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1 Monday, 12 October 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 --- Upon commencing at 2.14 p.m.

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

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

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

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

13 This is Monday, October 12th, 2009, and I greet everyone in this
14 courtroom, first Mr. Prlic, Mr. Stojic, Mr. Praljak, Mr. Petkovic, and
15 Mr. Pusic. I also welcome the Defence counsel, all members of the OTP,
16 as well as everyone helping us.

17 Let me first give the floor to our Registrar, who has a number of
18 IC numbers for us.

19 THE REGISTRAR: Thank you, Your Honour.

20 Two parties have submitted lists of documents to be tendered
21 through Witness Vlado Sakic. The list submitted by 3D shall be given
22 Exhibit IC1074, and the list submitted by the OTP shall be given

23 Exhibit IC1075. The CLSS internal memo, filed on the 25th of September,
24 2009, pursuant to the Trial Chamber's oral request dated 3rd of
25 September, 2009, relating to Exhibit P09470, shall be given

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1 Exhibit IC1076.

2 Thank you, Your Honours.

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

4 Mr. Kovacic, I believe you wanted to take the floor.

5 MR. KOVACIC: Thank you, Your Honour, and good afternoon, Your
6 Honours. Good afternoon to everybody in the court.

7 Your Honour, with your leave, I would move for a request to have
8 a number of pages for one's submissions extended. It is -- we are
9 preparing a request for a reconsideration or, alternatively, the appeal
10 against the decision regarding the admission of Jurcevic evidence. It is
11 somehow very complicated work. In fact, we are analysing and contrasting
12 documents of hundreds of pages and reviewing the decisions of the
13 Trial Chamber, also the other Trial Chambers, in particular this
14 Trial Chamber throughout the history of this trial. It is, in fact, an
15 issue of first impression.

16 Really, multiple submissions, and there are basically two
17 submissions. One is reconsideration of -- for reconsideration of the
18 decision, and the second one is for certificate to appeal.
19 Alternatively, since there are basically two submissions and brought
20 together for efficiency's sake, we would need an increase of the pages.
21 We also include one question of -- we also include one question related

22 to the decisions about expert reports concerning earlier expert reports
23 like, for example, Dr. Donja and Dr. Mile because of the decisions it
24 must be compared. Thus, altogether we are asking for maximum -- maximum
25 of 4500 words. I do hope that we will not need all that. Probably it

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1 will be under this number, but definitely more than 4.000. We are now in
2 the stage of final cleaning of the draft, but I think since there are at
3 least two submissions in that paper and very extensive analysis of
4 documents and the history of the case, we are asking you to permit us
5 this extension.

6 Thank you so much, Your Honour.

7 JUDGE ANTONETTI: [Interpretation] Very well. Let me consult with
8 my colleagues.

9 [Trial Chamber confers]

10 JUDGE ANTONETTI: [Interpretation] The Trial Chamber has discussed
11 this and is granting the request. The Praljak Defence can thus use 4.500
12 words.

13 MR. KOVACIC: Thank you, Your Honour. I understand.

14 JUDGE ANTONETTI: [Interpretation] Let me give -- let me ask the
15 Registrar to move to closed session or private session and drop the
16 curtains, please.

17 [Closed session]

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

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23 (redacted)

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11 Page 45783 redacted. Closed session.

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21 (redacted)

22 [Open session]

23 THE REGISTRAR: Your Honours, we're now back in open session.

24 Thank you.

25 JUDGE ANTONETTI: [Interpretation] We're now in open session.

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1 Could you please give us your family name, first name, and date
2 of birth.

3 THE WITNESS: [Interpretation] Your Honour, my name is
4 Dragan Curcic. I was born on the 1st of September, 1965, in Zenica,
5 Bosnia-Herzegovina.

6 JUDGE ANTONETTI: [Interpretation] What is your current
7 occupation, if you have one?

8 THE WITNESS: [Interpretation] I'm not employed at present. I'm
9 retired. I was a general -- lieutenant general by rank.

10 JUDGE ANTONETTI: [Interpretation] You're a retired lieutenant
11 general, but in which army?

12 THE WITNESS: [Interpretation] Of the Army of Bosnia-Herzegovina.

13 JUDGE ANTONETTI: [Interpretation] And you have a military
14 pension?

15 THE WITNESS: [No interpretation]

16 JUDGE ANTONETTI: [Interpretation] General, have you already
17 testified in court? If yes, could you tell us in which case?

18 THE WITNESS: [Interpretation] Your Honour, I testified in
19 The Hague in the trial against Mladen Naletilic.

20 JUDGE ANTONETTI: [Interpretation] Could you please read the
21 solemn declaration.

22 THE WITNESS: [Interpretation] I solemnly declare that I will
23 speak the truth, the whole truth, and nothing but the truth.

24 WITNESS: DRAGAN CURCIC

25 [The witness answered through interpreter]

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1 JUDGE ANTONETTI: [Interpretation] You may sit down.

2 Let me give you some details on what is about to occur.

3 You have been called by the Praljak Defence, so you're a witness
4 of Mr. Praljak, and you will be answering questions put to you by the
5 counsel of General Praljak or maybe even by General Praljak, himself, if
6 the questions are in his field of competence. Then the other Defence
7 counsel representing the other accused will also, if they wish, put
8 questions to you. The Prosecutor, on your right, will cross-examine you
9 and will thus also put questions to you. And the four Judges on the
10 Bench can intervene at any moment to ask you for specific details.

11 Please try and be concise and specific when you answer. If you
12 don't understand a question, just ask for the person putting the question
13 to you to reformulate it.

14 You are now a witness of the Court, a witness of justice, which
15 means that if we're not finished with your testimony tomorrow, we'll
16 continue tomorrow, but until tomorrow you are not supposed to contact the

17 Praljak Defence team. Of course, if we can finish today, this won't be
18 necessary.

19 We break every hour and a half, but if at one point in time you
20 don't feel well - sometimes a hearing is stressful and it's difficult to
21 bear - so just raise your hand so we can have a break and so you can
22 rest.

23 I wanted to tell you all this to make sure that this hearing
24 would run smoothly.

25 I will now give the floor to Ms. Pinter, which I welcome again.

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1 MS. PINTER: [Interpretation] Good afternoon, Your Honours, to
2 you, too, and to everybody else in the courtroom.

3 Examination by Ms. Pinter:

4 Q. Good afternoon, General, once again. In the proofing session for
5 your testimony in court about the events in Bosnia-Herzegovina in 1992
6 and 1993, we discussed your curriculum vitae as well. And in the set of
7 documents that you have before you that, there's a page in yellow which
8 says "CV," where we have your professional life listed. Now, I'm going
9 to ask you whether the information on that sheet of paper is correct as
10 we wrote them down.

11 A. Yes, this document is correct, the information there, and I gave
12 you those facts.

13 MS. PINTER: [Interpretation] Thank you. Now, may we have a
14 number, an IC number for that CV, for the General's CV, please.

15 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, could we have an

16 IC number for the resume.

17 THE REGISTRAR: Yes, Your Honour.

18 The witness resume, as indicated by the Defence counsel, shall be
19 given Exhibit IC1077. Thank you, Your Honours.

20 JUDGE ANTONETTI: [Interpretation]

21 MS. PINTER: [Interpretation]

22 Q. You told Judge Antonetti, when asked, that you are retired now,
23 and that's the only correction actually made to your statement, is that
24 right, the one you gave when we talked two years ago, when you gave us
25 your statement? So the only difference is that now you are retired, and

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1 you were retired by the Ministry of Defence of Bosnia-Herzegovina; right?

2 A. Yes.

3 Q. General, since you and I speak the same language, I'd like to ask
4 you to pause, to help our interpreters, between question and answers. So
5 please make a pause, and I'll try my best to do the same. We don't want
6 to create any nightmares for our interpreters.

7 Now, the document you have before you is 3D03759, 3759. I'm
8 repeating that number for the record. That's the number of the document.

9 It seems that the transcript isn't working for the Defence, but
10 otherwise the central transcript is working.

11 Is that the -- your document? Did you sign it, and did you state
12 everything to the best of your knowledge truthfully there?

13 A. Yes, thank you.

14 Q. Now, while we were preparing your testimony in court, you had a

15 few observations to make with respect to the transcribed statement when
16 you read it, and you indicated some mistakes that were made in the names.

17 Now, take a look at the table that is also to be found in this
18 set of documents, which lists the corrections you made. You asked that
19 the name Ludvig Pavlovic be corrected and written properly, and the next
20 name was Nijaz Batlak. The next correction was to the place called
21 Urina Ravna, Atif Dudakovic was next, and Rasim Delic.

22 Now, in this table, we list the page numbers where those
23 corrections are to be found, so I'm now asking you whether those
24 corrections were made as you requested when you noticed that there were
25 certain mistakes.

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1 A. Yes.

2 MS. PINTER: [Interpretation] Thank you.

3 May we have an IC number, please, for that, for the corrections
4 to the statement?

5 JUDGE ANTONETTI: [Interpretation] Registrar, could we have an IC
6 number for the corrections.

7 THE REGISTRAR: Yes, Your Honour.

8 The corrected statement shall be given Exhibit IC1078. Thank
9 you, Your Honours.

10 MS. PINTER: [Interpretation]

11 Q. General, would you now take your statement up and go to
12 page 3D43-0395. Those numbers are to be found in the right-hand corner,
13 and it is 3D43-1221 for the English version.

14 In that part of your statement, you're talking about how the
15 barracks in Grabovina was taken control of, and you said that the guys
16 who took part in the defence there had to learn that a war did not only
17 mean fighting and combat.

18 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, before moving into
19 the content of the statement, I have a question.

20 General, could you please shed some light on something that is
21 written in your resume. I notice that from 1986 to 1988, you were an
22 infantry specialist in Sarajevo, and then you jumped to 1992, where you
23 were in the Croatian Army. I have two questions for you.

24 What was your rank in the JNA in 1988, and what did you do from
25 1988 to 1992?

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1 THE WITNESS: [Interpretation] Your Honour, upon completion of the
2 Military Academy, I was given the rank of second lieutenant, and I worked
3 in Belgrade up until my departure to the Croatian Army, as a JNA officer.

4 JUDGE ANTONETTI: [Interpretation] From 1988 to 1992, where were
5 you stationed?

6 THE WITNESS: [Interpretation] I was in Belgrade, performing my
7 duties until 1992, when I left to join the Croatian Army.

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

9 Ms. Pinter, I apologise for interrupting, but I wanted to fill
10 this gap.

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

12 Q. Now, General, I asked you to look at 3D43-0395, and we were
13 talking about the events of 1992, when the barracks in Capljina were
14 liberated. And I paraphrased your words, where you described what that
15 operation meant and how your men had to -- were confronted not only with
16 the war but also death, and wounding, and prisoners. And you tell us, in
17 that portion of your statement, that one of your soldiers slapped a JNA
18 soldier who'd been captured and that the general shouted at that, and
19 that you and Bozan said that nobody was allowed to touch anybody else.

20 Now, what I want to ask you first is: What general did you mean
21 when you say the general shouted at him? What general was that?

22 A. I meant General Praljak.

23 Q. And who was Bozan?

24 A. He was the late Bozan, commander of the Ludvig Pavlovic Brigade,
25 and previously he stood in for General Dajic.

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1 Q. Thank you. Now, on that same page, you go on to say that this
2 was necessary in order to set a model of behaviour to the men. So please
3 turn to 3D406 now, please, or, rather, 430406 is the right number, and
4 3D43-0407. For the English translation, they are pages 3D431225 and
5 3D431226.

6 So when you say that a commander sets the example to his soldiers
7 about how they should behave, could you recount what you say there with
8 respect to Busovaca of the 25th of January, 1995?

9 A. The 25th of January, 1993, during the conflicts in Busovaca, my
10 younger brother, who was in my unit, was killed along with two other

11 soldiers, and one of them was my best friend. Some civilians had been
12 taken prisoner and some soldiers were taken prisoner. And I allowed the
13 women to have a smoke and light up a cigarette, and everybody wondered
14 whether there'd be retaliation. They were all afraid of that. But I
15 told the women that they could light up and that nobody was allowed to
16 touch anybody.

17 Q. General, what was the significance of your behaviour? Were you
18 sending a message of any kind? Was it a signal of any kind?

19 A. Well, it was a signal to my men to tell them that they have to
20 behave properly and as befits soldiers, and it was also a signal sent out
21 to the civilians that nobody was allowed to touch them. And that should
22 be the general model, that no civilians should be harmed if they were not
23 a threat.

24 Q. Thank you, General. Now, the members of your particular
25 battalion, your unit, were they educated and trained soldiers or were

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1 they just young men, fighters who had not been trained properly?

2 A. In my unit, I didn't have any educated soldiers, but they were
3 trained because we had training exercises. But the fact is that most of
4 them were young guys who were not married and who hadn't even done their
5 military service in the JNA before the war, so that they came directly
6 from secondary school into a war. So they were fighters or warriors more
7 than properly-trained soldiers.

8 Q. Thank you. Now, would you turn to the next page, which is
9 3D43-0416, and in English it is 3D41-1230. Thank you.

10 And here you say what you've just told us about members of your
11 unit who went straight from school into military uniforms, without any
12 military experience. And in order to be able to wield authority over
13 such young men, it was necessary to be up at the front-line together with
14 them and personally to put your life at risk. And you talk about two of
15 your soldiers who did not want to go into action at Boksevica, which is
16 autumn 1993. And then you go on to say that the general told you at the
17 time that what you should aim for is that a subordinate comes to you and
18 says that your life should be spared, which general are you referring to
19 there?

20 A. I'm referring to General Praljak, because during those operations
21 he was at Urina Ravna, which was the most prominent position in that
22 area, and the other soldiers were my company commanders who, after the
23 killing of one commander, Bozan, wanted to protect my life and to keep me
24 safe for our units and men. However, it wasn't -- he wasn't one to take
25 the decisions. I made the decisions, myself, and of course I took part

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1 in everything. But we had this same example with General Praljak, when
2 he went into operation directly with us. Sometimes you had to set the
3 example.

4 THE INTERPRETER: Could the witness kindly be asked to slow down.
5 Thank you.

6 MS. PINTER: [Interpretation]

7 Q. What do you mean, the example was that he should go into action,
8 into battle, or not?

9 A. Well, the example set was that I was at the head of my soldiers
10 and the general stood at the head of all of us; not always, but
11 frequently.

12 Q. General, was that necessary?

13 A. Well, we could say that, militarily speaking, this is improper
14 because the main commander should not be exposed and their life put at
15 risk. But in view of the situation and the circumstances, and how we
16 operated, it was a necessity.

17 Q. Thank you. Would you now please look at page 3D43-0417, and in
18 English that will be 3D43-1230.

19 Here you describe the following, you said because sometimes when
20 you come -- when you get there and you just burn out, and you're at some
21 briefing, and he sees that you don't feel like anything because you're
22 always exposed to rain and mud and dead soldiers and wounded, and then in
23 the evening -- "and then in the evening, he would at some point assign
24 tasks to us, which was worse for us than attacking a bunker. We also
25 talk about the way to circumvent trains and so on, but the point was to

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1 change the atmosphere a bit."

2 Now, General, whom are you talking about here? Who is "he"?

3 A. "He" is General Praljak, and this was in a situation where we had
4 daily combat. There was bad weather. Lines were lost and fell, and we
5 had to recapture them. So that in these briefings and these analytical
6 meetings, when the general observed that we were really at our ends -- at
7 our wit's ends, he would frequently -- he would sometimes even quote

8 Tolstoy and he would assign tasks and talk about circumventing trains,
9 and then we would just look at each other and start laughing. But this
10 was for the purpose of, in fact, boosting up -- boosting our morale in
11 order to fight the despondency.

12 Q. General, let's not go through the entire statement of yours, but
13 in several places you mention certain events, and you mention the rank of
14 general.

15 JUDGE TRECHSEL: Excuse me, Ms. Pinter, for interrupting.

16 Witness, I would like you to give us a few examples of these
17 tasks that you were assigned. I must confess it is not quite clear to
18 me, what you are talking about. What kind of tasks?

