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1 Tuesday, 13 October 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric and Pusic not present]

5 [The witness takes the stand]

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

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

9 THE REGISTRAR: Good morning, Your Honours. Good morning,  
10 everyone in and around the courtroom.

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

13 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar. Today is  
14 Tuesday, the 13th of October, 2009. I would like to greet our witness.

15 General, the Bench greets you.

16 Mr. Prlic, Mr. Stojic, Mr. Petkovic, and --

17 MS. TOMANOVIC: [Interpretation] I apologise, but the witness says  
18 he's not receiving the interpretation.

19 JUDGE ANTONETTI: [Interpretation] Yes, we have a problem.

20 WITNESS: DRAGAN CURCIC [Resumed]

21 [The witness answered through interpreter]

22 JUDGE ANTONETTI: [Interpretation] Can you hear now?

23 Fine. I was saying that I would like to greet you, first and  
24 foremost. I would also like to greet the accused - Mr. Pusic, that said,  
25 is absent. I assume he's ill. And I would like him -- and wish him a

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1 quick recovery - Defence counsel, the OTP members who are here in the  
2 courtroom today, as well as all the people assisting us.

3 Mr. Laws' cross-examination will resume, and I shall give him the  
4 floor.

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

6 Good morning to each of Your Honours and to everyone in and  
7 around the courtroom, and good morning to you, Mr. Curcic.

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

9 Q. Can I take you back, please, to a document that we were looking  
10 at yesterday, P02813, just so that we pick up the thread. P02813. We  
11 looked at that yesterday, and you agreed with me that  
12 Brigadier Miljenko Lasic appeared to be giving a similar sort of approval  
13 to the one that we saw that you gave on the 6th of August. Do you  
14 remember we looked at that?

15 A. Mr. Prosecutor, mine was a request, and this is an approval or  
16 certificate, confirmation.

17 Q. Very well, thank you. Just so that we have the full picture, can  
18 you turn back three documents to P02240, and I just want to have a look  
19 at Miljenko Lasic. This is a document that relates to Mostar. And I'm  
20 going to go on to Mostar in a moment; I don't want to deal with Mostar as  
21 a topic now. I just want to see Miljenko Lasic, on the

22 9th of May of 1993, issuing orders to your unit and, in paragraph 4,  
23 holding you responsible for the implementation of an order to deploy to  
24 Mostar. All right?

25 We're going to deal with Mostar as a topic separately, but what I

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1 want to glean from that document now is this: He was in your chain of  
2 command, the gentleman who issued the request or approval in P02813, was  
3 he not?

4 A. Mr. Prosecutor, I arrived in Mostar a day earlier, and I was  
5 subordinated to the operative zone in South-East Herzegovina, **and so**  
6 Mr. Miljenko Lasic had the right to be my commanding officer because I  
7 was already under his command from the 9th onwards.

8 Q. Yes. He was the commander of the South-East Herzegovina **zone of**  
9 operations, and he was a superior officer to you, was he not?

10 A. He was my superior officer for the time being because of the  
11 events that were happening. Before [as interpreted] the 9th, I was  
12 re-subordinated to Mr. Miljenko Lasic.

13 Q. Did you know him? Was he somebody with whom you met and  
14 conversed?

15 A. Yes.

16 MS. PINTER: [Interpretation] I apologise, but for the record, a  
17 correction to the record. The witness didn't say "before the 9th," that  
18 he was re-subordinated before the 9th, but he said that he was  
19 re-subordinated "on the 9th." So I want to put that right in the record.  
20 And it is page 3, line 7. So on the 9th.

21 MR. LAWS: Yes, thank you.

22 Q. He was somebody who you met and who you spoke to. Did the two of  
23 you ever discuss these requests or approvals that you both issued,  
24 exempting or asking for certain individuals to be treated in a specific  
25 way?

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1 A. Mr. Prosecutor, Mr. Lasic issued an approval. I never issued  
2 approvals. I wrote requests, I wrote a request.

3 Q. You know I'm going to suggest to you, which is precisely what I'm  
4 asking you: Did you and he discuss the approvals, or requests, or  
5 whatever you want to call them, efforts to exempt certain specific people  
6 from what was happening in the Stolac and Capljina municipalities? Did  
7 you and he ever discuss that as a topic?

8 A. No, we did not.

9 MR. LAWS: Can we turn and look at P04044.

10 Q. This is a document dated the 9th of August of 1993. It relates  
11 to Rama. It's signed by Ilija Franjic, the military police commander,  
12 and it's called a "Ban on harassment" as its subject. Can you see that?

13 A. Yes.

14 Q. Were you at any time deployed in this area in the summer of 1993?

15 A. Possibly. I'm not quite sure. It is possible because I was in  
16 the area of Prozor-Rama fairly frequently.

17 Q. Yes. You were in Prozor and Rama quite often, including in the  
18 summer of 1993, were you not?

19 A. Mr. Prosecutor, I can't say for sure. It is highly possible. I

20 know for sure that I was there in April, for instance.

21 Q. All right. Well, let's have look at --

22 A. But I can't say for sure.

23 Q. Let's have a look at what the document says:

24 "Ban on harassment.

25 "The consent is given that the family of Mihad Kulagic must not

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1 be prosecuted, or detained by no means, nor expelled from the  
2 house because that gentleman is engaged in the Rama Brigade units ..."

3 And:

4 "The consent is said to be valid until further notice or its  
5 revocation."

6 Again, I'm going to suggest to you that rather a similar request  
7 is being made to the one that you made and the one that Mr. Lasic made to  
8 exempt a particular individual for a particular reason. Do you agree  
9 with me?

10 A. Well, I don't know, Mr. Prosecutor, why he was asking for this.  
11 I don't know. The person who compiled this document is Ilija Franjic.

12 Q. It tells us why he's being exempted, because he's in the  
13 Rama Brigade. It's precisely the same reason that Fatima Klepo was  
14 exempted because Senad Klepo was in the Ludvig Pavlovic Battalion. It's  
15 the same thing.

16 A. No. This is approval or agreement to the ban on harassment, so  
17 something that was.

18 Q. Well, what can you tell us about the events in Prozor-Rama in the

19 summer of 1993 that might lead to somebody needing to be exempted from  
20 being persecuted, or detained, or expelled from their house? Was that  
21 something that was going on in that area that you knew about?

22 A. Mr. Prosecutor, in Rama, from the beginning of the conflict until  
23 the truce between the Croats and Bosniaks, there were daily clashes. And  
24 in those daily clashes, the civilians would flee towards territory where  
25 they felt safer, and those who stayed on perhaps had some problems. And

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1 you must know and be aware of the fact that due to killings and  
2 woundings, some members might take it upon themselves to retaliate. But  
3 here we have in Rama the Rama Brigade and this agreement on the ban on  
4 harassment, so I don't actually know what Mr. Franjic wanted.

5 Q. Would you turn on, with me, please, in the binder to P06002.  
6 It's a document from October of 1993, signed by Ivica Lucic. Just take a  
7 moment to read that, if you would, please, Mr. Curcic.

8 A. Yes, I've read it.

9 Q. So a request that there be protection for the apartment of  
10 Mr. Hadziosmanovic in Mostar. Again, you and your battalion spent time  
11 in Mostar. Were you aware that events in Mostar required that  
12 individuals had their apartments put under protection?

13 A. Mr. Prosecutor, there's no mention here of me or my unit. What  
14 is requested is that the military police provide security. I see no  
15 reason -- well, since I was in Mostar at the time, although I don't think  
16 I was in Mostar at the time.

17 Q. The Ludvig Pavlovic Battalion certainly went to Mostar several

18 times, didn't it?

19 A. Of course, yes.

20 Q. And did the events that you saw in Mostar give you any insight  
21 into why the military police would need to protect a flat of a Muslim  
22 male who had certain political views? Did you see what was going on in  
23 Mostar?

24 A. Mr. Prosecutor, it says in this document, very specifically, what  
25 it was about. It says:

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1 "Because of increased tension in town, we consider that  
2 protection and security is necessary 'round the clock."

3 So this has been established in this document. How should I know  
4 whether the man actually needed protection or not, regardless of the fact  
5 that I came into Mostar with my unit?

6 Q. Well, I'm not asking you whether you thought he needed  
7 protection; I'm asking you whether you saw things in Mostar. And I asked  
8 you the same question about Prozor-Rama and about Stolac-Capljina,  
9 whether you saw things in Mostar that accorded with this sentiment that  
10 certain individuals needed to be protected from what was going on. Did  
11 you see such events?

12 A. You're asking me a general question. If I was somewhere, and  
13 then you asked me about some specific event and quote a date, so it's  
14 very difficult for me to put together an answer. Let's talk about the  
15 22nd of October, for instance, when this document was compiled.  
16 Obviously, the assistant minister here assessed the need for

17 'round-the-clock protection for this man, and most probably there was  
18 reason for him making that decision. I can't say why an assistant  
19 minister is writing something or not.

20 Q. Well, I haven't, with respect, Mr. Curcic, asked you to try to  
21 say why he should write anything. I'm asking you whether in these  
22 locations that we're looking at you saw things going on that accorded  
23 with the need to protect individuals, for orders or requests to be made  
24 asking for protection to be afforded to certain individuals. Did you  
25 see -- let's take Mostar, for example. Did you see people or hear about

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1 people having their flats broken into, looted, people being taken away,  
2 or forced out at gunpoint? Did you see events or hear of events of that  
3 kind?

4 A. Now you've got about five questions there, but let me try and  
5 answer.

6 Flats were broken into as soon as the JNA officers left them, and  
7 both Croats and Muslims broke into them. Now, when the conflict began  
8 between the Croats and Bosniaks, the first thing that happened as a  
9 result was that the civilians fled, because civilians always flee from a  
10 site where there's fighting going on. So if people wanted to find safety  
11 and security in areas controlled either by the HVO or the BH Army, then,  
12 once again, flats would be left vacant and people would take up  
13 accommodation in them and break into them. So I, personally, wasn't  
14 present, what you're asking me about, whether somebody broke into the  
15 flats or not.



