would be  
8 lasting functional links between the military police units as well as  
9 links back to the Military Police Administration. They remained a  
10 separate organisation, which at one point in time, and for the purpose of  
11 certain missions - this was very specific in terms of time and  
12 space - they were subordinated for particular missions to me for the sake  
13 of fighting, in an operative sense. And then I dispatched them to  
14 certain areas based on my own assessments or perhaps those made by  
15 Petkovic.

16 JUDGE ANTONETTI: [Interpretation] General, we have just seen two  
17 documents that are interesting if they are compared with one another. I  
18 have a question in this respect.

19 In the first document, you, yourself, issue an order to mobilise  
20 the civilian police from Tomislavgrad, for those meant to be sent to  
21 combat. If I'm not mistaken, there were 5.000 inhabitants in that  
22 municipality -- in the town, and the municipality had 30.000 inhabitants.  
23 If you take out members of the civilian police to send to the front-line,  
24 how is public order to be secured if there are no more members of the  
25 civilian police? And in the order that you signed, you don't say

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1 anything about this. However, in the second document signed by  
2 Mr. Coric, it shows that, unlike you, he recalls that the military  
3 police, of course, can be found on the front-line and in fighting, but

4 has to carry on with its ordinary tasks.

5 I have a very specific question here. When you issue an order to  
6 take out civilian police for the men to be in two fighting forces, how do  
7 you ensure public order and security, because that is an open door for  
8 theft, for robbery, attacks and such-like?

9 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, that's  
10 right, but it wasn't Tomislavgrad; it was Rama, Prozor. And over in  
11 Prozor, there were no more than 1.500 to 2.000 persons remaining in the  
12 town itself. I don't know about the surrounding villages.

13 It is true that my decision would reduce the general security,  
14 but you have to bear in mind that at this point in time, my own lines had  
15 been broken through, and my assessment at the time was there was no  
16 security at all, to speak of, especially if the BH Army managed to get  
17 into Rama and do the same thing they had done in Bugojno. Therefore, it  
18 is true that this was a reduction in security. How exactly it worked  
19 with the military police, well, that's another matter altogether, but in  
20 principle I'm aware of that. And when I make this decision, I'm fully  
21 conscious of that. Defence is uppermost, it's the uppermost mission and  
22 task. After the defence, there is nothing more to be sorted out there if  
23 people leave as they did in Bugojno, and then the whole of Vakuf and Rama  
24 head for Croatia. This is something they did in France, because what was  
25 there to defend in France when the Germans were there and they started

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1 restoring their own kind of order.

2 For example, Judge Antonetti, the very famous example, when the

3 Americans got three or four of the major gangsters, such as Lansky and  
4 others, to keep watch over the New York harbours because with their own  
5 organisation, they were powerless to do anything about the Germans  
6 sinking Queen Elizabeth II in the New York harbour. And they got Lansky  
7 and Giuliano and all the other gangsters on the job. You used to keep  
8 watch over this area before, so you'll do the same thing throughout the  
9 war. That's what they told me -- that's what they told them.

10 My lines had been broken through. I was aware in danger of  
11 losing territory. And when I made this decision, I was perfectly  
12 conscious of the danger that you have just addressed. But, nevertheless,  
13 this does not in any way mean that if someone committed a crime because  
14 of this, because they thought that they were amnesty. There was still  
15 time to track them down to prosecute them. Even 30 or 50 years later,  
16 there would be time.

17 JUDGE ANTONETTI: [Interpretation] Thank you.

18 Please proceed, Ms. Pinter.

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

20 Q. General, could you please look at 3D02425. It's the daily  
21 intelligence report. I'm just saying that for the record.

22 A. Well, it says, for Prozor, that operations in Doljani, Pisvir --

23 Q. Could you please look at the date?

24 A. It's the 29th of July. At that time, there was major fighting in  
25 that area, at least from the perspective of our war. I don't know, of

1 course -- well, these are not movements of units such as the ones you see

2 in the great wars, but people are getting killed. And what would happen  
3 to us would be that the commanders from the BH Army because,  
4 unfortunately, the lines were not covered as they should be covered in a  
5 way, that they would infiltrate our area and were able to capture  
6 civilians, soldiers, weapons. And I speak about the developments here.  
7 We managed to recapture some of the territory, re-establish some of the  
8 lines.

9 Q. In Doljani?

10 A. Yes, Doljani, Pisvir, in this whole area. Well, in Bugojno there  
11 was some fighting still going on. In the hotel, there was a group. They  
12 were later killed, but most people actually committed suicide; HVO  
13 soldiers, yes.

14 Q. Now I would like you to look at the Operation Zone South-East  
15 Herzegovina. **This is a report from the VOS about the intentions of**  
16 **Arif Pasalic and his 4th Corps.**

17 JUDGE ANTONETTI: [Interpretation] General Praljak, this document,  
18 2D2425 [as interpreted] is a daily report from the Military Intelligence  
19 Service, reporting to the authorities, that is, Mr. Petkovic and  
20 Mr. Stojic, reporting to them what's happening on the ground for the  
21 various sectors; Tomislavgrad, Prozor, Gornji Vakuf, Central Bosnia, **and**  
22 South-West Herzegovina. I don't know whether there were similar reports  
23 for Mostar, but if I assume that prior to the 9th of May, the military  
24 intelligence services more or less knew what the ABiH were doing, there  
25 should be this kind of report, and these reports could show us that the

1 ABiH was preparing an attack on Mostar. What is your view on this?

2 THE WITNESS: [Interpretation] Well, Your Honour, it is highly  
3 likely that they do exist. I can look, although, as I've already said at  
4 that time I was not -- I did not receive those reports because I did not  
5 have any official capacity. I did not receive the reports that were  
6 addressed to the Main Staff, but I know that this gentleman was very much  
7 "au courant" with what was happening among it's Muslims and the Republika  
8 Srpska troops and that he wrote those reports quite regularly.

9 And it is quite logical to assume that he should speak about how much they  
10 knew about the preparations on their part, because it -- well, there were  
11 always such communications in such places, and the BH Army was preparing  
12 for an attack because they did draft plans. And if an army drafts plans,  
13 quite enough people know about that for the other side to learn of it.

14 It was very difficult to keep things confidential because the people talked  
15 too much about those things and secrets could not be kept for a long time,  
16 in particular when it came to an attack of this kind. We can look for it

17 . JUDGE ANTONETTI: [Interpretation] Thank you.

18 MS. PINTER: [Interpretation] Thank you very much

19 Q. General, I would like you to look at page 2. I'm really being persistent  
20 here about the dispatching of BH Army soldiers to the area, to South-East  
21 Herzegovina, Bijelo Polje, Dreznica, and so on. Were you aware of it at the  
22 time?

23 A. Yes. Yes, they were preparing for it. Later on -- and even before  
24 Neretva-93, that offensive. Well, it didn't start then. There were constant  
25 reconnaissance missions and preparations.



1 So we were aware of their activities much earlier than was officially  
2 confirmed and even before the offensive continued towards South,  
3 especially on the 13th of August when they struck on us South of Mostar,  
4 near Buna and Blagaj where they took possession of some elevations.

5 Q. And was this linked with Mostar, was it close to Mostar?

6 A. Yes, that's all close to Mostar.

7 Q. So they were able to reach Mostar. Very well.

8 Now I would like you to look at document 3829.

9 THE INTERPRETER: Microphone for the counsel.

10 MS. PINTER: [Interpretation] Just a moment, no. I'm sorry, we  
11 did not get the answer to my question. Line 16, I said: "So they were  
12 able to reach Mostar?"

13 THE WITNESS: [Interpretation] Yes, yes.

14 MS. PINTER: [Interpretation] Thank you, Ms. Alaburic.

15 So the document is P3829.

16 JUDGE ANTONETTI: [Interpretation] I'm sorry, General Praljak. I  
17 mean, everything goes so fast that we really need to scrutinise every  
18 document. And as I discover them at the last minute, I'm a bit slow to  
19 react. I'm very sorry for this, so I ask you this somewhat belatedly.  
20 It's because I've just discovered this document.

21 Allow me to ask you to return to the last paragraph in this  
22 document. I'm under the impression that the Military Intelligence  
23 Service is saying that Pasalic and the 4th Corps had contacts at the  
24 highest level, so it seems, with the Serbs in order to, as it were,

25 crucify or harm the HVO, or crush the HVO. And if I try to understand

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1 what is said, I understand that the lines of communication were  
2 supervised, were monitored, be it on the tactical levels or other levels.

3 Since you came into office for the highest responsibility of the  
4 HVO in July, what did you know? Did the Military Intelligence Service  
5 have any means of listening in to the enemy in order to hear what the  
6 enemy was preparing.

7 THE WITNESS: [Interpretation] Well, the answer is yes, but not so  
8 well that you could have the kind of surveillance that is meant when you  
9 say "surveillance" today, when you can hear everything being said even  
10 through a window. Now, as an engineer, I can tell you that it is  
11 impossible for you to talk to somebody and for that conversation not to  
12 be monitored if somebody really wants to monitor it. There are technical  
13 means to do that.

14 But what I wanted to tell you is because of the way this war was  
15 waged and the civilization that existed in this area, when Mr. Pasalic  
16 went to talk to the Serbs, and you have seen this from the documents that  
17 I tendered, Drekovic and what he says, that for a long time they did not  
18 have any military lines proper, only sentinels facing the Serbs. And  
19 Sejtanic who writes in his book, "We continue our good cooperation. We  
20 agreed about artillery support," and all this goes to show - this is why  
21 I tender this into evidence - that there was constant -- well, at one  
22 point it began, and it might be June or July 1993, there was constant  
23 cooperation between the two armies against the HVO. And here in Mostar,

24 in East Mostar, it is impossible for Pasalic and Orucevic to go and talk  
25 to the Serbs without it becoming public knowledge. And then it was

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1 always relayed to us, to Mr. Keza, at least, because Mr. Keza was highly  
2 competent. He had his people, and his connections, and then it would get  
3 relayed to us.

4 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, it seems, on the  
5 basis of several documents we've seen, that there were contacts between  
6 the Serbs and the ABiH. We listened carefully to the sniping events  
7 described in Mostar. We listened carefully to your version of the  
8 events. Let me remind you of this. I stand to be corrected if I make a  
9 mistake. You said that the shots came from the Muslim areas, and perhaps  
10 even from the Serb areas, denying that the shots could have come from the  
11 HVO. If I adopt your version, i.e., that shots might have come from the  
12 Serb side, how can you explain, then, that the Serbs and the Muslims got  
13 on, nonetheless the Serbs shot at the Muslims? How can you explain that  
14 to us?

15 THE WITNESS: [Interpretation] Well, it's very simple, Your Honour  
16 Judge Antonetti. I analysed the sniping incidents that were analysed  
17 here by the expert, and I was able to ascertain that very accurately.  
18 And I will get back to it, that as far as Brkica Street is concerned,  
19 there is no line of sight from the HVO. So from the HVO-controlled  
20 areas, there is no line of sight. It is impossible to wound those two  
21 men from their positions, or the child that was wounded in the front, in  
22 the direction in which it was running, and so on. So I can't say -- I

23 did not say that nobody fired any shots from the HVO at anyone with  
24 100 percent certainty, but Serbs and Muslims did not become friends.

25 Serbs, the Republika Srpska Army, for their own reasons, very

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1 clear reasons, provided support to the BH Army in order -- provided  
2 artillery support, sold them weapons, in order for them to defeat the  
3 HVO. And from the talks and the agreement that was signed in September,  
4 Muslims would get a piece of Bosnia **with their majority, and Serbs would**  
5 **take their part with them to Serbia. The objective is very clear and**  
6 visible from the September agreement Alija Izetbegovic reached with  
7 Karadzic and others. And had they managed to achieve that, I claim, no  
8 matter what other people might think, that the international community  
9 would confirm that, would accept that as a fait accompli just to end the  
10 war. There were no principles at play here, as far as I know, but that's  
11 why Serbs were assisting them. But it didn't prevent them from firing on  
12 the Muslims at the same time and then blaming it on the HVO, to keep the  
13 war escalating.

14 I can only tell you that in Capljina, that was controlled by the  
15 HVO, so to speak, in 1992, I was shot at from behind, from an area. A  
16 burst of gun-fire around my feet. Fortunately, I was not hit. And I  
17 know that snipers were active from various apartments in Capljina, and I  
18 ordered that all the blinds be pulled down. And I said that if blinds  
19 are not pulled down, you can just fire on that window, regardless of the  
20 fact that it was summer, because people were left behind, snipers, and  
21 they fired at will, killed people, just as they did in Sarajevo. And I

22 will not now claim who those people are, but that was not HVO, because  
23 the HVO did not have any reason to do so.

24 But as far as the HVO -- as far as the sniper incidents that I  
25 analysed are concerned, I will go through them. The house at Stotina,

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1 which is exposed to artillery fire from BH Army positions, well, it  
2 cannot be used, Your Honours, as a house. Well, the house that is so  
3 weak that a round fired from an anti-aircraft machine-gun would fire it  
4 from, well, you cannot have a sniper being active from that house because  
5 a round from this anti-aircraft gun would simply blow this house apart.  
6 So I cannot rule out the possibility that somebody fired shots from  
7 someplace, but no fact that was presented to us by the expert was  
8 actually correct.

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

10 Q. The document is P3829. It is your notification or order or a  
11 comment. I really don't know.

12 A. Well, on the 30th of July, it obviously happened that some  
13 military police units brought into custody some drivers who were driving  
14 German humanitarian aid and beat those people up and stole the vehicles.  
15 So they were out of control. And I am writing to the head of the Defence  
16 Department and to Boban, and that's for their information. And I am  
17 ordering Mr. Valentin Coric to put them in jail. This is for him to act,  
18 for his action. And this document shows that I'm completely mad. You  
19 can call me the furious Orlando, as Torquato Tasso described him, as you  
20 can see from these documents. So I'm really furious, completely furious

21 because you have to impose order, and the question is how to do it. And  
22 I want him to tell me what prison they were in. There's no reason for me  
23 to comment on these documents, because I think they speak for themselves  
24 about the state of mind and the situation that prevailed at that time.

25 JUDGE TRECHSEL: I'm sorry. Mr. Praljak, were they actually

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1 brought before you, and what happened then?

