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1 Monday, 28 September 2009.

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 2.15 p.m.

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

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

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

13 Today is Monday. I would like to firstly greet the witness. I
14 would like to greet the accused, the Defence counsel, the members of the
15 OTP, as well as all the people assisting us. I shall first of all give
16 the floor to the registrar who has an IC number to give us.

17 THE REGISTRAR: Thank you, Your Honour. The Petkovic Defence has
18 submitted its response to the Prosecution's objections to documents
19 tendered through expert witness Josip Jurcevic. This list shall be given
20 Exhibit IC1051. Thank you, Your Honours.

21 JUDGE ANTONETTI: [Interpretation] Thank you, registrar.

22 On behalf of the Trial Chamber, I would like to read out an oral

23 decision.

24 Proprio motu oral decision on the filing of the Praljak Defence
25 motion pursuant to guideline 9 of the Trial Chamber's decision on the

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1 24th of April, 2008.

2 The Trial Chamber recalls its decision in which it adopted the
3 guidelines on the presentation of the Defence case handed down on the
4 24th of April, 2008, in particular paragraph 35 on guideline 9 which
5 states that any motion on the admission of documentary evidence must be
6 filed as soon as possible after the presentation of all evidence on a
7 given municipality or a specific topic.

8 The Trial Chamber notices that to date the Praljak Defence has
9 not filed a written motion on the admission of evidence pursuant to
10 guideline 9, and the Trial Chamber knows nothing about what it intends to
11 do in that regard. The Trial Chamber recalls that the Defence teams must
12 not wait for the end of their case to file such motions. The Trial
13 Chamber therefore requests the Praljak Defence team to kindly let the
14 Trial Chamber know before midday on the 1st of October, 2009, what it
15 intends to do as regards the filing of one or several motions pursuant to
16 guideline 9, and if it intends to do so, on what topics and in what
17 time-frame will it file such requests. In other words, the Trial Chamber
18 is asking the Praljak Defence team to let it know whether it has any
19 intention of filing such motions with a view to having documentary
20 evidence admitted. We would like this to be done, therefore, before the
21 1st of October, 2009. The deadline is midday.

22 Mr. Kovacic, you have understood me well, have you?

23 MR. KOVACIC: [Interpretation] Your Honour, thank you for that
24 reminder. It is my honour to inform you that about an hour ago we did
25 file a notice where -- with the general information. It still hasn't

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1 been received, but I do see that it was sent out to the Registry, so in
2 an hour or half an hour it will be received, and then we can inform the
3 Trial Chamber about some additional matters, but we took advantage of the
4 opportunity you gave us a few days ago to provide plans for Witness 3DA,
5 and then we also informed you with respect to guideline number 9, but
6 you'll see all that in the course of the day and if necessary we'll add
7 on to it. Thank you.

8 JUDGE ANTONETTI: [Interpretation] Second point: You have also
9 told us on the 28th of September, i.e., today, that Witness 3DA is not
10 going to be coming, which means that your last witness, according to the
11 schedule you have given us, will be coming on Tuesday, the 13th of
12 October. After that, we will have no witness on the 14th, 15th of
13 October, and then in the following week, and we shall resume on the 26th
14 of October, and we will then be hearing the witness of the Petkovic
15 Defence team.

16 Mr. Kovacic, is that what has been scheduled or not?

17 MR. KOVACIC: [Interpretation] Yes, precisely, Your Honour. And
18 I've just remembered that we sent your assistants a courtesy copy, but
19 obviously you already have it in your hands. But in the last paragraph
20 we just, in brief, set out what our intentions are with respect to the

21 motion for documentary evidence in conformity with guideline number 9.

22 Thank you.

23 JUDGE ANTONETTI: [Interpretation] Very well. We will therefore
24 resume on the 26th of October. We have a problem, however, with our
25 schedule. This would be at quarter past 2.00 on the Monday, but on the

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1 26th of October this is the date when the elections for the President of
2 this Tribunal are being conducted, and this starts at 2.00 in the
3 afternoon. This may be quick or it may not. It depends how many
4 candidates there are, one, two, or three. Much will depend on that.
5 Therefore, we have every reason to believe that we will start our hearing
6 on the 26th of October at 4.00 most probably. At 4.00 p.m., normally
7 speaking, the elections should be over. So please pencil this in so that
8 we can make our arrangements.

9 Initially, as I am a permanent Judge and since I need to vote, I
10 felt that there was no point in going, but since my colleagues would like
11 to attend, we will therefore start at 4.00 p.m. There will be a slight
12 gap, but we can't work it out any other way.

13 JUDGE PRANDLER: Mr. President, I simply would like to say that
14 there was a mistake when you mentioned that we should only finish on that
15 very day of 26th of October. It is written here that at 4.00, normally
16 speaking, the elections should be over, but the -- what I believe you
17 also added that we would then finish our sitting at 1800 hours, meaning
18 at 6.00 p.m. So 6.00 p.m. should be inserted here, because then it is
19 when -- if I understood correctly.

20 JUDGE ANTONETTI: [Interpretation] No. On the transcript in
21 English, 1800 hours was never mentioned, 6.00 was never mentioned, and I
22 never talked about 6.00 p.m. Let me remind you that the elections for
23 the president of this Tribunal start at 2.00 p.m. This should take two
24 hours. This means that we will finish that at 4.00. We will therefore
25 be able to start hearing the expert witness on 4.00 that afternoon.

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1 Everything's clear.

2 Ms. Alaburic still had questions, since you have the lectern.
3 According to our timing, you should have 15 minutes left and no more, but
4 before I give you the floor, let me address the witness.

5 WITNESS: ZVONIMIR SKENDER [Resumed]

6 [Witness answered through interpretation]

7 Witness, thanks to these few days we have had between your
8 testimony last week and today, I was able to reflect on a number of
9 matters, and I have two technical questions to put to you.

10 With hindsight one is able to realise sometimes that it is
11 important to clarify a number of points. In French, on several
12 occasions, you used the expression "military region." In your language,
13 we had the expression "operational zone" and not "military region." When
14 in French you say "military region," are we to understand that this means
15 the same thing as operational zone, or is this something different?

16 THE WITNESS: [Interpretation] This means operational zone. A
17 military region or district, as far as I'm concerned, would be
18 Tomislavgrad for instance.

19 JUDGE ANTONETTI: [Interpretation] So it means one and the same
20 thing. On looking at a number of documents, I realised that in some of
21 the orders operational zones were mentioned, OZ for short. And sometimes
22 the word "military district" was used, ZP for short.

23 OZ and ZP, does it mean the same thing? Is it the same thing?

24 THE WITNESS: [Interpretation] I don't remember exactly what ZP
25 means.

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1 JUDGE ANTONETTI: [Interpretation] This should mean military
2 district.

3 THE WITNESS: [Interpretation] "Zbornu područje," I believe this
4 means military region.

5 JUDGE ANTONETTI: [Interpretation] So basically it's the same
6 thing.

7 THE WITNESS: [Interpretation] Yes, it is the same thing.

8 JUDGE ANTONETTI: [Interpretation] Second question of a technical
9 nature. As far as the military police is concerned, last week you told
10 us that there was the real military police and then there was also the
11 military police incorporated in the brigade. Does it mean this: Does it
12 mean that there is a military police which comes under the authority of
13 the military police administration in a chain of command, and that would
14 be the real military police, and then there are also military policemen
15 inside the brigades who, as you have told us, are soldiers who are called
16 military police soldiers inside the brigades; is that right?

17 THE WITNESS: [Interpretation] Yes, that is quite right, Your

18 Honour.

19 JUDGE ANTONETTI: [Interpretation] My last question now, also of a
20 technical nature, General. Did you know that during the fighting some
21 units of the real military police, the military police that was a part of
22 the chain of command and not included in the brigades, had sometimes been
23 subordinated to brigades and that these took part in some of the
24 fighting? Did you know about that?

25 THE WITNESS: [Interpretation] The real military police was never

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1 subordinated to the brigades, but these men did take part in the
2 fighting.

3 JUDGE ANTONETTI: [Interpretation] What you are telling us is
4 important, General, because General Praljak told us the opposite. Let me
5 explain this to you. General Praljak told us as follows: For combat
6 operations a brigade commander or an operational zone brigade may ask the
7 military police administration to subordinate some of their men who are
8 then placed under the authority and the sole authority of the brigade
9 commander. This is what he has told us, and now you have just told me
10 the opposite. Could you clarify this for us, and why is there a
11 difference?

12 THE WITNESS: [Interpretation] I believe that when the military
13 police was brought to a combat area, they then reported to the command of
14 a military region and reported directly to the military police.

15 JUDGE ANTONETTI: [Interpretation] You are saying that they then
16 reported to two commands. Do you mean from an operational standpoint, or

17 do you mean from its authority if an investigation needed to be
18 conducted?

19 THE WITNESS: [Interpretation] From an operational standpoint.

20 JUDGE ANTONETTI: [Interpretation] What you have just told us is
21 now on the transcript, but so far we have understood the opposite. I
22 understood. Perhaps the other members of the Bench may like to say
23 something on this subject. What I understood is this: When a unit of
24 the military police is sent to a unit, let's say X, and is to conduct
25 military operations. It's then the commander of the brigade who is

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1 exercising full command over his men, and yet he tells them then that you
2 are going to take up such-and-such a position, you're going to do this
3 and that, and these military policemen have only one commander. That is
4 the commander of the brigade.

5 THE WITNESS: [Interpretation] The commander of a brigade gave the
6 orders on the ground, but let me repeat, despite that the military police
7 also took its orders from the head of the military police.

8 JUDGE TRECHSEL: [Interpretation] I don't think it is -- this is
9 possible. We need to clarify this. If there are two commanders who can
10 give orders that both are entitled to do this, this will be rather
11 disorderly. Could you not clarify this for us, please? In
12 administrative terms, the military policemen were still part of the
13 police administration, whereas as far as their work on the ground while
14 they are part of the brigade, it is only the brigade commander who tells
15 them what they must do on the battle-field.

16 THE WITNESS: [Interpretation] Yes, that's right.

17 JUDGE TRECHSEL: [Interpretation] I think this has made things
18 clear, and we have been able to iron out some of these differences we
19 had. Thank you.

20 JUDGE ANTONETTI: [Interpretation] Thank you for your answers.
21 These questions were, in my mind, important ones.

22 Last question which has to do with your credibility and
23 personality. At the beginning of last week, you said that it was
24 Filipovic who had asked you to come and join the HVO. From what I
25 understood, Filipovic was a former legionnaire, as was Kapular, as was

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1 Gotovina, as was Roso, and there are other men in the same case.

2 Inside the HVO, weren't you a conglomerate of former
3 legionnaires?

4 THE WITNESS: [Interpretation] No, Your Honour. Filipovic was a
5 sergeant in the Foreign Legion. Kapular was never part of the
6 Foreign Legion. And Filipovic phoned me up when I was in Corsica to ask
7 me whether I was prepared to come to Croatia, and I came.

8 JUDGE ANTONETTI: [Interpretation] And what about Ante Roso?

9 THE WITNESS: [Interpretation] Ante Roso was also a
10 non-commissioned officer in the Foreign Legion. But as I was in the
11 Foreign Legion, I never met him because we never served in the same
12 regiments.

13 JUDGE ANTONETTI: [Interpretation] Fine. Ms. Alaburic, you have
14 the floor.

15 MS. NOZICA: [Interpretation] Good afternoon, Your Honours, and
16 everybody else in the courtroom. Good afternoon to the witness too. And
17 just for the correctness of the record, I want to say that during my
18 cross-examination on the 24th it said that I would continue my
19 cross-examination. That was what was on the record, but I'd like to
20 thank the witness and inform the Court that I have no further questions
21 for this witness.

22 Thank you.

23 JUDGE ANTONETTI: [Interpretation] Thank you.

24 Ms. Alaburic.

25 MS. ALABURIC: [Interpretation] Good afternoon, Your Honours, and

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1 good afternoon to Mr. Skender and everybody else in the courtroom.

2 Cross-examination by Ms. Alaburic:

3 Q. [Interpretation] Mr. Skender, before I ask you my first
4 question --

5 MS. ALABURIC: [Interpretation] -- I'd like to clarify a point,
6 Your Honour, about time, the time I have at my disposal. If you recall
7 on Wednesday, I think it was last Wednesday, my learned friend Ms.
8 Senka Nozica informed you on behalf of both of us that the two -- that
9 two defence teams were interested in cross-examining General Skender and
10 that we would divide up the time that was allotted to us, which was 45
11 minutes, and that after holding consultations it is highly likely that
12 we're going to need some additional time, too, in order to be able to
13 clarify all the questions that we consider could be of benefit to this

14 Court and could be answered by the general.

15 So Ms. Nozica and I divide up the 45 minutes, and if my
16 arithmetic is correct, we both have 22 minutes, 22.5 minutes, and so any
17 other time would go -- would be deducted from the Petkovic Defence.

18 Now, if possible, can we do it that way, and that if I need a few
19 more minutes than the time I have at my allotment, may that be deducted
20 from my overall time, by I would like to request that you allow me to use
21 additional time and I think it will be of benefit to one and all in the
22 courtroom and that we'll have some valuable information from Mr. Skender.

23 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, normally
24 speaking, as you know, you -- Ms. Nozica and you have been granted 45
25 minutes. Ms. Nozica has had 31 minutes so far, which means that normally

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1 speaking you should only have 14 minutes left. If you exceed this time,
2 this will be deducted from your overall time credit.

3 MS. NOZICA: [Interpretation] Your Honour, I'd like to support
4 what me learned friend has just proposed. I don't think ten minutes
5 should and problem, but I did ask that everything over 22.5 minutes be
6 deducted from my time and everything over 22.5 minutes deducted from her
7 time. I know that I did make that proposal and that we did adhere to it.

8 Thank you.

9 JUDGE ANTONETTI: [Interpretation] All right. Let's take our
10 calculating machine. Since you've had 31 minutes and since you had 22
11 minutes and 30 seconds, this means that you have 9 minutes and 30 seconds
12 which will be deducted from your time, and Ms. Alaburic will have 22

13 minutes and 30 seconds, and if she exceeds this will be deducted from her
14 allotted time.

15 Before coming to the hearing, it is important to do your math
16 again to make sure you don't make a mistake.

17 MS. ALABURIC: [Interpretation] I'd like to thank my colleague
18 Ms. Nozica and thank you, too.

19 Q. Now, General Skender, before I ask you a few questions, let's
20 just inform the Trial Chamber and our colleagues from the Prosecution and
21 everybody else in the courtroom, have we met before during the proofing
22 session?

23 A. Affirmative.

24 Q. And did I tell you of the topics I'd like to discuss with you?

25 A. Yes.

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1 Q. But before I ask you what I said I would be asking you, prompted
2 by the questions raised by Their Honours today I have a few additional
3 questions for you, and the first of those relates to the difference
4 between General Praljak's testimony about the military police and what
5 you have told us about the military police, what you told us in -- on
6 Thursday, in fact.

7 Now, General Skender, do you know that at the end of December
8 1993, a reorganisation took place of the military police, which scrapped
9 brigade platoons and that the brigade military police was integrated into
10 a brigade, and that the light assault battalions of the military police
11 which were intended for combat were abolished as units of the military

12 police, and the men were then transferred to the guards brigades. Are
13 you aware of that, of the fact that the military police was organised in
14 that fashion?

15 A. Yes, indeed.

16 Q. Now, since you arrived in Herceg-Bosna in July 1993, do you
17 happen to remember, perhaps, when the name operative zone, for example,
18 North-west Herzegovina, was changed and was called a military district of
19 North-west Herzegovina and later on the military district of
20 Tomislavgrad? Was that in the second half of 1993?

21 A. I don't know. I believe it was in the second half.

22 Q. Very well. Just one more question with respect to your testimony
23 on Thursday, and what I am going to ask you about was recorded in the
24 transcript on pages 45216 and 45217.

25 Judge Antonetti asked you something and you said what a soldier,

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1 a commander would do if he were to learn that his soldier had committed a
2 crime, that one of his men had committed a crime, and that
3 Judge Antonetti asked you whether the military commander after handing
4 the case over to the SIS or the military police, whether he has the
5 responsibility of following the case up further and monitor and to see
6 what happened and how the -- his -- his men were punished, and you said
7 that he should be at least informed about what was going on with respect
8 to the sanctions taken against one of his men.