16 Q. I'm going to suggest to you that the picture that emerges from  
17 the documents that we've looked at is a campaign of persecution of the  
18 Muslim population. That's the first thing. What do you say about that?  
19 The Muslim population were being persecuted month after month after  
20 month, were they not?

21 A. Mr. Prosecutor, I don't know the exact number of Muslims who  
22 stayed on in Mostar, but I do know that the figure is a large one. That  
23 certain people were persecuted, that is possible, but I do know that lots  
24 of Muslims stayed on in the area of Mostar under the control of the HVO.

25 MS. NOZICA: [Interpretation] Your Honours, with your permission,

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1 first of all, let me say good morning to everybody. I let the witness  
2 answer. I didn't want to interrupt the examination, but I do have to  
3 step in for the transcript because in the document last shown by the  
4 Prosecutor, which is P60002, it says, quite clearly, why protection is  
5 being sought, political -- or, rather, protection for a rather important  
6 political figure, as it says here, and he was the president of the Muslim  
7 Democratic Party in Mostar.

8 So it's a document which, in peacetime, is also customary. Or,  
9 rather, it's a step taken in peacetime, because in peacetime, too, flats  
10 of important political figures are protected. And here in this document,  
11 it is stated why this protection is being sought, because of a killing  
12 that had taken place, the murder. And so that's what I wanted to say  
13 with regard to the last question asked by my learned friend.

14 MR. KOVACIC: [Interpretation] Your Honours --

15 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, there was no need  
16 to step in, because the Judges have read the document and we see why this  
17 doctor is being protected, the president of the SDA, Hadziosmanovic,  
18 because someone has been killed prior to that, a Croat Muslim has been  
19 killed.

20 So perhaps the Dr. Hadziosmanovic was also for the Croats. We  
21 don't know. So in October, this man is being protected. This is what  
22 the document states.

23 The Prosecutor is addressing another topic, so let him take the  
24 floor and let him address the topic he wishes to address. He's going to  
25 put questions to the witness.

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1 Mr. Kovacic.

2 MR. KOVACIC: [Interpretation] I apologise for intervening, but  
3 I think there should be a correction to the transcript to avoid further  
4 misunderstanding.

5 On page 8, line 14, it says here that the witness's answer was:

6 [In English] "Mr. Prosecutor, I don't know the exact number of  
7 the Muslims who stayed on in Mostar, but I do know that the figure is a  
8 large one."

9 [Interpretation] End of quotation. That is completely incorrect.  
10 I'm quite sure -- could the witness be asked to repeat? The witness  
11 said, I don't know the exact number of Muslims who stayed on in  
12 West Mostar, but I do know that the number was great.

13 Quite a different qualification. Perhaps it's best for him to

14 repeat.

15 JUDGE ANTONETTI: [Interpretation] Witness, what did you say,  
16 exactly?

17 THE WITNESS: [Interpretation] Your Honour, I don't know the exact  
18 number, but I do know that there were many of them who stayed on in the  
19 part of town which was under the control of the Croats. And when I say  
20 that, I mean the Bosniak Muslims I'm referring to.

21 JUDGE ANTONETTI: [Interpretation] Mr. Laws.

22 MR. LAWS: Very well.

23 Q. Would you turn on with me, please, to document P09 -- P09847,  
24 which is a document under seal, Mr. President.

25 This document is going to take us back to what was actually

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1 happening in Capljina and Stolac in the summer of 1993.

2 And when you find the document, Mr. Curcic, you'll find that in  
3 the B/C/S there's a little number in the bottom right-hand corner.  
4 You're looking for a little "4 of 6." And in the English, it's page 2,  
5 halfway down the page.

6 A. Could you repeat the number of the document, please? What did  
7 you say, 09 --

8 Q. 09847.

9 MR. LAWS: I don't think the witness is having much luck with the  
10 binder. Could he perhaps have a hand. Thank you very much.

11 Q. In this document, if you look in the bottom right-hand corner of  
12 the B/C/S, Mr. Curcic, you'll see there are numbers. If you find

13 number 4 of 6 and look at the very top of the page, you'll find the

14 paragraph that I want to direct your attention to. It starts:

15 "On the 13th of July ..."

16 Can you see that?

17 A. Yes.

18 Q. " ... women, children, and old people (the men were already  
19 detained since a week) from seven villages between Stolac and Capljina,  
20 at least 420 people, were ordered by HVO soldiers to climb six army  
21 trucks immediately."

22 You read the rest of that paragraph to yourself, we'll read it  
23 too, and then in just a moment I'll ask you to read another short  
24 paragraph. Tell us when you finish that one.

25 A. I've read it.

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1 Q. Thank you. If you come down three paragraphs from where you are,  
2 you'll see, on the B/C/S, just next to the black rectangle to the right  
3 of the page, there's a two-line paragraph:

4 "The evictions and rounding up of people, including the women,  
5 children, and old people, have been violent with threats and shooting  
6 over their heads."

7 Can you see that?

8 A. Yes.

9 Q. Well, what I'm going to suggest to you is that when you wrote  
10 about Ms. Klepo being exempted from ill treatment and being taken away,  
11 this was precisely what you had in mind, wasn't it?

12 A. I don't understand.

13 Q. When you wrote a letter on the 6th of August asking that  
14 Fatima Klepo from Capljina be exempted from taking away and ill  
15 treatment, this that we've just looked at, that was actually happening in  
16 your area, was precisely what you had in mind, wasn't it?

17 A. I don't agree with you there. As for Ms. Klepo, I wrote it  
18 following a request from her son. Now, I know that soldiers did arrest  
19 people; we've already been through that. And also these expulsions of  
20 the 13th, I wasn't there, I wasn't present, so I don't know what  
21 happened, that there was shooting above civilians' heads.

22 MS. TOMANOVIC: [Interpretation] Just a moment, please. We have a  
23 major mistake in the transcript and interpretation.

24 On page 12, line 6 -- no, line 5, the witness said, "I know that  
25 soldiers were arrested." And the interpretation was: "I know that

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1 soldiers arrested people." Perhaps it would be a good idea if the  
2 witness were to repeat what he said so that we can see if I'm right or  
3 not.

4 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Witness. Can you  
5 specify what it was exactly you wanted to say?

6 THE WITNESS: [Interpretation] Your Honour, I know that soldiers  
7 and possible conscripts were arrested. I don't know that women and  
8 children were arrested or where they would go with them.

9 MR. LAWS:

10 Q. In August, the internationals - as we've just seen in that

11 document - the United Nations knew what was going on in your  
12 municipality, and you're saying to us that you didn't. Is that it,  
13 Mr. Curcic?

14 A. Mr. Prosecutor, precisely on the morning of the 13th of July,  
15 there was a strong diversionary attack throughout the Dubrava Plateau  
16 conducted by sabotage groups, members of the previous  
17 Croatian Defence Council who had joined the BH Army, or, rather, previous  
18 members of the HVO who'd joined the BH Army. And I took part from the  
19 early morning of the 13th and over the next four or five days until the  
20 lines had been fully established, the defence lines, I mean. I know that  
21 for a fact, because on the 13th, in those -- in that fighting that went  
22 on the whole day and the following day, and over the next few days, three  
23 of my men were killed, and two exactly on the 13th: Bule, and one man  
24 called Ivankovic from Visici. So when you're asking me now that some  
25 people did some shooting, I don't know that. But where we were fighting,

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1 all the civilians had fled, all the civilians who were both Croats and  
2 Bosniaks, both.

3 MR. LAWS: Thank you.

4 JUDGE TRECHSEL: Excuse me. Witness, were you talking about the  
5 13th of June now?

6 THE WITNESS: [Interpretation] The 13th of July.

7 JUDGE TRECHSEL: Thank you. I just verify because this document  
8 does not refer to the date of 13 July. It refers to 13 of June, at least  
9 in the version I have. So --

10 THE INTERPRETER: Microphone, please. Microphone for counsel,  
11 please.

12 MS. TOMANOVIC: [Interpretation] Judge Trechsel, if I might be of  
13 assistance. The Prosecutor started his question referring to this  
14 document, and on the second page of this document, the ERN number being  
15 R003-6133, and in paragraph 5 on that page, the paragraph begins with the  
16 13th of July. It says "the 13th of July," and that was precisely what  
17 the Prosecutor based his question on. Thank you.

18 JUDGE TRECHSEL: Thank you very much. Sorry, I got stuck in the  
19 second paragraph of the page. Thank you.

20 JUDGE ANTONETTI: [Interpretation] General, I have a follow-up  
21 question for you. I have listened carefully to what you told us about  
22 what happened on the Dubrava Plateau. You explained to us that you spent  
23 several days fighting, and three of your soldiers were killed. Right.

24 In the document we have before us, it says the following:

25 "On 13th of July, 420 people are arrested, and these people are

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1 then taken to the silo building in Capljina, where these people are going  
2 to be detained for three days."

3 Since you weren't there, it is practically sure that you did not  
4 know that these 420 people were detained. But in the document, at the  
5 end of the document, it states that on the 22nd or 23rd of July, this  
6 group of people was taken elsewhere, to Doljani and Jablanica. And then,  
7 three days later, another group was transported to the front-line area,  
8 and you remained on the Dubrava Plateau for several days. But when you

9 returned to Capljina, if you returned on the 18th or 19th of July, the  
10 people left on the 22nd of July, so for a few days you may have seen or  
11 heard about the fact that civilians were there. Is that possible or  
12 totally impossible?

13 THE WITNESS: [Interpretation] Your Honours, it is quite possible.  
14 I told you it was about four to five days when I and part of the command  
15 returned to Capljina, and we certainly did for one day in order to attend  
16 the burials of these members. But the fighting went on for I don't know  
17 exactly how many days, and when I returned with the unit to the barrack  
18 in Capljina, I did not find -- I didn't see anyone there.

19 I know, and I repeat it, that there were arrests of military  
20 conscripts, but whether women and children were taken away, I really  
21 don't know because I was in the area where the conflict was going on and  
22 there were no women and children there. So in the town itself, I didn't  
23 see these trucks or these people who were taken -- transported to  
24 Doljani, because I know where Doljani, near Jablanica, is.