2 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, to be  
3 perfectly honest, I don't know. I can't remember right now, because --

4 JUDGE TRECHSEL: Thank you.

5 THE WITNESS: [Interpretation] -- I was running from one  
6 front-line to another --

7 JUDGE TRECHSEL: You don't have to justify. It's absolutely  
8 credible, and I leave it at that.

9 MS. PINTER: [Interpretation] 3D01986, please. Thank you.

10 Q. Is this your document, General?

11 A. Yes. Well, there. This document, too, shows what I was asked  
12 about by the Trial Chamber. Again, I am requesting the multiple  
13 rocket-launcher from a brigade commander from Livno. According to the  
14 logic of war, there is nothing for him to consider or think about here.  
15 If I send in a request for that multiple rocket-launcher - and again I'm  
16 stating here that I had requested one already - the 31st was perhaps the  
17 worst day. The night before, the entire front-line held by the HVO in  
18 Gornji Vakuf had fallen. So again I am making a threat here. I'm  
19 threatening Commander Vrgoc, who couldn't care less about me as some --

20 he's just not interested in this order, so I'm threatening him here that  
21 he would be removed and made to answer under all the military laws.  
22 Again, I don't know when this man was eventually replaced. It did take a  
23 long time, but he was not prosecuted at all, because I don't know what  
24 laws we could possibly have used to prosecute him. Under those same  
25 laws, probably 30 or 40 or 50.000 persons should have been prosecuted, if

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1 laws like that had existed. All the more, I respected even more those  
2 who obeyed and who fought and who were carrying out orders. Vrgoc simply  
3 failed to carry out these orders.

4 It was very difficult for me. If I had actually had time to go  
5 there and see him, I would have beaten him to a pulp, Your Honours, just  
6 to make that perfectly clear. But I simply did not have the time because  
7 probably they would have brought me before a Court for that, because I  
8 had done that to him. So things being what they were, at this point in  
9 time, this was all I could do, no more than this.

10 MS. PINTER: [Interpretation] I have to wait for the transcript.  
11 That's why I'm pausing.

12 JUDGE ANTONETTI: [Interpretation] I have noted what you've just  
13 said. You needed this 125-millimetre multiple rocket-launcher, and you  
14 asked the Kresimir Petar Brigade, the 4th Brigade in Livno, to provide  
15 you with this. The commander of this brigade seems to pay no attention,  
16 at least not here; and you substantiate this by the fact that there is a  
17 problem in Gornji Vakuf. But before Gornji Vakuf got captured, had you  
18 not held any working meetings with the brigade commanders before that,

19 during which it could be stated that, if need be, another brigade could  
20 come and strengthen a brigade that needed it? Did such meetings between  
21 the brigade commanders not take place?

22 THE WITNESS: [Interpretation] Your Honour, on the 24th, I held a  
23 meeting with brigade commanders, and everyone knew exactly what the  
24 situation was. Everyone was informed accurately over at the Main Staff  
25 as well. The brigade commands had all these documents. I remember that

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1 I called a meeting, a quick one, and a very purpose-oriented one, just to  
2 make sure they all knew what was going on. That's one thing.

3 The other thing is, Your Honour Judge Antonetti, I was the  
4 commander of the Main Staff. Even if I had not held this meeting, which  
5 I did, it wouldn't have been for the brigade commander to question  
6 whether a multiple rocket-launcher should be moved somewhere else or not.  
7 If that sort of thing happens, that leaves little room for imagining what  
8 else might have happened or how the whole situation worked. It was my  
9 right, as a commander, to tell a soldier, Move this multiple  
10 rocket-launcher over there. If he refuses to do that, well, then you  
11 know what happens in a normal army, and you see what was going on in the  
12 HVO at the time. Perhaps I shouldn't say too much, but there were very  
13 many lads who fought honorably, many of them were killed. So eventually  
14 we managed to put an end to this whole thing.

15 JUDGE TRECHSEL: May I add a question on this order.

16 Was the Kresimir 4 Brigade directly under your command or was  
17 there someone in between, like an operative zone commander?



18 THE WITNESS: [Interpretation] There was an operative zone  
19 commander, Colonel Siljeg, but he was the last person they would have  
20 listened to or whose orders they would have obeyed. Apart from that, it  
21 was my prerequisite to skip certain levels. Obviously, if everything had  
22 been working just right, I would have told Siljeg, but I knew with sure  
23 and certain knowledge that Siljeg was not a person that they were  
24 listening to at all. So I took it upon myself. I did have things my way  
25 eventually, but it was very difficult to achieve.

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1 You will see in other documents at one point they left their  
2 positions and they refused to carry out orders, after which they went on  
3 to explain to Vrgoc how they were perfectly within their rights; and, on  
4 top of that, that it was well-advised of them to not carry out my order.  
5 But you're about to see in an order that will be coming across later on.

6 JUDGE ANTONETTI: [Interpretation] Yes. General Praljak, you've  
7 been telling us for several weeks now that you were surrounded by  
8 incapable people, incompetent people. And by way of an example, you are  
9 telling us that if Colonel Siljeg had asked for such a rocket-launcher,  
10 here he would have not been obeyed. It says if, as a Trial Chamber  
11 Judge, I was surrounded by incompetent Judges, I would then seize the  
12 President of the Tribunal and say that I cannot continue in this way.

13 When you realised that this situation was like it is, why didn't  
14 you turn to President Boban and say, Well, I cannot continue waging the  
15 war under these conditions?

16 THE WITNESS: [Interpretation] Well, Your Honour Judge Antonetti,

17 you talk about a problem of incompetence. I don't think that is a very  
18 fortunate turn of phrase. Colonel Siljeg was competent in terms of his  
19 military skills. He was fully competent, and he had received military  
20 training.

21 Nevertheless, you talk about addressing a presiding judge or a  
22 court president. There are two conditions there; no other Judges around,  
23 except for the three Judges by your side, and you must try a case, being  
24 the second condition. These are the two conditions. I have no  
25 replacements for those people, that's the first thing, and the other

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1 thing is there's a war going on.

2 If you go to the President of the ICTY, the assumption that  
3 you're starting out with is that there are other Judges to go around.  
4 And, B, you can actually halt a trial until other Judges are found. But  
5 the prerequisites are simply not there in my case. I don't have any  
6 replacements. I don't have any other people. Even those I do have were  
7 still ten times fewer than the number of men that I would have required  
8 to fight like that. And the other thing was I had to go on fighting,  
9 waging war, at this point in time. I couldn't just call a stop to the  
10 whole thing, Let's set up a judicial system. Let's set up a financial  
11 system. And then once all that is done, we can then go on. I simply  
12 couldn't do that, and these were the two essential prerequisites that  
13 weren't available to me and that you somehow missed out on in your  
14 reasoning, Your Honour.

15 MS. PINTER: [Interpretation] I think it's time for a break. Not

16 yet. All right, well, let's press are on in that case.

17 Q. General, 3D02438. Branko Kvesic was --

18 A. Interior, the chef de cabinet for the interior. Mr. Stojic was,  
19 or perhaps if the situation had been different, he would have been called  
20 the minister, chef de cabinet, defence minister, minister of the  
21 interior. So not the minister, not quite. He was the chef de cabinet,  
22 because that's what it says.

23 JUDGE MINDUA: [Interpretation] I believe that the number is not  
24 right. It's 3D02428. I think that's what it should be.

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

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1 JUDGE MINDUA: [Interpretation] Thank you.

2 JUDGE TRECHSEL: Shouldn't it be 2438?

3 JUDGE ANTONETTI: [Interpretation] 2438?

4 MS. PINTER: [Interpretation] I got that interpretation,  
5 Your Honour, 2438, 3D, Department for the Interior, Office for National  
6 Security, Branko Kvesic.

7 THE WITNESS: [Interpretation] It's still there. I'm still trying  
8 to say, and all the documents confirm this, the Republic of  
9 Bosnia-Herzegovina, followed by all the documents, say that we are in the  
10 Republic of Bosnia-Herzegovina, and then within that, the Croatian  
11 Defence Council. The document speaks for itself. According to the  
12 establishment links to the National Security Office or through those,  
13 Mr. Branko Kresic informs the Defence Department, and then the Defence  
14 Department would probably be inform me and Petkovic and Stojic and the

15 Main Staff, in due course, to say that the conditions were now in place  
16 for them to meet their promise and liberate Prozor.

17 MS. PINTER: [Interpretation]

18 Q. When you say "they," who exactly do you mean?

19 A. The BH Army, the political and military leaders of the Muslim  
20 people, and that they would be heading south towards the sea coast. That  
21 wasn't the original idea. Of course, I have no proof for this, but we  
22 had found out that this idea was being considered by those persons and  
23 was continuing to be considered. There were only a few Croats left in the  
24 Neretvica River valley. A single table would be enough to hold them all  
25 come Christmastime. That's what it says.

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1 It is true that in Bugojno, following the attack that had  
2 occurred, but viciously, to be perfectly frank, there had been treason  
3 within the town. They were attacked from these joint positions. A large  
4 number of shells was used. They took one or two tanks that we had over  
5 there, and a host of other weapons, too. And then we were providing more  
6 weapons to them throughout, and obviously they were now able to launch an  
7 offensive. This also says that they were now getting ready to liberate  
8 the right riverbank.

9 THE INTERPRETER: The interpreter did not hear counsel's  
10 question.

11 THE WITNESS: [Interpretation] Yes, transferring forces means that  
12 they were getting forces in from the north and the south and into Mostar.

13 MS. PINTER: [Interpretation] Thank you.

14 Q. 3D02787, please. Thank you. For you, it's 3D02787.

15 A. Again, the normal procedure would be, if ammunition was needed in  
16 the area, then Colonel Siljeg should be the one submitting a request to  
17 the Main Logistics Centre in Grude to Mr. Stojic. Nevertheless, the  
18 quick check was run, and one mustn't forget that there was fighting going  
19 on all the time. And I found out that there was no ammunition in Grude,  
20 whereas there was ammunition in the brigade near Vrgoc. Again, I'm  
21 telling him here to dispatch what was required, and I declare him to be  
22 responsible in terms of having this order carried out.

23 Q. This is the same Vrgoc as in the previous document; right?

24 A. Yes.

25 THE INTERPRETER: Interpreter's note, can the speakers please not

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1 overlap. Thank you.

2 MS. PINTER: [Interpretation] 3D01178, please.

3 THE WITNESS: [Interpretation] This is my document. Within the  
4 framework of the Livno Brigade, there was a professional battalion with  
5 Commander Vucic at its head. I asked for that professional battalion to  
6 go to Rama. And here I'm asking, Where is it, because they were never  
7 there, they never came. You will see later on, Ms. Nika, when they came,  
8 you will see documents to that effect, they simply refused to join the  
9 fray. They went back home with some leisurely stories about why they  
10 refused us, about what I had been meaning to dispatch them to. I managed  
11 to get Vucic removed when the whole situation calmed down a little bit,  
12 and I got another person instead, Mr. Dragan Hinic. I remember that

13 well.

14 MS. PINTER: [Interpretation]

15 Q. Yes, we have that document.

16 A. Let's move on.

17 Q. I'm waiting for the transcript. We are overlapping and creating  
18 trouble for the interpreters. It's pointless.

19 P03971, this is an exhibit. Is this your document? Do you --

20 THE INTERPRETER: Interpreter's note: Speakers, please do not  
21 overlap. Thank you.

22 THE WITNESS: [Interpretation] These people from the Hrvatinic  
23 Brigade -- this is from Bugojno, right, the brigade? I think it was from  
24 Bugojno; right? Sorry? No, no, I'm not asking -- please, don't mind me.  
25 I'm just trying to remember. There is absolutely nothing here that

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1 will -- you might ask the question, too, of Mr. Petkovic. He'll be glad  
2 to tell you. It's not something that would stand in the way of this  
3 trial.

4 Scattered soldiers from Bugojno, some of them, Your Honours, went  
5 with other people, crossed Serb-held territory. They had been disarmed  
6 there and reached Tomislavgrad eventually, and some went across Rama.  
7 There was an attempt, having been previously arrested for a while, to  
8 re-establish their units, to have their own commander, and so on and so  
9 forth. Nevertheless, they reported to brigades in Tomislavgrad and  
10 Livno, Krajl Tomislav and Petar Kresimir [indiscernible]. Some were  
11 joining the HOS. There was chaos, so --

12 JUDGE TRECHSEL: Chaos, a proper chaos. There seems to be a bit  
13 of chaos here, too. I see this document, a document indicated 3971.  
14 Could it be that you meant "3917"?

15 THE WITNESS: [No interpretation]

16 JUDGE TRECHSEL: Well, sorry, I'm tempted to say, but I say it  
17 with no ill feelings, why didn't you say so in the first time or control  
18 the transcript, which would also slow down everybody a little; and,  
19 therefore, be a double-purpose measure to assist the proceedings? I'm  
20 sorry, I didn't want to offend you at all, but I had to point out. We  
21 lose a lot of time. We are lost, and while we are looking for the  
22 document, Mr. Praljak is speaking, and -- thank you very much.

23 MS. PINTER: [Interpretation] Thank you, Your Honour. My mistake.  
24 I wasn't watching the transcript to see how the figures were written  
25 down. I'll do that in future.

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1 THE WITNESS: [Interpretation] As I was saying, the document  
2 speaks for itself. The soldiers who, in different ways, from Bugojno  
3 managed to transfer to -- well, a portion of them went to Croatia, and we  
4 never saw them again. The other portion stayed in Livno and  
5 Tomislavgrad. And with this document what is trying to be achieved is to  
6 see to the rest of the brigade and to establish them in military terms,  
7 to have them come into Rama and fight, and then perhaps we would be able  
8 to go back to Bugojno, from where they were expelled. But they reported  
9 to the Livan [phoen] Brigade and Tomislavgrad Brigade and HOS, H-O-S.  
10 And, Your Honours, the following also happened there: Some people who

11 were supposed to take up their shifts would pay these others from  
12 Bugojno, these men from Bugojno, to go instead of them because the number  
13 had to be replenished. And then they would pay 100 or 200 German marks,  
14 and then they would go in their place. And this document is an attempt  
15 to deal with the situation and to settle this arbitrariness in military  
16 terms. That's all.