9 Now, my question to you, Mr. Skender, is this: Who is it who
10 would have to inform the military commander about what was going on in an

11 investigation undertaken against a soldier from his unit? Who has that
12 responsibility and duty?

13 A. I did say that the commander of the area needed to be informed,
14 but I don't know who needed to inform him, because -- whether it was
15 between the military authority or the civilian authority. In that case
16 the commander of the area was no longer responsible.

17 JUDGE ANTONETTI: [Interpretation] General, I would just like to
18 make a -- a correction. To my surprise, without my having put the
19 question to you, you said that when the brigade commander seized the
20 competent body of this matter he needed to follow it through, and I was
21 quite surprised by what you said. I didn't put the question to you. You
22 yourself mentioned this. And Ms. Alaburic is now saying that this was a
23 question I had put to you, which is not the case. This is something you
24 said when you answered a question. And now when you answer you answer
25 somewhat different yet again.

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1 You say that if a given body is seized of this or of a particular
2 matter, the brigade commander has nothing to do with it anymore.

3 THE WITNESS: [Interpretation] Yes. He's got nothing to do with
4 it anymore. Once the military authorities is dealing with then he's got
5 nothing to do with it anymore.

6 JUDGE TRECHSEL: [Interpretation] Witness, you are testifying
7 under oath here.

8 THE WITNESS: [Interpretation] Yes, Your Honour.

9 JUDGE TRECHSEL: [Interpretation] When you say one thing on the

10 Thursday and when you say something else on the Monday, we would like to
11 have an explanation for this. I -- I share the view of the President of
12 this Chamber, who was very much surprised. You told us that he needed to
13 be kept informed because he needed to follow it through.

14 THE WITNESS: [Interpretation] Once he had handed this over to the
15 military police or to another authority, then he didn't need to follow it
16 through.

17 JUDGE TRECHSEL: [Interpretation] There seems to be a
18 contradiction here. Either he needs to check and make sure to see what
19 has happened. You said if the order had been carried out -- maybe I got
20 this wrong. I thought you said that the commander needed to make sure
21 that the order had been carried out. When did you mean when you said
22 that?

23 THE WITNESS: [Interpretation] What I meant is when a military
24 commander gives an order dealing with a criminal affair concerning a
25 particular individual to the military police, he then is to make sure

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1 that this person has been properly transferred to the military police.

2 JUDGE TRECHSEL: [Interpretation] And who tells him? Who -- where
3 does he get his information from?

4 THE WITNESS: [Interpretation] His command, to know whether the
5 person's left or not. Otherwise, I don't see how else it can be done.

6 JUDGE TRECHSEL: [Interpretation] Thank you.

7 MS. ALABURIC: [Interpretation]

8 Q. General Skender, I will be using part of my time to try to show

9 the Chamber that you are today telling us the same thing that you were
10 telling us on Thursday in essence. Nevertheless, my understanding was
11 that there was a certain degree of misunderstanding between the Trial
12 Chamber and you. General Skender, at page 45216 we have the following
13 recorded -- 45216 is the page number. You are recorded as saying that a
14 military commander must react immediately to stop anything negative going
15 on. He must also call in the military police and hand the case over to
16 them. At 45217, we see this, and I'll quote in English. It's about the
17 responsibility of the military commander. The General said:

18 [In English] "He should at least be informed about what happens
19 after. [Interpretation] General, I think that clarifies the matter.

20 I would like to pursue my original line of questioning now --

21 JUDGE ANTONETTI: [Interpretation] Just a minute, General.

22 I thank Ms. Alaburic for having tried to shed some light on this
23 by just recalling what you said Thursday, but this doesn't solve
24 everything. The -- say that the brigade commander will seize the
25 military prosecutor, but let's imagine that the military prosecutor does

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1 nothing for some kind of reason that we don't know, even though a crime
2 was committed.

3 Now, according to you, do you think that the brigade commander
4 must absolutely do something, or since the military prosecutor's not
5 doing anything he decides to do the same thing and do nothing.

6 THE WITNESS: [Interpretation] According to me he must do
7 something. He must act.

8 JUDGE ANTONETTI: [Interpretation] But what is he supposed to do?

9 THE WITNESS: [Interpretation] He's supposed to arrest the person
10 who committed the crime with the help of the military police he has under
11 his ranks, in his brigade, and to gaol that person in the military gaol.

12 JUDGE ANTONETTI: [Interpretation] Very well, but your answer is
13 making things even more complicated. Let me try to sum things up. Let's
14 imagine that a crime was committed some place. The brigade commander is
15 asking the military police to carry out an investigation. The military
16 police does the investigation, writes the report, and sends its report to
17 the military prosecutor, and Mr. X, Y, or Z, are the authors of the crime
18 or the perpetrators, but the military prosecutor decides to do nothing,
19 just stays idle.

20 Now, you tell -- you're telling us that the brigade commander who
21 followed the case, when he notes that the military prosecutor did
22 nothing, that the investigative magistrate was not seized or did nothing
23 also, then according to you, the brigade commander must arrest the
24 perpetrator. Is this what you said?

25 THE WITNESS: [Interpretation] Well, I've never experienced such a

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1 case where the competent military authority did not react and did
2 nothing. I said that the brigade commander should, but I've never
3 experienced this case.

4 JUDGE ANTONETTI: [Interpretation] Very well. So you don't have a
5 hands-on case to tell us, but if it had happened, that was the way it was
6 supposed to work.

7 THE WITNESS: [Interpretation] According to me that's the way it
8 was supposed to work.

9 JUDGE TRECHSEL: I'd like for the record and not to let any
10 misunderstanding come up, say that as far as I'm concerned, these
11 questions of law relate to the law applicable on the battle-field in
12 Herceg-Bosna. The Court is not asking the witness to explain
13 international public law to the court and to tell the Court what the law
14 of command responsibility under Article 3 -- 7, paragraph 3 of the
15 Statute means. That would not be appropriate because *jura novit curia*,
16 we are supposed, and I think -- I hope rightly so, that we know the law.

17 I just wanted to -- to make this clear so that no
18 misunderstanding could come up when someone reads the records. Thank
19 you.

20 JUDGE ANTONETTI: [Interpretation] Very well. However, General,
21 when you answered my question, I would like to know when you answered in
22 the position of a brigade commander wherever he may be, in Herceg-Bosna,
23 Croatia, Beijing or anywhere, so was your answer a general answer stating
24 what a brigade commander is supposed to do in such a case, whatever the
25 country, or could you tell us whether the answer you gave us was very

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1 specific and only applicable to Herceg-Bosna?

2 THE WITNESS: [Interpretation] I said what he was supposed to do.

3 JUDGE ANTONETTI: [Interpretation] What he was supposed to do
4 wherever he may be.

5 THE WITNESS: [Interpretation] Absolutely.

6 JUDGE ANTONETTI: [Interpretation] That's what I had understood in
7 your answers.

8 MS. ALABURIC: [Interpretation]

9 Q. General Skender, to pick up on this, I have several questions
10 alone the same lines. You said you never encountered a case like that in
11 Herceg-Bosna and you can hardly say what would be done in practical terms
12 based on your knowledge. Is that a fair understanding of what you said?

13 A. Absolutely.

14 Q. And what about the three or four months, roughly speaking, your
15 time as commander of the Tomislavgrad District? Did you familiarise
16 yourself with the criminal laws and other applicable laws in
17 Bosnia-Herzegovina at the time?

18 A. No. I did not familiarise myself with these documents because I
19 didn't have any time. I was on the field day and night 'round the clock.

20 Q. All right. Would that mean that what you told us about the rules
21 of behaviour that applied to a military commander result from your
22 experience of what a military commander should be expected to do, and was
23 that not a result of your experience both in the French Army and your
24 direct experience upon your arrival in Bosnia and Herzegovina regardless
25 of any regulations that might have applied?

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1 A. Yes, its my personal experience.

2 Q. When you say "personal experience," do you mean your extensive
3 experience in the French Army?

4 A. In the French Army we didn't experience this kind of problem.

5 Whenever something happened, it was automatically solved between the
6 command and the gendarmerie. They would work it out together.

7 Q. Fine. General, let's try to go back to my original line of
8 questioning. You are a professional soldier, and as such I wanted to ask
9 you this: What in your opinion is the relationship between the army, on
10 the one hand, professional soldiers, and the civilian authorities on the
11 other? Is the army responsible for carrying out certain tasks regardless
12 of which political party happens to be in power at a given time in a
13 given country?

14 A. The army must obey the politicians. The army must obey any
15 political decisions made.

16 Q. In your opinion as a professional soldier, is there a limit? How
17 far should a soldier obey orders by civilian authorities? Will you
18 always obey any orders by any civilian authorities no matter what as a
19 professional soldier?

20 A. No. Just like in any other armies. Whenever an order might lead
21 to abuse against civilians, you are not supposed -- you're not forced to
22 carry out this order.

23 Q. General, is it just about abuse against civilians, or perhaps
24 does this definition entail other crimes and criminal offences as well?

25 A. Any action that could be sanctioned. Any action that is banned

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1 by the Geneva Conventions.

2 Q. Fine. So, for example, you receive an order to commit a crime.
3 In your capacity as a professional soldier, it is your duty and

4 responsibility to say, "No. I refuse." This runs counter to law. It's
5 against the law; it's a crime. Is my understanding correct, sir?

6 A. Yes, absolutely.

7 Q. General, during your time in Herceg-Bosna, was there ever a
8 situation in which you received an order from someone to do something
9 that might have constituted a crime or an offence?

10 A. No, never.

11 Q. Fine. I'll be asking you several document-based questions next.

12 MS. ALABURIC: [Interpretation] Can I please have the usher's
13 assistance? I would like to show the witness a small set of documents.

14 Q. The first one up is an OTP exhibit, P11033. 11033. Again,
15 P11033. It has now been recorded accurately. Thank you.

16 The Prosecution used this document to finish their
17 cross-examination of General Praljak. We can have a look together. This
18 is an order by Brigadier Ivan Kapular, dated November 1993. The order is
19 about punishing a number of soldiers for refusing to go to the southern
20 front.

21 Have you had a look, General? I've no questions about this
22 document but about the southern front generally based on my following
23 document. Could you please look at the next document then, please,
24 4D01293, item 2.1. It's a document signed by Croatia's defence minister,
25 Gojko Susak. In March 1996. It's about mobilisation and deployment of

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1 Croatia's armed forces.

2 The mobilisation plan of the armed forces. Item 1, Croatia's

3 minister orders that the command of the southern front be abolished as
4 part of the general mobilisation plan of the armed forces.

5 Based on a document like this, it would seem, General Skender,
6 that the southern front was indeed in Croatia and that there was such a
7 thing as a command of the southern front that was part of the
8 mobilisation plan of the Main Staff of Croatia's armed forces.

9 General Skender, could you please tell us what you know about the
10 existence of a southern front in Croatia's territory?

11 A. Yes. The southern front, I believe it went from Split to
12 Dubrovnik.

13 Q. That's fine. I just wanted to have that clarified for the
14 Chamber's benefit.

15 Now a question about an answer you gave about the confrontation
16 lines and the army's responsibility vis-a-vis what was going on along the
17 confrontation lines. I would like to show you a map now showing the
18 Municipal Borders across the Tomislavgrad district.

19 JUDGE TRECHSEL: [Interpretation] I apologise to interrupt,
20 Ms. Alaburic. I'm a bit surprised. You talked about -- you talked about
21 document P11033 and then said that you had no questions to put regarding
22 this document. So why did you show it? Probably not to tender it
23 because the witness said nothing about this document. It looks like
24 you're wasting your time, but -- and now that I'm asking a question,
25 we're wasting even more time. But maybe in the future, so I could

1 understand better what you're doing, because I know counsels always do

2 something with a reason, it would be nice if you could tell us what the
3 reason was for showing this document.

4 MS. ALABURIC: [Interpretation] Your Honours, I was trying to save
5 some time. I therefore omitted some information that may be significant.

6 The last document is a document used by the OTP in their
7 cross-examination of General Praljak. By using this document, the
8 Prosecution were trying to prove that the southern front was in
9 Herceg-Bosna and that the soldiers of the Croatian Army who refused to go
10 to the southern front were subject to disciplinary measures. It was my
11 mistake not to explain about that part of the cross-examination. We
12 believe that this was an important matter, the matter being it was
13 Croatia's army actually present in BH territory. If so, under what
14 circumstances.

15 I have now brought up this new document in a bid to show that the
16 southern front was actually in Croatia. That was my intention, and I
17 apologise if I was not sufficiently clear about that.

18 THE INTERPRETER: Interpreter's note: Could all the other
19 microphones not being used please be switched off. We can't hear
20 counsel. Thank you.

21 JUDGE TRECHSEL: [Interpretation] Thank you. It's now extremely
22 clear.

23 MS. ALABURIC: [Interpretation] Can the usher please hand this map
24 to the witness. Can we have it placed on the ELMO. And then we'll have
25 the witness point out a number of things to us.

1 Could we please pull it up a little. Thank you.

2 Q. General Skender, let's try to point out a number of things for
3 the benefit of the Chamber. For example, Tomislavgrad municipality, and
4 then we'll move on from there to Siroki Brijeg. What about Tomislavgrad?
5 Was there an HVO Brigade in Tomislavgrad?

6 A. Yes, it existed.

7 Q. We're looking now at Tomislavgrad municipality, and can you
8 please show where exactly the front line was along, which defence tasks
9 were being performed by the Tomislavgrad Brigade? I'm talking about 1992
10 and 1993.

11 A. I wasn't there in 1993. I only arrived at the end of 1993.

12 THE INTERPRETER: I wasn't there in 1992, interpreter's
13 correction.

14 THE WITNESS: [Interpretation] But the Tomislav Brigade was
15 towards Kupres. The line went towards Kupres, and there was always
16 reinforced towards Prozor in front of Gornji Vakuf.

17 Q. And what about Tomislavgrad municipality specifically? Could you
18 please use the marker and draw the front line that ran through
19 Tomislavgrad municipality.

20 A. It was like this, if I remember right.

21 Q. Could you point out roughly for us where the town of Tomislavgrad
22 was exactly within the municipality?

23 A. It was right there. About there.

24 Q. What about the town itself? Was it covered by the area where the
25 Tomislavgrad brigade was active?

1 I'll repeat my question. Because I think it should be
2 interpreted differently.

3 Did Tomislavgrad find itself -- was the Tomislavgrad --
4 [In English] Was the Tomislavgrad situated on the area of combat
5 activities of the HVO Tomislav Brigade?

6 A. There was no combat and no fighting in Tomislavgrad itself but
7 only in the northern border and also towards Prozor.

8 Q. [Interpretation] General Skender, can you look at Siroki Brijeg
9 municipality now, please. What about the area of Siroki Brijeg
10 municipality? Was there any combat going on there, or was there a
11 confrontation line between your forces and the enemy, whoever the enemy
12 happened to be?

13 A. North of Siroki Brijeg there was a line that went through Mostar
14 and that went south.

15 Q. General Skender, what about the area of Siroki Brijeg
16 municipality itself?

17 A. There was no fighting in the Siroki Brijeg region.

18 Q. General, would it not be fair to say, then, for example, that in
19 the area of Siroki Brijeg municipality the HVO Brigade had no defence
20 tasks? Simply because there was no front line to speak of, there are no
21 clashes with the enemy? Would that not be a fair description of what the
22 municipal brigade had to do in the area of Siroki Brijeg municipality?

23 A. No. North of Siroki Brijeg there was a front-line against the
24 Muslims, and they held these lines, probably. I don't know exactly how

25 many men held these lines, but there were -- there was a line that went

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1 all the way to Mostar.

2 Q. Was that the line that was already in the area of Mostar
3 municipality?

4 A. It was the line that followed the Neretva.

5 Q. Fine. Thank you. Thank you, General. I think we now understand
6 about the front line. Could you now please use this map to place today's
7 date on it, the 28th of September, 2009, and could you please initial the
8 map. I will then be asking the registrar to have a number for this map.

9 A. [Marks]

10 JUDGE ANTONETTI: [Interpretation] IC number please,
11 Mr. Registrar.

12 MS. ALABURIC: [Interpretation]

13 Q. Which date?

14 A. What is today's date? 28th.

15 MR. LAWS: Mr. President, good afternoon. Sorry to interrupt.

16 Might the witness also date the map as to which date it's actually meant
17 to represent in the conflict.

18 MS. ALABURIC: [Interpretation]

19 Q. General, about the question posed by my learned friend from the
20 OTP.

21 THE REGISTRAR: Your Honours, for the record the document just
22 marked by the witness shall be given Exhibit IC1052. Thank you, Your
23 Honours.