19 THE WITNESS: [Interpretation] Your Honours, well, that is
20 precisely the point. The tasks were practically -- had no solution. It
21 was a three-track approach. There were three tracks, there were cars on
22 each of those tracks. So how do you manage to have all these cars
23 running and not run into each other, not colliding? Or, for instance,
24 imagine these young soldiers, who are not educated well, and then they
25 would start laughing and say, Well, what are you talking about? The

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1 topics that they wanted to discuss were sports and things like that, but
2 for the most part, we would always end up laughing. So this was more
3 meant to -- the general really wanted to make us feel relaxed and to sort
4 of try and forget the daily reality.

5 JUDGE TRECHSEL: Thank you. I understood that.

6 JUDGE ANTONETTI: [Interpretation] Let me get back to Tolstoy,

7 "War and Peace." Did General Praljak discuss peace, and did the soldiers
8 then wonder what they were doing there? Did it make them laugh?

9 THE WITNESS: [Interpretation] Your Honours, I didn't say that the
10 general discussed "War and Peace." I just used this by way of example,
11 because he would start talking about Tolstoy for the benefit of these
12 lads, because they didn't know who Tolstoy was. And, on the other hand,
13 the general, if we discussed sports, then he would frequently move on to
14 a topic where he was more comfortable with; for instance, literature and
15 so on.

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

17 Q. General, I think I may lead you a bit.

18 Now, the first tasks that you mentioned here that you were issued
19 as assignments, they had nothing to do with the military and military
20 assignments. They had more to do with maths and logical thinking;
21 correct?

22 A. Those tasks and what I mentioned just now was outside of the
23 operations that were being planned and the conversations we had as
24 soldiers. This was purely for the purpose of making us feel at ease,
25 and because these lads were not really educated, he knew that, and he

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1 just wanted to bring these things up, and they would be surprised.

2 Q. Well, let's not go through entire -- through your entire
3 statement, but let me just ask you this: When you talk about the
4 general, and you mention this general in various places, you just mention
5 the rank, but you don't really use the name. Which general are you

6 referring to there?

7 A. I'm referring to General Praljak.

8 Q. Would you now tell the Trial Chamber and everyone in the
9 courtroom how it is that you are so certain that this is a reference to
10 General Praljak?

11 A. Well, I've read my statement, I've gone through it again, and
12 I can say that that's what it is.

13 Q. Thank you. And in closing, let me ask you this: From your
14 resume and from your answer to the question by Judge Antonetti, I have to
15 ask you this: What was your motivation to participate in the events in
16 1992 and 1993 in the area of Bosnia and Herzegovina, but also in the
17 Republic of Croatia?

18 A. Generally speaking, as a JNA member, to me it became obvious that
19 this was not an army as it should have been, or at least what we thought
20 it should be, so every individual tried to join their own ethnic group,
21 their own nation. So when I deserted -- when I left the JNA, I could not
22 stay in Bosnia and Herzegovina because the JNA was still present there,
23 so I went to Croatia. **But perhaps it's better to give you an example.**

24 If a Croat or a Bosniak remained in the JNA, then the Serbs would
25 say that this was an honourable and a good man, whereas if a Serb joined

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1 the defence forces of Slovenia **at the time, or** Croatia, then they would
2 proclaim him a traitor, so this was really not logical. And in this
3 sense, there was this desire to help and defend my own people, and that

4 was the reason that I was compelled or driven to leave the JNA.

5 Q. So then you joined the defence of the Republic of Croatia?

6 A. Yes, I became a member of the 1st Volunteer Regiment, which was
7 under the command of General Mate Sarlija, Daidza, whose base was in
8 Vrbosko [phoen], in Baska Polje.

9 Q. Thank you. You mentioned this in your statement, and you also
10 said that you became a member of the HVO. What was your motivation to
11 become a member of the HVO?

12 A. Our unit was -- the main purpose of our unit was to provide
13 weapons and to train those who wanted to fight in Bosnia, regardless of
14 whether they were Croats or Bosniak. There were -- 40 per cent of our
15 members were Bosniak. When the conflict broke out in Bosnia and
16 Herzegovina, we insisted to go back because most people were originally
17 from Bosnia and Herzegovina. Daidza, himself, was in favour of this, of
18 us joining the fighting in Bosnia and Herzegovina. So we came to Bosnia
19 and Herzegovina, but then we parted our ways with Daidza because he
20 wanted to establish a large corps and we were not in favour of that, so
21 we organised this unit, Ludvig Pavlovic, the Ludvig Pavlovic Brigade, and
22 it was in the ranks of this unit that we fought in Bosnia and
23 Herzegovina.

24 JUDGE ANTONETTI: [Interpretation] General, I don't know whether
25 there's a translation issue, but I would like to repeat something you

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1 have said and which seems to me very important.

2 You left the JNA and you joined the Croatian Army by becoming a
3 member of the 1st Volunteers Regiment, commanded by General Daidza. You
4 then add something else. You said that this unit had been set up to
5 fight in Bosnia, **so to speak. Is that what you actually said?**

6 THE WITNESS: [Interpretation] Your Honours, I said that it was
7 established in order to arm and organise training for all those who were
8 from Bosnia and Herzegovina and who wanted to fight in Bosnia **and**
9 Herzegovina.

10 JUDGE ANTONETTI: [Interpretation] You've clarified, but there is
11 still something which is unclear to me. The Republic of Croatia **set up**
12 its army, of which this unit is a part. This unit is arming and
13 organising all those people coming from Bosnia and Herzegovina. And then
14 you added "and who wish to fight in Bosnia and Herzegovina." This is on
15 line 7, page 19. So this is my question: At the level of the Republic
16 of Croatia, **did the authorities feel that the people there would be**
17 leaving for Bosnia and Herzegovina or had they set up a unit comprised of
18 people originating from Bosnia and Herzegovina, but there was no telling
19 that they might be going to Bosnia and Herzegovina one day?

20 THE WITNESS: [Interpretation] Your Honours, the 1st Volunteer
21 Brigade -- Regiment, King Tomislav or Krajl Tomislav, was, for the most
22 part, a unit where most people were from Bosnia and Herzegovina **and also**
23 Croats from Bosnia, **but often there were members of other units that were**
24 being formed in Bosnia and Herzegovina. They would frequently come and
25 join us, and then they would be trained in Vrgorac, and after several

1 days they would go back to the unit where they had come from. Whereas
2 our members, the members of our units, were always within the
3 establishment of that unit.

4 MS. TOMANOVIC: [Interpretation] I apologise. I need to correct
5 the transcript. That's on page 19, line 22, the witness said "Croats and
6 Bosniaks from Bosnia and Herzegovina." The word "Bosniak" did not -- is
7 not in the transcript, and it is very important to know that this unit
8 was made up of both these ethnicities. Thank you.

9 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

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

11 Q. General, just one more question about your Ludvig Pavlovic unit.
12 You said that it was established and that it was made up of members of
13 this voluntary regiment; correct?

14 A. Yes.

15 Q. Later on in the course of 1993, did you expel any member of your
16 unit from the unit because that person was a Muslim?

17 A. No.

18 Q. Were members of your units who were Muslims, Bosniaks, were they
19 able to remain in your unit in the course of 1993, in June, July, August,
20 and September?

21 A. Yes.

22 MS. PINTER: [Interpretation] Thank you.

23 Your Honours, I have no further questions, and I just move --
24 thank you. That is all.

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1 question for you.

2 We understand that this volunteers unit comprised both Croats and
3 Muslims. These two groups came from Bosnia and Herzegovina. When you
4 joined the HVO, were you told that you needed to go and join the HVO or
5 was this a personal decision of yours, i.e., to join the HVO?

6 THE WITNESS: [Interpretation] Your Honours, that was the decision
7 of all of us who were originally from Bosnia and Herzegovina. **We wanted**
8 **to return and take part in the fighting in Bosnia and Herzegovina, and at**
9 **this time in Croatia it was already a truce.**

10 JUDGE ANTONETTI: [Interpretation] Among those who decided to go
11 back to Bosnia and Herzegovina, were there any Muslims? In other words,
12 were there any Muslim comrades of yours who said, We should all go back
13 together to Bosnia and Herzegovina?

14 THE WITNESS: [Interpretation] Your Honours, there were. We all
15 went back together. After a while, some of our members, both Croats and
16 Bosniaks, went to Posavina because there was fierce fighting there. A
17 group of our members, composed of both Bosniaks and Muslims, went to
18 Sarajevo **and then onward towards Gorazde, and about -- whereas about 100**
19 **or so of us remained in the area of Herzegovina, and there were Bosniaks**
20 **and Croats in that complement.**

21 JUDGE ANTONETTI: [Interpretation] Did any Muslims stay in Croatia
22 and who remained cadre in the Croatian Army?

23 THE WITNESS: [Interpretation] All those who enjoyed the status in
24 the Croatian Army retained their status as individuals. But after a
25 while, the King Tomislav or Krajl Tomislav unit ceased to exist, so that

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1 all of its members moved to Bosnia and Herzegovina.

2 JUDGE ANTONETTI: [Interpretation] Thank you for your answer.

3 Let me take the case of a Bosnian who leaves Bosnia-Herzegovina
4 to join this volunteers unit. He then decides to remain in Croatia.
5 What became of him, since you have just told us that the entire regiment
6 went to Bosnia-Herzegovina? What happened to this Bosnian, then, if he
7 doesn't want to join the HVO?

8 THE WITNESS: [Interpretation] Your Honours, he would not have to
9 join the HVO. He could stay in any unit of the Croatian Army. But all
10 our members crossed over, regardless of whether they were Croats or
11 Bosniaks or Muslims at the time. They all crossed over to Bosnia **and**
12 Herzegovina, **and we fought together throughout this period, all, up until**
13 the conflict broke out between Bosniaks and Croats.

14 JUDGE ANTONETTI: [Interpretation] My last question. Did some
15 return to Bosnia and Herzegovina with you and said that they wanted to
16 join the ABiH or not? They didn't want to join the HVO, but the ABiH?
17 Were there any such cases?

18 THE WITNESS: [Interpretation] There were many such cases later
19 on. But when we had just arrived, there wasn't a single one like that
20 because at that time we cooperated with the BH Army units and it didn't

21 matter who was where if we were fighting a common enemy. But later on,
22 when the conflicts began, most of the Bosniaks crossed over and joined
23 the BH Army.

24 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, you were on your
25 feet. Did you wish to say something?

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1 MS. PINTER: [Interpretation] Your Honour, I thought that the
2 interpretation might have misled the witness, but, no, the witness
3 answered properly. And your question was if somebody from
4 Bosnia-Herzegovina wanted to go to Bosnia-Herzegovina. However, I see
5 that as our witness is a general, he understood what you meant and, of
6 course, answered you.

7 JUDGE MINDUA: [Interpretation] Witness, I have one question for
8 you.

9 When you were in Croatia **and a member of the volunteers unit, did**
10 you get paid? And if you did get paid, which ministry paid your salary?

11 THE WITNESS: [Interpretation] Your Honour, the Ministry of the
12 Republic of Croatia **paid our salaries, but I think we only actually**
13 received one salary before we went to Bosnia-Herzegovina.

14 JUDGE MINDUA: [Interpretation] Very well. When you went to
15 Bosnia-Herzegovina, did you get paid or not at all? And if you did get
16 paid, who paid you?

17 THE WITNESS: [Interpretation] Your Honour, the members of our
18 unit who had a contract with the Republic of Croatia continued to receive

19 salaries from the Republic of Croatia, and those who didn't have a
20 contract would receive salaries from the Croatian Defence Council.

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

22 JUDGE ANTONETTI: [Interpretation] General, when you commanded the
23 professional unit of the HVO, Ludvig Pavlovic, who commanded the
24 operational area then?

25 THE WITNESS: [Interpretation] Your Honour, there were several

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1 commanders of the operations zone. If you're thinking about South-East
2 Herzegovina, where I was in Capljina, then -- then the commander was
3 Drago Poljak, a colonel, and then there was Miljenko Lasic, who was a
4 brigadier, and there was Nedjeljko Obradovic as well. So there were
5 several commanders in that zone.

6 JUDGE ANTONETTI: [Interpretation] From what I understood, you
7 took part in some fighting in the area of Novi Travnik, Busovaca,
8 Boksevica, Prozor, and Mostar. You took part in a number of
9 fightings [as interpreted] in this area. Can you confirm this?

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

11 JUDGE ANTONETTI: [Interpretation] I would like to know this:
12 When you were fighting - please listen carefully to my question, which is
13 an essential question - did you have the feeling that the military
14 operation was controlled and remotely controlled from Zagreb or you were
15 part of a military operation which was, in essence, local, and you could,
16 as well as the commander of the operational area, do as you wished,
17 according to your own free will?

18 THE WITNESS: [Interpretation] Well, I think I've understood you.
19 If the first question is whether I had the impression that there were --
20 the operations were led from Zagreb, then the answer is no. If it is did
21 I take part in all these operations, the ones that were listed, I've
22 already confirmed that I did take part in them and that I applied
23 permitted methods used in armies in order to achieve my assignments and
24 tasks. Yes, I did.

25 JUDGE ANTONETTI: [Interpretation] If I have understood you

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1 correctly, under oath you are saying that as a commander of this
2 professional unit called Ludvig Pavlovic, you never conducted a military
3 operation under the control of Zagreb.

4 THE WITNESS: [Interpretation] Your Honour, I conducted operations
5 and orders I received from the Main Staff of the Croatian Defence
6 Council. Now, the HVO Main Staff could re-subordinate me to a military
7 district or operations zone to carry out assignments there.

8 JUDGE ANTONETTI: [Interpretation] Let me get back to a final
9 question which is also crucial.

10 Your unit took part in the military operations in Mostar on the
11 9th of May; yes or no?

12 THE WITNESS: [Interpretation] Yes.

13 JUDGE ANTONETTI: [Interpretation] In a very accurate way, can you
14 tell me at exactly what time you were asked to come and reinforce the
15 military operation?

16 THE WITNESS: [Interpretation] Well, it would -- the most

17 correct -- the exact time that I could say would be 4.00. That would be
18 the closest. But I can't say exactly, but 4.00 a.m., basically. That
19 would be the nearest time that I could give you.

20 JUDGE ANTONETTI: [Interpretation] 4.00 in the morning on the 9th
21 of May. What happened at 4.00 in the morning on the 9th of May? Were
22 you sleeping? How did things happen?

23 THE WITNESS: [Interpretation] Yes, I was sleeping, Your Honour.
24 And I was woken up with the duty officer, and he told me that the unit
25 had been called urgently to go to Mostar and that members of the BH Army

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1 were provoking the HVO and shooting at its soldiers. So with my
2 intervention group, and we were able proceed in jeeps, we set out towards
3 Mostar; across Citluk, however, because it was said that we wouldn't be
4 able to pass through Mahala or the centre, and we reached Mostar.

5 JUDGE ANTONETTI: [Interpretation] Witness, what you are saying is
6 essential. Either you are telling the truth or you are lying. There's
7 nothing in between the two. Either you are telling the truth or you are
8 lying. Let me remind you that you are here under oath. Can you tell me
9 whether before 4.00 in the morning on the 9th of May, there was a plan to
10 attack Mostar, or you only discovered all this when the duty officer woke
11 you up at 4.00 in the morning to tell you to go to Mostar?

12 THE WITNESS: [Interpretation] Your Honour, I didn't know about a
13 plan of attack.

14 JUDGE ANTONETTI: [Interpretation] Had there been a plan to attack
15 by the HVO, would your unit have been preparing to launch this plan? I'm

16 saying had there been such a plan.

17 THE WITNESS: [Interpretation] Your Honour, had there been a plan,
18 we would have to go and reconnoiter, do reconnaissance work, to establish
19 this because we didn't know Mostar.