25 JUDGE ANTONETTI: [Interpretation] General, I know that you were

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1 born in Zenica, and you must have known that at the same time Croats were  
2 detained in Zenica. Did you know about that?

3 THE WITNESS: [Interpretation] I did know it.

4 JUDGE ANTONETTI: [Interpretation] You knew it. Very well.

5 Did you know that the rule was to exchange civilians from one  
6 side to the other? This was a common practice, and the international  
7 community knew this very well, that civilians were exchanged. Did you



8 know about this?

9 THE WITNESS: [Interpretation] Your Honours, I know that war --  
10 prisoners of war, both members of the HVO and the BH Army, were exchanged  
11 mutually. I do know that columns of refugees did come to Bosnia **and**  
12 Herzegovina **because there were a lot of people I knew there. As I was**  
13 telling you, the people from the Capljina area, the civilians, had moved  
14 out, but how and when, I don't know because I didn't -- I wasn't there.

15 But at the time when there were daily clashes and fighting  
16 between the BH Army and the HVO, as one or the other side took over  
17 control over a certain area, so as one side or the other took control  
18 over a certain area, then the civilian population that was not from that  
19 ethnic group would move out and go to the territory that was under the  
20 control of their army.

21 JUDGE ANTONETTI: [Interpretation] General, earlier we saw a  
22 document where the civilians, women and children, were brought together,  
23 sometimes were abused; and in order for things to happen smoothly, people  
24 were shooting over their heads. According to you, is this proper  
25 military conduct?

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1 THE WITNESS: [Interpretation] No, that kind of treatment would  
2 not be in compliance with military duty.

3 MR. LAWS:

4 Q. Last question about this topic, and then we're going to turn to  
5 something else.

6 Do you know if Fatima Klepo managed to avoid being ill-treated

7 and taken away?

8 A. No.

9 Q. You don't know, or she didn't manage to survive?

10 A. No, I don't know. I never met that person afterward.

11 Q. You told us that. But her son, who you say had asked you to  
12 write this letter for reasons you're not fully aware of, he didn't ever  
13 come to you and say that there'd been a problem with his mother?

14 A. No.

15 Q. It's the sort of thing that a commanding officer learns from his  
16 soldiers, isn't it?

17 A. I never learned that from him.

18 MR. LAWS: No. Thank you.

19 JUDGE ANTONETTI: [Interpretation] General, overnight I thought of  
20 a question for you, and the Prosecutor is giving me an opportunity for  
21 this: Could you tell me whether Senad Klepo stayed in your unit  
22 throughout the entire time?

23 THE WITNESS: [Interpretation] No, Your Honours. Senad Klepo and  
24 his brother left. And as far as I know, they left -- they went abroad.

25 JUDGE ANTONETTI: [Interpretation] Did they leave right after

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1 making this request, soon after making this request, or a long time after  
2 that? Maybe they left because, after having seen that their mother was  
3 not protected, they lost trust in your unit and left. Could you tell us  
4 when they left?

5 THE WITNESS: [Interpretation] Your Honours, I don't know. This

6 can be verified through the records, the unit records.

7 JUDGE ANTONETTI: [Interpretation] Very well. One last question,  
8 another question I thought of overnight: Could you tell us how many men  
9 were in your unit?

10 THE WITNESS: [Interpretation] Your Honours, the manpower -- the  
11 unit manpower would vary anywhere between 192 members, and that's the  
12 number of us that came to Herzegovina, up until the end when there were  
13 up to 350 members. At this time, I was no longer a commander. But all  
14 the unit members were not registered immediately, nor were contracts  
15 drawn up with them, so this is something that we would have to check, to  
16 look at the map of the unit structure.

17 JUDGE ANTONETTI: [Interpretation] Last question: During your  
18 period of command, could you tell us how many of your men were killed?

19 THE WITNESS: [Interpretation] In total, the unit numbered -- the  
20 unit had 34 men -- lost 34 men, 34 were killed. And while I was in  
21 command, I think there were 21 dead.

22 JUDGE ANTONETTI: [Interpretation] Thank you.

23 Mr. Laws.

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

25 Q. Very well, let's start a new topic. Shall we look, please,

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1 together at the Ludvig Pavlovic Battalion, and start with a document in  
2 your binder, P02632. And this appears to be a document written by you on  
3 the 4th of June of 1993. Can you confirm that for us?

4 A. I am not the author of this document. You can see at the bottom

5 that it said "for Ferdo Herceg."

6 Q. It has, at the bottom, your name typed, does it not?

7 A. Yes.

8 Q. On Ludvig Pavlovic-headed letter paper, is it not?

9 A. Yes, Mr. Prosecutor. But you can see, next to my name --

10 Q. Just a moment. And it has a stamp at the bottom - does it  
11 not? - through the name?

12 A. Yes.

13 Q. And you were going to tell us someone else has signed it on your  
14 behalf?

15 A. Yes, but I can explain this document. However, I did not sign  
16 it. Ferdo Herceg, my deputy, signed it, and you can see that on the  
17 document. It says there are four --

18 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

19 MS. PINTER: [Interpretation] Counsel, I would just like to point  
20 out a matter -- an issue with interpretation, and this is why the  
21 Prosecutor suggested to the witness that he had signed it. The  
22 translation of the document does not contain the word "for," which can be  
23 found in the original.

24 MR. LAWS: I said that he was the author of it, not that he  
25 signed it.

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1 MS. PINTER: [Interpretation] Well, nevertheless, the translation  
2 is not in compliance -- is not -- does not accord with the original,  
3 because in the original it says that this was signed "for" the unit

4 commander and not "by" the unit commander. So that is my remark or note  
5 that has to do with the translation.

6 JUDGE ANTONETTI: [Interpretation] It's noted on the transcript,  
7 this document was not signed by this person, but by someone else.

8 Mr. Laws.

9 MR. LAWS: Thank you.

10 Q. Would you read with me, please, the paragraph below the word  
11 "receipt" in the middle of the page. Would you just read the first  
12 paragraph aloud for us so we can be clear about it?

13 A. "Receipt confirming that Mr. Zlatko Brajkovic, son of Drago, born  
14 on 8th January, 1954, in Zvirovici, Capljina municipality, residing in  
15 Capljina, is a member of this unit which ..."

16 Do you want me to go on?

17 Q. Yes, please.

18 A. "... which has the status of an independent unit with -- pursuant  
19 to an order by the minister of defence, Mr. Gojko Susak, as stipulated in  
20 Article 47, paragraph 5, of the Law on Defence (Official Gazette 49/91,  
21 53A ..."

22 Q. Thank you very much.

23 A. "The receipt was issued upon the request of the aforementioned  
24 for the purpose of regulating rights and duties."

25 Q. The words that you seem to have left out, according to my

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1 translation, after "independent unit" are "independent unit within the  
2 Croatian Army." Is that not in the original?

3 A. I did read it out.

4 Q. Well, it may well be just there's an error in translation. But  
5 this document is saying that Mr. Brajkovic is a member of the  
6 Ludvig Pavlovic Special-Purpose Unit, which has the status of an  
7 independent unit within the Croatian Army, according to an order of  
8 Mr. Susak. That's what the document's saying, isn't it?

9 A. Yes, Mr. Prosecutor.

10 Q. Do you agree with that assessment of the standing of your unit?

11 A. No.

12 Q. You don't?

13 A. Well, there are two units. We're talking about two units.

14 Q. Well, you better tell us about the two units. What do you mean  
15 by that?

16 A. When we arrived in Herzegovina **from the 1st Volunteer Regiment,**  
17 Kralj Tomislav, 92 members had a contract with the Croatian Army; whereas  
18 the other members who joined our unit when we arrived in Bosnia and  
19 Herzegovina **had the status of members -- or as members of the**  
20 Croatian Defence Council.

21 Those of us who had the status as members of the Croatian Army  
22 did not wish to relinquish that status because of the salaries that we  
23 were getting and also health insurance and other types of insurance that  
24 we were getting as benefits.

25 Q. So you remained a unit of the Croatian Army, for whatever reason?

1 A. No. General Daidza, who was our commander of the Kralj Tomislav

2 unit, he set up a new unit, which had its headquarters in Vrgorac, so  
3 that the status-related matters could be resolved, the status-related  
4 matters of members of the one-time Kralj Tomislav unit. But this did not  
5 apply to those members who were not members of the Croatian Army, as we  
6 were.

7 Q. Yes, all right. If we accept for a moment that only some of you  
8 were members of the Croatian Army, and we try to look at what you're  
9 describing, you had a contract with the Croatian Army. You've just told  
10 us that you didn't want to relinquish that because of the salary, the  
11 health insurance, and other types of insurance that you were getting as  
12 benefits. You're describing a unit that remained part of the  
13 Croatian Army, aren't you?

14 A. No.

15 Q. Well, how are you not a member of the Croatian Army if you're  
16 being -- you have a contract with them, you're paid by them, and they  
17 give you health and other benefits? In what way are you not a member of  
18 the Croatian Army?

19 A. I did say that I was a member of the Croatian Army, but you were  
20 asking about the unit.

21 Q. Well, you were the commander.

22 A. Those of us individuals -- I was the commander of the  
23 Ludvig Pavlovic unit.

24 Q. Yes. And this gentleman that we're talking about on this  
25 document, Zlatko Brajkovic, he -- does he have the same arrangements as

1 you, contract with the Croatian Army, paid by the Croatian Army,  
2 et cetera; is that right?

3 A. Mr. Zlatko Brajkovic is currently a disabled veteran in Croatia.

4 Q. Forgive me, Mr. Curcic, but you couldn't try to make up an answer  
5 less relevant to the question that I've just asked you than that. To  
6 tell us what he's doing now, you know that that's not attempting to be  
7 helpful.

8 Would you look at the question. I'm -- is it right that you  
9 actually speak quite good English as well?

10 A. No, it isn't right.

11 Q. Forgive me for that. But, look, the question that I've asked you  
12 is quite a straightforward one. Zlatko Brajkovic, does he have the same  
13 arrangement with you, a contract with the Croatian Army, paid by the  
14 Croatian Army, et cetera; is that right? At this time, not now.