24 THE WITNESS: [Interpretation] So this is a map with the front
25 lines from August to December 1993.

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1 MS. ALABURIC: [Interpretation]

2 Q. Thank you, General.

3 JUDGE TRECHSEL: [Interpretation] Witness, at that time you were
4 not on the field; right?

5 THE WITNESS: [Interpretation] I was south of Mostar at the time
6 as a -- as observer.

7 JUDGE TRECHSEL: [Interpretation] Right.

8 THE WITNESS: [Interpretation] I have said so.

9 JUDGE TRECHSEL: [Interpretation] But you weren't -- you didn't
10 command any units yet?

11 THE WITNESS: [Interpretation] No. I had no command at that time.

12 MS. ALABURIC: [Interpretation]

13 Q. General, let us try to use another two documents to show the
14 Chamber what the confrontation line was and the area in which the army
15 was active. Could you please look at the next document in my set,
16 4D1364. 1364.

17 This is a report signed by the commander of the Mostar defence
18 sector, Zlatan Mijo Jelic. Let's look at this together. What exactly
19 does this expression mean, the confrontation line in Mostar in the
20 central part? There is talk here of the confrontation line
21 Staklena Banka being held by the members of the Mostar police station,
22 meaning civilian police. The line is being held by a total of 12 police

23 officers. Along another line another 12 policemen are on standby.

24 The question, General Skender, is this: The other line mentioned
25 here, is that not the first or nearest fallback position, or is the

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1 meaning of this other line something entirely different? Could you
2 please shed some light on that?

3 A. According to me, this can only be a fallback position.

4 Q. And the next line is around the Stara Gimnazija or old school,
5 held by members of the 1st Battalion of the military police, and then the
6 third line is between the old secondary school, the Stara Gimnazija and
7 the health centre, and that is held by an HVO battalion. And then we go
8 on to the next line around the health centre held by members of the ATG
9 or anti-terrorist group called Mrmak, and then another line from
10 Aleksica Kuca to Zahum held once again by the HVO battalion, and each of
11 those lines has reserve positions too.

12 Tell me, General Skender, to the best of your knowledge this
13 description given in the report for central Mostar and the confrontation
14 line, does it correspond to what you have described to us here in court
15 as being the confrontation line?

16 A. That's right.

17 JUDGE ANTONETTI: [Interpretation] General, when there's a
18 document which is a military document, I then read it and I listen to
19 your answer, and then I place this document against the background of the
20 whole case. This is a document which I see for the first time. It
21 hadn't made a marked impression on me so far.

22 If I have understood correctly, this is an HVO document from the
23 1st Battalion of the military police in Mostar, dated 14th of July. The
24 document states that there is a first line with 12 policemen and then a
25 second line. What I'm interested in is what is mentioned afterwards.

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1 It seems that this document says that there's a sniper who is in
2 a building, the Optika shop. Militarily speaking, if there is an enemy
3 sniper somewhere, in military terms what must the other side do to
4 neutralise this sniper or to annihilate him, without speculating, of
5 course.

6 THE WITNESS: [Interpretation] Well, the other side needs to place
7 another sniper in order to neutralise the man.

8 JUDGE ANTONETTI: [Interpretation] So the HVO commander, if he is
9 competent, must place a sniper to neutralise the other sniper. Do we
10 agree on this?

11 THE WITNESS: [Interpretation] Yes, that's quite right, Your
12 Honour.

13 JUDGE ANTONETTI: [Interpretation] Your answer is clear to me.

14 MS. ALABURIC: [Interpretation]

15 Q. General Skender, let's look at the next document now, please,
16 which is 363. No. I apologise. 1364. The next document is 4D01364.
17 1364, yes. And it's a document by the same author. Let me repeat the
18 document number. 4D1364 -- 63. 1363. Right. 1363, dated the 13th of
19 July, the same author, sector commander, the defence of Mostar,
20 Zlatan Mio Jelic, and we have there identical descriptions of the

21 confrontation line in Mostar.

22 Now, General Skender, would you take a look at the description
23 for those lines and tells us whether this document corresponds to what
24 we've heard from you here in the courtroom -- or, rather, did you
25 describe the confrontation lines in the same way?

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1 A. Yes. The combat lines went right through the city centre.

2 Q. Thank you. I'm now going to ask you a few more questions,
3 General Skender, about Prozor at the time when you were the commander of
4 the military district of Tomislavgrad, and for us to do that let's look
5 at the next document which is 4D1357. 4D1357. It's a document signed by
6 Luka Markesic, the chief of the SIS headquarters in Rama, and it
7 describes the situation in Rama along with an incident which took place
8 on the 25th of February, 1994.

9 Tell us, General, were you informed about this incident? Did you
10 know about it?

11 A. Yes, I did, since the Rama Brigade surrounded my command post.

12 Q. We'll come to that incident, but look at the next document first,
13 please, and it's 4D1358. 4D1358. It's a document issued by you,
14 General Skender, on forbidding the bearing of long-barrelled guns. Is
15 this your order?

16 A. Yes.

17 Q. Can you tell us why you issued this order?

18 A. It's very simple. The men leaving the front line went home to
19 Prozor, because generally speaking, this was the Rama Brigade, and I had

20 prohibited them from going into town in light of the incidents that

21 occurred on a daily basis in the bars.

22 Q. Now look at the next document 4D1456. Tell us, General Skender,
23 did I give you a chance to read through that document after our talk last
24 Wednesday, I believe?

25 A. Yes.

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1 Q. Thank you. It's a plan of activities of the administration of
2 SIS and the military police of the HVO to restore law and order in the
3 Uskoplje Rama area. The document dates to 1994, March, and it was
4 compiled by Mr. Marjan Biskic, and we've had an opportunity of meeting
5 him here in the courtroom. Let's look at some of the elements of the
6 plan of activities for the SIS administration of military police.

7 In the third paragraph it says, and I'm going to paraphrase it,
8 it's relatively difficult to establish law and order at a time when
9 fighting is going on against the enemy forces.

10 Was that your experience, too, that it was difficult to establish
11 and control law and order and to control the general situation in town
12 while there was fighting going on, while enemy activities were under way
13 and fighting was going on?

14 A. That's right. It was very difficult to maintain law and order
15 whilst fighting at the same time.

16 Q. Now, in the next paragraph, as a negative factor of this
17 difficult situation, mention is made of a large number of mini units with
18 self-proclaimed commanders who, throughout that time were in fact not

19 subordinated to anybody, but joined the combat operations exclusively and
20 in accordance to their own volition and assessment.

21 Tell us now, General Skender, a description of the situation of
22 this kind in this part of Herceg-Bosna, is it correct? Were there really
23 these mini units with self-appointed commanders who were not subordinated
24 to anybody?

25 A. That's right. These were the small chiefs, as I call them, who

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1 had organised small combatant groups and who obeyed -- who were a law
2 unto themselves, in fact.

3 Q. Now, on the next page, General Skender, if we look at the fourth
4 paragraph on the second page, the incident with you is mentioned.

5 Anto Bradic, Banjaluka, under threat of arms, is being taken out.

6 Anyway, General Skender, is that the event that you described to us in
7 this courtroom about how you were taken into custody in this manner by
8 this soldier?

9 A. That's right. I believe we talked about this on Friday.

10 Q. It was Thursday, I think, yes. It don't matter. Yes.

11 Now, General Skender, I'm going to ask you something now with
12 respect to the statement you made to the Praljak Defence, and if I
13 remember or understood you correctly, in your statement you try to
14 explain that it was difficult to achieve the purpose for sanctioning and
15 punishing a soldier, taking disciplinary measures against a soldier when
16 there was fighting going on, and that there were certain situations where
17 it was more important to use that soldier, who should otherwise be

18 sanctioned, to be used in a combat in the unit.

19 Can you tell me, to begin with, whether I understood that part of
20 your statement correctly, or do you think I misunderstood it?

21 A. You understood me perfectly well. It is very difficult to take
22 men out of a combatting or fighting unit, to impose penalties, because it
23 is quasi-impossible to impose sanctions straight away.

24 Q. Now take a look at the next document, General, which is P293.

25 JUDGE ANTONETTI: [Interpretation] General, this document which we

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1 have before us is a document dated March 1994. Your command in
2 Tomislavgrad was a command you exercised until when?

3 THE WITNESS: [Interpretation] I took up my command in
4 December 1993, and I left in beginning of March 1994 because I had -- I
5 was on leave and I went back to Corsica. I was then called by the
6 minister of defence, Susak, who asked me to come to Zagreb and to be the
7 second in command of the 1st Croatian Guards Corps.

8 JUDGE ANTONETTI: [Interpretation] In your command from December
9 to March was Prozor part of your area of responsibility or command?

10 THE WITNESS: [Interpretation] Yes, indeed.

11 JUDGE ANTONETTI: [Interpretation] We have heard witnesses from
12 Prozor who have told us a number of things. We have seen a great number
13 of documents that demonstrate that in this Rama Brigade there was a whole
14 series of problems. In this document we have before us now, the document
15 states that there was this Kinder platoon which committed a whole series
16 of acts against civilians, amongst other people.

17 When you were in command was this something you were aware of or
18 not?

19 THE WITNESS: [Interpretation] Your Honour, I was told that things
20 had happened just the way you have just described them, but nobody ever
21 came to file a complaint, whether it be civilians or military. Nobody
22 came to me to do this.

23 JUDGE ANTONETTI: [Interpretation] General, I don't wish to put
24 you in a tricky situation. This is not my intention, but I need to do
25 what I am here for, and I need to put into perspective a number of things

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1 which are mentioned in the indictment, and I need to ask you your opinion
2 on a number of issues.

3 In the indictment, it says that in December 1993, in Prozor,
4 there were 500 to 600 Muslim civilians. In the indictment, it also says
5 that at the end of December these civilians had been detained or sent to
6 areas controlled by the ABiH or had gone abroad.

7 On reading the indictment, one has the feeling that there were
8 hardly any Muslim left in Prozor, and the few Muslims that had remained
9 were detained. This is what the Prosecutor says in its submissions.

10 Now, what is your position vis-a-vis the Muslim civilians? What
11 do you have to say to that?

12 THE WITNESS: [Interpretation] I knew that there were a number
13 Muslim civilians in Prozor, but I didn't know how many there were there,
14 and I knew even less whether they were going abroad or to other places.

15 JUDGE ANTONETTI: [Interpretation] But you yourself, did you go to

16 Prozor? Did you visit the town or did you never go there?

17 THE WITNESS: [Interpretation] I was in Prozor all the time, Your
18 Honour.

19 JUDGE ANTONETTI: [Interpretation] Did you meet any Muslims or
20 not.

21 THE WITNESS: [Interpretation] In the streets, very few.

22 JUDGE ANTONETTI: [Interpretation] And this was not a problem to
23 see that there were hardly any Muslims in town?

24 THE WITNESS: [Interpretation] I assumed that before my arrival
25 they had either left, but I was not astonished not to see many Muslims

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1 there.

2 JUDGE ANTONETTI: [Interpretation] Very well.

3 Ms. Alaburic.

4 MS. ALABURIC: [Interpretation]

5 Q. Tell us, please, General Skender, at that time -- if you could
6 just describe the situation to us in Prozor. Was Prozor in fact
7 chock-a-block full of soldiers, or was there an equal number of soldiers,
8 civilians, and then Croatian civilians too? Well, generally speaking,
9 who moved around the streets of the town of Prozor at that time?

10 A. We could see a great number of soldiers.

11 Q. And in the streets, for example, did you see civilians who were
12 Croatian?

13 A. Very few.

14 Q. Very well. Now, let's get back to that last document that I have

15 prepared for you. P293 is the number, and they are Rules of Military
16 Discipline.

17 We haven't had an opportunity to go through them in any detail
18 here in court yet, and, General Skender, you told us that you didn't have
19 time to deal with rules and regulations, so let's just clear this
20 situation up. I assume you haven't had time to read these rules on
21 military discipline either; is that right? Would that be right?

22 A. That's right.

23 Q. Never mind. Let's take a look at Article 7 anyway. "Decisions
24 on Military Discipline." It is the penultimate page of this document,
25 and I'd like to draw your attention to several articles.

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1 In Article 102, and I quote, it says:

2 "Discipline measures and punishments which, given the
3 circumstances and conditions of their administration, cannot be carried
4 out or whose carrying out would be purposeless shall not be pronounced in
5 wartime."

6 And its in the section "Decisions on Disciplinary Reliability in
7 Wartime." So that's the quotation. And then we have Article 105,
8 para 3, which reads as follows, and I quote:

9 "Disciplinary measures of military detention or disciplinary
10 punishment of detention shall be suspended or postponed if so required by
11 the tasks of the unit, i.e., the institution or for reasons of security
12 and protection of individuals as described in para," et cetera, in para 2
13 of this article.

14 And one more provision. That is to say Article 109, para 1. It

15 says:

16 "If the individual against whom a military punishment has been
17 pronounced shows courage or distinguishes himself in service, the
18 disciplinary punishment may be reduced, mitigated, or remitted."

19 Now, since the measures and punishment could have been proclaimed
20 by a court or -- what we've just read out as being a rule, does that
21 coincide with what you were talking about when it came to priorities when
22 looking at punishment and when there's combat under way? Is that along
23 the lines of what you were saying?

24 A. I'm not familiar with these rules, but I applied it to the letter
25 as the rule states. I applied it to Banjaluka. In other words, the

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1 punishment of the person in question was postponed.

2 JUDGE ANTONETTI: [Interpretation] General, to make sure that
3 everything is clear, as far as disciplinary measures are concerned, these
4 are usually taken by the brigade commander; isn't that right? Do you
5 agree with this?

6 THE WITNESS: [Interpretation] When it comes to small sanctions,
7 yes, of course, Your Honour.

8 JUDGE ANTONETTI: [Interpretation] And as far as disciplinary
9 measures are concerned, which are a more serious matter?

10 THE WITNESS: [Interpretation] That is referred then to the
11 military police, for the military police to conduct its investigation and
12 understand exactly what has happened or what's behind it.

13 JUDGE ANTONETTI: [Interpretation] Let me give you a theoretical
14 example. A soldier that has burnt down a house, for instance, when he
15 has not received an order to burn down the house; so a soldier that kills
16 a civilian, for instance; a soldier that rapes a woman; a soldier that
17 takes a car, the television set, and the fridge of another person; and so
18 on. According to you, this type of behaviour, is this something which
19 would require a disciplinary measure to be taken by the brigade
20 commander, or does this kind of behaviour need to be referred to another
21 authority other than the brigade commander?

22 THE WITNESS: [Interpretation] This should be referred to the
23 military police.

24 JUDGE ANTONETTI: [Interpretation] In light of the seriousness of
25 the military situation, the military police, as far as you are concerned,

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1 don't you think it should arrest the offender and despite the military's
2 situation it should, don't you think, arrest the offender or not?

3 THE WITNESS: [Interpretation] It was supposed to arrest the
4 offenders, but in light of these rules, this could be postponed.

5 JUDGE ANTONETTI: [Interpretation] Your interpretation of the text
6 we have before us, in certain cases do you think that the military police
7 can postpone the arrest because of the military situation, which means
8 that there is a reason, a valid reason to, postpone the arrest.

9 THE WITNESS: [Interpretation] Yes, I think it does, but it still
10 investigates into the case.

11 JUDGE ANTONETTI: [Interpretation] All right.

12 MS. ALABURIC: [Interpretation] Your Honour, that completes my
13 cross-examination, actually. I'd just like to thank General Skender for
14 his answers and thank you, Your Honours, for giving me additional time.

15 JUDGE ANTONETTI: [Interpretation] It is now 20 to -- quarter to
16 4.00. We shall have our break now, and after the break the Prosecutor
17 will start his cross-examination.

18 --- Recess taken at 3.43 p.m.

19 --- On resuming at 4.11 p.m.

20 JUDGE ANTONETTI: [Interpretation] Mr. Laws, you have the floor.

21 MR. LAWS: Thank you. Good afternoon, Your Honours, and to all
22 in and around the courtroom.

23 Cross-examination by Mr. Laws:

24 Q. And good afternoon to you, General Skender. May I just first of
25 all please, and I'll be clear with you, about how came to be in

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1 Herzegovina in the summer of 1993. All right?