20 JUDGE ANTONETTI: [Interpretation] At 4.00 in the morning, you
21 were sleeping. Where were your soldiers?

22 THE WITNESS: [Interpretation] They were in the barracks.

23 JUDGE ANTONETTI: [Interpretation] Everybody got woken up in order
24 to get up and go?

25 THE WITNESS: [Interpretation] Your Honour, yes, everybody had to

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1 be woken up, and then the jeeps and small cars set out. We set out
2 first, and the other part of the unit followed us with the heavy-duty
3 trucks, when they were ready to go and had loaded everything that needed
4 to go.

5 JUDGE ANTONETTI: [Interpretation] Are you absolutely sure about
6 the time, 4.00 a.m.?

7 THE WITNESS: [Interpretation] I've given you the approximate
8 time, the closest I could get to it, so I think it was thereabouts.

9 JUDGE ANTONETTI: [Interpretation] Did the duty officer have a
10 log-book where he wrote the incoming orders or the incoming calls?

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

12 JUDGE ANTONETTI: [Interpretation] Why didn't he have a log-book?

13 THE WITNESS: [Interpretation] Your Honour, it would be logical
14 for him to have that, but we still were not an organised army in that

15 sense, not sufficiently organised.

16 JUDGE ANTONETTI: [Interpretation] Very well.

17 Ms. Pinter, you said you had no questions left. Does this mean
18 that General Praljak has a question or does this mean that the
19 examination-in-chief is over?

20 MS. PINTER: [Interpretation] Your Honour, we've all finished,
21 although I'm just getting a signal from the general that he has one more
22 question. This has cropped up in the meantime. But the plan was to
23 complete the cross-examination [as interpreted] with me, but now I see
24 that the general does, indeed, have a question.

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

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1 Examination by Mr. Praljak:

2 Q. [Interpretation] Thank you, Your Honour. Good afternoon,
3 General Curcic.

4 A. Good afternoon, General Praljak.

5 Q. Just two questions for you. The first is this, if you can
6 remember: At what time did you, the first team from Capljina, enter
7 Mostar? What time was it? The distance from Capljina to Mostar, the
8 time it took for you to prepare, in your opinion, what was the time when
9 you arrived, when the first people entered Mostar?

10 A. It was about 6.30, 7.00, 6.30 or 7.00 a.m.

11 Q. And what about the bulk of the unit after you?

12 A. The men arriving after us, that was half an hour to 45 minutes
13 later on, or an hour later, depending on where the trucks were with the

14 three-barrelled guns and Bofors.

15 Q. Thank you. And now my second question on the same subject. Had
16 you received a plan of any kind, a plan of attack, beforehand to conduct
17 reconnaissance work or any other preparations that would normally be
18 undertaken before an attack like that on Mostar?

19 A. No, General, sir.

20 Q. Now, General, during the war did we, on a regular basis, have
21 discussions and send men -- well, did I do all this, myself? Did I talk
22 to them about how they should go to war and fight?

23 A. Yes, you did, in your official capacity, and privately too.

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

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1 JUDGE ANTONETTI: [Interpretation] Very well.

2 Let me ask all the other Defence teams whether they have any
3 questions. For once, we have some time in front of us.

4 D1.

5 MS. TOMANOVIC: [Interpretation] The Prlic Defence has no
6 questions for this witness, and we place our time at the Court's
7 disposal. Thank you.

8 JUDGE ANTONETTI: [Interpretation] Very well. The Stojic Defence,
9 please.

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

11 The Stojic Defence will have some questions, but according to our
12 internal order the first Defence team to take the floor will be my

13 colleague, Ms. Vesna Alaburic.

14 JUDGE ANTONETTI: [Interpretation] For General Petkovic,
15 Ms. Alaburic, you have the floor.

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

17 Cross-examination by Ms. Alaburic:

18 Q. Good afternoon to you and everybody else in the courtroom, and
19 good afternoon to you, too, General.

20 A. Good afternoon.

21 Q. Tell us, please, General, the Trial Chamber and everybody else in
22 the courtroom -- well, I'd like to inform them of our mutual relations,
23 so tell us, did we have a meeting yesterday during the proofing session
24 for today's testimony?

25 A. Yes, madam.

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1 Q. That was the first time we had ever met; right?

2 A. Right.

3 Q. General, did I inform you briefly about the topics I'd be
4 discussing with you which are important for the Petkovic Defence case,
5 and did I say that I would be questioning you on those topics?

6 A. Yes.

7 Q. But before I go on with my questions, I'd like to ask you
8 something about your response to Judge Antonetti's question, and that
9 respond was recorded on page 26, lines 1 and 2.

10 When Judge Antonetti asked you about the arrival in Mostar, and
11 when he asked you whether you knew of the existence of any plan of attack

12 on Mostar, your answer was the following:

13 [In English] "I didn't know about a plan of attack."

14 [Interpretation] Now, from that answer of yours, one could
15 conclude that a plan of attack existed but that you knew nothing about
16 that. Is that what you meant to say, or did you fail to express yourself
17 properly?

18 A. Well, the latter. What I wanted to say was that I knew of no
19 plan of attack on Mostar.

20 Q. Tell us, please, General, as a professional soldier and on the
21 basis of your experience, when it comes to strategic military goals and
22 the beginning and end of a war, as a rule is it the military commanders
23 who make the decisions or is it the competent civilian authorities, the
24 president, the president of the parliament, all the parliament, or
25 whoever, depending on the setup of each state?

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1 A. The strategy of each state is made by the leadership of that
2 state. The soldiers put into practice the tasks and assignments they are
3 given and try to adhere to all the conventions on war law.

4 Q. Does that mean, General, that for you, as a professional soldier,
5 it doesn't matter who is in power, whether it's the social Democrats or
6 liberals, for example, and are you ready to fulfill your military
7 assignments conscientiously and responsibly, regardless of which
8 political party is in power?

9 A. Well, that should be the rule, madam, especially since a soldier
10 has his commander, and soldiers have to listen to orders from their

11 commander, unless this collides with human rights conventions and so on
12 and so forth.

13 Q. Tell us, please, General, during the time you spent on the
14 Bosnia-Herzegovina front, did you ever receive an order to do something
15 which would be punishable under the law or were you asked to commit any
16 crime?

17 A. No.

18 Q. In your statement, General, you speak about your unit, the
19 Ludvig Pavlovic unit, as a special-purpose unit. Can you briefly tell us
20 what these special-purpose units were and what their task was?

21 A. If you mean in general, what special units or special-purpose
22 units mean, they are the units that are there to carry out the most
23 difficult combat tasks, or diversions or whatever, and in the Croatian
24 Defence Council they were units who were better trained, better equipped,
25 and those who had a permanent setup of manpower.

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1 Q. Tell us, please, those units, did they act throughout the
2 territory of Herceg-Bosna or were they linked exclusively to one
3 municipality?

4 A. The professional units were of the manoeuvre type, which means
5 that they could be deployed throughout the territory where combat was
6 taking place.

7 Q. And tell us about territorial units. What is their feature and
8 what are the tasks of territorial units?

9 A. Well, for the most part, they defended the areas in their own

10 municipality, or the neighbouring municipalities if there was no fighting
11 in their own municipality, but their manpower, when they were on duty,
12 they would carry out those military duties, but once they returned from
13 the field they would do their ordinary work and jobs.

14 Q. Tell us, please, is the area where these territorial units acted
15 or where they were active, was this the area where the line of conflict
16 with the enemy was?

17 A. Yes.

18 Q. Tell me, please, the Siroki Brijeg Brigade of the HVO, in view of
19 the fact that there was no fighting and no combat activities in
20 Siroki Brijeg and that it did not -- that it was not in the bordering
21 territories where there was fighting going on, what would their combat
22 activities be of the Siroki Brijeg Brigade?

23 A. The Siroki Brijeg Brigade was active in the territories of the
24 municipalities that needed assistance, such as Capljina, Mostar, and that
25 area, and sometimes they would also assist in Rama.

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1 Q. Tell us, the commander of the Siroki Brijeg Brigade, was he in
2 any way active in the area of the Siroki Brijeg Brigade?

3 A. Well, no, he could just gather the men and then send them to the
4 field. And then once they returned, they would -- he would take away the
5 weapons from them.

6 Q. Now, could you please take a look -- I will show you a series of
7 documents, and I would like to take a look at them. The documents
8 discuss the number of professional soldiers of the HVO and the number --

9 and the soldiers in territorial units who had been mobilised.

10 And I would like to remind the Trial Chamber that
11 General Praljak, during his testimony on the 3rd of June, 2009, told us
12 that there were about 1.000 professional soldiers and about 40.000 HVO
13 soldiers.

14 Now, General, would you take a look at the document P907, 907.
15 Please look at page 3, the bottom of page 3. That is toward the end of
16 item 3. This is a draft report prepared by Milivoj Petkovic, as the
17 Chief of the Main Staff of the HVO, and it says there the total number of
18 soldiers in HVO units is 45.000 men. The professional units have 855
19 members. Tell us, please, do these figures actually correspond to what
20 you knew about the number of professional and territorial units?

21 A. I believe that the number mentioned for professional soldiers is
22 correct, and I also believe that the total number for the HVO is correct.

23 Q. All right. Now, let's take a look at how these things were in
24 the course of eight months and whether the professional units were
25 reinforced.

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1 Please take a look at document P4389. That's the next document
2 we want to show. This is the report of the assistant Chief of the Main
3 Staff, Mr. Ivica Primorac, who gives the total number of the special
4 units, which does not significantly differ from the number that we saw
5 for December 1992. Was this situation actually in accordance with what
6 you know about the Ludvig Pavlovic unit?

7 A. Well, if I look at the Ludvig Pavlovic unit's situation, it is

8 correct, and I assume that it's correct for all the other units.

9 Q. General, now I would like to ask you about one particular unit,
10 and this is the Convicts Battalion.

11 Would you please take a look at the next document. That's
12 4D1356. We see this is an interview that -- on the 17th of March, in
13 2008, an interview of Mr. Ivan Andabak, who was the commander of the
14 Convicts Battalion. The interview was published in "Globus." This is a
15 political weekly that is published in Zagreb. And we can see the title,
16 which says:

17 "In the Convicts Battalion, Tuta was the ideologist and I was the
18 one issuing orders. We were responsible to Susak and Boban alone."

19 Now, please take a look at the last page of this interview. In
20 the left column, and that is the only portion of the text that has been
21 translated and the only thing that we want to take a look at now, the
22 journalist poses the following question, I quote:

23 "To whom were you responsible during the war in Croatia and in
24 Bosnia and Herzegovina?"

25 The answer is:

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1 "Exclusively to the Ministry of Defence of the Republic of
2 Croatia, to Gojko Susak and to Mate Boban."

3 Reporter's question:

4 "And not to the minister of defence of Herceg-Bosna,
5 Bruno Stojic, or to the commanders of the Staff, Milivoj Petkovic and
6 Slobodan Praljak?"

7 Answer: "We were responsible only to Susak and Boban."

8 Tell me, General, did you know Mr. Ivan Andabak?

9 A. Yes.

10 Q. Did Ivan Andabak, in your view, know who was the commander of the
11 unit that he -- to whom the unit that he was in command of was
12 responsible?

13 A. In my view, he should know.

14 Q. Tell me, do you have any reason to suspect that Ivan Andabak
15 would not speak the truth when giving statements of this sort?

16 A. No.

17 Q. Please take a look now at the next document. That's 4D618. Here
18 we have a schematic presentation of the HVO structure. This was used by
19 General Milivoj Petkovic while he was testifying in a case before this
20 Tribunal, in the case against Tihomir Blaskic.

21 General, could you confirm or deny the statement that relates to
22 your unit, Ludvig Pavlovic, that it was directly responsible to the Chief
23 Staff of the HVO?

24 A. That is correct.

25 Q. Tell us, General --

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1 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, just a minute.

2 You are referring to the testimony of General Petkovic in the
3 Blaskic case. When General Petkovic testified in this case, wasn't he
4 granted protective measures?

5 MS. ALABURIC: [Interpretation] Your Honours, yes, he did testify

6 as a protected witness, but at the beginning of this case we submitted a
7 request to the Trial Chamber to remove those measures because we wanted
8 the Croatian public to know what the general testified to. But thank you
9 for your warning.

10 Q. General, could the supreme commander, Mate Boban, also issue
11 direct orders to your unit?

12 A. Yes.

13 Q. All right, thank you. Now take a look at another document,
14 P7419. I just want us to take a look at an excerpt. Listen to me.

15 In the report of the Defence Department for the second half of
16 1993, the following is stated, and this is on page ending at ERN407 of
17 the Croatian text. It says that in this period, there was a significant
18 improvement in the structure of the armed forces, that the further
19 development of the armed forces was conceptualised, and that there was a
20 decision made on the establishment of professional units, and that all
21 professional units which were not attached to the HVO HQ were abolished.
22 In other words, all professional units which were not attached to the HVO
23 headquarters were abolished.

24 Now, General, when I connect this part of the report with the
25 chart that was used by General Petkovic during his testimony, where the

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1 Convicts Battalion is presented as a unit which was not attached to the
2 Main Staff, my conclusion would be that this was exactly that type of
3 unit. Now, could you please comment on this? Is it true that there
4 were, indeed, some units that were not subordinated to the Main Staff or

5 are you unaware of what the structure of the other units was?

6 A. Do you mean the professional units? As far as I know, all the
7 professional units that I know of were mentioned here. However, there
8 were some ATGs, such as Tvrtko or the one in Livno. There was some
9 special units who wanted to assume a certain name, maybe because of
10 training or something, but these were the special units that were in the
11 structure.

12 Q. Now I would like to ask you about Busovaca, General, and during
13 your direct examination today, you talked about the Busovaca area toward
14 the end of January 1993.

15 Please take a look at document 4D392. I would like you to take a
16 look at the last paragraph of this document. This is a document from the
17 Security Administration of the Supreme Command Staff of the BH forces in
18 January 1993, and it reads as follows:

19 "The Security Service of the 3rd Corps feel that the forces of
20 the HVO in this area, in the event of a large-scale conflict, are capable
21 of mounting a successful counter-attack to the HVO under the condition
22 that the army cut off the road communications
23 Busovaca-Povlaka [phoen]-Fojnica, Kiseljak-Fojnica, in Lugovi and Kacuni
24 and also the road Busovaca-Vitez and Vitez-Travnik at Mecava, and also of
25 the utmost importance of timely procurement of ammunition and grenades in

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1 this particular area."

2 Now, General, could you please tell us about cutting off
3 communications? Does that, in fact, mean the creation of enclaves?

4 A. Yes.

5 Q. Please take a look at this map now. That's 4D560, 4D560. This
6 is a snap-shot of the territory of Central Bosnia in January 1993, and
7 here we see that it says that the BH Army was conducting attacks in the
8 area between Busovaca and Fojnica in order to cut off the communication
9 lines between the two towns. Tell us, General, does this reflect what
10 we've just read in the document that we saw a few moments ago on the
11 screens before us?

12 A. Yes.

13 Q. Please take a look now at the next map. That's 4D561. This map
14 is already --

15 JUDGE TRECHSEL: Excuse me, Ms. Alaburic. I'm not quite sure
16 whether I understand what the map indicates. Does it indicate a plan
17 that the HVO intelligence thinks the ABiH holds or does it indicate an
18 actual attack?

19 MS. ALABURIC: [Interpretation] Your Honour Trechsel --

20 JUDGE TRECHSEL: I'm sorry. It is a question that I put to the
21 witness. I think the witness should testify, but perhaps we have to
22 explain because the witness perhaps didn't understand either.

23 MS. ALABURIC: [Interpretation] Your Honour, I thought that you
24 were addressing your question to me, and that is the only reason that I
25 began answering the question. But let the witness then tell you what was

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1 going on in January and whether what we discussed a few moments ago was
2 just a plan or actual events.

3 THE WITNESS: [Interpretation] Your Honour, on the basis of the
4 paragraph based on the assessment of the BH Army about the communications
5 that they were supposed to cut off, then what is shown on this map
6 actually represents this main communication that actually cuts Bosnia
7 into two parts, into Kiseljak and Vitez areas.