17 JUDGE ANTONETTI: [Interpretation] General, three brigades are  
18 being mentioned here; Kresimir 4th, the Kralj Tomislav Brigade, and then  
19 there's the HV Hrvatinic Brigade. What is this Hrvatinic Brigade,  
20 HV Hrvatinic Brigade?

21 THE WITNESS: [Interpretation] That was a brigade from Bugojno,  
22 and together with the people and the BH Army attack, it disintegrated.  
23 So some of those men went across Rama, that is to say Prozor, and reached  
24 Tomislavgrad and Livno. Another part of the brigade, together with all  
25 the people, didn't manage to flee across Vakuf, but went across Serb

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1 territory in Kupres, a mountain there, the Kupreska Vrata. And they were  
2 disarmed by the Serbs, and that's what happened.

3 JUDGE ANTONETTI: [Interpretation] Fine. But why is there this  
4 HV? Does that mean that it is a brigade from the Croatian Army? Why do  
5 we find these two letters?

6 THE WITNESS: [Interpretation] It means "Hrvoje Vucic Hrvatinic."  
7 And that was a famous historical figure from Bosnia. That was his name.  
8 So those are the initials, "HV," "Hrvoje Vucic Hrvatinic".

9 JUDGE ANTONETTI: [Interpretation] I see, thank you. So nothing



10 to do with the Croatian Army?

11 THE WITNESS: [Interpretation] No, none, Your Honour. And you can  
12 see that from these documents, that they're asking for tanks and  
13 soldiers, and that it is absurd to think that I had a brigade of the  
14 Croatian Army at my disposal. Well, if you've looked at all the  
15 documents, well, I wouldn't have argued over a multiple-barrelled  
16 rocket-launcher or anything like that, if there were brigades of the  
17 Croatian Army there, a Croatian Army brigade. That's quite absurd. So  
18 you'll see the various instances where people were asking for 30 men, 40  
19 men, and things like that.

20 JUDGE ANTONETTI: [Interpretation] It's now time for a break.  
21 It's 10 to 4.00. We're going to break for 20 minutes.

22 --- Recess taken at 3.49 p.m.

23 --- On resuming at 4.12 p.m.

24 JUDGE ANTONETTI: [Interpretation] The court is back in session.

25 Ms. Pinter, let's be clear. The Registry told us that you have

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1 used 34 hours and 30 minutes so far, and you had initially been granted  
2 36 hours. Does this mean that you are now asking additional time out of  
3 your own time, or does it mean that you're going to be finished in an  
4 hour and a half's time?

5 JUDGE TRECHSEL: [Interpretation] Or else did you plan to spread  
6 your time differently, giving more time to the accused, at the detriment  
7 of time for witnesses?

8 MS. PINTER: [Interpretation] Thank you, Your Honours. I didn't

9 know that there was just two hours left to the end or, rather, an hour  
10 and a half. We reached an agreement with General Praljak, and we are  
11 going to ask that within the frameworks of our time, total time, that we  
12 extend the examination-in-chief of General Praljak and then that the  
13 other time will be distributed amongst the witnesses that we plan to  
14 bring in. But we shall stay within the frameworks of the time allotted  
15 to us by the Trial Chamber.

16 JUDGE ANTONETTI: [Interpretation] We understood this, but how  
17 many more hours will you need?

18 THE WITNESS: [Interpretation] Until we complete everything.

19 MS. PINTER: [Interpretation] As General Praljak has just said,  
20 until we get through all the documents that we plan to present. But we  
21 were highly selective, and out of a large number of documents, we  
22 selected the essential ones, but I -- and I don't expect that we'll  
23 surpass the five additional hours.

24 JUDGE ANTONETTI: [Interpretation] Very well. Please continue.

25 MS. PINTER: [Interpretation] Now, if I might ask a question. Do

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1 we need to file a motion or make an oral request to over-step the time,  
2 or can we consider that we've been given permission to do that by the  
3 Trial Chamber as of now?

4 [Trial Chamber confers]

5 JUDGE ANTONETTI: [Interpretation] The Trial Chamber notes that  
6 you will need around five hours. Since you had been given initially 36  
7 hours, and you had one hour and a half left, you will have three -- an

8 additional three hours and thirty minutes. But this time will be taken  
9 out, out of the overall time, so it will be deducted from the time that  
10 you're going to dedicate for witnesses.

11 MS. PINTER: [Interpretation] Yes. I wasn't thinking of those  
12 five hours, well, counting this one and a half hours. But perhaps we'll  
13 be quick, and we'll certainly reduce it at the expense of the witness  
14 time.

15 JUDGE ANTONETTI: [Interpretation] Okay. Whatever it may be, any  
16 time you may take in addition to 36 hours will be taken out of the 55  
17 hours you had been granted initially.

18 MS. PINTER: [Interpretation] Yes. Thank you, Your Honour. We do  
19 understand that.

20 Q. General, would you now open document 3D02066, please. It's an  
21 order of yours.

22 A. Yes, like the VBR, multiple-barrel rocket-launcher, I'm  
23 requesting from Mr. Vrgoc to give me, from his stockpile -- well, the  
24 stockpiles were at the Main Logistics Base at Grude, but they had been  
25 depleted, almost completely exhausted. So I have nothing to add. The

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1 brigade, Hrvoje Vucic Kotromanic, is the brigade. No, Hrvatinic, Hrvoje  
2 Vucic Hrvatinic is the name of the brigade. It wasn't from Bugojno but  
3 Jajce. I thought about it, and realised I'd made a mistake. It was the  
4 Eugen Kvaternik Brigade this other one. So I apologise for that mistake.  
5 I misspoke. But the problem is the same, of course. Everything else is  
6 correct; that they crossed over Serb territory in their withdrawal and

7 all the rest of it. All the rest of what I said is correct. I just got  
8 the names mixed up.

9 Q. Thank you. Would you now turn to document P03934, please.

10 A. Well, this is a clear-cut military order. What happened was that  
11 the units who arrived in the field had those 15 days, had that fortnight.  
12 Then they would ask to be replaced after day 14. And on that territory,  
13 there was a lot of fighting going on. And, therefore, it's not possible  
14 to replace the troops in that way. And here the order that is being  
15 given is that -- well, sets out how troops and units are to be relieved  
16 up at the front, and there are many small units with maybe 10 or 11 --  
17 well, they're all very small units. And I've already explained what the  
18 situation was like, so I have nothing further to add in that respect.

19 Q. Thank you. Would you now look at document 3D01195, please.

20 A. Here, the chief of the Main Staff, Brigadier Zarko Tole, who was  
21 in the Main Staff and was supposed to be there to deal with the situation  
22 in Mostar and Mostar South while I was in Rama and Vakuf, once again is  
23 issuing an order saying that there are rules on military discipline, and  
24 general rules and regulations for the forces; and that those rules and  
25 regulations and orders must be obeyed and carried out; and that once an

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1 order arrives, it must be acted upon, because they would go back and ask  
2 the Main Staff whether they really meant them to act according to  
3 Siljeg's or Lasic's orders or whatever. There was a general mix-up, and  
4 then he gives them instructions and says that once an order is given,  
5 there's no need for them to go back to the Main Staff, that a military --

6 that there's a military structure to be followed, and if he received an  
7 order from the commander of the operative zone, he has to carry that  
8 order out and not to call the Main Staff to ask whether the Main Staff  
9 agrees with the order issued by the commander of the operations staff or  
10 zone, and that a battalion should ask whether a brigade commander's order  
11 is to be respected and carried out or not.

12 Q. And it is addressed to the brigades and units, is it, who were --  
13 which were in which area?

14 A. Well, in the area of north-west -- of the north-west, the  
15 north-western front, Vakuf-Prozor.

16 Q. Where you were then?

17 A. Yes.

18 JUDGE TRECHSEL: Excuse me. Mr. Praljak, a technical question.  
19 It appears that this order was transmitted by telegram. Can you tell the  
20 Chamber whether this was an internal military telegram service, telegraph  
21 service, or a generally-functioning service?

22 THE WITNESS: [Interpretation] No, Your Honour Judge Trechsel,  
23 there was no telegram service. This was sent in the same way. It's the  
24 so-called packet link, packet communication, which was a way of conveying  
25 information. And Brigadier Zarko Tole had this device for this packet

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1 link or packet connection communication in Grude, and he sent it off to  
2 the brigades.

3 JUDGE TRECHSEL: Thank you. There is something that looks like a  
4 stamp on the English version, and I do not find anything in the previous

5 version. I don't know how it ever got there, but --

6 THE WITNESS: [Interpretation] Well, I don't know.

7 JUDGE TRECHSEL: Thank you for your answer.

8 JUDGE ANTONETTI: [Interpretation] One moment. This packet  
9 communication, there is a stamp saying that this telegram, 5450, was  
10 received on the 5th of August at 4.00 p.m. And then there is "RV" that  
11 is encircled, and that means radio communication, so this telegram must  
12 have been sent by radio; is that right?

13 THE WITNESS: [Interpretation] Packet link is a form of radio  
14 communication, yes.

15 JUDGE ANTONETTI: [Interpretation] Thank you.

16 MS. PINTER: [Interpretation] It is true that in the original, we  
17 don't have those markings. But since we used Prosecution translations  
18 from the Prosecution documents, I'm sure there is a document somewhere  
19 with this mark showing that it was sent out by packet communication. But  
20 the document is the same, it's identical.

21 Q. Anyway, General, would you now look at 3D02622, please. The date  
22 is the 6th of August?

23 A. Yes. I just used the wrong name of the brigade, but it's  
24 Eugen Kvaternik, the brigade from Bugojno, and Brigadier Zarko Tole;  
25 although this might be General Matic's signature, but that's not

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1 essential. Anyway, they're asking that the members of the brigade that  
2 had scattered all over the territory should rally together and be sent  
3 back to Rama, so everything that I've already talked about and described.

4 He is putting Ivica Primorac -- Colonel Ivica Primorac in charge of this  
5 particular assignment, and that anybody refusing to comply should be  
6 taken into custody and incarcerated.

7 Now, I don't remember, and I don't know whether Mr. Mate Boban  
8 ever, in fact, gave permission or issued instructions for sanctions and  
9 methods for punishing disobedience. But I don't remember that we had  
10 anything quite -- anything specific.

11 Anyway, the situation I described, about how the people from Bugojno went  
12 every which way, how many left for Croatia; I know for sure that the brigade  
13 commander, for instance, went to Croatia. He was a psychiatrist,  
14 actually, and he went to Croatia, never to return to the territory. He  
15 just wasn't interested. He couldn't care anymore. And that he wasn't  
16 the only one, but I know about him as a case in point.

17 Q. All right. Now would you take a look at document P03984, please.  
18 And the document is the 6th of August, 1993, signed by Zvonko Katovic,  
19 and you've already told us something about the way in which the soldiers  
20 left the front-line. Could you tell us some more about this document?

21 A. Well, the chief of SIS, S-I-S, is reporting here about his line,  
22 the line he held, saying what he learnt on the 6th of August, and he goes  
23 on to say -- well, the document -- we should read the document.

24 What this is about is as follows: I think that on the 31st of  
25 July, going on to the 1st of a August, all the lines around Vakuf fell,

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1 and that was some 35 kilometres of military line along which we were

2 attacked. And, Your Honours, this is an event which shows you what can  
3 happen in a war. And I remember full well at 2.00 a.m., at 2.00 at  
4 night, I arrived at Rama, the forward command post. This was at  
5 2.00 a.m. **because I was still touring the positions in Gornji Vakuf, and**  
6 everything was relatively in order. And then suddenly in the morning, at  
7 6.00 a.m., **so after having just slept a few hours, I was informed that**  
8 all the defence lines in Vakuf had fallen and that all the units, except  
9 for some very small ones that were left there, had withdrawn together  
10 with the population without anybody having reported about this. So those  
11 were situations that you come across in a war, where -- and the  
12 operations commander or I, myself -- neither of us were told anything,  
13 and then suddenly at 6.00 a.m. **in the morning, the road was suddenly full**  
14 of soldiers and people and cars, a complete jam, and everything had  
15 fallen, all the lines had fallen. And I played some kind of role there  
16 as you would in a war film, you know, the kind of scenes you saw. I got  
17 up on a tank. I walked in the opposite direction. I took up the  
18 machine-gun that was positioned on the tank. I ordered some people to  
19 follow me, which they did. And then right up until the evening, we  
20 managed to regain the same positions that were abandoned the previous  
21 night, without anybody asking what had happened or informing us that the  
22 lines were down. I saw four or five houses that Croats had set on fire,  
23 beautiful houses that people paid for having worked in Germany. They set  
24 them on fire, lest they should fall into enemy hands. Such was their  
25 attitude, and this tells you how deep the rift already was, mentally



1 speaking. They killed a lot of their own cattle. The houses were not  
2 set on fire by the BH Army, but by the owners.

3 I saw some tragic destinies there. A man came back after we  
4 stopped the route, and he saw his house burning to the ground, and he had  
5 set it on fire, and the cattle dead, the cattle that they had killed.  
6 And then he explains -- well, I don't know whether what he says about how  
7 he reached it, about how -- whether this knowledge as to how this all  
8 came about, how the fall came about, because I didn't have time to  
9 investigate. And after all, it was not my job. The SIS was supposed to  
10 do that.

11 But, at any rate, I know that all of this fell, and we managed to  
12 recapture it. But I didn't have time, and I didn't have the capabilities  
13 to investigate how it actually came about, apart from this astonishing  
14 fact that nobody called me at my forward command post to ask me who and  
15 when issued the order to retreat. And, of course, it happened that the  
16 ammunition and the whole depot of the Vakuf Brigade had been blown up,  
17 and food and the ammunition and the military equipment; so there was a  
18 great deal of damage that was caused. But fortunately we did not lose  
19 the lines.

20 Q. Was there any rumour -- were there any rumours about Vakuf being  
21 sold, so to speak?

22 A. Well, after any political talks, they would -- there would always  
23 be those rumours that Posavina had been sold, Bugojno, Jajce. All those  
24 who lost their towns would spread rumours that their towns had been sold,

25 that nobody wanted to come to their aid, and that they were left to their

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1 own devices. Simply, the air was rife with this kind of misinformation  
2 and the endless flow of rumours that all boiled down to some kind of an  
3 alibi, because nobody wanted to admit that, Yes, well we were weak, we  
4 were not organised enough -- well enough, we did not fight well enough,  
5 or the enemy was too strong and we had to give in. Nobody ever admitted  
6 anything of the sort. It was always somebody else was to blame, and in  
7 most cases this was sold by the politicians as part of some negotiations.  
8 But I have to praise myself a little bit.