15 A. He did have a contract with the Croatian Army, and he did have --  
16 he did receive pay from the HV, and this is further confirmed by his  
17 present status, where he has the status of a disabled veteran of the Army  
18 of Croatia.

19 Q. What part of this document, then, that you say correctly isn't  
20 signed by you, what part of it don't you agree with?

21 A. I don't understand your question.

22 Q. Well, I asked you a little while ago whether you agreed with the  
23 contents of this document, and you told us that you did not, and that's  
24 why I've spent some time looking at its details to try to see whether  
25 it's right or not, and I'm asking you again. The document, with your



1 name on your unit's note paper, accurately reflects the position, doesn't  
2 it?

3 A. Mr. Prosecutor, first of all, we said that I was not the one who  
4 drafted the document and that this document was signed by my deputy, but  
5 I am prepared to explain everything as if I were the author.

6 As far as I'm concerned, this receipt is quite in order because a  
7 member of the unit is asking for something for the purpose of regulating  
8 his status-related matters. So he is the one who is submitting this  
9 request.

10 Q. And it's quite in order because it describes him as being a  
11 member of the unit which has the status of an independent unit within the  
12 Croatian Army. That part of it is also right, is it not?

13 A. Yes, but I've explained that this unit was a unit of the  
14 Croatian Army earlier and not this one here that was signed.

15 Q. It must be my fault. You've lost me there. This is dated the  
16 4th of June of 1993, this document. Are you saying that the arrangement  
17 that it describes is no longer in force in June of 1993?

18 A. Mr. Prosecutor, when the Kralj Tomislav unit, under the command  
19 of General Daidza, when it was disbanded, when it fell apart and came to  
20 Bosnia and Herzegovina, its members -- we set up a new unit,  
21 Ludvig Pavlovic; whereas in Konjic, a Nihad -- a unit called  
22 Nihad Konjevic was established.

23 All the members who had had a contract with the Croatian Army had  
24 this contract through the unit of General Sarlija, Daidza. And it was

25 through this unit that they were able to enjoy all the rights that they

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1 had in the Republic of Croatia, because Daidza, General Mate Sarlija,  
2 organised the military post in Vrgorac through which it was possible to  
3 regulate one status-related matters.

4 Q. Yes, thank you. Are you saying that the arrangement that this  
5 document describes is no longer in force in June of 1993 or not?

6 A. Which arrangement?

7 Q. The arrangement under which the Ludvig Pavlovic unit, or, if you  
8 like, some of its members, were an independent unit within the  
9 Croatian Army. Was that the position in June of 1993 or not?

10 A. In June 1993, Mr. Zlatko Brajkovic was a member of the  
11 Croatian Army, and he was serving in the Ludvig Pavlovic unit in  
12 Capljina.

13 Q. Thank you very much.

14 A. And he was requesting here to have his status resolved.

15 Q. I think that is perfectly satisfactory for my purposes.

16 Shall we turn on, please, to another document dealing with the  
17 Ludvig Pavlovic, P08107.

18 Mr. Kovacic.

19 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic.

20 MR. KOVACIC: [Interpretation] [Previous translation continues]...  
21 my colleague. I apologise, but I was waiting for another topic to come  
22 up.

23 I've just discovered, in view of the reiterated reply by the

24 witness, that there was an error in the transcript on page 17, line 20.

25 Your Honour, you asked him then what the number -- the manpower

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1 was in the Ludvig Pavlovic unit, and in the transcript, on page 17,  
2 line 20, it says "between 192, at the least, in the beginning," and to me  
3 I thought even then that the witness had said "92," but I wasn't sure.  
4 However, a few moments ago, on page 20, line 25, the witness again  
5 repeated this number, and this time he said that there were 92 men who  
6 came from Vrgorac to Bosnia and Herzegovina as part of this unit.

7 So maybe we should clear this up, whether the figure was actually  
8 192 or 92.

9 Thank you.

10 JUDGE ANTONETTI: [Interpretation] Witness, when I asked you what  
11 the manpower was in the unit, it was complete manpower. I didn't make a  
12 difference between those who had a contract with the HV and those who  
13 didn't. Now, you answered by saying at least 192 and up to -- all the  
14 way to 350. Does this -- is this valid for the entire unit, all  
15 categories included?

16 THE WITNESS: [Interpretation] It is not 190, it is 92. But as  
17 time went on, the number increased, and at one point it numbered even 350  
18 men.

19 JUDGE ANTONETTI: [Interpretation] Very well. Ninety-two was the  
20 figure you started with, and the unit ended with 350 men?

21 THE WITNESS: [Interpretation] That's right.

22 JUDGE ANTONETTI: [Interpretation] Good, that's very accurate.

23 MR. LAWS: Thank you.

24 Q. Could you turn with me, please, to P08107 [Realtime transcript  
25 read in error "P08178"] you have it already, I think. Good.

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1 Is this a document that you have written and signed, Mr. Curcic?

2 A. Yes.

3 Q. Thank you. It's dated the 23rd of March of 1994, and it's  
4 addressed to the Chief of the Main Staff of the Ministry of Defence of  
5 the Republic of Croatia, General Bobetko, personally; is that right?

6 A. Yes.

7 Q. And on the first two lines of this letter:

8 "We are referring to you, as our direct commander, with a request  
9 for assistance to solve payment of personal wages to members of our  
10 battalion."

11 Is that right?

12 A. Yes.

13 Q. And it goes on to talk about problems that have arisen with you  
14 being paid, and comparing Croatian payments to HVO payments. But the  
15 phrase I want to look at with you, please, is this:

16 "We are referring to you as our direct commander."

17 Was General Bobetko your direct commander?

18 A. Mr. Prosecutor, my direct commander -- or, rather, direct  
19 commander Janko Bobetko was the commander of Sarlija, and through him  
20 down to us for the resolution of issues of status.

21 Q. Is it possible to answer that question "yes" or "no"? Was

22 Mr. Bobetko, General Bobetko, your direct commander?

23 A. Mr. Prosecutor, I can give you a more extensive answer with  
24 respect to this document, which was compiled in Vrgorac, which is a town  
25 in the Republic of Croatia.

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1 Q. Yes, I'm sure and I'm certain that you could do that. But I've  
2 asked you the question whether it's possible for you to say whether  
3 Mr. Bobetko was your direct commander, as you address him in this  
4 document. Was he your direct commander, Mr. Curcic?

5 A. Never -- Mr. Bobetko never issued any orders to us.

6 Q. That's a question quite different from the one that I've asked  
7 you. Was General Bobetko your direct commander, yes or no?

8 A. No.

9 Q. Why, then, do you address him as being your direct commander? It  
10 would strike - wouldn't it? - most objective readers as rather odd, to  
11 write someone a letter, calling them something which they know they're  
12 not. Do you agree with me?

13 A. I agree with you.

14 Q. So why on earth do you call him something that he isn't? Did you  
15 get a letter back saying, Why are you calling me your direct commander;  
16 what's going on down there?

17 A. It's like this: If you look at the subject matter, it refers to  
18 paying out salaries to the men who came from Croatia.

19 Q. We've seen that, but that doesn't alter how you address him, does  
20 it?

21 A. I would kneel before him, if necessary, for me to get the  
22 salaries for my men. But you have to know that this document was  
23 compiled with General Daidza, who at the time was stronger than  
24 General Bobetko. He was more respected, more highly respected.

25 Q. Why are you telling us about your willingness to kneel before

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1 him? Are you saying that this is in some way you praising him or  
2 attempting to get into his good books by calling him your direct  
3 commander; is that what you're saying?

4 A. I tried to get the salaries for my men.

5 Q. Why did it help you, to get your salaries, to call him by a title  
6 that isn't his? Just help me with that. Why make up a title for him  
7 that doesn't belong to him in order to try to get salaries? It's quite a  
8 confusing thing to try to understand, Mr. Curcic.

9 A. Mr. Prosecutor, the 1st Volunteer Regiment was put up in Vrgorac.  
10 When we went to Bosnia-Herzegovina, General Mate Sarlija stayed on in  
11 Vrgorac. It was through General Mate Sarlija that we resolved all our  
12 issues of status with respect to the Croatian Army. And as you can see  
13 in this particular document, it was compiled in Vrgorac on the  
14 23rd of March, not in Capljina, with the clear objective of trying to  
15 ensure enough monies for our men. But Mr. Bobetko never commanded us.

16 Q. Very well. We have your answer on that.

17 Would you look with me --

18 JUDGE TRECHSEL: Excuse me, Mr. Laws. It's just for the -- about  
19 the record.

20 On page 26, line 2, the number of this document is indicated as  
21 P08178. In my bundle, at least, it has the number P08107.

22 MR. LAWS: That is its correct number. Thank you.

23 MR. KOVACIC: [Interpretation] Since we've already interrupted the  
24 proceedings, a correction to the transcript. I don't know if it was a  
25 mistake or not, but I think the witness gave the full date. I'm

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1 referring to page 28, line 16. It's still on our screens. The witness  
2 said that the document was compiled in Vrgorac on the 23rd of March, I  
3 believe. And I think he added "1994," but that follows from the  
4 document. So it's a good idea to have the full date there with the year,  
5 not only the day of the month, and that's what he said.

6 JUDGE ANTONETTI: [Interpretation] In any case, I was going to put  
7 a question to you which should settle this issue.

8 This letter is addressed to General Bobetko, personally, and  
9 dated the 23rd of March, 1994. I haven't looked at the English; I only  
10 looked at the B/C/S version. Clearly, this is a document which leaves  
11 the ministry post, 3280, which is in the purview of the Croatian Army, so  
12 this document stems from the Croatian Army. And you explain in this  
13 letter that there are problems regarding the payment of the soldiers.  
14 You even say that you have been told that from February onwards they  
15 would have 1.200.000 dinars per soldier, which is 700.000 less than what  
16 the soldiers receive in the Croatian Army.