8 JUDGE TRECHSEL: Yes, that is the X that is here all blue. And
9 then there is a red flash from the Kakanj area towards a bit north of
10 Fojnica, and is that -- is that where the fighting actually went on or is
11 it where it was feared that an attack might be carried, feared or
12 prognosticised, analysed?

13 THE WITNESS: [Interpretation] According to this, one would --
14 this would suggest that the army command was planning to cut off the
15 territories that were under the control of the HVO along the areas where
16 this arrow is, and this is what actually did happen.

17 JUDGE TRECHSEL: So you're saying two things. First, you say
18 this arrow indicates the plan, and, second, you say that there was
19 actually an attack following this plan. Do I understand you correctly?

20 THE WITNESS: [Interpretation] Your Honour, I was not there when
21 this was going on. But according to the plan within the 3rd Corps, and
22 looking at this map, this is a good military plan. And as it turned out
23 later on, the plan was actually implemented in this manner, because this
24 blue areas, that were under control of the Croats, were actually cut off
25 by the army. But I cannot really ascertain this because I was not a

1 direct participant.

2 JUDGE TRECHSEL: Thank you, that's fine. That's a good answer,
3 thank you.

4 MS. ALABURIC: [Interpretation]

5 Q. Tell us, please, Witness, looking at that arrow that
6 Judge Trechsel asked you about, in that general area, is that where
7 Kacuni are to be found?

8 A. Yes.

9 Q. Tell us now, please, around that place and in that area, is that
10 where there was fighting at the end of January 1993, which you refer to
11 in your statement?

12 A. I fought on the other side. I wasn't in Kacuni, so I can't tell
13 you anything about Kacuni. I was in other places.

14 Q. But in your statement, you mention Busovaca and the area around
15 Busovaca?

16 A. Yes, I was in Busovaca and at Busovacke Staje, but I was not in
17 Kacuni.

18 Q. Right. Thank you. Now, in the English version of your
19 statement, it is on 3D43-0405. That is the part of the statement in
20 English where we deal with this.

21 Now let's look at 4D561. It's a map again, and it's already an
22 exhibit. On this map, we can see that the BH Army managed to cut the
23 Busovaca-Fojnica communication line, and this gave rise to the Croatian
24 enclaves. Now, this depiction of Central Bosnia, does it correspond to
25 what the situation was like on the ground, to the best of your knowledge?

1 A. Yes.

2 Q. Thank you.

3 JUDGE ANTONETTI: [Interpretation] General, I was looking at the
4 two maps, and we see that in April the HVO is surrounded in Fojnica,
5 Kiseljak, and another place. But looking at the first map in January, I
6 see an axis Zenica-Travnik-Vitez-Novi Travnik. So why is it that the
7 ABiH didn't close off this axis, because if it had done so, it would have
8 totally surrounded the HVO? Why didn't they achieve this?

9 THE WITNESS: [Interpretation] Your Honour, probably they weren't
10 able to.

11 JUDGE ANTONETTI: [Interpretation] They weren't able to achieve
12 this because of the reaction of the HVO?

13 THE WITNESS: [Interpretation] Most probably, that would have been
14 it, or because they didn't have the strength and power to do so, but it
15 would have been logical for them to cut off the axis, yes.

16 JUDGE ANTONETTI: [Interpretation] Yes, it would have been
17 logical. Travnik was occupied by the ABiH, wasn't it?

18 THE WITNESS: [Interpretation] Yes.

19 JUDGE ANTONETTI: [Interpretation] And did they control the road
20 from Travnik to Vitez, thanks to that?

21 THE WITNESS: [Interpretation] Your Honour, not the entire route.
22 I don't know all the details, but it didn't control the whole road. Up
23 to Dolac, at Lasva, somewhere around there, but the communication line
24 from Novi Travnik to Vitez was free.

25 JUDGE ANTONETTI: [Interpretation] You're not a military expert.

1 I could have asked this question to an independent expert. But you are a
2 general, so you might answer me.

3 When we see those two maps, the one from January and the other
4 one in April, could you tell us whether it doesn't look, military-wise,
5 that the HVO was in great difficulty?

6 THE WITNESS: [Interpretation] Yes.

7 JUDGE ANTONETTI: [Interpretation] Very well.

8 JUDGE TRECHSEL: I'm sorry. Witness, a short while ago, on
9 answering a question by the President, you said that Travnik was in ABiH
10 hands. On the map, it is blue, so that looks rather as it was in the
11 hand of the HVO. I hope I didn't misunderstand something. Travnik was
12 in the hands of the HVO; right?

13 THE WITNESS: [Interpretation] Your Honour, the Presiding Judge
14 said that Travnik had been taken control of by the BH Army and that the
15 BH Army controlled the communication lines, but I said that I thought
16 that they controlled the communication line only in part. Yes, the
17 BH Army did take control of Travnik. I'm not sure during what period,
18 but, anyway, they narrowed down this blue space here. Now, it was the
19 Presiding Judge who referred to them taking control of Travnik.

20 MS. ALABURIC: [Interpretation] Your Honour, let's just clarify
21 this.

22 This map refers to the March-April period, and Judge Antonetti's
23 question referred to June. So we're now going to look at maps which are
24 going to tell us what the development of events was towards the end of

25 the year, and we'll see how the blue territory diminishes.

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1 But I think that this is the time for the break. Right, Your
2 Honours.

3 JUDGE ANTONETTI: [Interpretation] Yes. I was very much involved
4 in the maps and I forgot all about the break.

5 We shall have a 20-minute break.

6 --- Recess taken at 3.51 p.m.

7 --- On resuming at 4.17 p.m.

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

9 The Trial Chamber would like to specify, since this was not
10 mentioned before, that as far as protective measures are concerned, the
11 Trial Chamber has noted that the witness did not wish to be granted
12 protective measures during his testimony in this case, and the Trial
13 Chamber has also noted that the witness has specified that he did not
14 wish to have those protective measures which he had been granted in the
15 previous case. It's now on the transcript and is extremely precise.

16 Ms. Alaburic.

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

18 Q. General, let's stay with the map we have on our screens for the
19 time being, although I'll be calling up two more maps in that series.
20 I'm afraid they haven't been prepared for the Trial Chamber or anybody
21 else in the courtroom because I didn't intend to deal with them. But
22 since the question of Travnik has cropped up, let's look at the next
23 document, which is 4D562. It's a map which shows the situation on this

24 same area in June 1993.

25 On this map, General, we can see the axes of attack by the

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1 BH Army, and we see that the BH Army was active along the Travnik area,
2 and then we have some other areas of conflict. But let's stay with
3 Travnik for the moment and look at the next document, which is 4D563,
4 which shows the situation on that same territory in July 1993.

5 And here we see, General, that the BH Army has taken control of
6 Travnik, that only a small part of the Novi Travnik municipality was
7 under the control of the Croatian authorities. And can you tell us, if
8 you know, General, whether that was how it actually was; that is to say,
9 that in June 1993, Travnik fell and was taken control of by the BH Army?

10 A. Yes.

11 Q. Now, on this map, we see Bugojno as well. Do you have any
12 knowledge about Bugojno, that in July that came under the complete
13 control of the BH Army?

14 A. Well, I didn't know exactly when, but I do know that Bugojno fell
15 into their hands.

16 Q. All right, fine. I'm now going to ask you about the topics I
17 said we would be discussing.

18 Tell us now, please, General, when you or somebody else who was
19 authorised to do so decides to incarcerate his own soldier because that
20 soldier had committed some infraction, or for any other reason, for that
21 matter, does your soldier then lose the status of an HVO soldier or not,
22 when he's incarcerated?

23 A. You mean when we punish him? No, only if it's a crime which is
24 punishable with a prison sentence. But, no, they don't lose their
25 status.

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1 Q. And if they are -- and if he is convicted of a crime, then he
2 would be put in prison, serve a sentence for that crime; is that right?

3 A. Yes.

4 Q. Tell us now, please, this rule about retaining your status of HVO
5 soldier if a soldier is incarcerated, does that hold true for all HVO
6 soldiers, regardless of their ethnicity; that is to say, for Croats and
7 Bosniaks alike?

8 A. Well, I didn't have any cases of imprisonment, but the rule would
9 apply to all members of the HVO, yes.

10 Q. Fine. Now look at 4D1466, please. And that is a document which
11 the competent authority in Bosnia-Herzegovina, and it's from the Tomislav
12 municipality, in the month of February this year, sent to my Defence
13 team's offices on the status of HVO soldiers, and my questions about
14 that, soldiers who were in some detention centre or who, for any reason,
15 were in detention or were not allowed -- did not have freedom of
16 movement. So let's look at that document together. I'm going to read
17 out almost all of the document, and it says that the time spent in the
18 HVO units is recognised as a length of service -- double lengths of
19 service, in conformity with the government of the Federation, on the
20 criteria, methods, and procedure of recognising time spent in the defence
21 of BH, and that this is counted as years of service during peacetime,

22 recognising time spent in defence, et cetera. And I'm going to quote the
23 most important portion of that document now:

24 "Also for military conscripts who were in detention, prison,
25 detention centre, or assembly centres or camps, regardless of the time

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1 spent, that time is also recognised as time spent in a military unit and,
2 as such, is recorded as special length of service for retirement. If the
3 official records do not match, then the client may request an
4 administrative legal procedure to be initiated with the purpose of
5 identifying the exact time spent in detention pursuant to a Red Cross
6 certificate, military police or military unit records from the archives,
7 or a statement made by the commander of the respective military unit."

8 JUDGE TRECHSEL: Excuse me. Something went wrong probably in the
9 translation. If you look at page 45, line 23, you read at the end the
10 words "regardless of the time spent," but the text you have read says
11 "regardless of the cause," "of the cause" or "duration," and I think "the
12 cause" is of importance.

13 MS. ALABURIC: [Interpretation] Yes, Your Honour. In the Croatian
14 text, it is "on any basis" or "regardless of the cause."

15 JUDGE TRECHSEL: Thank you.

16 MS. ALABURIC: [Interpretation] Just a moment, please.

17 [Defence counsel confer]

18 MS. ALABURIC: [Interpretation] Well, the translation of the
19 document is correct, so even if it is not correct in the transcript, you
20 have the translated document.

21 Q. Tell us, please, General, what we've just read out, in your
22 opinion, does it correspond to what you told us earlier on, that each and
23 every one of your soldiers, if they are in detention, in prison and so
24 on, remains an HVO soldier, and that the time spent in detention is
25 counted as double time for years of service, just like if he was on the

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1 front; is that right?

2 A. Yes.

3 MS. ALABURIC: [Interpretation] Now, let's -- may we move into
4 private session for a few moments, please.

5 JUDGE ANTONETTI: [Interpretation] Registrar, may we move into
6 private session, please.

7 [Private session]

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9 (redacted)

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11 Pages 45827-45829 redacted. Private session.

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21 (redacted)

22 [Open session]

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

25 MS. ALABURIC: [Interpretation]

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1 Q. General, you mention in your statement the events on the Dubrava
2 Plateau in mid-July 1993, the sabotage operations by the BH Army, and
3 that as a result of these sabotage operations, the security of the
4 Gubavica barracks was in jeopardy. And this portion is in your statement
5 on the Croatian page 3D43-0423, 43-0423, and in English this would be on
6 page 3D43-1233.

7 General, I would like you to comment on a document that I would
8 like to show you now. This is document 4D14 -- 1042, 1042. Yes, that's
9 right now. This is a document, information, drafted by the deputy head
10 of Military Intelligence Service of the Main Staff of the HVO. It was
11 drafted on the 13th of July, 1993, and it was drafted pursuant to a
12 conversation with a member of the BH Army whose name was Mustafa Beso,
13 who was -- who said, among other things, the following: On the 12th of
14 July, 1993, according to the words of the said individual, a meeting was
15 held on Gubavica where members of the army were assigned with the tasks
16 that were read out by Alija Djulic, who was the commander of the unit

17 comprising of approximately 70 soldiers chosen from local people. The
18 meeting was attended by about 50 soldiers who were assigned precise
19 tasks, conquering the barracks on Gubavica. We think that the tasks were
20 assigned to the Muslims in a similar scenario as in Bijelo Polje.

21 General, could you please tell us what this remark relates to,
22 the scenario as in Bijelo Polje?

23 A. Well, there was a barrack of the HVO in Bijelo Polje that was
24 taken or captured by the BH Army.

25 Q. Was that because they were members of the HVO?

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1 A. Yes, they were members of the HVO.

2 Q. Further on, it is said that there were groups of soldiers of the
3 BH Army who were assigned with the task of clearing up or cleansing the
4 terrain and merging with a group, and the following place names are
5 mentioned; the Dubrava area, the area Oplicici, Pocitelj, Tasovcici,
6 Hotnja village. And then it says that they altogether were supposed to
7 get reinforcement of some 700 soldiers, approximately, and that they were
8 to head towards Stolac and Capljina, with the aim of obtaining full
9 control over the Dubravska Plateau. My question, General, does this
10 description of events actually correspond to what you knew when you were
11 on the ground?

12 A. I participated in this fighting personally, and I can confirm
13 many of these things because I directly experienced them.

14 Q. Tell us, please, was there any other special unit that helped on
15 that day to lift the blockade of the Gubavica barrack that is mentioned

16 here?

17 A. Well, I will tell you the first thing that comes to mind. The
18 communication between Capljina and Domanovici was mined, but before that
19 I would like to tell Their Honours that the manner of alerting units or
20 soldiers was done in the same way. We were called on the phone and told
21 that the Dubrava Plateau had fallen, so what happened is some 30 soldiers
22 of mine and I went out on the spot and the first thing that we
23 experienced was we found this communication that had been mined. We left
24 our vehicles there and continued on foot to the command post that had not
25 been captured, and then we headed for the center of Domanovici and

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1 towards Gubavica. In the Rudnik area, we had -- we came into direct
2 conflict with the BH Army, and I had three dead in that conflict. This
3 operation by the BH Army was organised in a very good manner. We were
4 taken completely by surprise, and I think the only reason that they did
5 not succeed was that they did not receive reinforcement from Mostar. But
6 as for the liberation of Gubavica, I wasn't there. Rather, it was the
7 members of the Bruno Basic unit that were there.

8 Q. Thank you, General, for the explanation. And now, just briefly,
9 a few questions about another topic.

10 We can proceed from the document that's approximately in the
11 middle of that bundle that you have. That's document P1896. This
12 document was drafted on the 15th of April, 1993, and sent to you and the
13 Bruno Basic Regiment. It was issued by the Chief of the Main Staff of
14 the HVO, Milivoj Petkovic, ordering the raising of combat readiness

15 because of the situation in the Konjic and --

16 THE INTERPRETER: The interpreter did not hear the second
17 toponym.

18 MS. ALABURIC: [Interpretation] In the area of Konjic and
19 Jablanica. The second place -- toponym is "Jablanica." Very well.

20 Q. General, tell us, did you receive this order?

21 A. Yes.

22 Q. Tell us, from item 4 of this order and from the entire order, the
23 Chief of the Main Staff is ordering -- or announcing that he would order
24 your departure to a certain destination or area; correct?

25 A. Yes.

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1 Q. Did you receive specific assignments from the Main Staff for
2 specific areas or did it transpire differently, in fact?

3 A. The Main Staff was authorised to send my unit to a location
4 whereby I would be re-subordinated to the zone or operations area
5 commander, and I would receive specific assignments from them because
6 they knew what the problems there were.

7 Q. General, tell us, please, in mid-April 1993, was your unit
8 engaged in combat operations in the area of Sovici and Doljani?

9 A. No.

10 Q. I only have one or two more questions that relate to Mostar.

11 When you arrived in Mostar, who issued your combat assignment to
12 you? Who told you where to deploy your soldiers?

13 A. The combat assignment was issued on behalf of the operations zone

14 either by Mico Lasic or Slavko Puljic. I can't recall with certainty
15 which of the two, but they were the ones who told us where we were to
16 deploy when we arrived there.