9 Q. Thank you.

10 A. Well, as regards Uskoplje, we managed to actually recapture it.

11 Q. General, could you please look at 3D01146. It's a document that  
12 was signed by General Petkovic, and there is another document that is  
13 attached to it. It's identical to the first one, but it's more legible,  
14 so that you could read it more easily.

15 A. Well, nothing. General Petkovic is a professional soldier, and  
16 here in 15 items this is the umpteenth attempt. We had to repeat it over  
17 and over again, what needed to be done to improve the overall  
18 organisational level of the Croatian Defence Council units, and of course  
19 discipline too: discipline, structure, responsibility. So it was  
20 repeated endlessly. Orders of this kind, I'm sure there are dozens and  
21 dozens of such orders, but this was also repeated orally, endlessly, as  
22 to what had to be done, how things should be done, what level of  
23 responsibility is required, what kind of conduct was required in war.

24 And I claim that this was a constant -- a constant aspect of all this.

25 It was repeated all over again: begging, pleading, ordering, being

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1 angry.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, at line 17 of  
3 page 47, you said that General Petkovic was a professional soldier. In  
4 saying so, do you think that he is more or less professional than you  
5 are, or are you not drawing any comparison?

6 THE WITNESS: [Interpretation] When I say a professional, I mean,  
7 Your Honours, to say that he had military education. I consider myself  
8 to be a professional, too, at the same level as Mr. Petkovic, and I don't  
9 feel inferior or superior to him in any way. I think that we are at the  
10 same level, but I do grant him the fact that he attended military  
11 schools. But we did things in the same way, but what is true is that his  
12 orders would look like proper orders as soldiers are taught to draft at  
13 school, and I was a bit more lax. But there is no difference in terms of  
14 their contents or the meaning or the sense of them.

15 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

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

17 Q. General, could you please look at item 10. It is very, very  
18 indicative.

19 JUDGE TRECHSEL: I'm sorry. I have an interest in this order, in  
20 point 4, where General Petkovic demands that punitive measures be  
21 consistently implemented in summary fashion. What is your understanding,  
22 what he meant by this? You have spoken about the problem of sanctions

23 before, so I would like to hear what your reaction is when you see this  
24 order.

25 THE WITNESS: [Interpretation] Well, Your Honour Judge Trechsel,

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1 this is just a momentary imposition of a punishment. The military could  
2 only punish in fraction. Officers of the HVO could punish only in  
3 fractions and lack of military discipline. Anything that went beyond  
4 that, in terms of punishment, we did not have jurisdiction. If one  
5 became aware of it, one had to report it, and then the SIS either learnt  
6 of it or had to investigate it, and then an indictment was issued, and  
7 then the investigative judge and so on. It was just a judicial procedure  
8 then. So I could, in summary proceedings, tell the military police in  
9 the brigade, Arrest this man and put him in the brig for 24 hours, or, I  
10 don't know, something like that, so, Bring this person into custody. But  
11 this was for an infraction, a misdemeanor, but anything about that we did  
12 not have jurisdiction, and then it had to -- the security of the town had  
13 to deal with it. The military police dealt with the technical side of  
14 the issue, to investigate.

15 JUDGE TRECHSEL: Thank you for your answer.

16 THE WITNESS: [Interpretation] Item 10, well, General Petkovic  
17 says again, You have to first of all deal with the military aspect, not  
18 the civilian aspect. But this does not rule out cooperation with the  
19 civilian authorities, but jurisdictions have to be clearly delineated.  
20 But these are -- this is just a reflection of our desires, of our wishes  
21 that have to be repeated all over again because if you do not repeat

22 them, you will not make any progress in this direction. But the fact  
23 that you are progressing slowly, you're progressing slowly because the  
24 problem lies with the level of organisation.

25 In other words, the civilian authorities meddled in every single

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1 municipality in the military system of command in the military. They  
2 would say, Why should the brigade really go to that area or not? So it  
3 was a collusion of politics or, rather, the politics influencing the  
4 brigade from a town. They were paying their salaries, financing it, and  
5 that gave them the right which is not provided for in any law, but they  
6 thought they had the right to influence; in some places, to some extent;  
7 in other areas, to a great extent or to a lesser extent, but there was  
8 always this influence.

9 MS. PINTER: [Interpretation] Thank you very much.

10 Q. Could you please look at document P04074.

11 A. Well, here, apart from the fact that there was a war going on,  
12 let me repeat what I've been saying all over again.

13 There are two parallel things. One is solving the problem that  
14 had to be solved in any war at that time, at the very moment, that hour,  
15 that day, because the military situation demands it; and the other aspect  
16 of our work was to improve conditions as much as possible. One of those  
17 things is, well, the recruitment, the lads who were old enough to do  
18 their national service, pursuant to Mr. Stojic's order, once they  
19 completed the order, where they should be assigned, and how they should  
20 receive additional training. Because those lads who underwent this brief

21 training, just a couple of months, you couldn't just commit them to  
22 combat immediately. You had to assign them to individuals to look after  
23 them, in the initial period to initiate them slowly, the way it should be  
24 done. And that's how we tried to do it, with some success. And then we  
25 would give them to commanders to slowly integrate them into their units,

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1 and also they were not supposed to see action in its direct form until  
2 they got acclimatised, to a certain extent, to the war.

3 Q. I have to wait for the transcript. Otherwise, we overlap.

4 So now I would like you to open 3D00802, a document dated the  
5 11th of August, 1993, signed by Emil Harah.

6 A. Well, he is actually relaying an order from the Main Staff,  
7 probably dated from the day before, about what should be done in order to  
8 improve the quality of the establishment, improving discipline, law and  
9 order in the units. Well, I can't really say anything more about this  
10 document, apart from saying that as General Petkovic says in his order,  
11 this was a continuous task. It was just being repeated all the time.  
12 Impose order. Military commanders must do their job properly. Criminal  
13 proceedings will be instituted against those who fail to do their job  
14 properly. Constant repetition, constantly saying that looting should not  
15 be done, that this is a crime, that arbitrary actions are prohibited. I  
16 don't have anything else to add to it. It's simply --

17 JUDGE ANTONETTI: [Interpretation] General, let me ask you a  
18 difficult question. Since you are under oath and have committed yourself  
19 to say the whole truth and nothing but the truth, I'm sure you're going

20 to answer.

21 Look at paragraph number 3 in this document. You can see it.

22 Emil Harah exerts on his subordinates, officers, or blames them for

23 criminal liability in case there were any problems. Do you agree with

24 the contents of this paragraph or not?

25 THE WITNESS: [Interpretation] Your Honour, Emil Harah is actually

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1 copying the order from the Main Staff. He's just relaying what he had --

2 he received from the Main Staff, in terms of what he is supposed to do.

3 Of course I agree, because that came from the Main Staff, from me, or

4 from Petkovic. It's immaterial who wrote it, but it came from --

5 JUDGE ANTONETTI: [Interpretation] Very well. Do you admit that

6 through the entire chain of command from you down to the officer of the

7 unit, if a crime is committed, someone's responsibility is at stake,

8 someone can be incriminated for this?

9 THE WITNESS: [Interpretation] Well, it's too -- if I say that I

10 agree with you, that's not strong enough. There is not a single person

11 throughout the war. If I knew something, I reported them. It's not a

12 matter of agreeing with something. This must be done. Now, as -- now,

13 there is another question of how this obligation is dissipated in a

14 structure. That's up to you to find out. But I'm telling you under oath

15 that there's not a single detail - we will see from the documents - that

16 I did not fail to report, from people being drunk to looting. I always

17 reported everything, at any time, anywhere, and I demanded that this be a

18 top priority.

19           Now, the group, as a closed set, and the extent -- or the  
20           readiness at every level to do that within a group, the group, as a  
21           closed set, well, there's a lot of it in literature telling you how  
22           difficult that is, and unfortunately we, as the Main Staff or as the  
23           military, we didn't have the capability to conduct an investigation. If  
24           I learnt about something, then I reported it, but the investigation  
25           was --

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1           JUDGE PRANDLER: I would like to have a follow-up question to ask  
2           from you, Mr. Praljak, and it is the following: If my memory doesn't  
3           fail me, I believe that Emil Harah, who was later on put into house  
4           arrest or, anyway, he was dismissed, and together with his superior in  
5           the municipality. So I wonder if you could tell me what happened to him  
6           at a later stage and why. Thank you.

7           THE WITNESS: [Interpretation] Your Honour Judge Prandler, I can't  
8           say exactly what became of him later on. Nevertheless, you might  
9           remember not the order that I wrote but, rather, the letter that I wrote  
10          to Mr. Petkovic about Vares, Be merciless, track down some people who can  
11          put up with the conditions. That's precisely what happened.

12          There were a number of reports coming from Vares talking about  
13          smuggling, indiscipline [as interpreted] and so on and so forth. Given  
14          the fact that General Petkovic at the time was in the area, based on a  
15          previous agreement, in an attempt to deal with the situation, I wrote him  
16          that letter saying, Be merciless, and then the interpretation was  
17          "merciless towards the enemy," but that had nothing to do with it. And



18 that was precisely why -- or, rather, why I asked for him to be replaced.

19 Emil Harah surely suffered a mental breakdown at a later stage,  
20 based on reports. And he was the one who asked for his own replacement,  
21 being no longer in control of the situation and mentally shattered. I  
22 don't know what became of him after that, because I, myself, left soon  
23 after.

24 JUDGE PRANDLER: Thank you.

25 JUDGE TRECHSEL: I have also a little follow-up question, but

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1 purely technical. If you don't know the answer, just say so.

2 Disobedience, not obeying an order, is that under military  
3 criminal law, as valid in Herceg-Bosna, a criminal offence or is it only  
4 a misdemeanor in the disciplinary sphere?

5 THE WITNESS: [Interpretation] It's a misdemeanor in the  
6 disciplinary sphere.

7 JUDGE TRECHSEL: Thank you.

8 THE WITNESS: [Interpretation] His Honour asked me. I considered  
9 that to be a disciplinary matter. To be perfectly honest, there were  
10 times when I couldn't do, simply because then the entire unit said they  
11 would leave with that one person, and then I had to find a different way  
12 of dealing with that.

13 There was this person that I was supposed to punish, but I had no  
14 replacement. And then I would just yell at this person, I would curse  
15 this person, and try to find other ways of punishing that person. At  
16 this point in time, to impose a disciplinary measure on this person was

17 tantamount to losing the war. There were too many infractions happening  
18 all the time. No disciplinary measures would have done, knowing that you  
19 had two or three soldiers than required.

20 JUDGE TRECHSEL: Thank you again.

21 MS. PINTER: [Interpretation]

22 Q. General, were there any court-martials at the time?

23 A. Yes.

24 Q. Are you quite sure?

25 A. I don't know. There were court-martials in military courts. You

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1 will come across documents showing that. I think that is one of the  
2 following documents. One of the judges talked about the chief of the  
3 Main Staff and the extent to which we help them set up, and how many  
4 people we reported to them.

5 To be quite frank, military disciplinary courts or whatever, it's  
6 not like I was looking to that at the time, not into their names, but  
7 there were courts there, some courts. Military, disciplinary, it's hard  
8 for me to tell.

9 Q. Just in order to refer to something else, this is 3D00802, and  
10 this document is a result of 3D01146, the previous document that we dealt  
11 with, in order to restore order and impose discipline. And now we have  
12 3D00802, which is a result of the behaviour of the brigade commander  
13 pursuant to an order from the Main Staff.

14 General, can you please go to 3D01148 [Realtime transcript read  
15 in error "3D011148"]?

16 A. Brigade Commander Zarko Tole says here that Brigade Commander  
17 Milicevic and Colonel Skender were checked and that not a single officer  
18 from the staff was present at the command post; although there had been  
19 an order that preceded this to the effect that commanders had to be in  
20 the thick of the fighting and that there always had to be a duty officer  
21 at the staff. We've been through that, too.

22 Your Honours, I wish to tell you that Colonel Skender - and  
23 I think he will appear here to testify - is a Croat who served for 33  
24 years in the Legion Etrangere, reaching the highest rank ever granted to  
25 a foreigner. He was the commander of a regiment in the Foreign Legion.

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1 He'll be here to tell us what he was doing for those 33 years and  
2 describe his experiences on the ground to us throughout his career. He  
3 was a high-ranking professional of an elite French unit. So what was he  
4 to do? He went there to check and found no one. He didn't know what to  
5 do, himself. A statement was required to be drawn up and that sort of  
6 thing, but no more than that.

7 Q. 3D02608. The 11th of August, 1993, that is the date.

8 A. It's the same thing that we've been talking about.  
9 Mr. Zarko Tole, brigadier, quite simply addressing Mr. Morales from  
10 SpaBat saying, There, I rejoice. The English took a young girl, Irma,  
11 from Sarajevo to London. That caused a worldwide sensation. It was on  
12 BBC. It was all over the media for days on end. She had a weak heart.  
13 And then he says, We are happy about little Irma being saved.  
14 Nevertheless, we had at least 10.000 cases just like this one, saving

15 people and taking them elsewhere. Nevertheless, we were always being  
16 closely watched as Balkan criminals. But that was all a matter of power  
17 and propaganda. So we see him saying here, Let's not put an end to these  
18 steps that we've been taking about our relations. The HVO had approved  
19 all of the medical and humanitarian flights across our territory or over  
20 our territory.

21 But, unfortunately, our own flights to evacuate our own wounded  
22 from Central Bosnia were never approved by the BH Army. We flew, but  
23 every time we took off or landed in Central Bosnia, our planes were  
24 targeted by the BH Army. All of our aircraft were targeted by shells or  
25 other types of artillery fire. They were all pock-marked, our aircraft

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1 where. You have the statements made by all the pilots who were involved  
2 at the time, and the statements are there for the Chamber to inspect.