17 So there is a problem regarding the payment of the salaries of  
18 the Croatian soldiers. And this document comes from the Croatian Army.

19 And we know that you are attached to the HVO. And you suggest that this  
20 be paid by the district in Split or by the battle-field in the south. So  
21 you were confronted with the payment of the salaries of the soldiers.

22 That said, in your mind, did this mean that the Croatian Army was  
23 deployed in the Republic of Bosnia-Herzegovina, or did this mean that  
24 volunteers in the Croatian Army had gone to the Republic of  
25 Bosnia and Herzegovina to serve in the HVO? What was the situation

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1 exactly, as far as you are concerned?

2 THE WITNESS: [Interpretation] When talking about us, we all left  
3 as individuals to the Croatian Defence Council, 92 of us, the first lot,  
4 and then we were joined by many others in Herzegovina. We wanted, at all  
5 costs, to retain our status in the Croatian Army because of salaries and  
6 other benefits. And everything that we had to deal with, we dealt with  
7 our -- with our immediate commander, because he was the sole person  
8 responsible to deal with our needs with respect to personnel matters and  
9 financial matters. And our commander was Mate Sarlija, Daidza, our  
10 immediate commander.

11 JUDGE ANTONETTI: [Interpretation] General, you personally, if  
12 someone had told you that you were part of the HVO Army and you will be  
13 paid by the HVO, and your contract with the Croatian Army is terminated,  
14 would you have then gone over to the HVO or not?

15 THE WITNESS: [Interpretation] When we moved to the HVO, it wasn't  
16 something that was a big question. The salaries weren't that large. But  
17 in the ensuing period, it was important to retain your status in the



18 Croatian Army. But, yes, I would certainly have stayed on in the HVO to  
19 fight, even were things different.

20 JUDGE ANTONETTI: [Interpretation] I was about to interrupt you,  
21 but you have said that if someone had told you that you would be paid by  
22 the HVO, "I would nonetheless have joined the HVO." That is what you're  
23 telling us, is it?

24 THE WITNESS: [Interpretation] I apologise, Your Honour, but this  
25 is what I said and thought: If I had to choose either to receive a

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1 salary from Croatia, if I left the HVO, or to stay on in the HVO while  
2 the fighting was going on, I would have stayed on in the HVO.

3 JUDGE ANTONETTI: [Interpretation] Yes.

4 JUDGE TRECHSEL: Witness, you have stated that you all went to  
5 Herceg-Bosna voluntarily as individuals. I find it difficult to  
6 reconcile this with the fact that you have here a letterhead printed, I  
7 suppose, where the top line reads -- there's an abbreviation that I  
8 cannot identify, but "Samas Dama Vojna HV [phoen]."

9 That is not 92 individuals or something like that, that is  
10 Ludvig Pavlovic, a unit. How do you reconcile? You say, We are all  
11 individuals, and then you write on a letterhead of a unit, which the  
12 letterhead said it's a unit of the Croatian Army.

13 THE WITNESS: [Interpretation] Your Honour, this military post in  
14 Vrgorac, registered by General Mate Sarlija, Daidza, and the name of the  
15 unit dealt with us Croats and the Bosniaks who were with us in the  
16 Kralj Tomislav unit and who made requests for having their status in

17 Croatia resolved.

18 JUDGE TRECHSEL: Please, Mr. Laws.

19 MR. LAWS: Thank you, Your Honour.

20 Q. Would you look with us, please, at a document that you were given  
21 yesterday in this separate binder, which is headed "4D Documents,  
22 Witness Dragan Curcic." Do you remember getting that? It's a bundle of  
23 documents you were given before I gave you my bundle. It's not that one.  
24 Does that say "4D" on the inside cover?

25 A. "4D." What number, 4D --

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1 Q. 4D00618. And this was the organisational chart that you were  
2 looking at yesterday, and you identified the Ludvig Pavlovic Battalion on  
3 the left-hand side, with a dotted line leading to the Main Staff, under a  
4 heading "Chart of the HVO Structure." Can you see that?

5 A. Yes.

6 Q. Is this fair? To be more accurate, this chart should have a line  
7 connecting the Ludvig Pavlovic Battalion to General Mate Sarlija?

8 A. Military post, military post Vrgorac, linking this, whereas this  
9 is the Ludvig Pavlovic unit, made up of men who had come from the  
10 Croatian Army, but also of those who joined us up and had nothing to do  
11 with the Croatian Army.

12 Q. So the Ludvig Pavlovic Battalion should be subdivided, so that  
13 the chart is clearer, with one part having a line connecting it to  
14 General Mate Sarlija. Would that be more accurate?

15 A. Mr. Prosecutor, this chart shows the special units of the

16 Croatian Defence Council, special-purpose units, which is where  
17 Ludvig Pavlovic belongs, too. Now, the military post, 3280 Vrgorac, was  
18 registered in Vrgorac in order to resolve status issues for members of  
19 the HV from the Ludvig Pavlovic unit.

20 Q. Yes, thank you. The question that I'm asking you is whether it  
21 would be more accurate for this chart to show part of the  
22 Ludvig Pavlovic Battalion with a dotted line leading to  
23 General Mate Sarlija, or General Bobetko, or another figure, if you like,  
24 within the Croatian Army. That would show us - wouldn't it? - that the  
25 full structure that related to the Ludvig Pavlovic Battalion?

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1 A. No, no, it wouldn't show that. This chart shows us who can, in  
2 operational terms, deploy the Ludvig Pavlovic unit, who can use it; and  
3 the military post in Vrgorac serves to resolve the issues of status of  
4 its members.

5 Q. All right. You were on loan from Croatia; that's what it comes  
6 down to, isn't it? You were on loan from Croatia, being funded by  
7 Croatia, and you were there in Herceg-Bosna to assist the HVO; that's the  
8 long and the short of it, isn't it?

9 A. That's an ugly expression, "loan." All of us -- well, not all of  
10 us, but 90 per cent of us were born in Bosnia-Herzegovina, we originated  
11 from there, and we went to the Republic of Croatia **voluntarily, to fight**  
12 as volunteers, both Croats and Bosniaks.

13 Now, when the war began in Bosnia-Herzegovina, we felt the need  
14 to return, and that's what we did. We went back, and we made a large

15 contribution, we Croats and the Bosniaks, first of all together, jointly,  
16 and then individually in the defence of Bosnia-Herzegovina, because it  
17 was from our Bosniaks that the best units of the BH Army were formed.  
18 And some members were able to resolve their status in the RH.

19 Q. The Ludvig Pavlovic were some of the best soldiers that the HVO  
20 had at their disposal, weren't they? I don't mean to flatter you, but  
21 that was the simple position, wasn't it; well trained, well armed, good  
22 fighters?

23 A. Well, I do believe that that was the case, yes.

24 Q. And you were a significant asset of the HVO Main Staff, were you  
25 not?

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1 A. We were a unit which could be deployed speedily and to effect.

2 Q. Yes. And you were sometimes deployed to lead an attack?  
3 Sometimes you were deployed to lead an attack in a particular area?

4 A. Wherever we took part in attack operations, we were the first.

5 Q. Yes. And sometimes you were deployed in response to difficulties  
6 that had arisen. Where the enemy had gained ground or made advances,  
7 they'd call in the Ludvig Pavlovic to fill the gap, wouldn't they?

8 A. Yes.

9 Q. Sometimes reinforcing other HVO units that had not found it easy  
10 to hold their own or had met unexpected opposition; that's the position,  
11 isn't it?

12 A. Yes.

13 Q. All right. I want to turn, then, to consider Mostar and your

14 unit's involvement in Mostar in May of 1993. Can you just help us with  
15 the day that you were first deployed to Mostar? Was it on Sunday,  
16 the 9th of May, or Monday, the 10th of May?

17 A. I don't know whether it was Sunday. Well, I think it was  
18 the 9th, and all the documents indicate that it was the 9th.

19 Q. The Vranica building fell on the 10th, and you were there when  
20 that happened, weren't you?

21 A. Yes.

22 Q. So had you been deployed the day before that and spent the night  
23 in Mostar?

24 A. Yes.

25 Q. So you'd gone there on the 9th, and what had you done on the

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1 9th of May? What action had the Ludvig Pavlovic Brigade been involved  
2 in?

3 A. Combat action.

4 Q. Combat action in Mostar. Whereabouts?

5 A. Around the Vranica building, the School of Economics, around the  
6 Rondo.

7 Q. And you were to be engaged in combat around the Vranica building  
8 the following day as well, weren't you?

9 A. The combat action went on continuously until the Vranica building  
10 was taken control of.

11 Q. Yes. And the Vranica building was the headquarters of the  
12 4th Corps, and, in particular, the basement of that building was theirs,

13 wasn't it?

14 A. Yes.

15 Q. It was not - was it? - a building of otherwise strategic  
16 importance. It didn't command a significant view over Mostar, unlike,  
17 for example, the hills around Mostar; would that be right?

18 A. Yes.

19 Q. Thank you. And that's where you were deployed -- the best troops  
20 were deployed to attack the Army of the Republic of Bosnia-Herzegovina in  
21 its headquarters in order to take it; that's the position, isn't it?

22 A. I arrived down there not to attack, but to prevent their attack.

23 Q. Well, their attack, I'm going to suggest to you, was nothing but  
24 a response to yours. And you were attacking, largely, a building in  
25 which the basement was the most heavily occupied part. That's the

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1 position, isn't it?

2 A. Are you suggesting that or claiming that?

3 Q. Well, that's what you were doing. You were attacking the Vranica  
4 building. The forces of the ABiH were concentrated in the basement,  
5 weren't they?

6 A. My first clash started at the approach to the Vranica building,  
7 and the conflict with Vranica started when they started shooting at us  
8 from the Vranica building. At the entrance to the command, there were  
9 two bunkers, and fire was opened from there. And we already faced each  
10 other with a group that was infiltrated along the Rondo area.

11 Q. As to who had started the fighting that day, you told the

12 Trial Chamber, in the case in which you gave evidence previously, that  
13 you didn't know because you had arrived too late to see for yourself but  
14 could only say what you'd been told; is that right?