17 MS. ALABURIC: [Interpretation] Thank you, General, that is all.
18 I have no further questions.

19 Thank you, Your Honours.

20 JUDGE ANTONETTI: [Interpretation] Very well.

21 For Mr. Curic.

22 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

23 No questions.

24 JUDGE ANTONETTI: [Interpretation] For Mr. Pusic?

25 MR. IBRISIMOVIC: [Interpretation] No questions, Mr. President.

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1 Thank you.

2 JUDGE ANTONETTI: [Interpretation] And Mr. Stojic?

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

4 Yes, we do have questions in cross-examination.

5 Good afternoon, once again, to everybody in the courtroom.

6 Let me just have the usher hand the documents 'round. As I said,
7 good afternoon to everybody.

8 Cross-examination by Ms. Nozica:

9 Q. [Interpretation] And good afternoon to you, Mr. Curcic. We've
10 met, have we not, during our proofing session, and we know each other
11 from before as well; is that right?

12 A. Yes.

13 Q. Now, Mr. Curcic, several times today during your testimony, or,
14 rather, during your testimony in the Naletilic trial, you said what you
15 said on page 54, lines 26 today, too, 26 to 53 [as interpreted] and on
16 page 25 -- let me start again with the page numbers. Page 54, line 26,
17 to page 55, line 3, and page 25, lines 3 to 6. Well, you repeated what
18 you have said many times before, and that is that you only took orders
19 from the Main Staff and that you were re-subordinated to the person who
20 was the chief person in the area, whether it was the operations zone or
21 the commander of a group. Is that how it was?

22 A. That's right.

23 Q. All right, thank you. Now, if you take up the Petkovic Defence
24 binder, I'm going to ask you to take a look at two charts, or perhaps you
25 can look at your screen. It will come up on your screen.

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1 The first document is 4D1356. It's the chart showing us the
2 organisational structure of the HVO for the period of 1992 and 1993,
3 which was -- no, I apologise.

4 Could Ms. Alaburic help me out with the number. Obviously, I've
5 given the wrong number. The chart there, please.

6 JUDGE TRECHSEL: 4D0061 --

7 THE INTERPRETER: Microphone, Your Honour, please.

8 JUDGE TRECHSEL: 4D00618, I believe.

9 MS. NOZICA: [Interpretation] Here we have it. It's come up on
10 e-court.

11 Q. Mr. Curcic, you said today -- or, rather, you confirmed, when

12 asked by my colleague, that this was what the structure was like for the
13 professional units, as it says here, and you also said that you received
14 orders from the Main Staff and that you could also receive orders from
15 the supreme commander, who was Mr. Boban; is that right?

16 A. Yes, it is.

17 Q. Now let's look at 1992. Who were the professional units there?

18 A. In 1992, the professional units which meant something were the
19 Bruno Basic colony [as interpreted], the Vitezovi, the Ludvig Pavlovic
20 Battalion and the Convicts Battalion, and the ATG called Baja Kraljevic.

21 Q. Was that the situation in 1992?

22 A. Yes.

23 Q. And what changed in 1993?

24 A. Well, the Convicts Battalion was split in two to form two units.

25 Q. All right, thank you. Now let's take a look at another chart

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1 drawn up by the Prosecutor. It is P9324.

2 JUDGE ANTONETTI: [Interpretation] General, I'm still looking at
3 the organisational chart that's on the screen. I don't know where it
4 comes from, but my eyes are attracted to the Convicts Battalion. We see
5 that it is directly attached to the supreme commander, Mate Boban, but
6 your battalion is attached to the Main Staff. Can you certify the truth
7 of this organisational chart, the truthfulness of it?

8 THE WITNESS: [Interpretation] Your Honour, the professional units
9 were responsible to the Main Staff, but according to what Ms. Alaburic
10 said and extracted from the interview given by the commander of the

11 Convicts Battalion, we saw that they were commanded by Mate Boban and
12 Gojko Susak. Now, in my specific case, it was the Chief of the Main
13 Staff who was my commander, and I can't confirm anything with respect to
14 either of them.

15 JUDGE ANTONETTI: [Interpretation] On line 9, page 58, to my great
16 surprise you are saying that he was -- they were getting orders from
17 Mr. Susak. What does Mr. Susak have to do with -- in relation to this
18 Convicts Battalion?

19 THE WITNESS: [Interpretation] Your Honour, no, I didn't say Susak
20 was, as far as I'm concerned.

21 MS. ALABURIC: [Interpretation] Your Honour, if I might be of
22 assistance, the witness referred to the interview by Ivan Andabak in
23 "Globus," and the question was to whom was the Convicts Battalion
24 responsible in Croatia and to whom in Herceg-Bosna. And then Andabak's
25 answer was in Croatia, to Susak, and in Herceg-Bosna, to Mate Boban. And

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1 now the witness has linked the two, and it would appear that Susak was
2 there for Herceg-Bosna too, which it doesn't say in the interview. But
3 if you look at the interview, you'll see for yourselves.

4 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, could you please
5 tell us where this organisational chart comes from and who drafted it?

6 MS. ALABURIC: [Interpretation] Yes, I can tell you that,
7 Your Honour, and I think I said it, although I couldn't see how it was
8 interpreted. This chart was used by General Milivoj Petkovic when he
9 testified in the trial against Tihomir Blaskic before this Tribunal, and

10 this organigram was compiled by Milivoj Petkovic, himself. He was given
11 questions in advance, and he knew that he would be testifying about HVO
12 structure, so he wanted, in the simplest way possible, to show the
13 territorial units and the special-purpose units in this way. So we're
14 going to use this chart in our case and when we come to examine
15 General Petkovic as well.

16 JUDGE ANTONETTI: [Interpretation] Very well. I shall also use it
17 when I'll be putting questions. Thank you.

18 THE INTERPRETER: Microphone, Counsel, please.

19 MS. NOZICA: [Interpretation] I asked the witness to look at
20 document P9324, which is in that pink binder. It is the Stojic Defence
21 binder, and I think it is the second document. It's a schematic compiled
22 by the Prosecutor, and it was a chart used in another trial. But that
23 doesn't matter, as far as our proceedings are concerned.

24 May we look at the first page of that, please. That's right,
25 that's the first page. And I'm going to ask the witness to take a look

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1 at that first page.

2 Q. Mr. Curcic, it says here "Supreme Commander." Then we have the
3 Defence Department and the Main Staff down that line, and then you see
4 units for special assignments and professional units to the right. Now,
5 according to this chart, were you in the blue area, where it says
6 "Special-purpose and professional units"?

7 A. Yes.

8 Q. Now, Mr. Curcic, since you are in this chart and since there's a

9 direct line between the Defence Department and this professional units
10 section, and you were the commander of one of those professional units,
11 can you tell us what your links were throughout the whole period, when
12 you became commander or a fighter of this unit to the end, what were your
13 connections with the Defence Department?

14 A. We communicated with the Defence Department through the
15 Main Staff. The Main Staff was in charge of us operatively, and the
16 ministry dealt with logistics and other matters.

17 Q. Just to be precise, did you receive a single order from the head
18 of the Defence Department for operational activity, as you put it?

19 A. No.

20 Q. Very well, thank you. Now we're going to move on, Mr. Curcic, to
21 another area, and that will be the last area that I want to examine you
22 on.

23 In your statement, on page 3D -- I'm referring to the Croatian
24 text, 3D43-0409, and in English it is page 9 or 3D43-1227, is it -- do
25 you find it difficult to locate that? But you can rely on my quotation

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1 of it. Anyway, you were speaking about Operation Bura, and I'd like to
2 remind you what you said about that particular operation. You said that
3 it took place in November 1992, and there were also attempts to liberate
4 Podvezlje and the entire area between Mostar and Dubravka Visoravan --
5 Dubravka Visoravan so that "our unit had the hardest task, that of
6 climbing up 690 metres, and that's when a big tragedy hit the unit."

7 You go on to explain in your statement that Bozan Simonovic was

8 killed during that operation, is that right, and then you go on to say
9 that some goals were not realised:

10 "We wanted to liberate the area entirely and force them out
11 towards Hrgud and to Podvelezje, and our losses were substantial."

12 Now, you've already mentioned the death of Mr. Bozan Simonovic.
13 Now, I'd like to ask you to explain to Their Honours what Operation Bura
14 was and how long it was prepared.

15 A. Operation Bura or Tempest is the second major operation after the
16 crossing of the Neretva River **by the HVO. All the effectives of the HVO**
17 were joint units together with the Bosniaks - the Bosniaks took
18 part - and they prepared themselves for this liberational operation by
19 which the Army of Republika Srpska was supposed to be forced out from
20 Hrgud and Podvelezje and Stjepan Kriz and the surrounding areas of Stolac
21 so as to make it impossible for them to shell Capljina, Mostar, and so
22 on. The operation was a good idea, but we did not have the necessary
23 materiel and effectives to put this operation into effect completely, and
24 the tragic event with Bozan was a result because he was a legend during
25 his lifetime, everybody respected him, and then we went on the defensive.

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1 But it was an operation which was designed to prevent further shelling of
2 towns along the Neretva River **valley by the Serbs.**

3 Q. Thank you, General. Now, can you tell the Trial Chamber -- and
4 you have already told us the parts of the territory and places where
5 Operation Bura was designed to be effective. Could you explain to
6 Their Honours what the length of this line was and from where the Army of

7 Republika Srpska was supposed to be repulsed, the length of the
8 front-line, in actual fact?

9 A. Well, as I've already said, the environs of the town of Mostar,
10 its eastern reaches, ending up with Mount Zegulja, **which was west of**
11 Stolac, and according to my calculations and according to how the line
12 was being held, it was a line of a distance of 70 kilometres. It was 70
13 kilometres' long.

14 Q. Now, you said that in this operation, all the most important
15 forces took part, both of the HVO and the BH Army forces at the time;
16 that is to say, they acted jointly. Now, can you tell us which those
17 units did take part in the operation? Which were they?

18 A. All the professional units of the Croatian Defence Council,
19 Ludvig Pavlovic, Bruno Basic, the Convicts Battalion, and even the
20 Vitezovi from Vitez were brought in to take part in the operation, and,
21 of course, the 1st Herzegovina Brigade from Capljina, the Mostar Brigade,
22 the Bosniak 1st Brigade. I can't list them all now, but, anyway,
23 anything that was professional and all the capable men and units were
24 deployed.

25 Q. Tell me, how long did the preparations for this operation last?

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1 A. The preparations went on for a long time, and the operation was
2 deferred several times due to a lack of manpower and also because there
3 was a high concentration of Serb soldiers. So we prolonged the start of
4 the operation for a long time, which meant that preparations were lengthy
5 as well.

6 Q. Tell us, please, did you, perhaps -- in October in 1992, were you
7 in Prozor at the end of October?

8 A. No, I don't think I was there.

9 Q. Now, these units which you listed, during that time did they
10 conduct preparations for Operation Bura at the end of October and the
11 beginning of November?

12 A. Well, all the units who were planned for the attack underwent
13 preparations. I can tell you about my particular unit, if you like, but
14 I can't speak for the others.

15 Q. All right, thank you. Now let's take a look at two documents,
16 the first of which is the one that comes after the chart, and it is
17 2D3057. Just tell me when you've found it.

18 Have you found it?

19 A. Yes.

20 Q. Now, this is an order from the Chief of the Main Staff of the
21 HVO, Mr. Milivoj Petkovic, dated the 6th of November, 1992, to the 1st
22 Mostar Brigade, and he says:

23 "With the objective of eliminating the direct attack on the city
24 of Mostar and the wider area, and based on the previous agreement, I
25 hereby command:"

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1 Point 1: "Prepare and execute offensive combat operations in the
2 area of Podvezlje with the objective of taking the following features:
3 Merdzan Glava, Sveta Gora, and Dobric."

4 Now, I showed you this order during our proofing session. All

5 I'm interested in now is this: Can you confirm, General, that this is
6 precisely the order which referred to Operation Bura?

7 A. Yes. According to how this document is written, this is, to all
8 intents and purposes, for Operation Bura.

9 Q. And what about the 1st Mostar Brigade; can you tell us what kind
10 of brigade that was?

11 A. I think it was a BH Army brigade.

12 Q. Let's take a look at the next document. That's 3D3528.

13 JUDGE ANTONETTI: [Interpretation] General, I would like to look
14 again at this order of General Petkovic preparing an offensive. There
15 are five orders in this -- five points in this order. It's very
16 specific, but when looking at it, I wonder the following: If HVO had
17 attacked ABiH on May 9th, wouldn't there have been an order that would
18 have been similar to this one?

19 THE WITNESS: [Interpretation] Your Honours, the order for the
20 9th, that's something I've never seen, and I had never seen this order,
21 either, until Madam showed it to me. And when I say that I think that it
22 is authentic is because it says here in the preamble "based on the
23 previous agreement," so it would appear that they had already discussions
24 about the issuance of orders to this brigade.

25 JUDGE ANTONETTI: [Interpretation] Can you confirm that this order

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1 on the screen is an attack order?

2 THE WITNESS: [Interpretation] Your Honour, this order is
3 identical to the ones we've seen before. It orders preparations for an

4 offensive operation to be carried out, and it even contains things to the
5 effect what should be carried out, and there is no feedback -- no
6 follow-up information as what had been done or not, because based on a
7 feedback report we would know whether something had been carried out or
8 not.

9 JUDGE ANTONETTI: [Interpretation] Very well.

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

11 Q. However, sir, in relation to this order and the consequences of
12 Operation Bura, unfortunately, and I say "unfortunately," we will see
13 that there was an operation, and I say "unfortunately" because there were
14 dead and wounded soldiers.

15 Could you now please take a look at document 3D3528. Have you
16 found that? That's the next document. This is a report from the Medical
17 Service, and it says "Bura" in parentheses, the HVO Medical Service of
18 the Operation Zone Eastern Herzegovina, dated the 9th of April, 1992.

19 Witness, can you confirm, because we see here in the first
20 sentence it says "the plan for medical security for Operation Storm" --

21 JUDGE ANTONETTI: [Interpretation] General --

22 THE INTERPRETER: "For Action Bura," interpreter --

23 JUDGE ANTONETTI: [Interpretation] -- what -- why was the name
24 Bura chosen? Do you know that in 1945, there had been another
25 Operation Bura in the same region.

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1 THE WITNESS: [Interpretation] What year?

2 JUDGE ANTONETTI: [Interpretation] 1945.

3 MS. NOZICA: [Interpretation] I apologise, sir.

4 Your Honour, just to clarify something to make sure that there is
5 no confusion, there are two different operations. In our language, these
6 were Operation Storm and Operation Tempest. "Storm, "Aluja," that is a
7 completely different term, a completely different term, and it's not
8 Operation Bura or Tempest. "Bura" is a wind blowing from the sea toward
9 the land mass, and "Storm" is something that can actually arise anywhere
10 else, so these are two different terms. The Operation Storm is an
11 operation from 1995.

12 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, when I'm asking a
13 question, it's always a very specific one.

14 General, in 1945 the Germans launched an Operation Bura in the
15 region of Mostar, and in 1945 this word "bura" was actually used, so can
16 you -- do you have any idea why this word "bura" is used so extensively?

17 THE WITNESS: [Interpretation] I was born and lived in Zenica. I
18 had not lived in Mostar or Herzegovina **before the war, so I did not**
19 really know exactly the meaning of the word "bura" or that it related to
20 wind, because we used different names for winds where I came from. I
21 didn't know this.

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

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

24 I had never heard of this operation in 1945. I apologise. It's
25 probably my error. I was born after 1945, but I had never heard of it.

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1 Q. So, Witness, have you found this document?

2 A. Yes.

3 Q. We said this was a report. Does this report relate to this
4 operation, Operation Bura or Action Bura? It says in the first sentence
5 that the plan for medical security for Action Bura was prepared on
6 October 22nd, 1992, and to date it is being implemented in the field.

7 Does this confirm, General, what you've already said, that this action
8 had been prepared and planned for earlier and then delayed, and that it
9 only actually came into effect in November?