2 A. I arrived in Zagreb --

3 Q. I'm just introducing the topic. I'm going to ask you the
4 questions in short pieces so we that understand each other clearly as we
5 go. No, it's my fault.

6 I want to look at it in two parts, please, Mr. Skender. First of
7 all, coming to Croatia, number one; and then number two, going to
8 Herzegovina as you told us, to Citluk. All right? Yes?

9 A. Yes. I arrived in Croatia at the end of June, in Zagreb.

10 Q. Okay. I'm going to cut you off. Again, it's my mistake. I'm

11 just introducing the topic to you. I just want to make sure I've got it
12 clear with you. There was a Croatian officer who you had met in the
13 Foreign Legion who contacted you and who asked if you wanted to give a
14 helping hand to the Croatians to defend their country; is that right?

15 A. Yes.

16 Q. Thank you. And he was called Filipovic. Is that also right?

17 A. Absolutely.

18 Q. Thank you. Once you were in Croatia, you were then asked by
19 someone from the Ministry of Defence if you would volunteer to go to
20 Bosnia-Herzegovina. Is that also right?

21 A. Someone from the Ministry of Defence. Not the minister of
22 defence but someone from the entourage of the Ministry of Defence, and I
23 said yes.

24 Q. Yes. And just so that we're clear, that was my question: You
25 were asked by someone from the Ministry of the Defence if you would

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1 volunteer and that's the position, yes?

2 A. Absolutely. I guess it was someone from the ministry.

3 Q. Were you in contact with General Praljak at all before going to
4 Croatia or to Bosnia?

5 A. No.

6 Q. He had no involvement at all in your deployment to Bosnia; is
7 that right?

8 A. Absolutely.

9 Q. Thank you. I'm going to read to you and to everybody else a

10 short passage from the evidence that General Praljak gave on June the
11 18th of this year, sitting where you were. It's page 41645, at line 14,
12 and the General was being asked questions by His Honour Judge Antonetti,
13 particularly about members of the armed forces of Croatia who had gone to
14 fight in Bosnia. All right? And one of the things that General Praljak
15 said about that was in relation to you. He said -- I think it's possible
16 to show it on the screen. I think it's on the screen.

17 The question is at line 11 to do with officers in the army of
18 Croatia who are part of the HVO and who had volunteered but who still
19 remained, from a military standpoint, part of Croatia. And
20 General Praljak said this:

21 "That's what I claim, Your Honour. And I know for sure that
22 Mr. Skender ... well he's a French national and lives in Corsica, and I
23 contacted him and he expressly asked to go to the battlefield and into
24 the HVO as a volunteer to Bosnia-Herzegovina."

25 Just hold on a moment. I'm going to ask you a question now.

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1 Those two versions of how you came to be in Bosnia are very
2 different, are they not?

3 A. I don't remember General Praljak contacting me. I repeat,
4 someone from the ministry of defence in Croatia contacted me asking me
5 whether I would volunteer to go.

6 Q. Yes, you said that. I want to, if I may, ask you the question
7 again with respect. The two versions are quite different, aren't they?
8 One has you coming, Filipovic having spoken to you, then the Ministry of

9 Defence; the other is Mr. Praljak apparently contacting you and you
10 volunteering to go to Bosnia-Herzegovina. Just a moment. I want to --
11 I've asked a question, I wonder if the witness could answer the question.

12 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, just a minute. Do
13 not raise an objection right away just to interrupt. The Prosecutor is
14 doing his job. He's noting that there is a discrepancy and he's asking
15 the witness about it. What do you want to take the floor for?

16 MR. KOVACIC: [Interpretation] Nonetheless, Your Honours, before I
17 place an objection on the record, given your remark I believe that the
18 witness, without wanting to lead the witness to say or think anything,
19 the Prosecutor and the witness are not talking about the same thing.
20 These are two different representations, and in my attempt -- and in my
21 opinion an attempt to mislead the witness.

22 JUDGE ANTONETTI: [Interpretation] Well, we'll see clearly where
23 we're going once the Prosecutor is done with this line of questioning.
24 Please continue.

25 MR. LAWS: I can assure that -- everybody I'm not intending to

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1 mislead a person, particularly not the general.

2 Q. The quotation that I read from -- from the transcript appears to
3 suggest that General Praljak is saying he was the one who contacted you
4 and he was the one who asked you if you would come and you volunteered to
5 go to Bosnia-Herzegovina. That's what the transcript appears to show,
6 General Skender, and I'm asking you to confirm whether in your
7 recollection of these matters that is wrong, for they cannot both be

8 correct, can they?

9 A. It's wrong. Let me repeat. I got a call from Mr. Filipovic in
10 Corsica. I arrived in Croatia and that's when Bugojno fell, and someone
11 from the Ministry of Defence asked me. I don't know who it was, I don't
12 know his name, but asked me whether I would volunteer to go to
13 Bosnia-Herzegovina --

14 THE INTERPRETER: To Herzegovina interpreter's correction.

15 MR. LAWS:

16 Q. Very well.

17 JUDGE TRECHSEL: If I may just add a question. Is it possible,
18 Mr. Skender, that the person from the ministry was Mr. Praljak?

19 THE WITNESS: [Interpretation] No. No. I don't think that it was
20 Praljak. I really don't think so.

21 MR. LAWS:

22 Q. Because you would remember if General Praljak was the person from
23 the ministry. So far from misleading anybody, can we leave it like this,
24 General Skender: You can't help us at all with these two different
25 accounts. You can't help us with why there should to be two different

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1 accounts of you coming to Bosnia.

2 A. I don't know, but I -- I maintain with -- I maintain what I said.

3 Q. Yes. Very well. Would you look with me, please, on this topic
4 at the statement that you provided to the Praljak Defence and look at
5 page 2, please, in the English, at page 4 in the B/C/S.

6 Can you find on page 4 -- ah, you're going to need some help. I

7 think the statement is right at the back of the Praljak bundle.

8 MR. LAWS: I wonder if the usher could assist. Or right at the

9 front, in fact, in that one. Thank you.

10 Q. That's the statement that you provided, I think, to the Praljak
11 Defence. Could you look at the fourth page of that statement in the
12 Croatian, please, and find the paragraph that deals with you deciding to
13 help to create -- help and defend an independent Croatian state. It's at
14 the top of page 4 in the Croatian. Can you see a paragraph that reads:

15 "Being a born Croat and a retired officer of the French Army
16 observing what was going on in the former Yugoslavia ...," can you see
17 that? And the next paragraph starts: "In the summer of 1993..."

18 Can you see those two paragraphs?

19 A. Yes, I found it, "Being a born Croat." I found it.

20 Q. So the paragraph that has "Being a born Croat," ends with these
21 words:

22 "I had decided to return to Croatia to help defend and create an
23 independent Croatian state."

24 Can you see that?

25 A. Yes.

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1 Q. And the next line says: "In the summer of 1993, I went to
2 Herzegovina where the Muslim-Croat conflict had been going on." Can you
3 also see that?

4 A. Yes.

5 Q. By the summer of 1993, Croatia had declared its independence and

6 been recognised by the United Nations, had it not?

7 A. Yes.

8 Q. And Bosnia-Herzegovina, likewise.

9 A. I guess so, yes.

10 Q. And you were in Bosnia fighting the Army of the Republic of
11 Bosnia-Herzegovina, were you not?

12 A. No. I wasn't -- I didn't see things from that angle. I was here
13 to help the Croatian people who were fighting against the Muslims at the
14 time. I had no afterthought whatsoever.

15 Q. Well, General Skender, there aren't two ways of looking at it are
16 there? You were helping the troops who were put into the field by the
17 HVO to fight the troops who were put into the field by the Republic of
18 Bosnia-Herzegovina. Is there another way of looking at it that -- that
19 is exercising your mind? It's just that, isn't it?

20 A. Well, I did not see things as you're telling them. I was there
21 to defend the Croatian people who was fighting the Muslims.

22 JUDGE ANTONETTI: [Interpretation] General, one thing escaped me
23 and I thank Mr. Laws for highlighting this. There is a terrible sentence
24 in this document. You said that you came to create an independent
25 Croatian state. This is a very important sentence. When you made your

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1 statement, did you write it in Croatian or did you write it in French?

2 THE WITNESS: [Interpretation] In Croatian.

3 JUDGE ANTONETTI: [Interpretation] Very well. You wrote it in
4 Croatian. And you're fluent in Croatian.

5 THE WITNESS: [Interpretation] Yes.

6 JUDGE ANTONETTI: [Interpretation] In Croatian when you write "to
7 create an independent Croatian state," what does it mean?

8 THE WITNESS: [Interpretation] In Croatia, but I made a mistake,
9 because Croatia had already been recognised.

10 JUDGE ANTONETTI: [Interpretation] Because when you read the
11 sentence as it is, any reasonable trier of fact can very well say he's
12 coming there to create within the Republic of Bosnia and Herzegovina an
13 independent Croatian state. You can really see things from this angle.

14 THE WITNESS: [Interpretation] Yes, it could be interpreted in
15 such a manner but it was not my intent at all.

16 JUDGE ANTONETTI: [Interpretation] You're absolutely sure? You're
17 under oath.

18 THE WITNESS: [Interpretation] Yes, under oath, I'm absolutely
19 sure.

20 MR. LAWS:

21 Q. Well, I'm going to suggest to you for you to consider that the
22 reality, the reality of the situation that you and others like you were
23 in was that you knew that it was in Bosnia-Herzegovina that the borders
24 of Croatia were being drawn. That is the truth, isn't it?

25 A. No, absolutely not. I repeat. I maintain what I said. I went

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1 to Herzegovina to help the Croatian people, but without any idea, a
2 separation or any other idea.

3 Q. Very well. We're going to move on now to look at the evidence

4 that you have given to this Court in respect of discipline problems
5 within the HVO. All right?

6 A. Very well.

7 Q. If I understand you correctly, General, you're saying that there
8 were very bad discipline problems within the HVO. That's the first
9 proposition from your evidence, is it not?

10 A. Yes.

11 Q. And secondly, it was very difficult to deal with this situation,
12 because the priority was keeping men available for combat.

13 A. Yes, that's what I said.

14 Q. If you put them in prison, you reduce the numbers available for
15 combat, and you also, and I think this might be an additional part of
16 your evidence, you risk upsetting their fellow soldiers who might not
17 want to fight alongside you anymore. That's also part of it, isn't it?

18 A. Yes, I said that. As I repeat, all these people were volunteers
19 and only volunteers. So if you sent one of them to gaol, there were
20 always some of his friends or buddies who decided not to go to the front
21 line anymore.

22 Q. All right. Well, we're going to come back to volunteers in a
23 minute, but the background to these problems is a shortage of manpower,
24 isn't it? A shortage of people to deploy in your front line. That's
25 what it comes down to.

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1 A. Absolutely.

2 Q. And although it was inevitable that law and order had to suffer,

3 the choice was made that people should not be punished.

4 A. Well, it wasn't always the case, but, yes, most of the time it
5 was the case. For example, when you had deserters who did not answer the
6 call-up to go up to the front line, were not sanctioned, but they were
7 just -- once they were recaptured they were sent to the front line but
8 without being sanctioned.

9 Q. Well, I'm going to ask you about deserters as a specific category
10 of people committing what might be called crimes, but as a general
11 proposition, if you don't punish the criminal, he is likely to carry on
12 committing crime. Do you think that's fair?

13 A. Well, when I'm talking about deserters --

14 Q. No -- I'm sorry. I'm not talking about deserters. I'm talking
15 about people who are committing crimes against civilians, people who are
16 raping women, as we're going to look at in due course, people who are
17 committing murders, crimes being committed against civilians. The men
18 who were doing that, if you leave them free, they are likely to carry on,
19 aren't they?

20 A. During my command in Tomislavgrad, I never experienced such a
21 case.

22 Q. Very well. We'll look at that too. Now, volunteer army is
23 something that you have been stressing. Badly trained --

24 JUDGE ANTONETTI: [Interpretation] A follow-up question first.
25 The Prosecutor is putting questions to you, questions which I've already

1 put to you, but I think he's going further into details.

2 We have seen a good number of officers here to testify, but you
3 are one of the only officer with a dual experience. You already fought a
4 war in Algeria, and then you fought a second war, quote unquote, war in
5 Bosnia-Herzegovina. So you have a dual experience, and there aren't that
6 many officers who have been through two wars.

7 Starting from this, we know that you've been in the military
8 career for several years in -- during the Algerian war, and I'm sure that
9 during this war in Algeria you must have experienced a number events
10 which you experienced again in Bosnia-Herzegovina, notably the problem
11 with deserters.

12 We say, say that the Foreign Legion in Algeria were -- were all
13 people who came from Indochina and that there was a good number of
14 deserters at the time. So I am sure that you are well aware of this
15 problem of desertion.

16 As far as you recollect, what happened in Algeria when a deserter
17 was recaptured? Was he sent to gaol or was he sent to the front line to
18 fight.

19 THE WITNESS: [Interpretation] In the Foreign Legion most
20 desertions occurred during the training, and once the deserter was
21 recaptured he was sent to gaol.

22 JUDGE ANTONETTI: [Interpretation] So you never experienced a
23 situation where you had a deserter who was incorporated in a combat unit
24 as a sanction?

25 THE WITNESS: [Interpretation] I never experienced that in the

1 French Army.

2 JUDGE ANTONETTI: [Interpretation] Thank you.

3 Mr. Laws.

4 MR. LAWS:

5 Q. Well, should we -- I was going to deal with this topic later, but
6 as it's been raised, shall we turn to deal with the question of desertion
7 now and look in the binder that you've just been given, in the new
8 binder, at document 4D01655, and I think it's the last document in the
9 binder. Right at the very, very back, General. It's document dated the
10 11th of October 1993, and signed by Bruno Stojic. And I don't want to
11 take up too much of our time with it, but we can see from the very first
12 paragraph of the order that it directs the district military courts and
13 district military prosecutor's office to give priority to cases related
14 to the failure to respond for general mobilisation and to wilful
15 abandonment of military units. All right?

16 So can you see that, paragraph 1?

17 A. I'm reading. I'm reading it.

18 Q. All right. Well, you won't need to read all of it. Does that
19 accord with your recollection of how things were, that the district
20 military courts and the district military prosecutor's offices were
21 specifically told that the priority was to deal with cases relating to
22 failure to respond to the general mobilisation call and to people who had
23 abandoned their units?

24 A. I didn't see this document, but all deserters, all military
25 people who did not answer -- respond to the call were recaptured by the

1 military police.

2 Q. Yes. And what I'm going to suggest to you is that it shows us
3 that where the vital interests of the HVO are concerned, it is possible
4 to set priorities.

5 A. I don't see this priority. All I was -- all I am saying is that
6 soldiers who failed to respond to the call were recaptured by the
7 military police.

8 Q. If you go back one document in the binder to 3D02798, we can see
9 a document also from October of 1993 which has some orders to give about
10 people who abandon their positions and defence lines. Can you see that?

11 A. Yes.

12 Q. And it says that the sanction is going to be shooting of the
13 unit, 1(a). "Commanders of the units are to be proclaimed traitors of
14 the people and convicted by the most severe punishment, which is shooting
15 before the unit." Can you see that at 1(b)?

16 A. Yes, I see this written.

17 Q. So the suggestion being made by this deputy commander is that
18 where the offence relates to people who have abandoned the front line,
19 the suggestion is that they should be shot. Can you see that? That's
20 what it's saying, isn't it?

21 A. Yes, that's what it seems to say.

22 Q. So to go back to the issue of crime and law and order, some
23 things that the soldiers do are going to be met with very severe
24 punishment indeed, aren't they?

25 A. It's -- it's written, but that's not the way it was to be,

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1 generally speaking.

2 Q. Generally speaking. All right. But we don't see, do we, a
3 reaction of that kind to the Kinder Vod or to Ante Bradic, also known as
4 Banjaluka. We're going to talk a little bit about them in a moment. The
5 crimes that they might be committing are not dealt with in this way, are
6 they?

7 A. I don't know anything about the Kinder Vod, but as far as
8 Banjaluka was concerned, it was sanctioned but it's true that the
9 sanction was postponed, but the military court did eventually punish the
10 perpetrator.