3 Q. Thank you.

4 JUDGE TRECHSEL: Ms. Pinter, if I may just state for the purposes  
5 of the record that much of what Mr. Praljak has said was his own and not  
6 in the document. The reference, for instance, to thousands saved by the  
7 Croats is not said in this document. That is Mr. Praljak who says so.  
8 I think it is necessary to say so for the record because it could  
9 otherwise be misleading. Thank you.

10 THE WITNESS: [Interpretation] Yes. Yes, those are my words.  
11 That is something that I said.

12 MS. PINTER: [Interpretation]

13 Q. But what about little Irma? This is document based, the fact

14 that she was saved?

15 A. Yes, yes.

16 MS. PINTER: [Interpretation] For the record, page 56, I have been  
17 warned that the number was not recorded properly, the document number.  
18 It should be 3D01148. The recorded number is one number 1 too many, and  
19 I can't quite locate that now. It's page 55, line 12. Thank you very  
20 much. It should be 3D01148. Thank you. That's for the sake of the  
21 record.

22 Q. General, can you now please find 3D01229.

23 A. That's my signature, my document. It talks about something that  
24 I have told you about already. I approved the plan for a fast-track  
25 training of a new generation of recruits to the HVO, and then it goes on

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1 to explain this plan, this programme, if you like. It's quite  
2 comprehensive. I have nothing to add.

3 Q. Could you now please go to P04207, dated the 15th of August,  
4 1993.

5 A. 4207?

6 THE INTERPRETER: Microphone, please.

7 MS. PINTER: [Interpretation] P04207.

8 THE WITNESS: [Interpretation] Yes, yes.

9 The date is the 15th of August. In actual fact, if you bear in  
10 mind the structure of any normal army, I here address Mate Boban in quite  
11 an embarrassing manner. I was adamant that there should be greater  
12 involvement on his part throughout the area; not involvement in terms of

13 our differences. That wasn't my job. I wasn't there to meddle in his  
14 negotiations and politics. But the negotiations were drawn out, and he  
15 was away, and that took some time. And then negotiations kept shifting,  
16 so this left a lot of room to the disorganisation of the area.

17 Mr. Boban being away for all those conferences and everything  
18 gave rise to certain irregularities and the system meddling in the part  
19 of the municipalities. And then I talked to him, and I told him, Well,  
20 Grude isn't functioning either, and that's where you are, isn't it? The  
21 new shift isn't coming. And then he said he'd do something about that,  
22 but the shift never came. And then I went on to ask him -- I was looking  
23 for those deserters, and then the report that we submitted for them to be  
24 brought in, for them to be escorted in drums [as interpreted] and then  
25 brought back to the ranks, but that came to nothing as well. It was all

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1 like threatening someone with a rifle that isn't loaded, and the other  
2 side doesn't know that the rifle isn't loaded, and then there's a bit of  
3 a show-down, one side knowing that the rifle is not loaded and the other  
4 not knowing that. But all those committing infractions in one way or  
5 another more or less knew that our threats were empty, the verbal  
6 equivalent of empty rifles. I will say that we were successful to some  
7 degree and people weren't being locked up, you will see from the  
8 documents, but unfortunately not sufficiently, or, rather,  
9 one couldn't do more than was done. If there was a unit that did not  
10 arrive for a replacement, then the unit did not arrive. And after all,  
11 based on everything that I know, all the legal systems in all of the

12 world's countries are based on the assumption that no more than a very  
13 small percentage of the population will be willing to violate these laws.  
14 If you have an amount such as 15 percent of the entire population  
15 committing violations, then there is no repression that a country or a  
16 state can impose to stop this. It is all too little. The police, the  
17 judiciary, neither can do anything about this. And then what happens is  
18 a country ends up in a state of chaos, to a greater or lesser degree.

19 These situations in Croatia **and** Bosnia and Herzegovina were dealt  
20 with once the war had ended. It was time to draw the line and do  
21 something about people who had done something wrong during the war.  
22 Efforts were being made and a lot was done, but it still wasn't enough.

23 JUDGE TRECHSEL: I'm sorry, Ms. Pinter, if I intervene.

24 Mr. Praljak, this again seems to show a rather astonishing lack  
25 of organisation and line of command. You are giving an order to the

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1 supreme commander of the armed forces and to the president; isn't that  
2 so? You say, The mentioned list is to be brought to me within 24 hours.

3 THE WITNESS: [Interpretation] Well, I wouldn't agree that I was  
4 giving an order, Your Honour. This document was produced following a  
5 lively altercation between my own supreme commander and myself. These  
6 conversations happened. It's the simple truth of the matter. There was  
7 a conversation with no holds barred. I was there as a commander, and I  
8 was asking my own supreme commander whether he would start getting more  
9 involved about restoring order, regardless of the fact that he was my  
10 commander. But we were all human beings, and it was up to us to defend

11 ourselves from a particularly fierce offensive by the BH Army. And then  
12 Mate Boban eventually promised me that he would do something about the  
13 people in Grude meddling, that he would use his authority -- put his  
14 authority at stake to deal with the situation. I was pleading with my  
15 supreme commander for assistance. Once I realised that no assistance was  
16 forthcoming, then I addressed him with this letter, which you think  
17 violated his authority. I don't think that is what it meant.

18 JUDGE TRECHSEL: That is not, in the end, absolutely essential.

19 Another question is: I do not suppose, but maybe I'm wrong, that  
20 Mr. Boban, on top or on the side of being the president of the  
21 Hrvatska Republika Herceg-Bosna, was also the chief of Grude  
22 municipality. And I would have expected that if you want people from  
23 Grude, you address those responsible for Grude municipality. Have you  
24 done this at all?

25 THE WITNESS: [Interpretation] Your Honour, I did have a series of

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1 conversations and meetings and sharp words to say to the leadership, but  
2 not with Grude. I asked Mate Boban here, because he had his office in  
3 Grude and that's where he was born. He was born nearby, and he wields a  
4 certain amount of authority. He has clout over there, as he does in -- I  
5 don't know what his authority is in other parts, but Grude is his  
6 hometown, so I asked him to put some order into that place, Grude.

7 And can I add something else, Judge Trechsel? Whether a place  
8 was well ordered or not, well, they would put some order into the  
9 situation, and then there would be a dispute, and then there would be a



10 lot of disorder. So the curve would go up and down, but mostly it  
11 depended on whether they had managed to find a good commander or not.

12 Now, a good commander was either somebody who was very prominent  
13 in the area, and it was difficult to find such people because there were  
14 always some groups that were opposed, but if you brought in somebody from  
15 outside, that is to say, somebody who was from that place and then went  
16 to the Croatian Army and spent the war there and was promoted in his  
17 career, if you managed -- and he was an honourable person, if you managed  
18 to bring him in as a commander, and that kind of commander, then he would  
19 put some order into a unit.

20 So we had 11 replaced commanders. For example, in the Rama  
21 Brigade, we went through 11 commanders, replacing them one by one, around  
22 August and September, until a man called Pavlovic arrived. And he was  
23 able to put some order into things. But it depended on many factors of  
24 which I don't have time to go into here to bring home all the complicated  
25 factors and complex situation that we had to deal with.

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1 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we have the  
2 feeling that you asked Mate Boban to make sure that law and order was  
3 being restored, whereas he might have believed that it was for you to do  
4 this.

5 THE WITNESS: [Interpretation] Well, Judge Antonetti, Your Honour,  
6 I always wonder, and I keep asking myself, Well, just tell me how? All I  
7 want to know is: You say at that point in time, Praljak, you're not  
8 there, but I am envisaging a person B from the French Army. And he could

9 introduce law and order; whereas it's your fault, Praljak, that there  
10 isn't any law and order there. So if somebody were to explain to me how,  
11 I would write any -- sign any chit for punishment. For example, I went  
12 there. I went to a meeting. But they didn't want to, they didn't want  
13 to listen.

14 And it's up to me you say, Your Honour, up to me. I know what my  
15 duty is, but all I have to see is how I'm going to implement that duty of  
16 mine. How can I make it work? And I expect you to write, at the end of  
17 all these proceedings of this trial, I would expect you to write,  
18 Praljak, if I were in your place, I would do it that way, if you just  
19 imagine a French general, or an English general, or whoever. But you  
20 know what I'm like. I know how to shout, I know how to swear. I know  
21 how to beg, how to threaten. I'm strong. I know how to do this and  
22 that. You know the kind of man I am.

23 JUDGE ANTONETTI: [Interpretation] I asked you this question  
24 because I remember a document -- I don't remember the number of the  
25 document. I apologise for not giving you the number of this document,

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1 since we review thousands of documents. I have a good memory, but as far  
2 as this document is concerned, I can't give you the number of it. But  
3 this document stemmed from the military police, and this document stated  
4 that Tuta's men are indulging in ethnic cleansing. I assume that this  
5 document, stemming from the military police, must have been forwarded up  
6 the entire line and then something must happen. What do you think?

7 THE WITNESS: [Interpretation] First of all, I don't know that a

8 document of that kind went up and down the hierarchy. That's the first  
9 point. And the second point is that I don't know what the military  
10 police could have done to Mr. Naletilic at that point in time, except to  
11 commit another crime; and that is to shoot without a trial. As far as I  
12 know, and I know from my own experience as I've recounted it to you, you  
13 weren't able to deal with a situation on the basis of law and lawfully.  
14 You could only do it by shooting, and that, again, is quite another  
15 story, quite another kettle of fish.

16 So there were groups that you couldn't control in any other way  
17 except to enter into a mutual war outside any legal control, and then  
18 that's debatable, would anybody enter into a war like that. And,  
19 secondly, this would bring us to a situation of complete anarchy, with  
20 everybody doing what they thought should be done.

21 JUDGE ANTONETTI: [Interpretation] I'm not going to insist on this  
22 now, but I shall revisit the issue later.

23 MS. PINTER: [Interpretation] Thank you, Your Honour. First a  
24 question.

25 Q. General, did you receive military police reports regularly?

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1 A. No, no, we did not receive military police reports regularly.

2 Q. And now a correction to the transcript. On page 60, line 21 --  
3 I'll ask you the question, but I'd just like to put that right in the  
4 transcript. You said that there was a meeting and that you held a  
5 meeting with the leadership, the leadership, all the politicians of the  
6 HZ-HB, or just with certain leadership in a certain town?

7           A.    No.  In response to Judge Trechsel's question, or whoever asked  
8   me about why I didn't talk to the municipality officials, and I quoted  
9   the example of Ljubuski, when a whole brigade refused to take up their  
10  positions up at the lines.  And their reason was a very banal one, that  
11  is to say, that somebody had employed somebody in the Customs office and  
12  so on.  And they said that until that situation was solved, we wouldn't  
13  go to war.  So that was what that was all about.

14               And I remember that at a meeting there, there was Mr. Stojic, and  
15  he couldn't do anything either, and then I -- although it wasn't a time  
16  when I was officially performing my duties in the HVO.  Anyway, I asked  
17  that people from the village who were party members should come forward,  
18  people who were well known, and we would resolve the situation as it is  
19  resolved at some pre-electoral campaign, for example, by trying to  
20  persuade them; they would put forward their demands, saying the situation  
21  had to be resolved; they asked to become members of the municipal  
22  council, although they weren't elected; then I asked that municipal  
23  council to take in a certain number of members because otherwise they  
24  wouldn't go up to the front and the lines.  The entire brigade refused,  
25  so we couldn't set up any kind of structure beyond what we had to deal

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1   with.  The brigade simply didn't want to take up its positions, and that  
2   was the end of it.

3               Now, Judge Antonetti was asking me what my duty was.  My duty was  
4   to prevail upon the brigade to take up their positions at the lines, and  
5   the brigade didn't want to do that.  So what could you do, faced with a

6 situation like that? I told you what I did, and I maintain that nobody  
7 could have done a better job. You couldn't do otherwise, for the simple  
8 reason that -- well, I'm not an idiot. The easiest thing would be, of  
9 course, for the brigade to take up their positions. But if the brigade  
10 didn't want to take up its positions, then you have to resort to other  
11 means.

12 JUDGE ANTONETTI: [Interpretation] General, you know that I  
13 presided over another trial. I can say this because it was in open  
14 session. It looks as though the BH Army also encountered problems within  
15 its own brigades. And at some point in time, they decided to take action  
16 against a specific reluctant brigade, and there was a major-scale  
17 operation. Now, if there were any problems within the HVO, why was  
18 nothing done against the culprits?

19 THE WITNESS: [Interpretation] First of all, Judge Antonetti, it's  
20 not true that nothing was done. A lot was done.

21 Secondly, you assume that it involved small numbers and that when  
22 you eliminate these small numbers, you would have law and order. But  
23 that's not correct. It's not just a few people. It's not only three  
24 commanders. The brigade commanders did want to take up their positions,  
25 but the brigade, the men, didn't want to. And there were several hundred

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1 people there who didn't want to take up their positions. So you'd have  
2 to take up action against several hundred people, which is something that  
3 you can't do, Judge Antonetti, and those would be the military  
4 requirements. Of course, in another army, this would be tantamount to

5 rebellion.

6           However, here it was a fact that you had to deal with and face.

7 And on the assumption that you did have the power and authority to put  
8 300 soldiers in prison, into some kind of prison, you still wouldn't have  
9 another 300 soldiers to take up their positions at the front-lines. So  
10 it wasn't a problem that could be solved within the frameworks of the  
11 resources that you had and the way in which we acted and in which we  
12 existed. And that's what I claim, because that was the situation that I  
13 was in, that I faced, and I'd like to know what it is that I should have  
14 done or what should have been done.

15           Of course, the BH Army, Your Honours, faced the same sorts of  
16 problems, and I'll tell you why some problems they found easier to solve,  
17 disciplinary-wise. That is to say, they linked certain activities and  
18 discipline with the distribution of humanitarian aid. That is to say, if  
19 a soldier was disobedient, they would withhold humanitarian aid to that  
20 person's family. And we didn't have the possibility of doing that in  
21 Herzegovina **because, quite simply, we weren't able to control the**  
22 humanitarian aid coming in. We were closed off, and everybody would go  
23 off to Croatia **whenever they wanted to, at least those who --**

24           JUDGE TRECHSEL: Mr. Praljak, I'll put to you something which you  
25 will consider as provocative, probably. And it's not at all my intention

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1 to provoke, but I think in sheer honesty I have to tell you.