10 A. Yes.

11 Q. Could you please now take a look at page 3. In English, that's
12 page 4. That's the Medical Service of the 7th Battalion from Blagaj, and
13 we see here a report on the losses in the area, in the area of the
14 8th Battalion. Here we have a list of dead and wounded soldiers, and you
15 told the Trial Chamber that HVO and BH Army units together participated
16 in this operation.

17 Now, can we see here -- we see the HVO units. We see the losses
18 mentioned there, and we see that there were casualties, both Muslim and
19 Croat. Could you please take a look at this list, and then, based on the
20 names, could you tell us what your conclusion is as to what their
21 ethnicity is? So the name of these people who were wounded in this
22 operation. Just take a look at the first page and the list of names, and
23 go under names 1, 2, 3.

24 A. Kemo Jugo, Bosniak; Sejo Gasdan, Bosniak; Nusret Batlak, Bosniak;
25 Omer Hubanic [phoen] -- well, I'm saying all this based on their names,

1 the usual names used by Bosniaks, Croats, and Serbs. Omer Hubanic,
2 Muslim; Ibro -- Marinko Grbasa [phoen], Croat; Stanko Sesar, Croat; and
3 so on and so forth.

4 Q. We will not discuss the spelling of the names in the transcript.
5 But the first five names that you mentioned, these were the names under
6 1, 2, 3, 4, and 5, and you said for them that they were Bosniak; correct?

7 A. Yes.

8 Q. The individuals whose name you mentioned as possibly Croats are
9 the individuals under 6 and 7 on this list; correct?

10 A. Yes.

11 Q. We can see that at the end of the list, we have the names of two
12 dead individuals, and we see that this entire list was compiled by the
13 commander of the Medical Department of the 7th Brigade,
14 Dr. Edin Obradovic. Can you judge, from his name, what nationality or
15 what ethnicity Mr. Obradovic was?

16 A. Well, judging by his name, I would say that he was a Bosniak.

17 Q. We have another written report from the 1st and 7th Battalions,
18 although it says here that they have not come in. For the 1st Battalion,
19 it is stated that there was one dead soldier, and for the 7th, that there
20 were 40 wounded and 5 dead soldiers.

21 Now, please take a look at the next page, where the
22 1st Herzegovina **Brigade is mentioned or, rather, the list of dead and**
23 wounded members of that brigade in Action Bura. The date is again the
24 9th of November. Would you please take a look at the wounded soldiers
25 under 5 and 6. Do you know these men?

1 A. Yes. These were my soldiers. The third man -- the man under
2 number 3 and under number 7, they were also my soldiers, Mate
3 Nikolin [phoen] and Pavlic [phoen].

4 Q. Tell us, please, under 2 and 3, these two names that we find in
5 this report, again based on their names, can we conclude that these were
6 Bosniaks?

7 A. Yes.

8 Q. Tell me, please, on the last page, we have a list of dead troops,
9 dead soldiers. We see the name of Mr. Bozan Simovic, the commander of
10 your unit; correct?

11 A. Yes.

12 Q. As far as you know, were there many casualties in the Army of
13 Republika Srpska, as far as you know?

14 A. Yes, but I -- we didn't get that information or those facts
15 officially.

16 Q. Tell us, on the basis of information that you had at your
17 disposal, what was the number of casualties in your area or in your unit
18 where you were?

19 A. In my unit, there were three wounded and one dead soldiers.

20 MS. NOZICA: [Interpretation] All right, thank you. Thank you,
21 General, I have no further questions.

22 And thank you, Your Honours.

23 JUDGE ANTONETTI: [Interpretation] Everyone has put their
24 questions. The Prosecutor now has the floor for the cross-examination,

25 Mr. Laws, unless you had rather we have the break now.

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1 MR. LAWS: I'm prepared to start now, if it suits the Court.

2 Good afternoon to Your Honours and to everyone around the
3 courtroom.

4 Perhaps just a moment while my binders are given out. There are
5 two binders. One contains the documents that I'll be using for
6 cross-examination, and the other contains the transcript of the testimony
7 of this witness in the previous proceedings that we've heard about.
8 General Praljak is trying to attract the attention of the courtroom.

9 [The accused Praljak leaves the courtroom]

10 MR. LAWS: If everybody has sight of a binder:

11 Cross-examination by Mr. Laws:

12 Q. Good afternoon to you, Mr. Curcic. Is it right that in 1993, the
13 Ludvig Pavlovic --

14 A. I have it now.

15 Q. Thank you -- the Ludvig Pavlovic brigade were based in Capljina;
16 that's right, isn't it?

17 [The accused Praljak enters court]

18 A. It's not the brigade, it's a battalion, but it was in Capljina.

19 Q. Thank you for the correction. Your battalion was based in
20 Capljina and that's where the barracks were?

21 A. Yes.

22 JUDGE ANTONETTI: [Interpretation] One moment.

23 Witness, please, a while ago we talked about a brigade called

24 Francetic. Could you tell who Mr. Ludvig Pavlovic was?

25 THE WITNESS: [Interpretation] Your Honour, Ludvig Pavlovic was a

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1 man who was born in Vitina, near Ljubusko, and he was a Croatian emigre
2 and was arrested by the Yugoslav authorities and put in prison by them
3 for 20 years.

4 JUDGE ANTONETTI: [Interpretation] Very well.

5 MR. LAWS:

6 Q. He's a hero to Croats, isn't he? To some Croats, anyway?

7 A. Yes.

8 Q. Thank you. I was asking you about Capljina. Is it also correct
9 that from the summer of 1993, you had an apartment in Capljina?

10 A. Yes.

11 Q. I want you to look with us, please, at a document in the binder
12 I've just given you, P02608, which will give us, I think, the date of
13 when you obtained that apartment. It's page 4 in the English. For you,
14 Mr. Curcic, it's page 2, in the B/C/S, at the foot of the page. And if
15 you look, in passing, at page 1, it's a letter that you're writing to
16 Bruno Stojic, I think. Is that right?

17 A. Let me just try and find the translation into Croatian.

18 Q. Just like the other binder, we've got the English first and then
19 there is the Croatian text immediately behind it. The English document
20 is 11 pages' long, and then you'll come to a document in your own
21 language. That's it.

22 This is a document that you sent to the Defence Department, and

23 we can see, on page 2 of the English, that it is addressed, amongst
24 others, to Bruno Stojic; is that right?

25 A. That's right.

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1 Q. And for you, it's page 2, the second page of the document. At
2 the foot of that page, you can see your name, "Dragan Curcic." Have you
3 got that?

4 A. Yes.

5 Q. And as I say, it's page 4 of the English. You appear to have
6 obtained an apartment in Capljina certainly by the time of this letter,
7 which is the 2nd of June of 1993. Would that be right?

8 A. Yes.

9 Q. And I don't really want to spend very much more time on that
10 document, but you were keeping -- for reasons we perhaps don't need to go
11 into, you were keeping the Ministry of Defence informed about who was
12 having apartments from your battalion; is that right?

13 A. Mr. Prosecutor, obviously this was produced pursuant to the
14 request submitted by the ministry, and we are providing information on
15 apartments that were temporarily assigned for use of our members.

16 Q. Thank you. So I want to see if I've got the picture right as of
17 the summer of 1993. You would spend some of your time in Capljina when
18 not deployed on the front-line with the Ludvig Pavlovic Battalion; would
19 that also be right?

20 A. Yes, but not the entire battalion. Members of the battalion, if
21 they had days off, they would go home.

22 Q. Yes. It's probably a problem of translation. I'm talking about
23 you. You would spend your time -- some of your time, when not fighting
24 on the front-line, in Capljina, at your flat or at the barracks, but in
25 Capljina, itself; is that right?

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1 A. Yes.

2 Q. I want to ask you, first of all, some questions about things that
3 were happening in Capljina in the course of that summer. Do you follow
4 me?

5 A. Yes.

6 Q. You've been asked some questions already about an order that was
7 given to detain Muslim males. We know that order was given on the 30th
8 of June.

9 JUDGE ANTONETTI: [Interpretation] One moment, please, Mr. Laws.
10 I have an ancillary question as compared to the questions you are
11 putting, but to me this is an important question.

12 The flat you have, which is 74 square metres, was a flat which
13 was given to you because you seemingly were a refugee or somebody that
14 had been expelled, and your previous place of residence was in Belgrade.
15 I see that if I look at the address of this apartment, there was a
16 previous tenant or owner -- or, rather, tenant in this flat,
17 Tomislav Jovanovic, and I see that most of these flats had been occupied
18 by Serbs. There are only Serb names on here. I note also, on looking at
19 the document, that a commission had been set up, since this commission is
20 also one of the addressees of this document. And I can also see that in

21 this document that Mr. Pero Markovic from the Capljina municipality is
22 also an interested party.

23 Now, I want to put this question to you: This flat which was
24 given to you, was it given to you because it was vacant because the Serbs
25 had left, and was it a municipal commission that gave you this flat, or

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1 was it the army, the HVO in this particular instance, that requisitioned
2 the flat?

3 THE WITNESS: [Interpretation] Your Honours, Your Honours, the
4 flat that was assigned to me was an apartment of a former JNA officer.
5 The entire building, in which that flat was that was assigned to me, was
6 a building where members of the JNA had lived before the war. As you
7 know, we liberated the Capljina barrack, and even before its liberation
8 all the Serbs had already crossed over to the other bank of the Neretva
9 and left Capljina. So these apartments were abandoned, they were vacant,
10 and the commission that was set up by the operations zone, they made a
11 list of these apartments, and then we assigned them to those members who
12 did not have their houses or homes or apartments in Capljina because they
13 weren't from Capljina, they weren't living there. Also, apartments were
14 assigned to all the members of the families of the dead soldiers.

15 So let me again reiterate, most of these apartments were owned by
16 Serbs, but they had left them, and as of this day -- nowadays they had
17 all managed to recover these properties, and they resettled them, lived
18 in them, or, through a court, they managed to recover their rights on
19 them.

20 MS. TOMANOVIC: [Interpretation] I apologise. We have an
21 intervention in the transcript.

22 On page 64, line 4, the sentence should end with the words "all
23 the members of the soldiers who had been killed were assigned these
24 apartments on a temporary basis." So this witness is testifying
25 throughout this time about apartments being assigned on a temporary

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1 basis.

2 JUDGE ANTONETTI: [Interpretation] Witness, you are right insofar
3 as these flats were lived in by Serbs, but I would like to draw your
4 attention to the fact that there was a flat which, prior to that time,
5 had been occupied by Sakib Mahmuljin. Do you know who Sakib Mahmuljin
6 is?

7 THE WITNESS: [Interpretation] Your Honours, that is
8 Sakib Mahmuljin, a general in the BH Army and a deputy minister of
9 defence, and he was serving in Capljina before the war, in the JNA, of
10 course.

11 JUDGE ANTONETTI: [Interpretation] His flat was occupied because
12 he had left or because this flat had been taken from him? There is a
13 difference, of course. I'm sure you understand. That's why I picked
14 this up, because I saw the name Mahmuljin.

15 THE WITNESS: [Interpretation] Your Honours, Sakib Mahmuljin was
16 in Zenica at the time. He was a commander there, and he fought in
17 Zenica, and the apartment was vacant. When he returned, he managed to
18 recover it.

19 JUDGE ANTONETTI: [Interpretation] Mr. Laws.

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

21 Q. You've been asked some questions today about an order that was
22 given on the 30th of June of 1993 to arrest Muslim males of military age.
23 Can I ask you this: Were you aware, at the time that that order was
24 issued, that it was taking effect in the Capljina area?

25 MR. KOVACIC: [Interpretation] I'm afraid that this is a bit

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1 confusing to the witness, because as far as I recall, there was no
2 question asked of the witness; rather, my colleague actually read this
3 out for the Trial Chamber. So I just want to make this clear so that the
4 witness is not confused. The question was whether he was -- a reference
5 was made that he was asked this question, but it wasn't asked of him,
6 actually.

7 MR. LAWS: I'm very grateful to Mr. Kovacic for intervening, as
8 always, to assist, but I strongly suspect that this general is capable of
9 telling us if he's confused. And the question wasn't intended to confuse
10 him. It was intended to elicit from him an answer to the question
11 whether or not he knew, as it was being implemented, that an order of
12 that kind had been issued. It's not a confusing question. If the
13 general finds it so, he's, we respectfully submit, perfectly capable of
14 telling us.

15 So with your leave, I'm going to ask it again.

16 Q. Were you aware --

17 MR. KOVACIC: [Interpretation] I apologise, but I think I was

18 probably misinterpreted. All I said to my colleague was -- I put to him
19 the words that he had used in his question. He said to the witness, You
20 were asked today about the 30th of June, 1993. In other words, he's
21 putting to the witness something that is not correct. I have no
22 objection to my dear colleague asking the witness about his knowledge
23 about the 30th of June, but he cannot actually impute words that the
24 witness had not used. He cannot impute things that are not true. So
25 that is the gist, and that's the only thing that I object to.

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1 JUDGE ANTONETTI: [Interpretation] Mr. Laws, Mr. Kovacic is right
2 insofar as this date of the 30th of June has not been mentioned.
3 However, questions were put to him on the fact that Muslims had been
4 detained. Perhaps it was in June.

5 MR. LAWS: And I think you'll see, with respect, that the
6 transcript shows my very first attempt to formulate that question
7 included, in parenthesis, "we know the date to be the 30th of June." I
8 don't think there's any dispute about that, and, I'm afraid,
9 respectfully, I can't see why we're taking up very much time with this.

10 Q. Mr. Curcic, on the 30th of June, an order was issued, and we can
11 look at it together, if you wish, but an order was issued to detain
12 Muslim males of military age. My question to you is this: Did you know
13 about that order?

14 A. Could you show it to me, please?

15 Q. I certainly will. In the bundle that has been given to me, it's
16 P03019. P03019, and it's a document dated the 30th of June. And the

17 paragraph that you'll want to read is paragraph 8.

18 A. I have read it, yes.

19 Q. All right. As June came to an end, we've seen that order. As
20 July began, were you aware or not that it was being acted upon, that that
21 order was being obeyed in the Capljina area?

22 MS. ALABURIC: [Interpretation] Your Honour, just an objection to
23 this question, because from this order we can see that it never arrived
24 in the HVO units in Capljina, but that it only arrived and was received
25 by the 1st and 3rd Brigade in the operations zone, which is the Mostar

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1 area. Thank you.

2 MR. LAWS: Thank you very much.

3 JUDGE ANTONETTI: [Interpretation] Mr. Laws, there's a mistake.
4 It's not the 1st and 3rd Brigade, but the 2nd and 3rd Brigade.

5 MR. LAWS: Shall we, with respect, just take it relatively
6 quickly and go to the next document that helps us with this, which is
7 P03134, and we'll see whether or not it's been implemented in the
8 Capljina area.

9 JUDGE ANTONETTI: [Interpretation] Witness, you didn't answer the
10 question. This document, well, had you been made aware of it, had you
11 seen it?

12 THE WITNESS: [Interpretation] Your Honour, not this one, no.

13 MR. LAWS: Well, let's try and be a bit more specific, if we can.

14 Q. Perhaps not that piece of paper, but were you aware that there
15 was an order to arrest Muslim males of military age at the end of June?

16 That's a yes-or-no answer, with respect, Mr. Curcic, isn't it?

17 A. Mr. Prosecutor, it's very difficult to give a yes-or-no answer,
18 but I can give you an answer. I personally took part in a disarmament --
19 in disarmament in a specific location, but we can deal with that when we
20 come to it later, in the area around the village of Rotimlje. **And it's**
21 not illogical to disarm someone if somebody trains that weapon against
22 you. There are less losses that way. And I specifically haven't seen
23 this order, but we did conduct a process of disarmament.

24 Q. We're going to have a little time together, you and I,
25 Mr. Curcic, and with the greatest of respect, I haven't asked you

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1 anything about whether it's logical to disarm someone or whether it's a
2 good idea. I just want to ask you if you knew about it, that's all, and
3 I've asked you it a number of times now. Is your answer that, yes, you
4 knew that Muslim males were being arrested as June came to an end and
5 July began in 1993?