15 A. That's right.

16 Q. And you said to us yesterday that you thought you had arrived at  
17 about 6.30. It may matter not very much at all, but I want to just be  
18 clear. You said, in the last -- on the last occasion on which you  
19 testified, that you arrived between 7.00 and as late as 8.00 a.m. that  
20 morning.

21 MR. LAWS: And the reference is page 13.104 of the transcript,  
22 which is available in a separate binder, but it may be the witness knows  
23 that that's what he said. Perhaps he's had a chance to look at that  
24 transcript.

25 Q. As late as 8.00 that morning was the time that you gave. Do you

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1 remember that?

2 A. Yes, I do remember my statement on that occasion.

3 Q. It's up to an hour and a half later than what you told us  
4 yesterday, isn't it?

5 A. Your Honours, might I be allowed to explain? If a planned -- if  
6 it's a planned operation, then there is a plan of attack, and then I  
7 would certainly be able to remember all that. But this way, it is  
8 obvious that I intervened, and that is why I cannot say with any  
9 certainty what the exact time was. That's why there might be some  
10 deviations there.

11 Q. Well, we appreciate --

12 MS. TOMANOVIC: [Interpretation] Just a moment, please. I'm going  
13 to have to correct the transcript once again to avoid some  
14 misunderstanding between the Prosecutor and the witness.

15 On page 37, line 6, the witness said, "If the operation had been  
16 planned, I would certainly be able to remember the time."

17 And in the record, it says:

18 "... to remember all that."

19 So just to remember the time. The witness can say if I'm right  
20 or not.

21 JUDGE TRECHSEL: Witness, have you listened to what Ms. Tomanovic  
22 has just said? She was asking you to confirm what you have said exactly,  
23 whether you said "remember all that" or whether you said "remember the  
24 time."

25 THE WITNESS: [Interpretation] Your Honour, I said "the time."

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1 JUDGE TRECHSEL: Thank you.

2 JUDGE ANTONETTI: [Interpretation] Let's have the break now,  
3 because it is 10.30.

4 I would like to tell Mr. Laws that he has 29 minutes left.

5 --- Recess taken at 10.29 a.m.

6 --- On resuming at 10.50 a.m.

7 JUDGE ANTONETTI: [Interpretation] Court is back in session.

8 Mr. Registrar, you have the floor. I believe you have a couple  
9 of IC numbers for us.



10 THE REGISTRAR: Thank you, Your Honour.

11 The Praljak Defence has submitted its objections to documents  
12 tendered by the Prosecution through Witness Vlado Sakic. This list shall  
13 be given Exhibit IC1079. And the Prosecution has also submitted its  
14 objections to documents tendered by the Praljak Defence through the same  
15 witness. This list shall be given Exhibit IC1080. Thank you,  
16 Your Honours.

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

18 Mr. Laws, you have the floor.

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

20 Q. Mr. Curcic, would you turn, please, to P02240. It's the sixth  
21 document in from the beginning of the bundle. It's a document we've  
22 already looked at in a different context earlier this morning. Do you  
23 have that document?

24 A. Yes.

25 Q. Signed by Miljenko Lasic. It's an order dated the

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1 9th of May of 1993, which says that given the developments in the town of  
2 Mostar, an order is being given for a unit of the HVO 4th Stjepan  
3 Radic Brigade from Ljubuski should get up at 5.30 on the 10th of May of  
4 1993. Is that right?

5 A. Yes.

6 Q. And: "Commanders from the Ludvig Pavlovic unit should deploy the  
7 unit at 600 hours."

8 And then, number 3, that:

9 "A unit from the 4th Brigade is to be subordinated to" -- is that  
10 you? "Commander Dragan from the Ludvig Pavlovic unit."

11 It looks like it is you.

12 A. Yes.

13 Q. And you're going to be held responsible for implementing the  
14 order. So on the 9th of May, the Ludvig Pavlovic units were certainly  
15 part of the battle plan for the city of Mostar; do you agree with me?

16 A. Mr. Prosecutor, you said here "in the city of Mostar and pursuant  
17 to an action for the defence of the city." Already on the 9th or as  
18 early as the 9th, I was already deployed for the -- to defend the city.

19 Q. Yes, that's right, and plans are being made for further units to  
20 be subordinated to you on the following day, aren't they? That's what  
21 this order is all about?

22 A. Yes.

23 Q. Thank you. Reinforcements are being called in, more troops are  
24 being called in, in order to win the battle. That's what it comes down  
25 to, isn't it?

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1 A. Well, it is obvious that the Croatian Defence Council troops were  
2 not enough to defend Mostar, and that is why they were calling for other  
3 units to assist.

4 Q. And whether it's enough troops to defend Mostar or enough troops  
5 to successfully attack and capture Mostar, other people will have to  
6 decide. But your deployment, if you were deployed early on the morning  
7 of the 9th of May, that would be completely consistent with other

8 occasions when the Ludvig Pavlovic unit had been deployed to shore up an  
9 offensive to make good an HVO operation that had been started, wouldn't  
10 it? That had happened to you several times in the conflict?

11 A. No, Mr. Prosecutor. The -- an example that would be most like  
12 this one would be on the 13th of July, when, in early-morning hours,  
13 again we were called upon to go and prevent this attack. In -- during an  
14 attack, my unit would have preparations, as in this operation, which  
15 would take a bit longer because you would have to conduct reconnaissance,  
16 organise, and so on.

17 Q. Very well. You were fighting alongside the Convicts Battalion,  
18 were you not --

19 A. No.

20 Q. -- in Mostar on the 9th and 10th of May?

21 A. We were not fighting alongside or we were not fighting together.

22 Q. And the Bruno Basic Battalion were also deployed, were they not?

23 A. I don't know.

24 Q. All right. Let's look at P04 --

25 JUDGE ANTONETTI: [Interpretation] General, I have a question for

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1 you from this document, and I thank Mr. Laws for having put a question to  
2 you on this document because it's essential for me.

3 This document is written by Miljenko Lasic. It's dated May 9th.

4 We don't know at what time, but during the day of May 9. And in this

5 document, he's asking for you to deploy your unit at 6.00 a.m. The

6 4th Stjepan Radic Brigade will be subordinated to your unit -- to you.

7 And this brigade is supposed to be there as of 5.30 a.m. on May 10; not  
8 on May 9, but the next day, on May 10. Please look at the reference on  
9 this document. There is a number, "03-0403-1/93." Do you see this  
10 reference?

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

12 JUDGE ANTONETTI: [Interpretation] Let's assume, and we're  
13 assuming, that the HVO did prepare an attack. Preparations must have  
14 started on May 8th, maybe even May 7th or May 6th. According to you, do  
15 you think that in the log-book, with this reference number 402, 401, 399,  
16 398, don't you think that these documents would refer to an attack order,  
17 militarily-wise? Here we have an order 403, but before that, in the  
18 log-book, there must be 402, 401, and so forth. So if Lasic is actually  
19 preparing this attack, shouldn't we be able to trace the order of attack  
20 in the log-book?

21 THE WITNESS: [Interpretation] Well, I don't know, Your Honour,  
22 how the administrative markings worked, but in the military sense it was  
23 important whether this was an order or a decision and what it states in  
24 the preamble. But as for the numbering and the records, anything I would  
25 say about that would be speculation on my part.

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1 JUDGE ANTONETTI: [Interpretation] Very well. You are saying that  
2 there's always an explanation to an order that you can find in an order,  
3 and we do have this explanation in this order that we have here on the  
4 screen. There were developments in the town of Mostar in accordance with  
5 the action to defend the town, "I issue the following order." I did note

6 this. And when Mr. Laws was putting the question to you, I was wondering  
7 the following: I was wondering whether this order was an order following  
8 an attack order. But if this had been the case, it should have said, In  
9 accordance with the order to attack, I ask you to do this or that.

10 Shouldn't it be mentioned?

11 THE WITNESS: [Interpretation] Your Honours, at the beginning of  
12 this order, we see that it says:

13 "Given the developments in the town of Mostar and in accordance  
14 with the action to defend the town."

15 Nowhere does it say an action to attack. It says here "to defend  
16 the town," literally.

17 JUDGE ANTONETTI: [Interpretation] Mr. Laws.

18 MR. LAWS:

19 Q. It all depends what you mean by "defending," doesn't it? Those  
20 words don't mean that the HVO is resisting an ABiH attack in the  
21 slightest, do they? The HVO regarded Mostar as its capital, didn't it?  
22 Didn't it?

23 A. Well, I've read what's written here, "In accordance with the  
24 action to defend the town," so I can't really speculate about that.

25 Q. Now, I asked you a moment ago about whether you fought side by

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1 side with the Convicts Battalion. You said you didn't. But they were  
2 involved in the fighting, and you saw Tuta that day, didn't you?

3 A. Yes, they were involved in the fighting.

4 Q. And the second part of the question: You saw Tuta that day,

5 didn't you?

6 A. I'm not sure whether that was on the 9th or the 10th when I saw  
7 him.

8 Q. Very well. In the course of those two days, you saw Tuta, and he  
9 was part of the fighting in Mostar? Are we agreed on that?

10 A. No, I did not see him in combat. I saw him outside the ministry  
11 building.

12 Q. Well, do you agree with me that one of the topics that you came  
13 to testify about for him, when called in his defence, was that he was not  
14 commanding troops in Mostar on the 9th/10th of May?

15 A. Well, you didn't put that question to me, whether he was  
16 commanding. You said that he was fighting.

17 Q. I didn't put that question to you, and I asked whether you  
18 recalled that that was a topic that you testified about that, the topic  
19 that his Defence wanted to try to establish through you; namely, that  
20 Tuta was not a commander. Do you remember that you gave evidence to that  
21 effect?

22 A. I do remember that, Mr. Prosecutor, but, in fact, the question  
23 that you put to me was whether Tuta fought, and I told you that he  
24 didn't, that I saw him outside the ministry building. Now, if you ask me  
25 some other questions, I'll gladly answer them.