11 Q. I want to ask you about that. You told us on Thursday that you
12 were told that shortly after you went back to Zagreb that Banjaluka had
13 been sanctioned for this crime that he committed against you. Do you
14 recall saying that on Thursday?

15 A. Yes, I did say that. I was even asked whether I wanted to
16 withdraw my complaint, but I said no and everything went on.

17 Q. And when had you returned to Zagreb so that can try to date this
18 information about Banjaluka being prosecuted?

19 A. I left for France early in March, and when I -- I was -- when I
20 came back to Zagreb, I was -- I was detached to another unit of the
21 Croatian Army. When I came back to Zagreb.

22 Q. All right. Well, we're going to look at a couple of documents in
23 relation to that. Let's go back to that day. Ante Bradic had the

24 nickname Banjaluka, and we can see from document 3D00414 that the date is
25 the 12th of January of 1994. All right? And it's important for us to

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1 have that date clear. So if you come back from the document you're on
2 just four tabs backwards, you'll come to 3D00414. If you go back four
3 tabs in that binder we can find the date without difficulty. 12th of
4 January. All right?

5 As you describe in your statement -- if you want to follow it in
6 your witness statement it's page 3 in both languages, the last paragraph.
7 What he did that day involved him firing a gun at the ceiling of the
8 refectory that you were in. You thought he had been taking drugs whilst
9 he was doing that, and then he took you away at gunpoint. That's a
10 summary of what happened on the 12th of January, is it not?

11 A. Yes, absolutely, except it was an assault rifle and not a pistol.

12 Q. An assault rifle. Thank you. On the face of it, it was an
13 extremely serious thing for him to have done and also exceptionally
14 dangerous. Do you agree?

15 A. Yes, it was dangerous. He could have killed people.

16 Q. In -- in the Foreign Legion, for example, what would the
17 punishment had been for opening fire in one's own refectory then
18 kidnapping a commanding officer at gunpoint and driving him away?

19 A. Well, you'd go to the military court, prosecuted to the military
20 court, and immediately arrested by the gendarme.

21 Q. Let's look together, then, at what happened in his case, and if
22 you turn to P11015. And from the document that you were on, it's back

23 just two tabs. If you go back two tabs, General, you'll find P11015.
24 Very short document signed by you. You haven't been shown it so far in
25 your evidence, but it will help us.

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1 I'm so sorry. From the document that you were on in the binder.
2 It's the last one with a P on it if that helps. It's further in than
3 that.

4 **MR. LAWS: I wonder if the General could be given some**
5 assistance, please. It's not an easy binder to find one's way around.
6 It's the last P document.

7 Q. That's really a two-line document in which you agree to postpone
8 the arrest and taking into custody of Mr. Bradic, also known as
9 Banjaluka, until the operation Tviggi 94 is finished since that operation
10 is currently in process; is that right?

11 A. Yes, absolutely.

12 Q. And that was an operation which was offensive or defensive,
13 Tviggi 94?

14 A. It was an offensive.

15 Q. Which I'm right in saying didn't, in fact, succeed; is that
16 right?

17 A. Well, actually it never started because there was a shortage of
18 troops.

19 Q. That's exactly right. There was a shortage of troops and you
20 couldn't get this operation off the ground. But in order to try to give
21 it a chance, you were prepared to allow Banjaluka, for example, to be

22 free, yes?

23 A. Yes. If I -- by freeing Banjaluka or by locking up Banjaluka, at
24 least that way I made sure that about 20 troops didn't leave the unit,
25 that they stayed on.

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1 Q. All right. Turn over to the next document, please, in your
2 binder, which is -- I'm so sorry, Your Honour.

3 JUDGE TRECHSEL: Do you plan to go on with Banjaluka?

4 MR. LAWS: Yes.

5 JUDGE TRECHSEL: Okay.

6 MR. LAWS: We're going to stay with Banjaluka for a few more
7 documents.

8 Q. The next one is the very next document in the binder, General.
9 So from the page you're on now, if you turn to 3D00414.

10 3D00414.

11 A. I can see it.

12 Q. I'm so sorry, that's my mistake. I've misled. The very next
13 document is the one I mean, it's 3D00113, not 114. So back one document,
14 do forgive me. The document dated the 20th of June of 1994 from
15 Tomislavgrad.

16 JUDGE TRECHSEL: For the record, it may be useful to state that
17 it is document 3D01098.

18 Is that correct, Mr. Laws?

19 MR. LAWS: I'm so sorry. The transcript didn't show what

20 Your Honour said. I'm so sorry.

21 JUDGE TRECHSEL: 3D01098.

22 MR. LAWS: No, it's 3D00113.

23 JUDGE TRECHSEL: Thank you.

24 MR. LAWS:

25 Q. And if we look at the foot of that page, I think we can see that

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1 Ante Bradic, also known as Banjaluka, describes how he captured you,
2 shooting over your head, and how he has still not been brought into
3 custody to this day. Can you see that? This is June of 1994, some five
4 months after this incident and after you've been to Zagreb, as you've
5 told us.

6 A. I was not familiar with these documents, but I'm sure that
7 Banjaluka, at least that was -- I had been told, had been punished.

8 Q. Well, the author of this document appears to take a different
9 view in June of 1994; namely, that nothing's been done about him. He's
10 just still a free man at liberty to create any sort of trouble that he
11 likes.

12 A. I don't know.

13 Q. Were you aware that he had already been in trouble once before
14 and already once before escaped punishment?

15 A. No, I didn't know that.

16 Q. Well, let's have a look --

17 MR. KOVACIC: I'm sorry to interrupt my dear colleague, but could
18 you please enlighten us where exactly in this document is passage you're

19 referring to? It's a multipage document, and I don't know whether the
20 witness found it. You never made any reference to that.

21 MR. LAWS: It's at the foot of page 1 in the English, a paragraph

22 beginning:

23 "Ante Bradic, aka Banjaluka, captured the commander of the
24 Tomislavgrad ZP, Colonel Zvonimir Skender. Took him at gunpoint to the
25 Rama Brigade."

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1 MR. KOVACIC: Thank you.

2 MR. LAWS: It's -- I'm so sorry, it is a Praljak document, but I
3 should have pointed it out to you and I apologise for that. I hope
4 that's clear.

5 JUDGE TRECHSEL: Mr. Laws, could you give us the source for a
6 previous misdeed of Mr. Banjaluka which you had just mentioned?

7 MR LAWS: I'm going to show --

8 JUDGE TRECHSEL: Okay.

9 MR. LAWS: -- the Court some documentation to that straight away.
10 It's P04836. And again I think it might help if the general has some
11 assistance with this. P04836.

12 Q. This would have happened not very long after you arrived in
13 Bosnia-Herzegovina, General, and we can see it's a criminal report about
14 the same man, Ante Bradic, also known as Banjaluka. Can you see that?

15 A. Yes, I can see this document.

16 Q. And under the heading criminal report we have a paragraph about

17 his background which doesn't concern us. The next paragraph says that in
18 May and June of 1993, on unknown dates, he did two things, and we'll look
19 at them separately. He transported persons of the Muslim faith from
20 Prozor to Gornji Vakuf and Bugojno without permission from the competent
21 organs in order to acquire illegal material benefits. Look at that. And
22 two, that he illegally traded in weapons which he owned illegally. Can
23 you see that?

24 A. No. This is not mentioned in the document I have.

25 Q. P04836, I think, is the one that does have those words in it.

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1 A. 836. All right.

2 Q. Can you see in the middle of the page the words "Criminal
3 report"? In big letters, "Criminal report."

4 A. Yes, I believe so.

5 Q. Then there's the paragraph which starts "Against Ante Bradic, aka
6 Banjaluka..." Don't worry about that paragraph just read the next
7 paragraph which tells you the two things that he's trouble for. All
8 right?

9 A. Yes.

10 Q. And then if you -- if you come down two paragraphs from that
11 paragraph you can see we get a little more detail about who the people
12 who are being transported are. The above-named transported women of the
13 Muslim faith from Prozor to Gornji Vakuf charging a hundred Deutschmarks,
14 making six trips. And then the last paragraph tells us that he also
15 traded in weapons illegally, rifles, pistols, and other sidearms. All

16 right?

17 A. Yes, I can see that and it doesn't surprise me.

18 Q. No. And he gets -- it doesn't surprise you because from your
19 short but illuminating experience with Mr. Banjaluka. He was a
20 thoroughly dangerous man, wasn't he?

21 A. I didn't understand your question.

22 Q. Well, let's not worry about it too much. Can you help us,
23 please, with -- with this: The women who were being transported by him,
24 were you aware that there were any restrictions in place at any time in
25 1993 restricting the movement of Muslims in this area?

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1 A. I was not aware of that.

2 Q. You were not aware that there were such restrictions and that
3 people were effectively turning to people smuggling to try to make money
4 out of their situation?

5 A. I was not aware of that because I was south of Mostar, not in
6 Prozor.

7 Q. Well, I think you -- I think you told us that you did some
8 touring of the front as well, did you not?

9 A. At that time I was south of Mostar, yes.

10 Q. Very well. If you turn on, and we'll do this so that it's easy
11 for you, I hope, because I know it's not a straightforward binder. 4836
12 is the one we're on. If you turn with me to P05889. You'll need to turn
13 just three tabs from where you are now and you'll be on 5889. All right?
14 I'm going to give you just a moment to read that document, particularly

15 the part headed "Statement," and then we'll have a look at it together.

16 All right? If you want to read it to yourself. We all have it in front
17 of us. It deals with his account of being freed in respect of the
18 charges we've just looked at of people smuggling and arms dealing.

19 A. Yes. I see that he was held in the Heliodrom and that he was
20 asked to pay out a lot of money.

21 Q. And he was freed as a result of agreeing to join the Convicts
22 Battalion, and he fought in Rastani on the 22nd of September of 1993.
23 You saw that as well, did you not?

24 A. I know where Rastani is, and I heard about
25 Kazanicka Vojna [phoen], but I don't know in what circumstances this took

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1 place.

2 Q. Well, all right. The man who kidnapped you in January of 1994
3 had -- I'm going to use a colloquial phrase, had the slate wiped clean
4 for him in September by agreeing to join the Convicts Battalion and was
5 fighting the very next day for the HVO.

6 A. Yes. I read this document.

7 Q. And if you go back two documents to P5303 -- P05303 I should have
8 said. If you go backwards from where you were two documents. We see --
9 do you have that, General?

10 A. Yes, the document dated the 23rd of September?

11 Q. That's the one. We see that Bruno Stojic is citing for
12 extraordinary valor the Convicts Battalion and Tuta in respect of the
13 fighting at Rastani amongst other places. Do you see that?

14 A. Yes, I can see it, Mr. Prosecutor.

15 Q. So if we put all of that together, the policy of tolerating
16 crime --

17 MS. NOZICA: [Interpretation] Thank you, Your Honour.

18 THE INTERPRETER: Microphone, please, Counsel. Microphone.

19 MS. NOZICA: [Interpretation] I let the witness respond to the
20 question from my learned friend, but I really do have to object to this
21 kind of examination where my colleague is trying to use this situation
22 with this particular man, Ante Bradic, nicknamed Banjaluka, and the fact
23 that he left prison to bring this -- to connect this with the
24 commendation from Mr. Bruno Stojic, and that is unacceptable based on the
25 documents. I'm going to be quite precise: In document P5889, this man,

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1 Banjaluka, says that from Heliodrom prison -- that he left Heliodrom
2 prison on the 21st of September, 1993, and that on that same day he
3 joined the Convicts Battalion.

4 The commendation from Mr. Bruno Stojic is dated the 23rd of
5 September, 1993, and refers to an operation, namely the BH Army attack on
6 Rastani, Vrda, and Mostar, which we have shown during Mr. Praljak's
7 cross-examination pursuant to orders for attack from the BH Army, and
8 that is document P5079, and a report by the chief of PUPD HVO,
9 Ciro Grubestic, and the number of that is 2D338, and even if under
10 2D338 -- or, rather, even if we were not to rely and refer to those
11 documents, it is clear -- the question is clear. How could
12 Mr. Bruno Stojic know that somebody, two days prior to that, prior to his

13 commendation, joined some unit?

14 Now, if the Prosecutor wishes to demonstrate that, then he had to
15 connect these two documents, the documents he's referring to. In this
16 way, he's just leaving the impression in court that Mr. Stojic knew that
17 the person in question, Banjaluka, joined the Convicts Battalion and took
18 part in these events.

19 Thank you.

20 MR. LAWS: Well, that's not an impression that I've created in
21 the slightest, with the greatest of respect. What I've done is to show
22 that Banjaluka took part in an attack on the 22nd of September, which is
23 referred to in the document P05889, and it is that incident that
24 Mr. Stojic cites for its valor the following day. I'm not suggesting
25 that Stojic knows Banjaluka personally. It's to demonstrate that within

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1 the HVO the Convicts Battalion is recognised as being unit. Banjaluka is
2 therefore in a recognised unit, and therefore we have, as I am going to
3 put it to this witness, in effect, revolving doors on the prison. We go
4 in, we come out, we fight. That's the point of it. The objection not to
5 something -- to an impression that I've created at all. If my learned
6 friend fears that there is of that kind coming, there isn't.

7 MS. NOZICA: [Interpretation] Your Honour, I do apologise, but it
8 seems that the Prosecutor is attempting in an identical manner to bring
9 this -- to connect the two, because the Prosecutor now says that
10 Banjaluka was a member of the Convicts Battalion, and in document P5889,
11 which are the minutes of his interview, and in paragraph 2 he says that

12 he joined up on the 21st of September, 1993, that he joined the
13 Convicts Battalion then, and that was my objection. That is to say, two
14 days before the document in which Bruno Stojic is commending the Convicts
15 Battalion.

16 So Mr. Bruno Stojic, even if he knew each and every combatant of
17 the Convicts Battalion, certainly could not have known who joined this
18 unit -- a person who joined the unit two days before he issued this
19 document of his.

20 JUDGE ANTONETTI: [Interpretation] General, I am not going to go
21 into the details of Mr. Stojic, which is ancillary at the moment.

22 Well, we have a soldier who has been gaoled on the 23rd of
23 September, 1993, in the Heliodrom, and lo and behold on the 21st of
24 September an officer whose name he quotes, Bozo, who belongs to the
25 Convicts Battalion, comes to see him in prison and says to him, "If you

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1 join us, there will be no disciplinary measures, no sanctions imposed on
2 you. These will be annulled." He agrees to it, but he's not the only
3 one who agrees to it, because in -- in the next paragraph we can see at
4 that there are 20 or so men who join the Convicts Battalion. He goes to
5 the battlefield, and then on the 23rd of September, he will be
6 congratulated. This is what the document we have before us says.

7 When I see that and then I see what happened to you when this
8 famous Banjaluka in the refectory threatened you, takes your revolver and
9 takes you to the Rama Brigade. We don't know why, but perhaps you will
10 tell us why.

11 This soldier named Banjaluka, who moves around in total impunity
12 since he has been asked to go and join the Convicts Battalion and what
13 happens or what has happened will be set aside. Do you believe in your
14 position that this is normal?

15 THE WITNESS: [Interpretation] This is not at all normal. I knew
16 nothing about his past.

17 JUDGE ANTONETTI: [Interpretation] Why were you taken hostage by
18 him? Why were you taken to the Rama Brigade? What did he tell you?

19 THE WITNESS: [Interpretation] Once I was in the Rama Brigade, he
20 told me that in town someone had taken his pistol off him, and after that
21 he was told that the order had been given by the commander of the area,
22 i.e., me.

23 JUDGE ANTONETTI: [Interpretation] After an incident of this kind
24 where the top man in the area, and I would say was ridiculed by a mere
25 soldier, if this is not sanctioned, don't you think this wouldn't

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1 discredit the army? Don't you think this weakens the command?

2 THE WITNESS: [Interpretation] You are right, Your Honour. Yes.
3 This is a way of discrediting the commander. But in light of the
4 situation, I needed all my soldiers at the time because we were preparing
5 an offensive.

6 JUDGE ANTONETTI: [Interpretation] So you're saying that you had
7 rather not impose a sanction on him straight away because you needed him.

8 THE WITNESS: [Interpretation] Yes, that's right, Your Honour.
9 Nonetheless, the case was referred to the military police who then

10 prosecuted him afterwards.