6 A. Mr. Prosecutor, I acknowledge that I did that personally, so,
7 yes, but I can't confirm this order because I've never seen it before, so
8 I can't lie and say anything with respect to it.

9 Q. No one wants you to do that. Let's look at the next document
10 that's going to help us with --

11 MS. ALABURIC: [Interpretation] Your Honour, can we be very
12 precise here, please? Mr. Laws used the term "Muslim males," which, in
13 the order that we read out a moment ago, is not what it says. It says
14 "HVO soldiers of Muslim ethnicity." That's the first point. And,

15 secondly, the Muslim inhabitants who were military conscripts, so not
16 defined as Muslim males.

17 MR. LAWS: If I may reply to that, the order says women and
18 children should be left in their houses and apartments. In my respectful
19 submission, that leaves Muslim males as the target of this. So the Court
20 is quite capable of reading all of these documents, themselves. My
21 questions aren't in any way misrepresenting them, and I'd ask that we now
22 try to make some progress. We have a way to go on this topic alone.

23 JUDGE ANTONETTI: [Interpretation] Yes. Just a minute, Mr. Laws.
24 A number of objections have already been raised about this document, and
25 the Trial Chamber is fully informed of this. Maybe you were here in the

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1 courtroom at the time.

2 On paragraph 8, for example, it says that "must be disarmed and
3 isolated," the soldiers. It says "soldiers." It doesn't say "Muslim
4 males," it says "soldiers." And then in the rest -- the rest of the
5 paragraph deals with women and children and possibly also men who were
6 not soldiers. We've already mentioned this at length a few days ago.

7 JUDGE PRANDLER: May I continue after the President here.

8 Of course, here are a number of documents, and if we are looking
9 at the document which was previously brought to our attention, that is,
10 P03019, 3019, there on page 2, in paragraph 8, the second indented
11 paragraph, it is there. We can read, and I quote:

12 "In the places within the area of responsibility where there is a
13 Muslim population, all military-capable Muslim men should be isolated.

14 Women and children should be left in their houses and apartments."

15 So, of course the -- and I would say that Muslim men --
16 "military-capable Muslim men," as an expression and category, has been
17 mentioned here, and elsewhere as well, and it would be really very good
18 if the Prosecutor could proceed with his cross-examination.

19 Mr. Laws.

20 MR. LAWS: Yes. I'm very grateful to Your Honour. Thank you.

21 Can we look at the next document, P03134, please.

22 JUDGE ANTONETTI: [Interpretation] I think we should have the
23 break. It's time for the break, and we will continue with document
24 P03134 after the break.

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

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1 --- On resuming at 6.11 p.m.

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

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

4 Q. Just in case we've lost the thread at all, Mr. Curcic, I'm asking
5 you about people being arrested in the Capljina area in the summer of
6 1993, and I'm going to ask you to look next at another document. I'm
7 going to make it plain -- perhaps it will save some time. This has
8 nothing to do with Mr. Petkovic, but let's have a look at what was
9 happening in July, the 3rd of July, 1993. P03134. This document doesn't
10 have the names of any of the accused upon it, and I hope we'll be able to
11 look at it and just see what it tells us. It's page 2 of the document in
12 the B/C/S, and it's page 3 of the English. In both documents, it's very

13 close to the center of the page under the heading "Course of Significant
14 Incidents."

15 Can you see that, Mr. Curcic?

16 A. Yes.

17 Q. Thank you. I think you may need your microphone on, or two.

18 THE INTERPRETER: Microphone, please.

19 MR. LAWS:

20 Q. Would you just read to yourself the words that follow that
21 heading, "Course of Significant Incidents," under the subheading
22 "Incidents of Security Interest." Just read that paragraph to yourself,
23 if you would. You need to read as far as "Neum municipality," and then
24 you can stop.

25 A. I've read it.

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1 Q. What's being spoken about there is the arrest of 1.820 people who
2 have come from the municipalities of Capljina, Stolac, and Mostar. Can
3 you see that?

4 A. Yes.

5 Q. Can I ask you the same question as I was asking you a little
6 earlier? Were you aware of these large numbers of people being arrested,
7 let's say, in Capljina?

8 A. No.

9 Q. You weren't aware of it?

10 A. For so many people?

11 Q. Well, it's not really a question which is specific to the exact

12 numbers. Were you aware that significant numbers -- lots of people were
13 being arrested in Capljina?

14 A. No, sir. I knew that people were being arrested, but I didn't
15 know the numbers.

16 Q. Well, it sounds like we may not be really disagreeing. You knew
17 that people were being arrested, but you didn't know, what, the precise
18 numbers, or you didn't know it was as many as 1.820; is that what you're
19 saying?

20 A. Mr. Prosecutor, I knew that some people had been arrested, but I
21 said that I didn't know the number. And we also saw from the order
22 earlier on, applying to the military-able men and members of the BH Army,
23 that they were arrested in other areas, too.

24 Q. Yes, there isn't any doubt about that, and people are arrested in
25 wartime and in peace for all manner of things. But I'm asking you about

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1 this wave of arrests, and you know what I mean. You can answer the
2 question, if you choose to. Were you aware that lots of people were
3 being arrested all of a sudden in July?

4 MS. ALABURIC: [Interpretation] Your Honour --

5 MR. LAWS: No, could he answer that question? It's not a
6 difficult question. Could he answer and then could we hear --

7 MS. ALABURIC: [Interpretation] Just an objection to the way it
8 was said, "all of a sudden in July," and I'd like my objection to be
9 recorded. Thank you.

10 MR. LAWS: All right. I don't know if I need to reply to that or

11 not.

12 Can I do, so, because it might just help us. At page 3, it says
13 "this work has already taken three days," the document is dated the 3rd
14 of July. It happened all of a sudden, and I don't know if I can argue it
15 any more forcefully than that. The document speaks for itself. I
16 appreciate that people want to be very precise about things, but the
17 reality is we're going to get there, however long it takes, in my
18 submission.

19 So may I, with the Court's leave, now move on?

20 JUDGE ANTONETTI: [Interpretation] Go on.

21 MR. LAWS:

22 Q. Would you look, please, at P03940. I would ask you to look at
23 that. I'm going to ask you to try my question that elicited the last
24 objection.

25 Were you aware that all of a sudden people were being arrested in

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1 large numbers in July?

2 A. No.

3 Q. Thank you. Let's look at this document. It's dated the
4 following month, the 4th of August, 1993, and you have, I think, had a
5 chance to look at it in the few seconds that have passed since you were
6 shown it first. Is that right, you read it?

7 A. Yes.

8 Q. And it tells -- it is an order that the Muslim population should
9 be rounded up, that no attention should be paid to their age, that they

10 should be taken to two collection centres in Pocitelj and in Sevac, Sevac
11 Polje, that if they resist, then the soldiers arresting them should open
12 fire, and the order is to be carried out as from the 5th of August; can
13 you see that?

14 A. Yes.

15 Q. It relates to something --

16 JUDGE ANTONETTI: [Interpretation] General, how can you explain,
17 militarily-wise, that number 2 -- in bullet point 2, it says: "Do not
18 pay attention to age"? Let me take a theoretical example. Let's imagine
19 that we have children, 10 -year-olds, 12-year-olds, 6-year-olds, and
20 maybe even a 2-month-old baby, everyone will be arrested, everybody
21 should be arrested?

22 THE WITNESS: [Interpretation] That shouldn't be the case, no.

23 JUDGE ANTONETTI: [Interpretation] It's not supposed to be that
24 way. But when you look at the order, if I'm, you know, a soldier, a dumb
25 soldier, I'm told not to pay attention to age, so I arrest everyone, if I

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1 read bullet point number 2 and obey?

2 THE WITNESS: [Interpretation] Your Honour, first of all, I did
3 not write this order and, secondly, I wouldn't issue such an order.

4 MR. LAWS:

5 Q. No, but what I'm asking you is whether you knew that the events
6 that are being ordered there were taking place; that's to say, the
7 round-up of the wider Muslim population was taking place during that
8 summer. Were you aware of that or not?

9 A. Mr. Prosecutor, you wish to say that I knew about each of these
10 detentions. I personally took part in taking some people into custody,
11 and I don't wish to avoid saying that, but I can't know about anything
12 else. I had different activities to attend to and I couldn't follow all
13 this. I knew that some people were being arrested, but I didn't know of
14 the figures and I didn't know how. And as you can see, this order did
15 not refer to me.

16 Q. I'm not suggesting for a moment that it refers to you. I'm
17 asking you if you knew -- let's take specific examples. Did you know
18 that women and children were being arrested?

19 A. Look at it like this: Whether women and children were arrested,
20 well, probably there were certain arrests like that. I know that they
21 did arrest the people who were military able and who wanted to change
22 sides, to go from the HVO to the BH Army. That women and children were
23 arrested, probably they were, but I wasn't in charge of those prisons,
24 but I do believe that women and children were arrested too.

25 Q. Let me try and help you, please, Mr. Curcic. There isn't any

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1 doubt at all that women and children were arrested. There's no
2 "probably" about it. The question is: Did you know about it? It's not
3 a hard question. You've answered a totally different question, a
4 question you'd rather have been asked, rather than the one that I did
5 ask.

6 Did you know that women and children were being arrested?

7 A. Well, I've already answered that. I do believe that they were.

8 I believe they were. I wasn't present.

9 Q. That is not an answer, and you know full well it is not an answer
10 to the question. Do you know -- did you know that they were being
11 arrested? To say "probably they were" is not an answer. We know they
12 were. I'm asking you if in the summer of 1993 you knew or not.

13 A. Mr. Prosecutor, often if they took away the men, it would be
14 illogical for them to leave behind the women and children in the
15 villages. Other units could turn up. So I do believe that they did take
16 away the women and children, not with the aim of incarcerating them, but
17 to save them.

18 Now, not all soldiers were under control, so these detentions and
19 these arrests were not only done ex officio, in the line of duty, so to
20 speak.

21 JUDGE TRECHSEL: I'm sorry, Witness. I have the feeling that I
22 have to recall your duties to you.

23 You should answer the questions the way they are put to you. You
24 have now persistently avoided to do that. You have said something else,
25 and I cannot imagine that you did not understand the question which was

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1 so simple a question. Did you know about that time? Did you give a lot
2 of explanations. You're not asked to give any explanation. The only
3 question is whether you knew that this was happening at that time, and no
4 "probably," "yes," and "perhaps logical," nothing of that kind. This is
5 the way the Tribunal operates, and I would be grateful if you could
6 conform to it.

7 Thank you.

8 THE WITNESS: [Interpretation] Your Honour, I, personally, never
9 saw it, but, yes, they were. But I, personally, didn't see it. That's
10 why I kept saying "I do believe," "I'm sure," or whatever, but I never
11 saw it. I never saw them take anyone, but there were cases like that,
12 and you can't get away from that.

13 MR. LAWS:

14 Q. Whether you saw it or not, you knew full well, by August of 1993,
15 that women were being not only arrested, but also mistreated; you knew it
16 full well, didn't you?

17 A. No, but I do know that one of our members asked that at all costs
18 they try to pull his mother out, because the encirclement that she lived
19 in, there were many members -- former members of a unit.

20 Q. Well, you know the document that I'm about to show you. When did
21 you last see the document that you've just referred to? When were you
22 last -- when did you last sit with the document that you're about to talk
23 about, in your hands, Mr. Curcic? You know the one I mean. When did you
24 last see it?

25 A. It's like this: You're asking me, and you say that I must have

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1 known, that I certainly, of course, I knew when Klepic [as interpreted],
2 who was with us, asked that his mother be protected and that she be
3 allowed to leave or enabled to leave.

4 Q. When did you last see the document that you and I both know we're
5 talking about?

6 A. Yesterday.

7 Q. Yes. Let's turn to it, then, shall we. P03991, a document
8 written by you, Mr. Curcic, on the 6th of August of 1993. Do you want to
9 read it out for us? It's addressed to the police station in Capljina,
10 isn't it? Do you want to read it out for us so that we have it in the
11 record?

12 A. Certainly. The subject says: "Request."

13 "I address you with this request to exempt from maltreatment and
14 from being taken away Ms. Fatima Klepo because her husband has
15 contributed to our unit in many ways, and to enable her to move freely
16 around the Capljina municipality, hoping this request will be positively
17 answered. I thank you in advance," et cetera.

18 Q. Is it husband or son?

19 THE INTERPRETER: "Her son," interpreter's correction, "Her son."

20 MR. LAWS:

21 Q. So you saw that document yesterday, and the line of
22 cross-examination that I'm pursuing is absolutely no surprise to you, is
23 it, Mr. Curcic?

24 A. No, sir, I do have this order. If you have it, I have it, too.
25 Therefore, if you have received it, you must have received it through my

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1 archives. Do you agree with me there?

2 Q. The way this is going to work just at the moment is I'm going to
3 ask you some questions. All right? What did you mean when you said that
4 you requested that Ms. Fatima Klepo be exempted from maltreatment and

5 from being taken away? What did you mean by that?

6 A. Her son came with a request. He asked us to do that for her
7 because he was one of our members, and many people who moved around at
8 that time were out of control. And, of course, I would do the best for
9 each of our fighters, and so on the basis of that, this request was
10 written to the police station, asking them to protect Ms. Fatima Klepo in
11 every respect and to enable her to move around freely.

12 Q. Was her son called Senad Klepo?

13 A. One of her sons was Senad Klepo, and I don't remember the other
14 one's name.

15 Q. I just want to collect, if we may, on our way through one detail
16 about Fatima Klepo. We're going to spend a little bit of time with this
17 document, but let's just get some details.

18 Senad was one of the gentlemen in your unit, and if we look
19 together at a document much further on in the binder, P11066, we'll get
20 his date of birth. P11066.

21 A. Yes.

22 Q. This is a letter by one of your predecessors as commander of the
23 Ludvig Pavlovic, and it records that Senad was born on the 1st of June of
24 1959?

25 A. Yes.

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1 Q. By August of 1993, if he was still alive, he would have been 34?

2 A. Yes.

3 Q. Which if we come back now to his mother, Fatima, in P03911, would

4 mean that even if she had had her son when she was 18 years old, she'd be
5 a woman in her 50s, wouldn't she?

6 A. Sir, I don't know Mrs. Klepo.

7 Q. But we can work out her age very approximately, as a minimum,
8 that she's in her 50s, at least, to have a son of 34 in 1993; right?

9 A. Well, I don't know. Yes.

10 Q. Yes. So the woman that you're writing about, who you're asking
11 the Capljina police to ensure is exempted from being maltreated and being
12 taken away, is a woman in her 50s, at least?

13 A. Mr. Prosecutor, according to those calculations, yes. I never
14 met Mrs. Klepo. I did meet her sons.

15 Q. Why would anyone be taking away from her home and/or maltreating
16 a woman in her 50s?

17 A. I don't know.

18 Q. Well, didn't you ask -- when you say one of her sons asked you to
19 intervene, didn't you say, Well, what are you worried about?

20 A. Well, people were worried. That's why they came with this
21 request. They asked of us to try and protect them in this manner.

22 Q. So you better tell us how you say this letter came about. A man
23 comes to you and says he wants your help to protect his mother; is that
24 right?

25 A. Yes.

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1 Q. And you think that the best thing to do is to write to the
2 Capljina police station and ask them to assist you in having her not

3 taken away or mistreated; is that right?

4 A. Well, he literally asked for this mostly because of the
5 maltreatment, because -- I don't know exactly where they lived, but
6 I think that near where they lived, there were some members even of the
7 HOS, I believe.

8 Q. They lived, it would appear, close enough to Capljina police
9 station for you to think it worthwhile getting them enlisted to assist
10 her; is that fair?

11 A. Mr. Prosecutor, I was trying to help my soldier. He came with
12 this request. I never knew this woman, this lady, nor would I have
13 written this letter had he not asked for it. I -- and I never checked
14 with him what kind of problems she was having and what kind of
15 maltreatment.