2           Listening to you this afternoon, I start wondering whether this  
3 war, that is presented as a war of the Croatian Narod for their popular

4 rights, these people's rights, in fact, is not something that the people  
5 wanted, but that a small stratum, a class, a caste of politicians and  
6 military and other very nationalistic-minded people wanted, and which  
7 they then whipped through, not being pushed from underneath, from the  
8 popular, from the grassroots; but, on the contrary, pulling out the grass  
9 to throw it into the war, to some extent. What is your reaction to this?

10 THE WITNESS: [Interpretation] Thank you for that question,  
11 Judge Trechsel, Your Honour. First of all, I don't consider that there  
12 are any provocative questions. I don't experience any questions as being  
13 provocative. And I'm ready to answer any question you wish to ask me,  
14 and I've repeated umpteen times that nonetheless a large number of people  
15 did man their positions up at the lines. But I'm talking about the  
16 problems that occurred here, and because I am talking and addressing the  
17 problems, I don't mean to say that this applied to everybody.

18 The Ljubuski Brigade, for example, which at one point for some  
19 reason or other -- or, rather, one unit didn't want to man the lines, but  
20 it was a fantastic brigade. And when they went back to Vakuf after  
21 losing their units, their men first followed me. There wasn't any  
22 nationalism there, nationalistic feelings outside what we considered to  
23 be national feelings, and that is that they were supposed to fight  
24 anybody attacking them in the places where they lived.

25 Now, we could not assume that any individual in Herceg-Bosna, for

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1 example, could force somebody to go and fight. If it was only Mate Boban  
2 and Slobodan Praljak who had wishes of that kind, then the whole

3 population would have left and gone to Croatia. Nobody would have stayed  
4 on to fight because you couldn't find anybody to fight. And I'm talking  
5 about 80 to 90 percent of the population, with a lot of casualties and  
6 suffering, fought very valiantly and bravely and honestly and honorably.  
7 But of course you had the problems, and those are things that I'm  
8 addressing, and you couldn't apply this model to everyone.

9           And that is why those who fought were volunteers. They fought  
10 because they wanted to fight. And I keep stressing that. Those who  
11 wanted to go there came and went because they wanted to. It was their  
12 wish to go. Had they not wished to go, there was no force that could  
13 have made them or no laws. Laws did exist, but there was nothing you  
14 could use to prevail upon them, because Mr. Buntic or whoever could write  
15 down a law very quickly. But to ensure that the law was implemented and  
16 acted upon, well, I'd like to hear from you how that would be possible.  
17 I told you how I implemented the law, with the disarmament of those in  
18 Dretelj and so on: might fighting might, pistol versus pistol, weapons  
19 against weapons. I didn't do anything because I liked doing things like  
20 that, Judge Trechsel, but because that was the only way to act, given the  
21 situation, Judge Trechsel.

22           JUDGE TRECHSEL: Thank you. I just note that, on the other hand,  
23 if it was only 10 or 20 percent that caused problems, I find it less  
24 persuasive that it was not possible to contain that minority in some way.

25           THE WITNESS: [Interpretation] 20 percent is a great deal.

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1 Five percent is a lot, especially, if you will allow me to tell you



2 this -- well, you know, it's not always the minority that's the problem,  
3 but it is the silence of the majority that is the problem. The problem  
4 of Nazi-ism in Germany wasn't so much the problem of the Nazi Party in  
5 1933, but it was the silence of the majority that allowed them to  
6 develop.

7 JUDGE TRECHSEL: But I'll end it with this: Hitler was elected  
8 with a majority, unfortunately.

9 But please, Ms. Pinter. We are leaving the terrain of the  
10 indictment; I'm aware of that.

11 THE WITNESS: [Interpretation] May I just say, Hitler, when he was  
12 elected, promoted a completely different political programme than the one  
13 he actually realised and put into practice. But be that as it may.

14 MS. PINTER: [Interpretation]

15 Q. General, the Main Staff, was it responsible for the situation in  
16 the rear?

17 A. No.

18 Q. Thank you. Now turn to document P04235.

19 JUDGE ANTONETTI: [Interpretation] One moment, please.

20 General, your lawyer asked a question: Was the Main Staff  
21 responsible for the situation in the rear? And you answered, "No." I am  
22 flabbergasted. Why do you say "no" to that question?

23 THE WITNESS: [Interpretation] Well, because it isn't so.  
24 Somebody should have placed the units at my disposal, whoever is  
25 competent for that, the mobilisation departments in the municipalities.

1 And once the units were mobilised in the municipalities, they were  
2 supposed to be equipped by the Defence Department, they were supposed to  
3 be issued with uniforms and other stuff, and then the Main Staff was  
4 supposed to get this unit equipped in this manner for its use. The  
5 Main Staff had nothing to do with the rear, except in cases where  
6 somebody is trying to resolve some problems using private channels, as we  
7 did.

8 JUDGE ANTONETTI: [Interpretation] Let me take a metaphor from the  
9 theatre world to illustrate my thought. Imagine that a director wants to  
10 put a play on stage and he's looking for actors for the play, but he  
11 fails to find any. Therefore, the director is never going to put this  
12 day the play on stage; do you agree with that? Now, try to apply this  
13 metaphor to the army. There are problems, but no men, no logistics, no  
14 doctors, no courts. Do you have to wage war?

15 THE WITNESS: [Interpretation] Your Honour, in theatre it's a  
16 little bit different, but I don't think that you're entirely in the  
17 right. You can direct, I don't know, Shakespeare's "Hamlet," with a  
18 large number, with a large cast, or you can do an abridged version and  
19 eliminate some of the roles and give one actor several roles. So the  
20 same goes for Don Juan, depending on that, and it is not always right  
21 that the best theatre is born out of conditions where you have  
22 everything. Sometimes the narrowness and lack and shortage of some  
23 things produces the best performances.

24 Secondly, as regards the army, everything that you said is right.  
25 There were problems everywhere, in every aspect. But day after day,

1 Judge Antonetti, you have in the field only two options; to issue an  
2 order to retreat, and -- or in the face of all the shortcomings, you say,  
3 I remain here and I will do everything I can at this point in time, in  
4 those circumstances, for this period with my energy, with my brains, my  
5 knowledge, to prevent the situation from deteriorating. That's your  
6 choice. The choice is there, at that point in time, in that place.

7 And if you recall, when I put the pistol next to Mr. Buntic's  
8 head because he claimed years before that, as a friend, that he would  
9 fight, and then your typical intellectual, the people who I call peace  
10 profiteers, because there are war profiteers in war, but there are  
11 thousands and thousands of intellectuals who are peace profiteers. These  
12 are the people who say, Well, there's something horrible going on there.  
13 And then they trot around the various capitals of the world, sipping  
14 champagne and explaining how peace should come about, and they have been  
15 doing that for thousands of years. Well, they simply withdraw and they  
16 said, Well, Praljak could -- I could have gone to Germany. I had a  
17 resident permit, a work permit there. I could take care of my family  
18 there, and let other people wage war. I stayed, and I would have stayed  
19 again because every day I had this choice. And I always stayed. I was  
20 convinced -- completely convinced that my remaining there means that the  
21 situation would be at least a millimetre better than it would be without  
22 me. And I made this improvement by 1 millimetre, and this is what I'm  
23 testifying about.

24 JUDGE ANTONETTI: [Interpretation] There are 10 minutes left

25 before the break, Ms. Pinter.

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1 MS. PINTER: [Interpretation] Thank you.

2 Q. General, I would like to ask you whether the Main Staff had the  
3 obligation to maintain law and order in the rear.

4 A. No. How? How was it supposed to? With what?

5 Q. Very well. Now I would like you to turn to document P04235  
6 [Realtime transcript read in error "P04325"].

7 A. We've already seen this document. The date is the 16th of  
8 August --

9 Q. Just a moment, General. The number has not been recorded  
10 properly. P04235. Now it's okay.

11 A. Okay. So at this point in time, I, as the commander of the  
12 Main Staff, demanded reports on how many troops do we have in the  
13 theatre; not how many people are in the records, but how many people are  
14 there actually fighting. And then when I carried out my own order, I  
15 actually sent this report to myself, to the Main Staff, for this section  
16 of the battle-field. And I say that there are 21 units on this section  
17 of the front-line. Look at the figures here, and I say that it's a total  
18 of 4.424 soldiers on paper. They're all in some files somewhere, in some  
19 records. But more than a half are not there. More than a half are just  
20 not there.

21 And now again we have the same question, Should I stay or should  
22 I go? Well, we stayed there, and we succeeded. And we succeeded because  
23 the other side was no better. If the HVO of this kind, brave lads,

24 fought well, if a regiment of the Foreign Legion or an elite unit of the  
25 Marines faced us, we would have lost the war. But the people on the

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1 other side were worse than we were, and that is why they failed to defeat  
2 us. Let me be frank and clear. And in despair before the situation, I  
3 say this: Well, fuck this, because this phrase, it just explains to you,  
4 it tells you, well, that's how it is, there's nothing I can do, because  
5 if the people from Sebesic, who had been expelled from their area, they  
6 are all mentally ill. They are exhausted. They are already  
7 decompensating. Their health has deteriorated. They used to be  
8 students, farmers, craftsmen, and they were thrown into this bloody war.  
9 They were expelled from their territory. They don't know where their  
10 families are. They don't know what is happening. These people were sick  
11 in their heads, and it is much more important to them to hear somebody  
12 speak to them and somebody run from one trench to another than to have  
13 the system of command and control as it was in -- as it exists in normal  
14 armies.

15 I kept them alive. I kept them fighting, simply because  
16 90 percent of my waking hours were spent with one unit, another unit, the  
17 15th unit, in the trenches, fighting side by side with them. And that's  
18 simply how it was.

19 Q. The 5th Guards Brigade --

20 A. Well, we'll probably be speaking about that later on. The 5th  
21 Guards Brigade is the 5th Guards Brigade of the Croatian Army from  
22 Vinkovci. And I've explained this, and let me repeat. Those people who

23 were around Vukovar and Vinkovci, they were people from Herzegovina **who**  
24 had settled there in the 1950s, in the 20th century, in the properties or  
25 farmsteads of the Volksdeutscher, who had been killed or expelled from

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1 the former Yugoslavia. **And there were more than 550.000 of them, the**  
2 ethnic Germans. They, themselves, and their children still kept ties  
3 with their original home, Herzegovina.

4 And from that brigade, I managed to get 130 infantrymen who were,  
5 for the most part, from Herzegovina. **They were volunteers. And they**  
6 volunteered to fighter there because they had this -- some kind of a  
7 feeling towards their home because they all had old houses there and  
8 their grandparents, so they were volunteers. This is proof that the  
9 Croatian Army did not have a presence there, because otherwise I would  
10 have gotten a brigade from Imotski, from Split, or from Sibenik because  
11 they were all stationed close by. Those were volunteers from the  
12 5th Guards Brigade, the descendants of the Herzegovinians who had been  
13 moved from Herzegovina **and settled in the homesteads of the ethnic**  
14 Germans who had been expelled. And that's why they volunteered to fight.

15 Q. For the record, and it's been suggested that I should ask you  
16 what Volksdeutscher or ethnic Germans are.

17 A. Volksdeutscher, Maria-Theresa, at the time when she ruled, the  
18 empty sways of land - I don't have a map - so north of the Danube and in  
19 the Banat region, that is northern parts of Serbia and eastern parts of  
20 Croatia [Realtime transcript read in error "Serbia"], Germans were

21 settled there. And they lived there for two centuries. They were  
22 citizens of Yugoslavia. They were locals, domestic population.

23 But after the end of World War II, some of the Volksdeutscher  
24 retreated with the Wermacht, the German Army. A large number were taken  
25 by Russians into exile, to Russia. And they worked, and some of them

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1 survived after 20 or 30 years, and a large number ended up in the camps  
2 in Yugoslavia. And I explained all that in the book that I submitted to  
3 the Trial Chamber. Now, the Volksdeutscher, they were the richest part  
4 of this population, with the biggest farms and properties. They were all  
5 empty now, abandoned. And in the 1950s, people from the poorest areas in  
6 Yugoslavia - Montenegro, Herzegovina and so on - were put on trains and  
7 driven up there, because it was rich soil. They were taken there to till  
8 the land.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, when one looks  
10 at this document, one has to draw a parallel with the forces of the other  
11 warring parties. Here we can see, when it comes to Gornji Vakuf, Prozor,  
12 we have 4.424 fighters, but when you see the lazy ones, those on leaves,  
13 the ill men, then the figures is drastically reduced. And then we see  
14 there are some units who are only scores of men strong. On the other  
15 hand, we have had documents speaking about artillery, rocket-launchers,  
16 helicopters, aircraft, the VRS, 130.000 men in the 3rd Corps. So one is  
17 bound to ask oneself what kind of war the HVO was waging. Were they  
18 tiny, local conflicts with a handful of men each time? Or was it a

19 conflict such as the conflicts we could see during World War II, with  
20 thousands of men? With the figures you show, the impression is rather  
21 that we are speaking about tiny or limited conflicts. And earlier on you  
22 said, In spite of it all, we won. So explain to me, where did you win?

23 THE WITNESS: [Interpretation] Well, first of all, this has  
24 nothing to do with World War II. In World War II, and I've shown you  
25 this, a division -- at least 12 to 14,000 people holds a line 7 or 8 or

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1 10 kilometres, if you are defending. This has nothing to do with it. So  
2 the French divisions that fought the Germans held at most 10 kilometres  
3 of the defence lines. So between this and World War II, there is no  
4 comparison, generally speaking.

5 On the other side, the ratio was maybe 1:5, 1:6, so the BH Army  
6 in this area was attacking us with this balance of powers. That's  
7 number 2.

8 Number 3, those people who stayed to fight were brave lads,  
9 headed by me. We were brave lads. We fought well. Some people got  
10 killed, but we were ready to fight well. And, thirdly, when I say we  
11 won, I mean we did not lose. And they did not achieve their strategic  
12 objective, which was to reach their western borders and to reach the sea.