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1 Q. Thank you. I've asked you two separate questions: one about  
2 whether you saw Tuta fighting; one whether it's right that you gave  
3 evidence on behalf of him that he was not a commander of troops. And

4 have you taken the trouble to read what the Trial Chamber made of that  
5 assertion, that Tuta was not a commander? Have you had a look at the  
6 judgement to see whether they thought you were right about that?

7 A. No, I didn't, Mr. Prosecutor.

8 Q. Well, I can help you. It's at paragraph 146 of the judgement,  
9 and they reject your testimony that Naletilic did not command any units  
10 involved in the attack on Mostar on the 9th and 10th of May, 1993, as  
11 this evidence is inconsistent with the testimonies of the numerous other  
12 witnesses. All right? In other words, they do not accept what you said  
13 to them; they reject it. Do you follow me?

14 MR. KHAN: Your Honour, with the greatest of respect --

15 THE WITNESS: [Interpretation] Yes.

16 MR. KHAN: -- these comments, in relation to my friend's last  
17 question, is quite appropriate, quite appropriate and permissible at the  
18 stage of closing speeches or written submissions; but as far as  
19 cross-examination is concerned, it's my respectful submission that it's  
20 inappropriate to put to the witness what the view of his testimony was by  
21 another Trial Chamber.

22 Of course, what's important is not for this Trial Chamber to  
23 abdicate its fact-finding responsibilities to that of another  
24 Trial Chamber, but it falls for Your Honours to make an independent  
25 determination as to the evidence this witness gives, what's in all

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1 credibility or otherwise. So in that respect, it's my submission that  
2 the question put forward by my learned friend is not relevant in the

3 present context.

4 MR. LAWS: May I reply to that?

5 JUDGE ANTONETTI: [Interpretation] You will reply in a minute,  
6 Mr. Laws, but personally I want to say something.

7 The conclusions drawn by another Trial Chamber do not commit us.  
8 It's not because another Trial Chamber has drawn a conclusion that this  
9 Chamber will draw the same conclusion.

10 What is important, Witness, is the following: The Prosecutor is  
11 telling you that you said that the commander of the Convicts Battalion  
12 was Andabak, but that the Naletilic Trial Chamber did not admit your  
13 version of the facts. And the Prosecutor is thus asking you, by quoting  
14 the judgement, whether you maintain your position or not. That's it, in  
15 a nutshell. So what's your take on this?

16 THE WITNESS: [Interpretation] Your Honours, I still -- I remain  
17 at the same position. I --

18 JUDGE ANTONETTI: [Interpretation] Mr. Laws, you wanted to reply?  
19 You have the floor.

20 MR. LAWS: Only to say that when a Trial Chamber has assessed a  
21 witness's evidence on a particular topic, measured against the other  
22 available evidence, and given a very clear conclusion, that carries some  
23 weight and is an entirely appropriate matter to use to impeach a  
24 witness's credit. What weight it has is for the Trial Chamber to  
25 determine, but to say that it has no weight and can't be asked is, in my

1 submission, just wrong.



2 So let's move on.

3 JUDGE ANTONETTI: [Interpretation] Very well. I agree with you.

4 Please continue.

5 MR. LAWS: Thank you.

6 MS. PINTER: [Interpretation] I do have a reply to my learned

7 colleague.

8 It is my view that a judgement cannot be used as evidence, that  
9 it cannot be presented as another evidence. At least that is what the  
10 translation was referring to. It says that the Prosecutor, in order to  
11 impeach a witness, may use a judgement. But a judgement of this Tribunal  
12 may not be used as evidence in cross-examination or when attempting to  
13 impeach a witness and undermine their credibility.

14 JUDGE ANTONETTI: [Interpretation] The Trial Chamber will  
15 deliberate on this -- on these matters. I believe that it's not up to us  
16 to rule on this right now. We have heard everything, and we will now  
17 continue.

18 MR. LAWS:

19 Q. The reality of the position is this: that you were prepared to  
20 come and give evidence for Tuta because you were loyal to him. You were  
21 loyal to him, having fought with him, and owing him, in your view, that  
22 loyalty borne of combat. That's the position, isn't it?

23 A. Mr. Prosecutor, if you knew things, you would know that  
24 Mr. Tuta Naletilic and I are neither friends - we certainly aren't good  
25 friends - nor am I loyal to him, nor has he ever ordered anything to me.

1 But the main fact is that we are not friends, and I do not owe him any  
2 loyalty. And this is something that you can easily verify.

3 Q. You have remained loyal to what I'm going to call the  
4 Herceg-Bosna project for many years after the end of the conflict,  
5 haven't you?

6 A. No, Mr. Prosecutor. I have remained loyal to the Croatian  
7 people. Everything that is in the interests of the Croatian people, I'm  
8 ready to be loyal to, and I am.

9 Q. And you became, as you told us yesterday, the senior HVO  
10 representative in the federation army; is that right?

11 A. Yes.

12 Q. It was not a post that went particularly smoothly for you, was  
13 it?

14 A. I don't understand the question.

15 Q. All right. Well, let's look at a few of the highlights of the  
16 years in which you occupied that post.

17 Would you turn, please, to P11061. It's six documents in from  
18 the back of the binder. From -- no, from the back. 11061.

19 This is an extract from a report by -- the whole of a report from  
20 the BBC, dated the 29th of July of 1996. It cites its source as  
21 Croat Radio Herceg-Bosna in Mostar, and it's an excerpt from a report by  
22 Bosnian Croat Radio on the 26th of July. And you can read for yourself  
23 what it says, Mr. Curcic.

24 A. I've read it.

25 Q. Does the article have it right that new recruits swore an oath of

1 allegiance to Herceg-Bosna in 1996 with you present?

2 A. I really don't know, Mr. Prosecutor. I was present.

3 Q. Well, try and help us. Did they swear an oath of allegiance at  
4 the military base in Capljina, as it says in the second paragraph,  
5 promising to carry out the Croat soldiers' duties with honour, defend the  
6 country, their Croat people, and all citizens of the self-proclaimed  
7 Croat Republic of Herceg-Bosna? Did they take an oath of that kind?

8 A. Well, I cannot tell you with certainty. I was present. But if  
9 they swore allegiance, I don't see anything wrong with that, if that is  
10 the case, as they claim here. But I really can't remember what that oath  
11 of allegiance -- what the wording was at the time. And if you have the  
12 text of the oath with you, perhaps it would be a good idea to see it, the  
13 oath of allegiance of 1996.

14 Q. You don't need the text of the oath of allegiance to be able to  
15 tell us whether that paragraph has it broadly right. Not the exact  
16 words, but is it broadly right that they, for example, pledged to defend  
17 the country, the Croat people, and all citizens of the Croat Republic of  
18 Herceg-Bosna? That's all I'm asking you. Is that the sort of thing that  
19 happened in 1996?

20 A. Mr. Prosecutor, it is certain that there must be at least five  
21 different versions of the text of the oath of allegiance. I don't know  
22 which one would have been used here. If this was the one that was used,  
23 I agree, but I really don't know, and I cannot confirm this. But we can  
24 easily get a copy from some organs, but I really cannot know exactly

25 whether it was the Croatian Republic of Herceg-Bosna, or Herceg-Bosna, or

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1 whatever it said in the text.

2 Q. In any of the five versions that you are familiar with, was such  
3 an oath included? Is that a yes-or-no answer?

4 A. No, Mr. Prosecutor. There was a Croatian Community of  
5 Herceg-Bosna; the Croatian Republic of Herceg-Bosna; there was the  
6 federation army, that was a separate oath; and now we have the  
7 Armed Forces of Bosnia and Herzegovina.

8 Q. Would you turn over, please, two documents to P11063.

9 JUDGE ANTONETTI: [Interpretation] Witness, the date of  
10 July 29, 1996, well, I'm trying to place this in relation to the  
11 Washington **Agreements**. In July 1996, was the conflict over?

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

13 JUDGE ANTONETTI: [Interpretation] The conflict is over. Why is  
14 it that in the attendance list there are no representative of the  
15 Republic of Bosnia and Herzegovina? They're not mentioned. Why is that?  
16 There is mention of the Republic of Herceg-Bosna, of HVO, of the  
17 Croatian Army, of municipalities, of the parents, relatives, but there's  
18 no official representative from the Republic of Bosnia-Herzegovina. Is  
19 it because the journalist forgot to mention it, or, as far as you  
20 recollect, were they not invited, or maybe they declined to come? They  
21 did come, I don't know.

22 THE WITNESS: [Interpretation] Your Honours, they did not come.

23 At that time and up until 2000 something, whenever there were

24 celebrations of the Croatian Defence Council, there were representatives  
25 from the ministry, Croats; but when there were some celebrations of the

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1 BH Army, there were only representatives from the ministry, Bosniak  
2 representatives. And only after 2001 or 2002 did it come about that both  
3 the sides would attend the events of either partner. And today, all  
4 three sides actually attend, because the Serb part also became part of  
5 the federation. But at this time, immediately following the war, this  
6 was not the case.

7 JUDGE ANTONETTI: [Interpretation] I will ask you a difficult  
8 question. You might not remember. But regarding this ceremony for new  
9 soldiers, did you invite the BH Army, and they would have declined to  
10 come, but did you invite them; yes or no?

11 THE WITNESS: [Interpretation] We did not invite them; they did  
12 not invite us. We did not attend their events; they did not attend ours.  
13 This only came about after joint institutions were set up.

14 JUDGE ANTONETTI: [Interpretation] Thank you.

15 MR. LAWS: Thank you.

16 Q. Would you turn, from the document you've been looking at just  
17 now, 11061, another page to 11062. We'll look at that one first. It's  
18 another document in time. It's another report from the BBC, and it  
19 apparently comes from a news agency in Zagreb. And it's another short  
20 report under the heading **"USA Reportedly Wants Sacking of Croat**  
21 **Opponents."** Just have a read of those two paragraphs.

22 A. I am reading document 11063?

23 Q. No, 062. It's good that you've read that, we're coming to that  
24 as well, but 062.

25 A. [In English] Okay. [Interpretation] I've read it.

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1 Q. Thank you. It concerns the delays that had occurred in  
2 establishing the federation army. Is the report right, that the Muslims  
3 wanted integrated units and that the HVO did not?