16 Q. Well, we may come back to that in a moment. I'm going to suggest
17 to you that this is a letter that is written by somebody who knows very
18 well that women, to take this example, are being taken away from their
19 homes and are being mistreated. That's what I'm going to suggest this
20 letter tells us, first of all, and that state of knowledge, I'm going to
21 suggest, was yours. You were living there and you knew it was happening,
22 didn't you?

23 A. Well, that's what you're saying, and you're claiming it as if you
24 were there then, and I am telling you I didn't know that this was
25 happening. And if you find anywhere where it would show that, you can

1 shoot me on the spot.

2 Q. Well, I'm not going to do that.

3 JUDGE ANTONETTI: [Interpretation] General, no one is trying to
4 shoot you on the spot, of course not, but we're in front of this given
5 situation.

6 Senad Klepo is a soldier in your unit, and it seems, as we saw in
7 the document, that this Senad Klepo was a military policeman. He comes
8 to see you for his mother, Fatima. Why is it that instead of writing, We
9 send this request to exempt Ms. Fatah Klepo from an arrest or from
10 isolation, why are you writing down "maltreatment"? Any Judge seeing
11 this could think the following: Mr. Curcic knows that maltreatment is
12 happening, and he doesn't want Senad's mother to be mistreated, so he is
13 asking for this woman to be exempted from it. What can you say to that?
14 Why did you write down "maltreatment"?

15 THE WITNESS: [Interpretation] Your Honour, perhaps I didn't even
16 have to know the reasons that were presented by Mr. Senad. I'm not even
17 sure if it was him or his brother who came to ask for this. Why would he
18 ask for us to protect his mother? It's possible that he had a conflict
19 with someone in the town, and I did this because I felt that I could
20 address this and protect the woman. And here, as the word "mistreatment"
21 appears, yes, it does suggest that maybe this was a general occurrence,
22 but I'm not saying that there weren't such instances, but I don't know
23 what the reasons were in his mother's case.

24 JUDGE ANTONETTI: [Interpretation] This document contains a
25 mystery. Why did you address this document to the Capljina police? Is

1 this the civilian police? Because if you sent this to the civilian
2 police, this would mean that Mrs. Fatima Klepo was detained by the
3 police.

4 THE WITNESS: [Interpretation] No, Your Honour, I didn't know
5 whether she had been detained or not, and he didn't mention that. I just
6 addressed them with a request of them to try and do everything they can
7 to ensure that Mrs. Klepo has a normal and quiet life and that she should
8 not be mistreated.

9 JUDGE ANTONETTI: [Interpretation] General, listen to the question
10 I'm putting to you. I hate wasting my time, and when I put a question,
11 there are very specific events that underlie the question.

12 This is my question, and I shall repeat it since you didn't
13 listen to it: I'm asking you why you, as you were at the time colonel
14 and commander of the unit Ludvig Pavlovic, you send this letter to the
15 Capljina police. What I would like to know is this: Is this the
16 civilian police or the military police? That said, if it is the military
17 police, maybe you are in authority, and that is why I wanted to know
18 whether this was sent to the civilian police or not.

19 THE WITNESS: [Interpretation] This was addressed -- Your Honour,
20 this request was addressed to the civilian police in Capljina.

21 JUDGE ANTONETTI: [Interpretation] Why did you send it to the
22 civilian police? What part did the civilian police play in the arrest,
23 detention, and perhaps even maltreatment? What role did the police play
24 in this?

25 THE WITNESS: [Interpretation] Your Honour, this is a request. I

1 requested that they try and protect this woman. And you can see that it
2 says there that her son was our member, so this was a request made on
3 behalf of her son. I had never met Mrs. Klepo, and I thought that this
4 was a human -- an act of decency on my part on her behalf.

5 JUDGE ANTONETTI: [Interpretation] I'm impressed by your rank,
6 because not everyone becomes a general in the army. As a rule, a general
7 is a person who usually understands the questions that are being put to
8 him, and for the last 10 minutes you haven't been listening and answering
9 my questions.

10 I'm asking you this: Why is it that the commander of this
11 military unit, Ludvig Pavlovic, you in this particular instance, address
12 yourself to the civilian police to ask Mrs. Fatima Klepo to be exempted
13 from any maltreatment? If you are writing this, this means that you are
14 bound to know that this Fatima Klepo had been arrested or is about to be
15 arrested by the civilian police, and I would like to know this: Why did
16 the civilian police arrest her? The police may have arrested her because
17 an investigative judge asked for this to be done or because the
18 prosecutor was conducting an investigation. There are a whole series of
19 answers to this question. Why did you send this letter to the civilian
20 police? This is what the Bench is trying to understand.

21 THE WITNESS: [Interpretation] Your Honours, if this was a purely
22 military matter, I would address the military police, probably. However,
23 this was really something that was outside the framework or the service.
24 This was my request, as a commander of this unit. It wasn't an order

25 but, rather, a request to exempt Mrs. Klepo; in other words, not to put

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1 her in a situation where she would be mistreated or taken away. In other
2 words, she had not been arrested or taken away by that point in time, but
3 that it might happen, because here it says that she should be exempt from
4 this so that she shouldn't be put in this position where she could or
5 might be taken away, and this because her son had made a contribution to
6 our unit.

7 JUDGE ANTONETTI: [Interpretation] We have all understood this,
8 because her son was in your unit. This is not something we are
9 reproaching you for. But what is astonishing in this document is that
10 one could infer that you were aware of maltreatments because you write it
11 in this letter, and this is a mystery I'm trying to solve. Why is it
12 that the civilian police arrested her? You have just said that it was to
13 prevent her arrest. According to you, who was supposed to arrest the
14 Muslim women; you, the military police, the army, the civilian police?
15 Who had the power to arrest the civilians?

16 THE WITNESS: [Interpretation] Your Honours, the power to arrest
17 rested with the police and with the military. Now, the right was only
18 something that -- the right was within the military only in the course of
19 some action or in protecting civilians. I never received any document
20 regarding this arrest, but when I mention mistreatment, whenever there
21 are arrests and detentions, there's always mistreatment, so that in the
22 case of Mrs. Fatima Klepo, I would never have put this together, this
23 communication, had her son not come to me.

24 JUDGE ANTONETTI: [Interpretation] I assume that there was a
25 telephone at the civilian police building. I assume you had a telephone.

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1 And between your office and the police station, it wasn't that far away.
2 So why did you feel it was necessary to write this letter when this could
3 have been settled over the phone in a few minutes? So why did you write
4 this letter?

5 THE WITNESS: [Interpretation] Because he insisted, her son. The
6 son of Mrs. Klepo insisted that we send this in writing.

7 JUDGE ANTONETTI: [Interpretation] But in that case, you had the
8 soldier standing before you. All you need have done was to phone up the
9 commander of the civilian police. You could have said, Senad Klepo is
10 here in front of me. Please do not arrest his mother. Why didn't you do
11 that?

12 THE WITNESS: [Interpretation] Your Honour, I really cannot now
13 say with certainty whether it was Senad Klepo or his brother. I could
14 have done this by phone, but it had greater weight when it was in writing
15 because he could also show it to someone else.

16 JUDGE ANTONETTI: [Interpretation] Mr. Laws.

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

18 Q. Let's go back to P03940, which is the order that I showed you
19 from Nedjeljko Obradovic in which he instructs --

20 A. Could you please repeat the number?

21 Q. Certainly. P03940. It's the document immediately before the one
22 we're looking at. Just go back one document.

23 A. I've found it.

24 Q. It's dated the 4th of August. It says, at paragraph 6, that the
25 order to start arresting people in this way should be carried out on the

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1 5th of August. All right? And it's that week in August, Mr. Curcic, in
2 which this campaign of arresting civilians started to gather pace, isn't
3 it? It's the same week you write your letter. Your letter is dated the
4 6th of August of 1993, is it not?

5 A. That's correct.

6 Q. Are you saying that in some way that is a coincidence, that you
7 happened to be writing to intervene for Fatima Klepo precisely when
8 orders are being given to arrest the civilian population and shoot them
9 if there's any trouble? Are you saying it's just a coincidence?

10 A. Yes.

11 Q. Well, it's not, is it? You were well aware of what was going on
12 in Capljina. You were not living there with blinkers over your eyes and
13 mufflers over your ears. You knew full well what was happening, and
14 you'd intervened -- well, I'll break the question down. First of all,
15 last chance to tell us. You knew full well what was happening to the
16 civilian population in your municipality, didn't you?

17 A. I didn't know full well. You heard a minute ago that I was --
18 that I was a member of a unit that was a manoeuvre-type unit, and I was
19 frequently on the ground in the field.

20 Q. And you were intervening for one particular person because her
21 son was on your side?

22 A. Precisely, Mr. Prosecutor. Had I known of this order, I would
23 have intervened with Mr. Miljenko Obradovic -- Nedjeljko, who actually
24 drafted this, because we're friends and I know him and he knows me.

25 Q. Well, that's very interesting, because if we look together,

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1 please, at another document I'm going to ask you about, we might see
2 whether he was doing the same thing.

3 Would you look at P02813, P02813. It's a little earlier that
4 summer. It's an approval by, as you say, your friend Milenko Lasic,
5 dated the 17th of June of 1993. Do you --

6 JUDGE TRECHSEL: I'm sorry, Mr. Laws. I think the friend was
7 Obradovic right now.

8 MR. LAWS: I'm so sorry.

9 Q. Was the friend Obradovic or Lasic?

10 A. Obradovic. It was his order. The previous order was his.

11 Q. Well, we'll come to him, too. Let's have a look at P02 --

12 JUDGE ANTONETTI: [Interpretation] One moment. General Praljak
13 has got a problem.

14 THE INTERPRETER: Microphone, Your Honours.

15 THE ACCUSED PRALJAK: [Interpretation] All right, now we have it.

16 There are five Obradovics. The witness said that one of his
17 friends was Obradovic, and then there is another Obradovic in the
18 signature there. So there will be total confusion here, so I would
19 appreciate if, in addition to the last name, the first name was mentioned
20 as well.

21 JUDGE TRECHSEL: If you were attentive, you would have heard --

22 JUDGE ANTONETTI: [Interpretation] Let's try and --

23 JUDGE TRECHSEL: -- that the witness said "Nedjeljko Obradovic."

24 You find it even two times, page 97, line 11.

25 JUDGE ANTONETTI: [Interpretation] Mr. Laws, the signatory of this

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1 document is Miljenko Obradovic?

2 MR. LAWS: Yes, it is. The document that we've just been looking

3 at -- Your Honour's just said "Miljenko Obradovic." The document I've

4 taken the witness is signed by Milenko Lasic. It may very well be it's

5 my fault for injecting some confusion, but it's not going to matter at

6 all.

7 We're going to have a look at this document now, P02813, signed

8 by Brigadier Milenko Lasic, who's the commander of the South-East

9 Herzegovina OZ. All right?

10 Q. Do you have that document?

11 A. Yes.

12 Q. Thank you. The number is P02813. That document appears to

13 approve the travel of Asim and Serifa Kasimovic [phoen] and them staying

14 in their family house in the area of Capljina or Stolac municipality, and

15 it asks the commander of the 1st Brigade, Knez Domagoj, as well as the

16 military police in that area, to fully protect those persons. Can you

17 see that?

18 A. Yes.

19 Q. And I'm going to suggest to you for you to consider it's rather a

20 similar situation sort of situation to the one that we looked at with
21 you, where you're asking for a particular individual to be given
22 protection from what's going on. Do you agree with me?

23 A. Yes.

24 Q. Thank you. And I'm going to suggest to you that that's because
25 he knew the situation --

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1 JUDGE ANTONETTI: [Interpretation] General, I'm trying to
2 understand. You commanded the Pavlovic unit. This was a professional
3 unit. Here, we see that there was the Knez Domagoj Brigade. I'm
4 wondering who is in charge. Was your professional unit reporting to or
5 was it subordinated to the commander of the Knez Domagoj Brigade or was
6 this commander subordinated to you? Because we have documents that lay
7 the blame at the foot of a X, Y, Z. So when you were in Capljina, you
8 commanded your unit, but were you commanding all the military in the HVO
9 that were there, or was it the commander of the Knez Domagoj Brigade who
10 was in charge of --

11 THE WITNESS: [Interpretation] Your Honour, my unit,
12 Ludvig Pavlovic, was subordinated to the Main Staff of the HVO. For the
13 use of my unit, it was necessary to obtain the approval of the Chief of
14 the Main Staff or, in special situations, in first-hand actions. We were
15 lodged or accommodated at the barracks in Capljina, but we had a lot of
16 territory under our control. We were the unit that had the largest
17 territory, so that we spent very little time in the barrack, itself.

18 Knez Domagoj was a brigade that was -- whose members were from

19 Capljina, Neum, and Stolac. This was a local unit that protected its
20 territory, whereas my unit came to assist them when required, as it did
21 go to other areas to assist units in Jablanica, Konjic, Mostar, and so
22 on. So neither could Colonel Obradovic issue orders to me, nor could I
23 issue orders to him.

24 Miljenko Lasic, that we see as the signatory of this document,
25 was the commander of the South-East Herzegovina Operation Zone. He was

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1 the commander of all the local brigades in that area, including the
2 Knez Domagoj Brigade, whereas he could only issue orders to my unit when
3 I was re-subordinated to him by the Main Staff.

4 JUDGE ANTONETTI: [Interpretation] General, in the chain of
5 command, there is the HVO commander, then there is the commander of the
6 operational zone, then there is the commander of the brigade,
7 Knez Domagoj, and you are simply attached to the Main Staff of the HVO;
8 is that right?

9 THE WITNESS: [Interpretation] I was a unit of the Main Staff, and
10 therefore the Main Staff deployed me where it saw fit. And I was with
11 the unit at the barracks in Capljina.

12 JUDGE ANTONETTI: [Interpretation] When problems concerning the
13 civilians arise, when these people are arrested, who is in charge, the
14 Knez Domagoj commander, the commander of the operational zone, or even
15 the commander of the HVO? You are not a part of the chain of
16 responsibility in case there are arrests, unless you are asked to help
17 arrest these people?

18 THE WITNESS: [Interpretation] Your Honour, I took part in a
19 village where the separation line was for disarmament, but I wasn't in
20 the others, because my unit wasn't envisaged for things like that. So
21 the line went this way: The Main Staff, the operative zone, and the
22 local brigade.

23 JUDGE ANTONETTI: [Interpretation] That, I understood.

24 Yes?

25 MR. KOVACIC: [Interpretation] We need to correct the transcript

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1 on page 101, line 5. The witness said "because my unit was not envisaged
2 for things like that." The negative is lacking, the "not" is missing
3 there.

4 JUDGE ANTONETTI: [Interpretation] Very well.

5 It's time to stop now because it is just about 7.00.

6 Mr. Laws, you have had one hour and twenty-nine minutes. You
7 will have 31 minutes left for tomorrow. Do you agree with this,
8 Mr. Laws?

9 MR. LAWS: I don't, with respect. I think it might be the other
10 way around.

11 JUDGE ANTONETTI: [Interpretation] Yes. Since you put a lot of
12 questions, I thought you had already had one hour and 29 minutes. No,
13 you've actually had 31 minutes, and you have one hour and 29 minutes
14 left. Thank you, Registrar. I made a mistake. Thanks to you, I was
15 able to correct my mistake.

16 Tomorrow, we shall meet again at 9.00, since we are sitting in

17 the morning.

18 Witness, in the meantime, you must contact no one and you must
19 not discuss your testimony with anyone, unless your wife, of course. I
20 hope you've understood me well.

21 THE WITNESS: [Interpretation] I have, Your Honour.

22 JUDGE ANTONETTI: [Interpretation] I wish you all a pleasant
23 evening. We shall meet again tomorrow at 9.00.

24 [The witness stands down]

25 --- Whereupon the hearing adjourned at 7.00 p.m.,

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1 to be reconvened on Tuesday, the 13th day of
2 October, 2009, at 9.00 a.m.

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