13 So I did not issue any orders for attack. There are only orders  
14 to defend ourselves. And here in Mostar, in Vrđi, and in the south, we  
15 defended ourselves. And when I say "defended ourselves," by that, I mean  
16 we won. And that is why I remained there in spite of everything lest we  
17 should lose. And that meant that we won. Because even when we fought



18 Serbs, we didn't go towards the Drina, to Nevesinje, to defeat the Serbs.

19 We did not fight to defeat the Serbs. We fought not to lose or to  
20 prevent them from implementing their objective, which was to achieve a  
21 Greater Serbia.

22 JUDGE ANTONETTI: [Interpretation] We'll resume after the break at  
23 10 to 6.00.

24 --- Recess taken at 5.48 p.m.

25 --- On resuming at 6.10 p.m.

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1 JUDGE ANTONETTI: [Interpretation] The court is back in session.

2 Ms. Pinter.

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

4 Before I ask another question about a document, there is  
5 something I'd like to say about page 74 of the transcript. The line  
6 number is 6. It reads that the general said that the Germans were  
7 settled in Eastern Serbia, whereas it should have read "Eastern Croatia."

8 Q. Is that right, General?

9 A. Yes.

10 Q. And now P04260, please. That's your order dated the 17th of  
11 August, 1993.

12 A. So whether on the same day or the day before, the day before --  
13 so on the 13th of August, a large-scale attack of the BH Army on  
14 South Mostar occurred, the 13th, the 14th, the 15th and so on and so  
15 forth. I was involved in the fighting, and we managed to take back most

16 of the positions that we had lost. There was one remaining, a minor  
17 hill, that we took back at a later stage. Some prisoners were being  
18 taken to the front-line. There is prior inform about that from  
19 Zarko Tole, the head of the Main Staff. Based on his information, and I  
20 was on my way to Rama when I found out, I issued an order for all the  
21 prisoners to be withdrawn from these labour tasks they were performing.  
22 And I also said that I should be kept up to date. But I hadn't had any  
23 previous information from anyone at all indicating that anyone was doing  
24 anything like that, taking these prisoners to the front-line to dig  
25 trenches, something that was entirely forbidden.

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1 A day or two after my return to the Main Staff, I issued this  
2 self-same order to everyone. I don't have the order, regrettably, but  
3 there was a witness here who talked about that order that came at the  
4 time from the Main Staff. One thing that I found surprising about this  
5 is the fact that I was somewhere along the front-lines. And the thing  
6 that strikes me as incredible is that I never saw this happen myself,  
7 prisoners digging trenches. I proposed to the OTP to try and track down  
8 something like that. I would have been identified. That much is  
9 certain. I'm certain that if I'd been there, some prisoners would have  
10 identified me because of some of my physical features. I never, ever saw  
11 prisoners dig trenches. And you can't say that I wasn't spending time  
12 along the front-lines. This was entirely surprising to me. I issued the  
13 order that I issued. And afterwards, I received feedback, a report  
14 saying that this was complied with, and that the prisoners were back in

15 prison, and that the persons responsible were the persons responsible;  
16 the wardens. And a carbon copy was submitted also to the military police  
17 and the brigade.

18 JUDGE ANTONETTI: [Interpretation] Since you were on the  
19 front-line, I assume you had binoculars.

20 THE WITNESS: [Interpretation] Yes.

21 JUDGE ANTONETTI: [Interpretation] With your binoculars, were you  
22 watching the opposite side and were you overseeing what they might be  
23 doing there.

24 THE WITNESS: [Interpretation] Yes. Well, to the extent that we  
25 could. But one was able to observe, generally speaking.

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1 JUDGE ANTONETTI: [Interpretation] Did you realise, whether it was  
2 on the Serb or the Muslim side, that they sometimes used prisoners for  
3 construction work?

4 THE WITNESS: [Interpretation] I never saw that happen,  
5 Your Honour, on any of the sides. I am slightly thrown by this. If you  
6 look at witness evidence, you will realise that the situation was what it  
7 was. I was constantly moving from one front-line to another, and I am  
8 still surprised to this very day. I never saw a single man perform a  
9 task like this. I never came across that, because I certainly would have  
10 treated those commanders who would have been in charge of something like  
11 that differently.

12 I do propose, however, to the gentlemen from the OTP to track  
13 down a single witness who saw me there and who was performing labour

14 there. There had to be someone who could identify me then.

15 JUDGE ANTONETTI: [Interpretation] We'll get back to this later.

16 THE INTERPRETER: Interpreters note, the Presiding Judge said  
17 whether these prisoners were used for digging purposes or fortification  
18 purposes as well.

19 MS. ALABURIC: [Interpretation] A correction for the transcript,  
20 page 77, line 24, when the general was speaking about who would have been  
21 responsible for taking people to perform labour, and then he mentioned  
22 wardens, prison wardens, and also guards; whereas the word there in the  
23 transcript is "brigades." Could the general please explain what he said,  
24 because this might lead to some confusion.

25 THE WITNESS: [Interpretation] The brigades, the HVO, had no

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1 authority whatsoever over the prisons, the army over the prisons, none.  
2 Frankly speaking, I don't know who it was that did have power over the  
3 prisons. I know that we had no power over the prisons. I don't know  
4 what the legal position was in relation to this element of the military  
5 police. I never went into that. But neither the brigade, nor the  
6 operation zone, nor the Main Staff, had anything to do with the prisons.  
7 The only thing we did was send to these prisons the persons that we  
8 previously punished.

9 MS. PINTER: Oh, sorry.

10 JUDGE TRECHSEL: Thank you, Ms. Pinter. I think this is an  
11 important point that needs to be clarified as much as possible.

12 If I understood you correctly, Witness, you have now stated that

13 on or around the 15th of August, 1993, you became aware of the fact that  
14 prisoners were engaged in work such as digging trenches. Have I  
15 understood you correctly?

16 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, I said  
17 that on the 13th, 14th and 15th, there was large-scale fighting in the  
18 south of Mostar, and that was something that I was involved in myself.  
19 On this day, or the day before, the 17th or the 16th of August, word  
20 reached me from Zarko Tole, the head of the Main Staff, saying that he  
21 had received information indicating there were prisoners being taken to  
22 perform labour and dig trenches. It was based on his information, and I  
23 was in the operations area, that I issued this order. Immediately  
24 afterwards, however, I issued an order to all strictly prohibiting --

25 JUDGE TRECHSEL: Thank you. Did you have any information on what

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1 kind of prisoners were engaged?

2 THE WITNESS: [Interpretation] No.

3 JUDGE TRECHSEL: I would suggest to you that the only reason to  
4 immediately forbid this would be the fact that if prisoners of war are so  
5 engaged, that would be a crime, a war crime. Would you agree?

6 THE WITNESS: [Interpretation] Yes.

7 JUDGE TRECHSEL: Now I'm interested to hear from you what you did  
8 to prosecute those responsible for that crime.

9 THE WITNESS: [Interpretation] Your Honour, aside from this order,  
10 which said that this must not be continued, I did nothing. The simple  
11 reason being, this was submitted to the SIS, and they knew about this. I

12 had no means of conducting an investigation, since I had received no  
13 reports from any quarters. The Main Staff simply doesn't have the  
14 operative potential required to conduct an investigation. If I received  
15 no report about anything whatsoever, then it would have been up to the  
16 SIS because they were the military body in charge of investigations.  
17 That was their job description. And then if information is received,  
18 there is a certain procedure that follows, and that is up to them.

19 JUDGE TRECHSEL: Okay. Now, who, according to you, would bear  
20 the responsibility for prisoners being engaged in such work as digging  
21 trenches?

22 THE WITNESS: [Interpretation] Whoever did that, they didn't ask  
23 for approval. Based on what I have seen here so far, frankly, aside from  
24 this information and the ban that applied at the time, I had no other  
25 information on that. It was here, during this trial, that I realised

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1 that some people went there and that some people issued approvals. This  
2 is certainly a crime, and I have nothing more to add.

3 JUDGE TRECHSEL: Okay. To be a bit leading, would you agree that  
4 it is the military commander who assigns the work to the prisoners,  
5 perhaps alongside the military police? I leave that aside. But isn't  
6 the military commander also at least criminally responsible for this?

7 THE WITNESS: [Interpretation] A military commander cannot  
8 determine what the prisoners will do. I don't know how a military  
9 commander should be responsible, unless he had not issued an approval,  
10 unless he had no knowledge of this going on.

11 JUDGE TRECHSEL: I'm sorry. Some military commander has placed  
12 an order for prisoners to be put at his disposal. And we have, in this  
13 courtroom, seen hundreds of such requests. These people were immediate  
14 authors of that war crime. I would suggest prima vista, without going  
15 into details of mens rea and so forth. Now, would it not be, or is it  
16 not the duty under international law for the commanders and the  
17 commanders of the commanders to react?

18 THE WITNESS: [Interpretation] Your Honour, without going into  
19 legal matters, no commander is allowed to take prisoners of any kind at  
20 all and use them to dig trenches along the front-line.

21 In the Ministry of Defence in the Republic of Croatia, and as I  
22 went about writing all those booklets and all, I knew full well under  
23 what conditions and for what types of work prisoners of war could be used  
24 outside a theatre of war. Within the prison compound, where they were,  
25 they could perform some tasks there. Not just POWs, but also ordinary

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1 prisoners, they could help with --

2 JUDGE TRECHSEL: It's kind of you to tell us what the 2nd Geneva  
3 Convention says, but I don't think that it is really called for. Thank  
4 you. Thank you for your answer.

5 Excuse me, Ms. --

6 THE WITNESS: [Interpretation] You're welcome.

7 JUDGE TRECHSEL: Ms. Pinter.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, if we had  
9 standing before us the military prosecutor, and we could have had him

10 standing in front of us if the Prosecutor had called this person. And  
11 the military prosecutor, according to the documents in question, would  
12 have said this: I have been seized when the SIS or the military police  
13 files a report, and then I seize the investigating judge. This is what a  
14 military Prosecutor would say. But I would then say to the military  
15 prosecutor, If the SIS and the military police don't seize you of this,  
16 what would he say? He would turn around and say, I don't do anything  
17 because I don't know anything about it. Based on this suggestion, what  
18 you are saying has been confirmed in the document. You have told the SIS  
19 and you told the military police that from 6.00 p.m. onwards, there  
20 should be no prisoners. Fine. But if we had standing before us the man  
21 in charge of the SIS, he would say to us that he had received no orders  
22 from Mr. Praljak and that he didn't do anything about it. Therefore, if  
23 we had the head of the military police, this person would say to us, I  
24 didn't receive an order; therefore, we didn't do anything. So we found  
25 ourselves in a system where the military prosecutor says that he has not

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1 been seized of this fact, the SIS states that it received no order, the  
2 military police states that it received no order, and you say, I haven't  
3 done anything. Don't we have a problem here?

4 THE WITNESS: [Interpretation] No, Your Honour Judge Antonetti,  
5 there is no problem whatsoever. I am in no position to issue any orders  
6 to the SIS, nor did I have a need, or indeed to the military police.  
7 They do this in their line of duty, like the local police here in  
8 The Hague do, or anywhere else. It's in their job description. They



9 have to do this. It's their job. They don't need anything. They're not  
10 under my command. I don't need anyone issuing orders to me for me to say  
11 this brigade or this unit should go there or go elsewhere, that's where  
12 we'll be fighting, and so on and so forth. It is my duty to exercise  
13 control over the soldiers to the extent that I can, successfully or  
14 poorly, with more success or less success. But I don't expect that I  
15 should be given daily orders about this.

16 Likewise, the SIS have their rules, and these rules say in a  
17 battalion or in a brigade, it's right there. And because it's their job,  
18 they gather intelligence, and then they act upon this intelligence. They  
19 have the power to bring people in. They have a badge, they have ID to  
20 bring people in. They can call in the military police to study some  
21 technical circumstances surrounding a murder or anything like that. It's  
22 their job. Your job is to try cases. It's not like you need to go to  
23 someone every day to tell you that you are a judge, Your Honour. It's  
24 what you do.

25 I have no power to issue orders to the military police or the

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1 SIS. They are separate departments, and I explained why it was done the  
2 way it was; in order not to have too much power accumulating under a  
3 single commander. And this is the established practice in other  
4 democratic countries, especially those that don't keep large-scale  
5 professional military forces. That's as much as I know.

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

7 Q. Now let's take a look at the reactions to this order of yours,

8 and that is P04285, the next document. The date is the 18th of August,  
9 1993.

10 A. Well, yes. Here we have commander Ante Pavlovic informing on the  
11 fact that all the soldiers were sent back. They were withdrawn pursuant  
12 to that order.

13 Q. All right, thank you. Now let's move on to the next document,  
14 which is 3D02063, and the date is the 21st of August, 1993. Is that your  
15 document?

16 A. Yes, that's my signature, and once again this is on the subject  
17 of the Croatian Army. And here I'm informing the 4th Brigade of the HV  
18 Split, that's the Guards Brigade, that their member Franjo Lucic, who was  
19 on leave, he was off duty and remained on the theatre of operations in  
20 Gornji Vakuf. He was obviously originally from Bugojno. And I'm asking  
21 that this absence be justified and not to proclaim him a deserter; to  
22 certify his absence. He says he wants to stay on there. So this is a  
23 document showing my relations with the army and Gojko Susak and so on,  
24 and I have to issue a certificate to excuse him from his absence from the  
25 4th Brigade; whereas, in fact, it is said that I disposed of brigades of

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1 the Croatian Army. So let me repeat, once again, that is just not true,  
2 not correct.

3 Q. Let's look at the next document now, which is 3D02087, and it's a  
4 document dated the 23rd of August, 1993. And the ATG, and the signatory  
5 is Slobodan Praljak. So it's one of your documents?

6 A. Yes. There's nothing to add.

7 Q. And what's been added there in handwritten form?

8 A. Well, I don't know what it says. But once again, well, when it  
9 says "ATG," anti-terrorist group, I would like to say, Ms. Nika, that it  
10 was a matter of 25 soldiers, whereas only 7 of them were in Prozor. The  
11 rest were visiting family or on a leave of absence. So this is just to  
12 show the forces we had and the small units that we had. And we had to  
13 contend with the situation there with those few men.

14 JUDGE PRANDLER: I'm sorry, Ms. Pinter. I only would like to  
15 come back for one moment to the previous document, that is, which was the  
16 3D02063. And, of course, Mr. Praljak has already explained that there  
17 was a certain Vlado Lucic from Bugojno, and he remained in the  
18 battleground in Gornji Vakuf. And, therefore, they should excuse him  
19 from the brigade until further notice. And here there is a reference to  
20 the HV, Croatian Army 4th Brigade, et cetera.