11 JUDGE ANTONETTI: [Interpretation] You knew nothing about his past
12 in the Convicts Battalion. You knew nothing about that.

13 THE WITNESS: [Interpretation] I knew nothing about that. It's
14 the first time I hear about it today, as I read this document.

15 JUDGE ANTONETTI: [Interpretation] Yes.

16 JUDGE TRECHSEL: [Interpretation] I have two questions for you,
17 Witness. First of all, did you try to find out what had happened
18 afterwards or whether there had been any proceedings against this person
19 or not?

20 THE WITNESS: [Interpretation] I can't remember exactly when, but
21 I had been asked whether I wanted to withdraw my criminal report, and I
22 was told that he had been tried and sanctioned. That's all I know.

23 JUDGE TRECHSEL: [Interpretation] Can you tell us exactly when you
24 heard about this?

25 THE WITNESS: [Interpretation] I believe this was around the month

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1 of June in 1994.

2 JUDGE TRECHSEL: [Interpretation] Another question. When this man
3 named Banjaluka entered the mess, were you alone there?

4 THE WITNESS: [Interpretation] There were a lot of men there, and
5 everyone was armed.

6 JUDGE TRECHSEL: [Interpretation] Did you take any measures
7 against the other people who, in a cowardly way, enabled this to happen
8 and didn't do away with the man?

9 THE WITNESS: [Interpretation] I gave the order, and I said that
10 no one should shoot. Had people started shooting, a lot of people would
11 have got hurt.

12 JUDGE TRECHSEL: [Interpretation] I believe you have told us --
13 told this already.

14 I'm sorry, Mr. Laws.

15 MR. LAWS: Thank you, Your Honour.

16 Q. See, as I understand the effect of the evidence that you've been
17 asked to give here, it is to say to us that it was very difficult to
18 impose law and order because the area was full of criminals.

19 A. Yes, quite right.

20 Q. But if the policy that's being pursued is not to prosecute them
21 or to let them go as soon as you catch them, then it's fair to say, isn't
22 it, it's no good you saying that to us. This is a problem entirely of
23 the making of the HVO, isn't it?

24 A. I don't know whether this was a more general problem, but
25 whatever the case may be, in the Prozor area this is how things were.

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1 There was a lot of corruption. There was a lot of other things.

2 Q. All right. The other episode that you've been asked to talk
3 about involves an incident that started in a cafe and involved two units
4 ending up in a fight and people being shot, and that's in February of
5 1994. Do you remember that? You've told us about it on Thursday.

6 A. Yes, I remember.

7 Q. And if we look together at 3D00113, which is the document we

8 looked at in which -- dated June of 1994 in which we learned that
9 Banjaluka hadn't been prosecuted by June, but it also has something to
10 say about this episode in February.

11 MR. LAWS: I think General Praljak wants to attract the attention
12 of the Chamber.

13 JUDGE ANTONETTI: [Interpretation] Registrar --

14 MS. ALABURIC: [Interpretation] Your Honour, they're not receiving
15 any interpretation.

16 JUDGE ANTONETTI: [In English] It's okay?
17 [Interpretation] Please proceed.

18 MR. LAWS: Can everybody hear now?

19 Q. In the second paragraph of that document we have a description of
20 what's called the well-known event of the 25th of February of 1994, which
21 deals with this same incident, a clash in the town of Prozor between the
22 Garavi unit from Bugojno and the Kinder Platoon in which two members the
23 Kinder Platoon were killed. And on that occasion members of the Kinder
24 Platoon also arrested a minister in the government of the Croatian
25 Republic of Herceg-Bosna, Mr. Zuljevic. And that's the incident that you

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1 described which led to your barracks being surrounded and you deploying
2 the military police. All right?

3 A. Yes, that's right. This was part of my area of command.

4 Q. It's the very next month after you have been taken prisoner, and
5 I'm going to suggest to you that it has some obvious similarities.

6 People are firing weapons and somebody appears to have been kidnapped in

7 this incident well.

8 A. I don't know anything about this.

9 Q. You don't know anything about the man who's been, as it's put
10 here, arrested, the minister that's taken by the Kinder Platoon?

11 A. I have no knowledge of a person being kidnapped in that
12 situation.

13 Q. All right. What you do have knowledge of is the way in which a
14 lawless bunch of young men came to your headquarters with weapons and
15 surrounded it, yes?

16 A. Yes.

17 Q. And you were able to call-out the military police to deal with
18 the situation, and you were also able to enlist the help of
19 General Praljak; is that also right?

20 A. Yes. Military -- the military police arrived quickly, and the
21 general also arrived pretty quickly.

22 Q. One of the units involved in that disturbance was the
23 Kinder Platoon, and you said it, I think a few moments ago, that you were
24 not even aware of the name of the Kinder Platoon; is that right?

25 A. I didn't know that -- I had never heard about this Kinder Vod. I

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1 never said that.

2 Q. The Kinder Vod were a lawless bunch of young men who fought for
3 the HVO but also committed offences against the civilian population. You
4 say you were not aware even of their existence?

5 A. I knew that the Kinder Vod existed. I knew that they were

6 fighting with the HVO. Now, as to the abuse they committed, I knew
7 nothing of it.

8 Q. Well, we've heard evidence given in this courtroom about them
9 being a group of men who, for example, raped Muslim women in the houses
10 at Prozor where the Muslim women had been kept separately in Duge.

11 Were you at any time aware, General, that Muslim women had been
12 kept in houses away from their menfolk?

13 A. No, never.

14 Q. I wonder if you'd look with me, please, at document P04307. If
15 you go to the front of the binder, it's, I think, the seventh document
16 in. And this document, I should say straight away, is under seal, as is
17 the next one.

18 If you can find the paragraph that starts -- it's about the
19 seventh paragraph in: "We have also been informed that the Muslims in
20 Prozor have all been moved into three areas of the region."

21 Can you see that?

22 MR. KOVACIC: I'm kindly asking my dear colleague to take the
23 number of paragraph first. There are a couple of chapters in this
24 document. It should be -- be easier for everybody.

25 MR. LAWS:

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1 Q. The last numbered paragraph is "Humanitarian activity," number 4,
2 but after that they don't have numbers. So if we count on from that
3 paragraph, can you see "4. Humanitarian Activity"?

4 MS. ALABURIC: [Interpretation] If I may be of assistance. The

5 paragraph that my learned friend has in mind, General Skender, is on page
6 2 of the Croatian.

7 MR. LAWS: Yes, it is.

8 MS. ALABURIC: [Interpretation] It's paragraph 4 looking from the
9 top of the page down.

10 MR. LAWS: I'm grateful to counsel.

11 Q. It's the fourth paragraph both counting from the top and up from
12 the bottom. And I'm not going to read the whole thing out. You're
13 capable of reading it yourself, General, but you can see the last
14 sentence of that paragraph says that there are indications that HVO
15 soldiers come into the area at night and rape the women they wish. Can
16 you see that? All the men between 16 and 60 are gone. They're very
17 frightened as to their future.

18 Can you see that, General?

19 MR. KOVACIC: I think it would be fair for the witness if -- if
20 he would be first asked a question about whether he was there at that
21 time.

22 MR. LAWS: Well, I think first we'll ask him to read the
23 document, and then we'll take it from there if we don't mind.

24 MR. KOVACIC: Yes, but then attention on the date of the document
25 should be -- okay. Certainly that would be normal procedure, but

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1 however ...

2 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, you have four

3 professional Judges sitting on this Bench and they note all this. No
4 need to stand up to say all this. I mean, we're no fools. We
5 understand. We know very well that in August 1993 the witness was not in
6 command. Just let Mr. Laws put his questions and we'll see.

7 Please resume, Mr. Laws.

8 MR. LAWS: Thank you.

9 MR. KOVACIC: [Interpretation] Your Honours, I may have been
10 overly-hasty. I said it would be fair to show the witness the document,
11 not the Chamber. Of course the Chamber is bound to see the document, as
12 have I. The proper thing to do would be to ask the witness first whether
13 he was there at the time. In order to do that first, he would have to
14 state the date, but if he wants to go straight to the heart of the
15 matter, well, he might as well do that.

16 JUDGE ANTONETTI: [Interpretation] Mr. Laws.

17 MR. LAWS:

18 Q. In August of 1993, there were Muslim women who had been confined
19 to a number of houses in villages in the Prozor area, and they were being
20 raped. One of the units that took part in those rapes was the
21 Kinder Vod, and witness -- a witness here in this court, a Witness BN,
22 has given evidence about that. So I'm giving you, if you like,
23 General Skender, some background information.

24 The Kinder Vod you said you knew to be troops who fought for the
25 HVO. They acted with impunity in this area, did they not?

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1 A. Possibly. Maybe so, but I'm not aware of it.

2 JUDGE ANTONETTI: [Interpretation] General, I should have put a
3 question to you, but I forgot to do so. In December when you took over
4 your command, the command of this operational zone, who were you
5 replacing?

6 THE WITNESS: [Interpretation] I was replacing Siljeg.

7 JUDGE ANTONETTI: [Interpretation] Colonel Siljeg, could you tell
8 us whether he handed over the command? Officially, did you meet with him
9 and did he brief you on the situation, or was he already gone when you
10 arrived.

11 THE WITNESS: [Interpretation] He didn't brief me. He left for
12 his new post without telling me anything.

13 JUDGE ANTONETTI: [Interpretation] Very well. But Siljeg must
14 have had deputies. Could -- did you ask that -- his deputies to at least
15 brief you on the situation?

16 THE WITNESS: [Interpretation] I asked his deputies to brief me on
17 the situation on the front line, to brief me on the situation on the
18 front line.

19 JUDGE ANTONETTI: [Interpretation] But no one at that time told
20 you that there were big problems in Prozor?

21 THE WITNESS: [Interpretation] No. No, but I knew about it,
22 because I noted right away that there were very important command
23 problems, very serious command problems.

24 JUDGE ANTONETTI: [Interpretation] But you didn't know about the
25 rapes?

1 THE WITNESS: [Interpretation] No, Your Honour.

2 JUDGE ANTONETTI: [Interpretation] General, this is a document
3 under seal, so I will not say who wrote it or where it came from, but I
4 thought I understood that international representatives had sent liaison
5 officers, and the international representatives would say to the liaison
6 officers, This is what's happening, and normally the liaison officer was
7 supposed to feedback this information up to the command. Is that the way
8 it happened?

9 THE WITNESS: [Interpretation] In my zone there was a British
10 Battalion.

11 JUDGE ANTONETTI: [Interpretation] Very well. A British Battalion
12 in your zone. So there was liaison office. There must have been a
13 Croatian liaison officer with this battalion.

14 THE WITNESS: [Interpretation] Yes, but I don't remember his name,
15 but this person did exist.

16 JUDGE ANTONETTI: [Interpretation] Very well. As far as this
17 document we have, document which was written before your arrival, so I'm
18 not going to ask you what you were -- what you should have done. I'm
19 going to ask you a theoretical question.

20 There is a report of this situation made in August. I assume
21 that normally in any army worthy of this name the foreign commander
22 should have told the liaison officer, "Listen, there's a very serious
23 situation on the ground."

24 THE WITNESS: [Interpretation] Yes. I suppose that they must have
25 told them so.

1 JUDGE ANTONETTI: [Interpretation] But when you took your command,
2 did the British commander come to meet with you to take stock of the
3 situation with you?

4 THE WITNESS: [Interpretation] Yes. He came to introduce himself.
5 That's it.

6 JUDGE ANTONETTI: [Interpretation] But he never told you, "We've
7 heard, we know that a number things happened"? He said nothing of this
8 sort?

9 THE WITNESS: [Interpretation] Absolutely not.

10 JUDGE ANTONETTI: [Interpretation] Very well.

11 Mr. Laws.

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

13 Q. And it wasn't just the internationals who knew. SIS knew all
14 about it as well. Let's look at one of their reports, P04177. It's five
15 documents in from the beginning of the folder. If you go right from the
16 beginning and count five you'll be there. It's page 2 of the English.
17 It's page 1 in the B/C/S, General Skender. It's the final paragraph on
18 page 1 in the Croatian, and it deals with exactly the same finding as the
19 internationals that we've just looked at. Can you see the final
20 paragraph every day, women and girls are taken out from the collection
21 centres at Podgrade, Lapsunj, and Duge, which are not secure, taken to
22 houses where they are raped. Can you see that? And it deals with other
23 humiliations as well, which I needn't go into.

24 Do you see those words written by the SIS officer, Luka Markesic?

25 A. I see the document, but I didn't have time to read it in full.

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1 Q. You don't need to read it in full. I'm dealing with one part in
2 which it's clear, I'm going to suggest to you, that the SIS officer
3 writing this report in August of 1993 is spelling it out, that SIS know
4 exactly what's happening within these collection centres to these women.
5 That's all you need from that document.

6 Are you saying that you never heard about this when you took over
7 from Siljeg who was commander at this stage? You're saying no one ever
8 mentioned it to you?

9 A. No one told me about this.

10 JUDGE ANTONETTI: [Interpretation] General, when you took over
11 your command in the operational zone, could you tell us whether in the
12 operational zone command there was a person from SIS?

13 THE WITNESS: [Interpretation] Yes.

14 JUDGE ANTONETTI: [Interpretation] And he didn't brief you to say
15 in August there was a report, nothing is happening? This is happening.
16 Now that you're here, we hope that you're going to do something about it.
17 He said nothing of this sort?

18 THE WITNESS: [Interpretation] Absolutely nothing.

19 JUDGE ANTONETTI: [Interpretation] But if he had told you so, what
20 would you have done?

21 THE WITNESS: [Interpretation] Well, I would have tried to solve
22 the problem, you know, with the meager possibility I had, but I must
23 repeat I was absolutely not aware of any of this.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 Mr. Laws.

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1 MR. LAWS:

2 Q. But they weren't meager possibilities. Let's leave you out of
3 the picture. Anybody in a command position in this area could have done
4 what you did when there was a problem at the cafe that ended up at your
5 barracks. Call out the military police. Have the place surrounded.
6 That was an option that you exercised in the example that you gave us,
7 was it not?

8 A. Yes, I did.

9 Q. And I'm going to suggest to you simply this: When it touched the
10 vital interests of the HVO, there was always a way to see to it that what
11 needed to be done was done. And when it was Muslim women in the house
12 being raped, everybody knew. Nobody did a thing.

13 MR. KARNAVAS: Your Honour, by whom?

14 MR. LAWS: The rapes in the house? They're by the HVO. They're
15 by the Kinder Vod. That's the evidence that there's been adduced in this
16 trial.

17 MR. KARNAVAS: The question as suggested, it talks about the
18 entire HVO. So now this is pretty broad.

19 MR. LAWS: Well, I think it's specific enough for the witness to
20 answer it, with respect.

21 MR. KARNAVAS: In that event, Mr. President, in that event I

22 suspect the allegation that is lodged in this question also goes to this
23 gentleman, that now he's being accused of taking this approach, because
24 he's a member of the HVO and he's just accused him of allowing rapes
25 while he was in command.

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1 MR. LAWS: No, I haven't. And the transcript --

2 MR. KARNAVAS: If he hasn't, then I suggest he retract that
3 comment and he rephrase the question appropriately. Thank you.

4 MR. LAWS: The question is entirely appropriate. I said, "Let's
5 leave you out of the picture." It can't get clearer than that with
6 respect. "Anybody in a command position in this area could have done
7 what you did when there was a problem at the cafe that ended up at your
8 barracks." I specifically left this witness out of the equation, and I
9 appreciate my friend's sensitivity on this point, but I hope he'll agree
10 it's misplaced on this occasion.

11 Q. It was possible, General --

12 MR. LAWS: Well, I'm sorry, what's happening now with respect is
13 that an effort is being made, I'd respectfully submit, to insulate this
14 witness from the question, which is a fair one.

15 JUDGE ANTONETTI: [Interpretation] Well, the witness has answered
16 all the questions up until now and he will answer, but Ms. Pinter, you're
17 on your feet. Why?

18 MS. PINTER: I just wished to remind the Chamber the Praljak
19 Defence presented a document showing that those persons were prosecuted,

20 I thank my learned friend, Ms. Dijana, who handed a document number to
21 me, in all that haste, 3D00422. Therefore, what the Prosecution now
22 submits has no foundation in anything we've seen in this trial so far,
23 quite the contrary in fact. But since they've decided to embark on the
24 topic saying that the HVO reacted when it was in their interest and
25 allowed those Muslim ladies to suffer, I think that is an unfair

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1 representation that is being made to the witness now.