21 Now, what Mr. Praljak explained before, that it shows that there  
22 was no direct involvement of the Croatian Army in that particular region;  
23 that is, in Herceg-Bosna, in Herzegovina. On the other hand, I found it  
24 a bit strange that -- and because of the major assumption is that all  
25 those who were from the HV, that is, the Croatian Army, they are supposed

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1 to be volunteers. In front of this situation, my question is to  
2 Mr. Praljak that: Why should they have notified the Croatian Army that a  
3 certain person was there and who, in a way, fought there in the  
4 battleground in Gornji Vakuf? So my question is related to the fact that  
5 there was a certain flow of information between the HVO and the HV. If

6 my assumption is correct, what would you say, Mr. Praljak? Was there a  
7 kind of constant flow of information there and vice versa between the two  
8 military establishments?

9 THE WITNESS: [Interpretation] There was a very weak flow of  
10 information, and you'll see from some other documents I'm either  
11 requesting something or writing a piece of information of this kind.  
12 Obviously, I know the gentleman. He arrived from Split, from Dracevac,  
13 in actual fact, which is where that brigade was stationed, to visit his  
14 parents who were expelled from Bugojno. I remember him. And then I  
15 said, Listen, stay here, help us out, because he was an experienced  
16 fighter from the Croatian Army. I asked him to stay there and to fight  
17 with us, and he said, All right, fine, but you have to write to my  
18 brigade, because if I don't report for duty after my leave of absence,  
19 they will write out a warrant. It's the Guard Brigade, a professional  
20 brigade of the Croatian Army. And there was far more law and order  
21 there, and they would have issued a warrant for his apprehension. So  
22 he's asking me to write and say that he stayed on as a volunteer so that  
23 they wouldn't pursue him.

24 And I'm saying that, Judge Prandler, because if we're dealing  
25 with only one man from the Croatian Army here where -- that if he had two

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1 or three brigades at his disposal, he wouldn't have -- it wouldn't have  
2 mattered. He would have told this one man to go home.

3 JUDGE PRANDLER: Thank you, Mr. Praljak.

4 MS. PINTER: [Interpretation]

5 Q. General, the next document, 3D01732, is what I would like us to  
6 look at. It is dated the 24th of August, 1993, and it was written by the  
7 Command of the 111th XP Brigade at Zepce? Can you remember today, here  
8 and now, what situation Zepce was in, in August 1993; and what could have  
9 been the reasons for this document having been written?

10 A. Yes. Zepce was in a total encirclement, under siege. And it was  
11 attacked by the BH Army as one of the pockets where the HVO managed to  
12 stay put and not be expelled as it had been in Konjic and in other parts.  
13 Now, I don't have anything to add to this letter. It speaks for itself.  
14 It was sent to Boban and Prlic and Stojic and the Main Staff, and the  
15 commander in Vitez to whom they belonged previously as the operative  
16 zone, operations zone. And here it's not the commander signing, himself,  
17 but the Command, so all the people over there. They're wondering what  
18 the policy being waged is and what the object is. And they describe how  
19 the aggression started, when it started, and so on and so forth. So I  
20 have nothing to add to this document, except to say that it is one of a  
21 series of documents which arrived from Zepce, and Vares, and Busovaca,  
22 and Vitez, and all the rest of it, the operation zone, and what situation  
23 they found themselves in under aggression from the BH Army.

24 Q. I think the only important and relevant thing is how it all  
25 began, how the aggression began, and when it began.

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1 A. On the 13th of April, 1993.

2 Q. With an attack on --

3 A. Zenica, when the full, complete blockade of Zepce was set up.

4 Q. Thank you. Would you now take a look at the next document, which  
5 is 3D00800.

6 A. This is Emil Harah reporting, saying that on the 26th of August,  
7 the attack began in Kopjari. And it is the same place, Kopjari, where  
8 two months later the BH Army attacked Vares. And he says here that they  
9 have five wounded and foresees that a clash with the BH Army is imminent,  
10 and that one should have no illusions. Everyone, the civilian  
11 authorities, the military authorities, all the soldiers, and everyone  
12 else, knew that the conduct of the BH Army was such that, well, from the  
13 end of March and beginning of April, 1993, that it only had one  
14 objective, and that was to defeat the HVO and to expel the Croats and the  
15 HVO from those territories.

16 Q. Very well, thank you. May we now look at the next document,  
17 which is 3D00639. It is the 28th of August, 1993, the civilian  
18 population leaving the war zone.

19 A. Yes. This is one of my documents. I signed it. And it refers  
20 to a very narrow area at Pidris, the area near Mackovac, near Gornji  
21 Vakuf. You see that on the left. And because of the exceptionally  
22 strong attack -- well, the attacks were already going on, but especially  
23 when the artillery came into play, then there was a strong attack. And I  
24 ordered that the civilian population be moved out of those two small  
25 pockets where fighting was going on. And that is the villages of Pidris

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1 and Mackovac. Because, well, I think that there was some civilian  
2 casualties, and I didn't want to allow the civilians to be involved in

3 any fighting. So I asked that the women, children, and elderly men who  
4 were not fit for military service be moved out, that we should find  
5 somewhere to send them to, and except for the civilians who were soldiers  
6 or auxiliary workers, workers helping out those who were transporting  
7 things, loading, unloading trucks and so on, helping in some ancillary  
8 way; anyway, I'm telling the Judges here and you, Ms. Pinter, I'm saying  
9 in point 3 that they should take their livestock with them so that the  
10 cattle was also moved out, so that they have something to live on. They  
11 can milk the cows and so on. So that's something I also say. I  
12 considered this to be quite normal and necessary and logical. And  
13 I think that legally it was in order too.

14 MS. PINTER: [Interpretation] Thank you.

15 JUDGE TRECHSEL: Mr. Praljak, could you tell the Chamber whether  
16 the population of these two villages was mainly or exclusively Croat or  
17 Muslim?

18 THE WITNESS: [Interpretation] Judge Trechsel, Your Honour, as far  
19 as I remember, there were Muslims, too. But I didn't really pay  
20 attention to these ethnic matters. I asked that everybody be dealt with  
21 in the same way, according to the same principle.

22 JUDGE TRECHSEL: Thank you.

23 MS. PINTER: [Interpretation] A small misunderstanding with  
24 respect to the transcript, but everything is in order.

25 Q. Now please look at document 3D02062, and this, judging by the

2 August, 1993. And it is an order, one of your orders.

3 A. Yes, once again to Petar Kresimir the 4th, and it speaks for  
4 itself, everything is quite clear. All one needs to do is to read what I  
5 wrote down additionally. And it says only an idiot can send people into  
6 the field just like that, without any logic, without any communications.  
7 So this man sent the men he sent in the way he sent them. And they had  
8 no means of communication. So I say he's an idiot. That's all I could  
9 say, that he was an idiot.

10 Q. 3D02448 is the next document I'd like us to look at. Your  
11 signature is not on that document, but are you the author of this  
12 document?

13 A. Yes.

14 Q. Very well, thank you.

15 A. Once again, well, this document is clear and speaks for itself.  
16 I'm asking for 30 men for three days, from the 28th of August to the 31st  
17 of August, not even 3 days. And I'm asking for 30 men to cover some void  
18 until I make other arrangements.

19 Q. Very well. Now let's move on to the next document, which is  
20 3D001100, and it's already an exhibit.

21 A. I think there's just one 0.

22 Q. 3D01100. Yes, that's right. And there's no date.

23 A. Well, all right. It's --

24 JUDGE ANTONETTI: [Interpretation] General Praljak, in this  
25 document, 3D02418, the addressees are the commander of the Rama Brigade



1 and also again the commander of the HV Kotromanic. What is this HV  
2 Kotromanic Brigade?

3 THE WITNESS: [Interpretation] Hrvoje Vucic Hrvatinic is the name.  
4 He was a nobleman from medieval history, Hrvoje Vucic Hrvatinic, the  
5 brigade from Jajce. And in Jajce was -- Jajce was the seat of the  
6 Bosnian Croats Catholics' kings. One of them was Hrvoje Vucic Hrvatinic.  
7 And there was a lovely painting that we would see in our textbooks at  
8 school where he would be mounted on a horse in all his splendor. Anyway,  
9 this is not the HV, Judge Antonetti.

10 JUDGE ANTONETTI: [Interpretation] Very well. For the record,  
11 there was a mistake in the English version in the translation because it  
12 is written "Kotromanic," whilst in the B/C/S version we find the name  
13 that you have just indicated, Hrvatinic.

14 THE WITNESS: [Interpretation] Yes.

15 MS. PINTER: [Interpretation] So that is a mistake.

16 JUDGE TRECHSEL: I'm sorry. Where is the mistake? In the  
17 document, it says "HV Kotromanic Brigade," and apart from a misprint,  
18 that is what is in the transcript. Hrvatinic, we had before, that is a  
19 different brigade, so here Kotromanic is correct. No. Then it's  
20 incorrect on the document.

21 MS. PINTER: [Interpretation] The English translation misstates  
22 it. That was an office translation. It had to be done quickly, and the  
23 quantities were overwhelming. So there was an error in the original  
24 text.

25 JUDGE TRECHSEL: So the error is between the documents and not

1 with the transcript, primarily. Thank you. I'm sorry, I didn't grasp it  
2 immediately.

3 JUDGE ANTONETTI: [Interpretation] Yes. What I said on line 15 of  
4 page 91, it is a translation, a written translation, not interpretation.

5 Yes. Please proceed, Ms. Pinter.

6 MS. PINTER: [Interpretation] Thank you, Your Honour. We shall be  
7 submitting a corrected version for tomorrow's hearing.

8 Q. General, can we now please go to 3D01100. No date, but it is  
9 obviously from August 1993. You signed it, didn't you?

10 A. Yes, the same order. This independent battalion from Klis is the  
11 battalion from over near Konjic that came under attack by the BH Army in  
12 April and was crushed. People were killed, expelled, and so on and so  
13 forth. And then those men -- it's true what it says here. Disciplinary  
14 steps taken against perpetrators are to be carried out with no further  
15 delay, as well as any other orders.

16 All of this, Ms. Nika, Your Honours, looks very nice when we see  
17 it in a document like that and when it's signed. But when you actually  
18 see those people, the people involved, when you talk to them, when you  
19 see the amount of sheer energy emanating from those people, the grief  
20 over their dead, and their families being expelled, then the order takes  
21 on an entirely different meaning.

22 All right, I wrote the order. I wrote about the disciplinary  
23 steps to be taken and all of that.

24 JUDGE ANTONETTI: [Interpretation] General Praljak, let me return

25 to the question I put about the military prosecutor, the SIS, and

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1 military police. In this document, you are asking for disciplinary  
2 measures. Fine, nothing to say. You did your job very well. But when  
3 you heard that detainees had been used on the front-line, why didn't you  
4 ask for disciplinary measures?

5 THE WITNESS: [Interpretation] Your Honour, disciplinary  
6 measures -- commanders at each of the levels have the power to take  
7 certain disciplinary measures within the HVO, but disciplinary measures  
8 alone; nothing beyond that, nothing more serious, in terms of more  
9 serious offences.

10 In this case, I know exactly who is carrying out my order. And I  
11 request that Marko Stanic take disciplinary measures against persons  
12 failing to comply. When men were taken to the front-line to dig  
13 trenches, I knew of no way in which the ban on doing that was actually  
14 violated or by whom. This is all happening in the staff. And then you  
15 ask, Who did this? No one will ever stand up, come forward and say, I  
16 did that. So what happens is you need to launch an investigation  
17 because, unfortunately, no one will be coming forward to say, Yesterday,  
18 I did this and that, so now you do what you have to do. No. Instead,  
19 you need to launch an investigation. As far as investigations were  
20 concerned, the Main Staff or, indeed, I, myself, had no ability  
21 whatsoever to take any steps in that direction.

22 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, we have five  
23 minutes left.

24 JUDGE TRECHSEL: Mr. Praljak, in view of how you have presented  
25 yourself, with your study of psychologist, with your power over everyone,

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1 with your enormous authority, within half an hour you would have known,  
2 if you had actually put your mind to it, because you could have known  
3 where they had come from. There were traces. They came not out of the  
4 blue. They did not fall from the sky. But you did not care; isn't that  
5 the truth?

6 THE WITNESS: [Interpretation] No, that is not the truth,  
7 Judge Trechsel. Read all of my actions from the beginning to the very  
8 end in this case. How do you get this idea? Because I studied  
9 psychology, that I would have been able to track down the perpetrator,  
10 or, indeed, that I had the power to do that? What I'm telling you is  
11 that when I found out about the existence of a camp over in Dretelj, I  
12 did what I did. Once I had found out, I went there, armed, and I set  
13 those people free. When I realised that someone was stealing a vehicle  
14 right there in front of me, I took a gun to it. A man like that. Do you  
15 not think I would have punished whoever I knew for sure was taking people  
16 to perform labour at the front-line? Take all of it, take all of the  
17 documents, and there are at least 115 in this case alone.

18 JUDGE PRANDLER: A question -- the previous question was asked by  
19 Judge Trechsel and not by Judge Antonetti, and so, therefore, the  
20 transcript should be changed and corrected accordingly. Thank you.

21 THE WITNESS: [Interpretation] I apologise if I misspoke.

22 JUDGE ANTONETTI: [Interpretation] Very well. Well, it's nearly

23 7.00, three minutes to go. You know this week we sit in the afternoons.

24 Therefore, we shall resume -- reconvene tomorrow at 2.15.

25 You have used 35 hours and 30 minutes. I'm saying this to the

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1 Defence counsel. So, in principle, at this pace we should be able to  
2 finish the week -- so, in principle, we should conclude the week with you  
3 without any problem, because you must have over four hours left. But, of  
4 course, all this brings about questions, and we have to take the time we  
5 need.

6 I wish you all a good evening. We shall reconvene tomorrow at  
7 2.15.

8 --- Whereupon the hearing adjourned at 6.58 p.m.,  
9 to be reconvened on Wednesday, the 3rd day of June,  
10 2009, at 2.15 p.m.

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