2 JUDGE TRECHSEL: I draw the attention of everyone to the fact
3 that all this, in the transcript, is attributed to Judge Antonetti. You
4 simply went much too fast. I also suspect that not little of what you
5 have said is not correctly recorded either.

6 I would suggest that you start anew at a speed a bit reduced.

7 MS. PINTER: [Interpretation] This is a particularly demanding
8 task for me. I'll try to keep it as slow as I can. My objection is to
9 the questions asked by the Prosecutor and the misrepresentation of the
10 facts made to this witness.

11 During the Prosecution case in front of this very Chamber, the
12 lady witness that the Prosecutor is now referring to was examined on the
13 21st of September, 2006. At the time, she was shown 3D00422, which
14 indicates that two persons were prosecuted for acts that they committed.
15 Therefore, this runs counter to what my learned friend from the OTP has
16 been showing the witness.

17 My objection was about that, about misrepresenting facts. One
18 cannot simply state, as my learned friend Mr. Karnavas said, that the HVO

19 in its entirety only had its own interest in mind, thereby neglecting any
20 other circumstances that may have been involved.

21 JUDGE ANTONETTI: [Interpretation] It's on the transcript now.
22 Mr. Laws, do you want to reformulate your question or do you want the
23 witness to answer your question.

24 MR. LAWS: **Could I just reply very briefly to say that the**
25 Trial Chamber also admitted the witness statement of Witness BN, and it

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1 is perfectly clear that she describes an ongoing series of events, and
2 the fact, if fact it be, that later some people were brought to account
3 for it was, we respectfully submit, precious little assistance to the
4 women in those houses during that period when they were being preyed
5 upon. That's the point that I'm making, and I submit that that point is
6 a perfectly fair one to make.

7 So I'm going to move on to a different topic in just a moment,
8 and that might be --

9 JUDGE ANTONETTI: [Interpretation] Just a minute. Put your
10 question again, please, the one on the HVO, because Mr. Karnavas made an
11 objection unless you withdraw your question because...

12 MR. LAWS: **I certainly don't withdraw my question. My**
13 question --

14 JUDGE ANTONETTI: [Interpretation] Well, then put it again to the
15 witness, and we'll wait for the answer from the General.

16 MR. LAWS:

17 Q. My question to you, General, is this: That the HVO were
18 perfectly capable of deploying the military police or taking any other
19 measures that might assist them where their own interests were at stake,
20 their attitude to crimes committed against civilians was entirely
21 different. Do you agree with that from your experience of being on the
22 front line and throughout Herceg-Bosna in 1993?

23 A. No. I'm against any rape, any abuse against any civilian, and
24 I'm aware that the military police intervened whenever it was told about
25 these situations.

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1 Q. Even after I've shown the document from Luka Markesic saying
2 every day, every day women and girls are taken out from the collection
3 centres and they're raped? It was going on all the time. Nobody did
4 anything, and I'm suggesting to you that that's because it simply wasn't
5 a priority.

6 A. I don't know. I don't even know if there were criminal report.
7 I don't know anything about any of this.

8 Q. And if that is an appropriate moment to take a break.

9 JUDGE ANTONETTI: [Interpretation] Yes. It's 20 to 6.00 we'll
10 break for 20 minutes.

11 --- Recess taken at 5.40 p.m.

12 --- On resuming at 6.02 p.m.

13 JUDGE ANTONETTI: [Interpretation] The court is back in session.
14 As far as the IC list for tomorrow, the Petkovic Defence team, you may
15 give us your IC list in the course of the morning. Since we will start

16 tomorrow morning at 9.00 you might not have time, so you will be able to
17 file your list in the middle of the morning tomorrow.

18 The Prosecutor, in addition, has 34 minutes left so we shall give
19 him the floor.

20 MR. LAWS: Thank you, Mr. President.

21 Q. General, in 1993 or in 1994, did you ever hear that the HVO were
22 using forced labourers to do military work?

23 A. No, Mr. Prosecutor.

24 Q. If you turn to the document that I hope is open for you in your
25 bundle, because I asked for some assistance over the break so that it be

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1 ready to go, P08014. We can see a letter from the Red Cross which deals
2 with the issue of prisoners being made to do military tasks. Have you
3 got that letter, General?

4 A. Yes, I do.

5 Q. During its recent visits to Prozor, it's been noted that in spite
6 of repeated oral and written interventions, so it goes on. It's a letter
7 complaining about people being used for forced labour. There's a list of
8 names, and then the paragraph beneath the list of names:

9 "According to information received, several groups of civilians
10 of the Muslim minority have been brought by force to the front line where
11 they've had to work for several days."

12 Can you see that?

13 A. I can see that, Mr. Prosecutor.

14 Q. One the people to whom this was copied, General, was you as you

15 were then Colonel Skender, commander of the south-west operational zone,
16 HVO, Tomislavgrad, Prozor. Do you remember receiving this letter?

17 A. No. This note certainly reached the commander of the military
18 area in Tomislavgrad. I was never in Tomislavgrad since I was day and
19 night on the front line.

20 Q. Well, it was addressed to you and to three other named people.
21 You're saying that you simply never received it.

22 A. I said that I never read it. If this note arrived, it must have
23 reached Tomislavgrad.

24 JUDGE ANTONETTI: [Interpretation] General, your answer is
25 somewhat surprising. You are on the front line. Very well. Nobody

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1 challenges that. And then the International Red Cross sends you a letter
2 because your name is on this letter. The letter is opened in
3 Tomislavgrad, so an officer must have read the letter.

4 They didn't call you up to tell you, We have a problem. The
5 International Red Cross is sending us this?

6 THE WITNESS: [Interpretation] No, Your Honour, because
7 Tomislavgrad is quite a long way away from Prozor, and there was no
8 administrative link between Prozor and Tomislavgrad.

9 JUDGE ANTONETTI: [Interpretation] When you were on the front
10 line, you could not communicate with your headquarters in Tomislavgrad,
11 with the officer who was on duty? You weren't in contact with him?

12 THE WITNESS: [Interpretation] Over the phone?

13 JUDGE ANTONETTI: [Interpretation] Over the phone didn't he tell

14 you that this letter had just reached them?

15 THE WITNESS: [Interpretation] No, Your Honour. This was the time
16 when I was getting prepared or perhaps I had even left for France.

17 JUDGE ANTONETTI: [Interpretation] Fine.

18 Mr. Laws.

19 MR. LAWS:

20 Q. Well, if you turn the tab it's not the only time that the ICRC
21 wrote to you about a totally different topic. There's nothing in this
22 next letter of any interest at the moment, but P08089 is another letter
23 to you in the same month. Did you receive any letters from the ICRC?

24 A. No, never.

25 Q. So they were -- they didn't know it, but they were just wasting

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1 their time trying to contact you in this way. Is that what it comes to?

2 A. I must admit that I didn't have time to look after this, even if
3 there were serious problems. I didn't have time to deal with
4 administrative matters. I only stayed there for two months, and I could
5 only deal with the front line.

6 Q. Well, did any of the other people there named, Skender or -- I'm
7 so sorry, I mean in the previous document, Skender, Roso, or Biskic, did
8 any of them get in touch with you and say -- sorry, I do apologise.
9 Roso, Siljeg, and Biskic, did any of them get in touch with you and say,
10 We've had a letter from the Red Cross complaining about forced labour.
11 Do you know anything about it?

12 A. Never anybody.

13 JUDGE ANTONETTI: [Interpretation] General, I can understand that
14 you were not aware of this, but the General Ante Roso, General Ante Roso
15 received the letter and he was the commander of the HVO. He could have
16 called you up to tell you, Well, Skender, what is happening? He didn't
17 phone you up.

18 THE WITNESS: [Interpretation] He could have, but he didn't.

19 JUDGE ANTONETTI: [Interpretation] Mr. Laws.

20 MR. LAWS:

21 Q. And if you go back two documents, we can see
22 P07812 [Realtime transcript read in error "P02712"] is an order from
23 General Roso in which he is commissioning the use of forced labour. It's
24 February 5th of 1994. It's an order. One hundred green ants had been
25 taken away to go to work. After the work has been completed, the

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1 commander of ZP Mostar regularly returned the ants to the anthill. And
2 if we're in any doubt about what the anthill is, over the page we have
3 the name "Heliodrom."

4 A. I don't know what the anthill means, and the Heliodrom was the
5 former Heliodrom next to Mostar.

6 Q. Well, the true position was this, was it not: Roso was somebody
7 who you said you knew by reputation from the Foreign Legion. You didn't
8 know him personally, but you knew that he and you had both served in the
9 Foreign Legion; is that right?

10 A. That's right.

11 Q. And he never spoke to you about the use of forced labour?

12 A. Never.

13 Q. And Siljeg. I'm not going to look at the documents for him, but
14 Siljeg, similarly, never spoke to you about forced labour?

15 A. Siljeg not either. He never mentioned anything about forced
16 labour.

17 JUDGE TRECHSEL: Just in order to get the record straight, it's
18 got the wrong number for the last document, and I think you misspoke.
19 The number is 7 -- P07812, whereas the one mentioned is P02712. It's --
20 I invite everyone, repeatedly, to be careful about this, because the
21 wrong number misleads us in looking for the document, so we cannot
22 entirely follow. Thank you.

23 MR. LAWS: Thank you very much. I'm sorry for that.

24 Q. The position, General Skender, was -- I'm going to suggest to you
25 that it was simply common knowledge. It was very well-known by everybody

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1 who had any command position that the HVO were using forced labourers.
2 It was common knowledge. What do you say about that?

3 A. Maybe, but I was not aware of that. I never saw a forced
4 labourer on the front line or elsewhere for that matter.

5 Q. Let's look at one Siljeg document then. It's P04877. He's
6 another one of the people we've seen who's been written to by the
7 Red Cross. Do you have that document --

8 MR. LAWS: Perhaps the witness could have assistance.

9 THE WITNESS: [Interpretation] 04 -- I didn't see the number.

10 04 --

11 MR. LAWS:

12 Q. 04877. You've not had a chance to look at that, so please look
13 at that order from your predecessor. Have you had a chance to look at
14 that document, General?

15 A. I have just read it now.

16 Q. And we're told that in number 3, that whilst performing forced
17 labour the -- and a derogatory term is used for the Muslim workers:

18 "... they should not be maltreated while performing the work, but
19 reports are to be made of the number of wounded or killed prisoners for
20 the purposes of records."

21 This is a forced labour programme that has casualties built into
22 it, isn't it?

23 I think you might be waiting for a question. I was -- sorry,
24 waiting for an answer.

25 You've seen Siljeg, your predecessor there, saying don't mistreat

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1 them, but if they get injured or killed, do make a report about it.

2 He was treating this forced labour programme in a way that made
3 it clear that casualties were inevitable, wasn't he? You can tell that
4 from the document, can't you?

5 A. Yes, it was true to fact my predecessor who gave this order. I
6 was not aware of this since at the time I wasn't there. And when I
7 arrived there, when I assumed the command, I did not know that there were
8 any prisoners.

9 Q. But I'm putting to you that it was routine and that the

10 commanders all knew. And we'll look at another one. Let's look at
11 P04119.

12 It's the fourth document from the beginning of the binder,
13 General. P04119. And if you can find paragraph 6, we can see that
14 another colleague of yours, Ivan Primorac, is also talking about using
15 Muslim prisoners of war to work on the front line. Can you see that?

16 A. Yes, I can see this document. I'm actually reading it.

17 Q. And it's a document dated the 12th of August of 1993. You were
18 with him just four days earlier, on the 8th of August. If you go back
19 two tabs in your binder, P04062. You're out with him touring and
20 inspecting. It's the first paragraph of that document, inspecting the
21 front line and the troops. It's the third document in from the
22 beginning. It records on the 8th of August you and he were touring and
23 inspecting.

24 A. Yes, that's right. I can see the document.

25 Q. And you're saying about him, too, that you never learnt that he

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1 was ordering that prisoners of war be used on the front line?

2 You don't -- with respect, General, you don't need to read any
3 more of the document than that. I'm asking you really the simple
4 question that in relation to that gentleman who you toured the lines with
5 on the 8th of August, he's writing an order four days later for the use
6 of prisoners of war. I'm asking you whether you ever learnt from him
7 that --

8 A. No. If you read this document, this minutes refers to military

9 problems. I never saw a prisoner there.

10 Q. I'm not suggesting that the document says that you saw a
11 prisoner. What I'm saying is that the people you're spending your time
12 with, the people all around you, are authorising forced labour, and you
13 happened to be one of the people the Red Cross write to about that
14 problem as well, and I'm suggesting to you that it was common knowledge.
15 People in your position, those around you, knew all about it, didn't
16 they?

17 A. It's possible, but I didn't know.

18 Q. Well, we have your answers. I'm going to suggest to you,
19 finally, this, that the use of forced labour goes back to the same
20 problem that the HVO had that led to their policy of not enforcing
21 discipline or law and order. Shortage of troops, the easiest way to get
22 round that have is to force the other side's captive combatants to help
23 you, isn't it? That's exactly what was going on here I'm going to
24 suggest to you.

25 A. I don't know. I shall repeat what I have already said. I never

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1 saw a prisoner working on the front line. As far as I know there may
2 have been some. That's all I can say.

3 Q. Were you short of troops for any reason in particular?

4 A. Of course there was a shortage of troops. The fighters never had
5 enough men.

6 Q. Was it the position that the soldiers sometimes were very happy
7 to defend their villages but did not want to be sent further away to

8 fight against the Muslims in Herceg-Bosna?

9 A. That's right.

10 Q. And they did not share the enthusiasm of other people in
11 Herceg-Bosna for this war, did they?

12 MR. KARNAVAS: Objection.

13 THE WITNESS: [Interpretation] I don't know.

14 MR. KARNAVAS: Excuse me. Who are these other people who are
15 sharing -- who have this sentiment about war? I mean, this is rather
16 vague, I must say.

17 MR. LAWS: Well, there are some sitting in the dock.

18 MR. KARNAVAS: Well, I object to that as well.

19 MR. LAWS: Well --

20 MR. KARNAVAS: And I think it's a repugnant statement to make in
21 a court of law. We're still on trial, and he's suggesting that the
22 gentlemen sitting in the dock were all for war and all for killing and
23 all for raping and what have you.

24 MR. LAWS: That's --

25 MR. KARNAVAS: And I find that repugnant.

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1 MR. LAWS: No, I'm not. No, I'm not. I've put the Prosecution's
2 case, I hope, fairly and squarely. The general has already answered.

3 Q. Some of the people in the HVO who were soldiers sent to fight
4 didn't want to do it, did they?

5 A. Not wish to go and fight too far away from their villages.

6 Q. And their morale fell away when they were deployed in that way,
7 didn't it?

8 A. That's right.

9 JUDGE ANTONETTI: [Interpretation] General, I have a follow-up
10 question for you. You told us that you were on the front line quite
11 often. I believe that you talked to the soldiers that were there.

12 THE WITNESS: [Interpretation] Yes, of course, Your Honour.

13 JUDGE ANTONETTI: [Interpretation] So you talked to the soldiers.
14 Did they tell you why they were there, as far as you remember.

15 THE WITNESS: [Interpretation] No, no. They just said that they
16 had been called up and that with the brigade they went up to the front
17 line with some elements of the brigade.

18 JUDGE ANTONETTI: [Interpretation] But they didn't say that they
19 were there to defend their homeland, the Croats of Herceg-Bosna, or
20 whoever?

21 THE WITNESS: [Interpretation] No, Your Honour.

22 JUDGE ANTONETTI: [Interpretation] You never discussed what had
23 prompted them?

24 THE WITNESS: [Interpretation] No, I never discussed what
25 motivated them. I only discussed the facts, what happened on the front

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1 line, what had they done, what had they seen and so on.

2 JUDGE ANTONETTI: [Interpretation] And these soldiers, didn't they
3 ask you, "Colonel, what are we doing here"? Nobody put that kind of
4 question to you?

5 THE WITNESS: [Interpretation] Nobody ever put me that question,
6 "What are we doing here?" No.

7 MR. LAWS: I have no more questions. Thank you, Mr. President.

8 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, do you have any
9 redirect?

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

11 Re-examination by Ms. Pinter:

12 Q. [Interpretation] General, just a couple of questions for you and
13 then we'll be finished. Open P8889. You have the document -- P5889 is
14 the document number. Could you have a look at that, please.

15 MS. PINTER: [Interpretation] Perhaps we could ask the usher to
16 help you out so that we can move faster and finish today. The number is
17 written in a felt pen.

18 THE WITNESS: [Interpretation] What number is it?

19 MS. PINTER: [Interpretation]

20 Q. P5889.

21 A. Okay.

22 Q. To whom is this document addressed? Look at the top there, what
23 it says on the stamp.

24 A. This was addressed to the military police and the SIS centre.

25 Q. Don't know -- I don't know where you see "military police," but

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1 anyway. It's "military secret."

2 A. That's a document dated the 15th of October, 1993, isn't it?

3 MR. LAWS: If it helps, I don't object to my learned friend

4 reading what it says, and the witness can agree it -- when he sees it
5 it'll save time. It's obvious what it says.

6 MS. PINTER: [Interpretation]

7 Q. I don't want to ask any leading questions.

8 MS. TOMASEGOVIC TOMIC: [Interpretation] May I be of assistance
9 because on page 85, lines 19 of the transcript, two document numbers
10 appear, so I don't know which document the witness is looking at.
11 Perhaps my colleague could repeat the document number.

12 MS. PINTER: [Interpretation]

13 Q. P5889 is the number of the document. Was this document sent to
14 the Main Staff of the HVO?

15 A. P05889. I only see that the military police is mentioned.

16 Q. Very well. Does it say that it was sent to the Main Staff of the
17 HVO?

18 A. I see "vojna tajna" instead of "policija." That's quite
19 possible. SIS centre. I don't see who it's addressed to here.

20 Q. My question was: Was it addressed to the Main Staff? Was it
21 sent to the Main Staff?

22 A. No.

23 Q. Now take a look at another document. P4177 is the number.

24 A. P4177?

25 Q. Yes. Was this document sent to the -- sent to the Main Staff of

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1 the HVO?

2 A. A priori I don't see that it was.

3 Q. What about the incoming stamp? Does it show that it was received
4 by the Main Staff or the operation zone?

5 A. No, it's the S-I-S, the SIS, but I don't see anything regarding
6 the staff.

7 Q. Indeed. Thank you for that. Let me ask you this: Let's start
8 at battalion level, brigade level, zone level, Main Staff level. For a
9 commander to start any procedure whatsoever, to take any steps
10 whatsoever, with respect to types of conduct that are not permitted, what
11 exactly does he need to know?

12 A. Well, first he needs to be made aware that there is a problem.

13 Q. Fine. Let's assume that he is. What else does he need to know?

14 A. Assume that he knows of a problem, then immediately he must turn
15 it over to the military police.

16 Q. That's right, but turn over to the military police just what?
17 Does he need to know who, where, when, and so on and so forth?

18 A. Well, he will give information on the cases that he's learned
19 about, the fact that there was a brawl, for example, that their house was
20 torched, that someone was killed. If -- when the unit commander knows
21 about this, is told about this, then he asks for the military police to
22 come over and he explains what he has just learned.

23 Q. Fine. Thank you. Now, General, could you please look at 3D0113.
24 I'll try and help you find the document. And it's towards the middle or
25 towards the end of the binder.

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1 Was this document delivered to you, General?

2 A. I don't think so. At the time I was already deputy commander of
3 the 1st Guards Corps in Zagreb.

4 Q. Fine. Thank you. As for this document, could you please focus
5 on the following: My learned friend from the OTP asked you about
6 paragraph 2, talking about the showdown in Prozor town between the Garavi
7 unit from Bugojno and the Kinder Platoon, with two members of the Kinder
8 Platoon being killed in the clash.

9 During your examination-in-chief and during your cross today, you
10 referred to this event.

11 During this showdown between the two units, one from Bugojno and
12 the other from Rama, was there a shoot-out? Were there any wounded? Was
13 anyone killed? Was the situation dangerous?

14 A. Well, there was one deceased and a number of injured people. And
15 the situation was very dangerous, because some elements of the brigade
16 were leaving the front line to go to Prozor.

17 JUDGE ANTONETTI: [Interpretation] General, I'm sorry to
18 interrupt. I believe I should have interrupted earlier, but I needed to
19 think about the question I wanted to put to you.

20 You said that you were the deputy commander of the 1st Guards
21 Corps in Zagreb, line 1 and 2 of page 88. Up until now we've understood
22 that the HVO was short of troops, of professional troops. But I mean you
23 are a professional soldier, and you left the HVO to go to Zagreb. So how
24 can you explain this?

25 THE WITNESS: [Interpretation] It's because President Tudjman

1 decided to set up a special corps who would also take into account his
2 own security, and it was the first is --

3 THE INTERPRETER: The interpreter did not catch it.

4 THE WITNESS: [Interpretation] And the chief of this unit was not
5 a military, and I guess that that is the reason why the minister of
6 defence deputised me with this person, so that this unit could operate
7 properly, this unit called the HGZ.

8 JUDGE ANTONETTI: [Interpretation] Very well.

9 Ms. Pinter.

10 MS. PINTER: [Interpretation] Thank you.

11 Q. General, we'll be going back to the showdown between Garavi and
12 Kinder Vod. Just before the Presiding Judge's question, you mentioned
13 that the situation was serious and difficult. The situation being what
14 it was, you called in General Praljak; isn't that right?

15 A. Exactly.

16 Q. Can you describe what General Praljak did? Was there any
17 shooting going on when he first came, and how did the entire showdown
18 end? How did things go back to calm and quiet?

19 A. He answered and said he was going to come immediately, and he
20 arrived quickly. I don't know how long it took him, but it was quick.
21 The military police also arrived quickly.

22 There was no shooting at the time, but my command was encircled
23 by the people from the Rama Brigade, and I believe that General Praljak
24 was accompanied by a minister. I can't remember his name.

25 Then we started talking, negotiating, actually, with the brigade,

1 with the people who came over to get the person who was allegedly -- who
2 had allegedly committed murders. They wanted me to hand them over, but I
3 knew that it meant immediate death for him, so I decided that I wouldn't
4 give in. Then after a few hours, we managed to calm things down, but we
5 told them that this man who was in custody would be handed over to the
6 military police. There was even a military judge who came over. And
7 that's how the showdown ended. And all I know is that the alleged
8 perpetrator was convicted and sentenced, but I don't know what the
9 sentence was.

10 Q. Was he taken away by the military police, or was he released at
11 the time?

12 A. No. He left. He was escorted by the military police to some
13 military gaol, but I don't know where it was.

14 Q. On that occasion did General Praljak not put himself in the way
15 of danger in order to put the situation back under control, which is
16 something that not even the military police could do? Did you know
17 anything about that?

18 A. Yes. General Praljak negotiated with them and said that he would
19 not turn this man -- turn over this man. There was also one of his
20 security detail that was with him. And everything -- and this guy stayed
21 at the command.

22 Q. General, based on what you knew during your time with the HVO,
23 was it ever the case that there was a perpetrator, a murderer, a rapist,
24 or proven as such, was released with the procedure pending or with the

25 procedure against him already underway?

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1 A. As far as murder is concerned, no, absolutely not, but we had the
2 example of Banjaluka. Only Banjaluka was report.

3 Q. Banjaluka was about you. He captured you. That's how he treated
4 you. Am I right?

5 A. Yes, absolutely.

6 Q. So throughout all of your time, the four or six months that you
7 spent in Herzegovina, this was the only proceeding that was still pending
8 that you were aware of, right, or that was postponed?

9 A. Yes. And I repeat, I did not know his resume.

10 Q. All right. The Prosecutor put something to you during one of his
11 questions, and I will ask you to respond to that now. While asking one
12 of his questions he said that the HVO policy was not to bring back law
13 and order and that there policy was to back behaviour, types of
14 behaviour, that were not permitted.

15 During your six months in the HZ HB, did you notice anything
16 indicating that this was in fact the case, that the HVO were doing
17 everything to lend support to all forms of criminal behaviour, or indeed
18 that this was their official policy, to back such behaviour?

19 JUDGE TRECHSEL: I'm sorry, Counsel, that is not what was said.
20 What was said was that by -- by not prosecuting criminals, that was
21 an effect that was created, but I look up the -- if you think I'm wrong,
22 I apologise.

23 MS. PINTER: [Interpretation] I was listening and writing down my

24 questions because this is something that stuck with me, so I believed
25 immediately that this is a question that needs to be asked of the

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1 general, whether the HVO was implementing a policy that promoted crime.
2 I thought to myself immediately this is a question I need to raise, and
3 right now, I'm unable to track it down; nevertheless, my learned friend
4 Mr. Kovacic can perhaps give me a hand with that. We were discussing
5 P7812, that was the document we were discussing at the time and that's
6 when this occurred.

7 I have --

8 MR. LAWS: As it's the suggestion that it's my question, I
9 respectfully disagree. I suggested that a policy was adopted which had
10 the result -- produced that result, not that that was the intention of
11 it, that it was low down the list of priorities and it was keeping people
12 at the front line that was priority. That's what I suggested, and I hope
13 that's being clear.

14 MS. PINTER: [Interpretation] I'll do my best to track down the
15 reference in the transcript, but I could perhaps rephrase my question at
16 any rate. I know that's what I heard. That's what I saw.

17 Q. General, in your opinion, while you were down there in the HZ HB
18 monitoring the lines and the HVO and exercising control over there, could
19 you conclude that the HVO deliberately favoured a policy of not punishing
20 perpetrators and of promoting indiscipline among the ranks of their own
21 men?

22 JUDGE ANTONETTI: [Interpretation] The Prosecutor told everyone

23 what his question was, and the question that you're putting to
24 Mr. Skender is a bit different, because the Prosecutor told us that as
25 far as he was concerned, the HVO's priority was the front line, and all

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1 the rest was no priority, was none of his business. That's what I
2 understood anyway. But the question that you're put something is at a
3 different level.

4 MS. PINTER: [Interpretation] Your Honours, it's very difficult to
5 be rummaging through the transcript all the time and remaining in charge
6 of my re-examination. I know it was my mistake, not taking down the page
7 number, but it was a general question and that submission was part of the
8 question. That's why I asked the general the question, but I'm prepared
9 to drop that question anyway.

10 All right. I'll move on. I'll move on.

11 Q. General, I'm not showing it to you because you don't have it in
12 front of you, but my learned friend, Ms. Nozica, showed you P01077. This
13 was a document when you talked about the questions whether there was some
14 positions of command to which persons were appointed who were not up to
15 it, who were not sufficiently qualified, to be commanders or assistant
16 commanders. P1077.

17 The only reason I'm invoking that document is to bring up a
18 number of topics that were mentioned during cross-examination.

19 You said that certain situations occurred where certain
20 persons -- persons were appointed to certain positions simply because
21 there was no one else available, or perhaps these people came to be in

22 those positions through some contacts that they had.

23 Well, what I'd like to ask you is based on your experience and
24 your knowledge what do you believe if we have persons who are not
25 sufficiently qualified to work as commanders or assistant commanders or

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1 exercise any command function at all? Was the only thing that mattered
2 not for them to have the proper qualifications and education?

3 A. No. This was a kind of war where what was important was to be
4 intelligent. The operations were complex, were complicated.

5 Q. General, do you believe that General Praljak was not a skilled
6 commander and that he was not in charge of leading the HVO simply because
7 he had not received appropriate military training?

8 A. No. I believe that he was very competent.

9 Q. Thank you very much?

10 MS. PINTER: [Interpretation] Your Honours, I have no further
11 questions. Thank you.

12 MS. NOZICA: [Interpretation] Your Honours, if I may, I would like
13 to place an objection. I will not be asking any questions since I do not
14 have the right to do that. I'm talking about document P04177. My
15 learned friend brought it up on redirect, talking about who received
16 Mr. Luka Markesic's report on developments referred to by the Prosecutor
17 during their cross-examination. The document was drafted by the
18 assistant brigade commander Rama for security and information, and the
19 only thing that I'm trying to do, and this must be about the third time
20 that I'm doing it in this courtroom, the last time that happened

21 during -- it was towards the end of the cross of Mr. Praljak, I'm
22 pointing out page 2 and page 3 in the English where we find the following
23 expressly:

24 "Regardless of who received this document, the author of this
25 document claims that the brigade commander, too, had been informed of all

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1 these developments."

2 I don't believe this is something my learned friend did on
3 purpose or deliberately, I think it was due to an oversight, but within
4 the larger framework of all the questions that she asked, I would like
5 yet again to draw your attention to that particular detail in this
6 particular document. Thank you.

7 JUDGE ANTONETTI: [Interpretation] Yes. Your comment is now on
8 the transcript, and the Judges will take it into account.

9 General, your testimony is now over. On behalf of my colleagues
10 and myself, I thank you for coming to testify here for the Praljak
11 Defence and helping us -- helping justice. I wish you a safe return
12 home, and I will ask our usher to please escort you out of the courtroom.

13 THE WITNESS: [Interpretation] Thank you, Your Honour.

14 [The witness withdrew]

15 JUDGE ANTONETTI: [Interpretation] We have just a few minutes
16 left.

17 Mr. Kovacic first. Earlier you answered by -- and told us that
18 you sent a written submission today regarding the question I put to you
19 earlier on the question of the admissibility of documentary evidence.

20 We've looked at your submission, written submission, but you're
21 not answering the question that was put to you. We want to know which
22 topics you will address and when you will address these topics, and
23 there's nothing -- no mention of this in your submission.

24 MR. KOVACIC: [Interpretation] Your Honours, I sent document
25 before you raised the question today. As I said, I have answered some of

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1 the points that you raised today. Anything else I can answer tomorrow in
2 an organised manner and calmly and instead of improvising and leaving
3 something unsaid.

4 At any rate, as the document is, which is something that you've
5 seen, we believe we cannot move by place and location, which something
6 that you indicate but in no binding way in guideline number 9 unless I'm
7 wrong, but we can do this in an organised manner tomorrow and tell you
8 what topics we'll be raising.

9 One thing I can certainly say is we shall do our best to simplify
10 the entire matter and make it easier for everyone. Our plan is to write
11 one motion, a consolidated motion, if you like, instead of several
12 motions, which will then have annexes arranged by subject matter. There
13 will be several topics, eight or nine, as I currently believe. Some of
14 these may be further subdivided, but each subject will be defined by
15 particular relevant points what the relevance is of a certain topic, and
16 then there will be a list of documents, too, document sources, relation
17 to the indictment and so on and so forth.

18 If you would like me to, I can brief you on all of this in an

19 organised manner tomorrow. I don't think that should be a problem at
20 all.

21 JUDGE ANTONETTI: [Interpretation] When do you intend to give us
22 this document?

23 MR. KOVACIC: [Interpretation] We are certain that we can do this
24 by the 26th of October, which is the date you set as the start of the
25 next Defence case. We very much hope that we can get this done much

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1 earlier, but we simply cannot be held to something that we can't really
2 promise.

3 JUDGE ANTONETTI: [Interpretation] Fair enough. Thank you for
4 this information.

5 You know that tomorrow we will start at 9.00. We know that the
6 witness is ready. So we'll resume tomorrow. I wish you all a pleasant
7 evening. It's almost 7.00 p.m., unless Ms. Pinter would like to take the
8 floor.

9 MS. PINTER: [Interpretation] One second, please. Page 82, line
10 25, and page 83, lines 1 through 3. The question was recorded exactly as
11 I put the question to the witness by the Prosecutor previously. It was
12 just for the transcript. I didn't just come up with that question. This
13 is what it says:

14 "Finally, I'm putting it to you that the use of forced labour
15 was ..." on page -- or, rather, "went the same way as the HVO had when
16 they were implementing their policies of not supplying discipline, order,
17 and law and order."

18 Therefore, the question was asked. I didn't just make it up, but
19 it was part of a rather long question.

20 Just for the transcript. Just to make sure that it reflects the
21 fact that my quote was accurate.

22 MR. LAWS: May I reply to that as well. The transcript will show
23 that that's nothing like the question it was suggested I had asked. So I
24 just want to be clear about that.

25 JUDGE ANTONETTI: [Interpretation] Very well. The hearing is

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1 adjourned 'till tomorrow.

2 --- Whereupon the hearing adjourned at 6.57 p.m.,
3 to be reconvened on Tuesday, the 29th day
4 of September, 2009, at 9.00 a.m.

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