4 A. It is true in the sense where it's not explained that they wanted  
5 to have integrated units, but in which they would be the dominant  
6 partner.

7 Q. Very well. Was the United States government right to blame you  
8 and others for these delays?

9 A. No.

10 Q. Thank you. Then turn the page, please, to 11063. That's --

11 JUDGE ANTONETTI: [Interpretation] Witness, you're answering very  
12 quickly, but the US **government or any -- when the** US government or any  
13 government says something, they don't say it lightly. They usually have  
14 first-hand information. And here you are being challenged directly.

15 In this document, it says that you are being -- that you're  
16 against the creation of this federal army. You are being personally  
17 challenged. According to you, are the Americans wrong? Were they poorly  
18 informed? How can you explain that the US government is blaming you  
19 directly, but today you're saying that it's not true? How can you  
20 explain this?

21 THE WITNESS: [Interpretation] Your Honour, there are many

22 documents and decisions where my work is applauded because I participated  
23 in the programme called "Train and Exercise," and for the work in the  
24 Federation; but these events came about at the time when the Croatian  
25 self-determination was attempted, so a large number of Croat

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1 representatives were sacked, also the Croatian member of the Presidency,  
2 as well as some other things that occurred then. And at that time, I  
3 left the army, but Mr. Prce, and I participated in a very constructive  
4 manner in the programme "Equip and Train" and in the establishment of a  
5 joint force. As for this opinion that is put forward here, I really  
6 can't say anything about it. I don't know what the reason for that is.

7 MR. LAWS:

8 Q. Well, let's look at the following year, then. If you turn the  
9 page again to 11063, the document that I think you were reading a few  
10 moments ago, in this document we learn that some 2.000 Bosnian Croat  
11 soldiers had deserted the Bosnian Muslim Croat Federation in support of  
12 Croat separatists. They paraded at a local stadium in Mostar in a new  
13 act of defiance, and that you reviewed the troops. They were unarmed,  
14 but wore the uniforms, minus the insignia of the Muslim Croat Federation.  
15 Does that accurately record the events of May the 11th of 2001, when you  
16 reviewed those troops?

17 A. Yes.

18 Q. Thank you. If you come down the page, we have a paragraph which  
19 says:

20 "Most of the seven and a half thousand Croat troops serving with

21 the Muslim Croat Federations Army deserted in mid-March, siding with  
22 Bosnian Croat nationalists who proclaimed temporary autonomy within  
23 Bosnia."

24 And then it goes on to say that over a quarter of them have since  
25 gone back.

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1 You were allied to those who wanted to achieve autonomy within  
2 Bosnia for Herceg-Bosna, weren't you?

3 A. I was with the majority. As you can see here, it's the majority.  
4 And throughout the time, we fought for the rights of the Croatian people.  
5 And as for the other matters, that's a bit more general, and I can't  
6 speak to that because I'm not a politician. But there was an attempt at  
7 this time to abrogate -- to cut back on some rights of the Croatian  
8 people, and of course --

9 THE INTERPRETER: The interpreter would appreciate the witness  
10 repeating the last portion of his reply.

11 JUDGE PRANDLER: Mr. Curcic, the interpreters asked you to repeat  
12 the second part of your answer. Please repeat it. Thank you.

13 THE WITNESS: [Interpretation] Well, as it says here, I sided with  
14 a huge majority that wanted to protect the Croatian people. And they  
15 wanted the protection of the Croatian people within the Federation of  
16 Bosnia-Herzegovina.

17 MR. LAWS:

18 Q. And if you turn over to P11064, a report by AFP from the  
19 15th of March of 2001, please take a moment to read that, Mr. Curcic.



20 A. I've read it.

21 Q. It quotes Ante Jelavic as having some comments to make about  
22 Croat self-rule. He was an associate of yours, was he not?

23 A. Ante Jelavic was a member of the Presidency. He was the supreme  
24 commander.

25 Q. Did you ally yourself with him, politically?

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1 A. No. I allied with the people. As you can see here, I offered my  
2 resignation because I wanted to remain loyal to the Croatian people.

3 Q. You're right, that is recorded there, that you wanted to remain  
4 loyal to the Croatian people. And in your view, did Mr. Jelavic want the  
5 same as you, to remain loyal to the Croatian people?

6 A. Mr. Jelavic was tried in Sarajevo for these things, and you can  
7 see the judgement.

8 Q. Well, that doesn't, with respect to you, quite answer the  
9 question that I just asked. Did Mr. Jelavic want the same as you, to  
10 remain loyal to the Croatian people?

11 MR. KOVACIC: [Interpretation] I apologise.

12 Witness, perhaps you can ask him -- counsel, I apologise, but I  
13 believe that this answer will lead to further unnecessary questions. But  
14 the witness clearly said in Croatian that Jelavic -- or, I apologise.

15 That was on page 53, line 23, that Jelavic had been tried in Sarajevo **and**  
16 acquitted, and this did not enter the transcript. So Jelavic was  
17 acquitted, and that is not something that was reflected in the  
18 transcript.

19 THE WITNESS: [Interpretation] Well, there is a correction that I  
20 have to make here. Jelavic was not acquitted, but he was tried.

21 MR. LAWS:

22 Q. What was the outcome of the Jelavic trial for him?

23 A. I don't know that. I believe Ms. Nozica would be better  
24 acquainted with that because she was one of the participants in the  
25 proceedings.

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1 Q. It doesn't matter for our purposes at all what he was tried for  
2 and why, what the outcome was. What he was saying and doing is what I'm  
3 interested in. And I want to know if you shared his views and shared his  
4 aspirations for autonomy, for an autonomous entity in Bosnia. Is that  
5 what you wanted in 2001, Mr. Curcic?

6 A. Mr. Prosecutor, I was always on the side of the Croatian people,  
7 loyal to them. Mr. Jelavic was a politician. And as to his conduct, I  
8 cannot have any final opinion about that myself.

9 Q. Now, had I asked you about his conduct, that would be an answer.  
10 Just -- I'll read it to you again. I want to know if you shared his  
11 views and shared his aspirations for autonomy, for an autonomous entity  
12 in Bosnia. Is that what you wanted in 2001, Mr. Curcic, an autonomous  
13 entity in Bosnia?

14 A. If there were the possibility of having a state for the Croatian  
15 people, then that's what I would like best, but there isn't. And you  
16 keep asking me the same thing, whereas in this interview I offered my  
17 resignation -- I am answering. I said what I would like and to whom I

18 was loyal and am loyal, the Croatian people and their interests. And I  
19 make no mention of any -- well, the kind of things that Mr. Jelavic is  
20 talking about. I can say what my wishes are, and I wish the Croats all  
21 the best, to have a state which would be the richest in the world, but it  
22 is impossible under the present conditions or under those conditions.

23 Q. And it was what you were fighting for in 1993 as well, wasn't it?

24 A. For what?

25 Q. You know what I mean. For an independent state within Bosnia for

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1 Croats. That's what you were fighting for then, and that's what you've  
2 told us you would still like now, if you could do it.

3 A. Mr. Prosecutor, had the objectives of the war been defined of any  
4 of the ethnic groups in Bosnia-Herzegovina when the war began, that is,  
5 then that war would not have been that bloody or that brutal. However,  
6 the objectives, even if they existed, I did not know of them. But under  
7 number 1, we had the protection of my nation, of which I am a member.

8 JUDGE ANTONETTI: [Interpretation] Witness, you are not listening  
9 to the questions that are being put to you. The Prosecutor is putting to  
10 you a crucial question. He is telling you that you fought for an  
11 independent state. You need to answer this question, say either yes or  
12 no. And there is no answer for the time being.

13 Let me pick up on the Prosecutor's question. Did you fight for  
14 an independent state?

15 THE WITNESS: [Interpretation] Your Honour, I fought for my own  
16 people. For what state, the Croats, the Bosniaks, which?

17 JUDGE ANTONETTI: [Interpretation] You fought for your people.  
18 Explain this to me, then. You resigned, and you told us why. When a  
19 multi-ethnic army was being set up together with Serbs, Croats, and  
20 Muslims, and you then resign. I find it difficult to understand why you  
21 resigned.

22 THE WITNESS: [Interpretation] Your Honour, no. At the time,  
23 there were no Serbs there integrated into the joint armed forces, only  
24 the Bosniaks and Croats or, rather, component parts of the HVO and the  
25 BH Army. It was only in 2005, or whenever, was this integrated into the

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1 armed forces of Bosnia-Herzegovina, where we had the members of the  
2 Army of Republika Srpska as well.

3 JUDGE ANTONETTI: [Interpretation] Thank you for having specified  
4 that. But at the time you resigned, an army was being set up that  
5 comprised both the Croats and the Muslims, and we know, because we have  
6 heard evidence on this, sometimes you were fighting alongside the Serbs.  
7 This army is, therefore, being set up. Why do you leave? That is what  
8 the Prosecutor is trying to elicit from you. Why did you leave?

9 Did you leave because this didn't coincide with the idea you had  
10 of the political institutions that were about to be set up, because you  
11 wanted an independent state which you weren't getting, so that's why you  
12 resigned; or you left for another reason? The Prosecutor is trying to  
13 find out why, like the Bench is, for that matter, as well. We're all  
14 trying to understand why it is you left. And you are the person  
15 concerned here because you are the person who resigned.

16 THE WITNESS: [Interpretation] Your Honour, I was one of the  
17 people who established the army of the Federation from 1997 up until the  
18 time when I left Sarajevo, and I was certainly one of the most deserving  
19 people in building up a joint army of the Federation during those four or  
20 five years, which was the time I spent in Sarajevo.

21 Now, when the electoral laws were passed which were contrary to  
22 the interests of the Croatian people, then all the structures and all the  
23 people, all the Croats in Bosnia-Herzegovina, stood up, arose, because by  
24 those new electoral laws we would have lost our constituent character.  
25 And that's when the whole Croatian entity and soul started -- was stirred

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1 up.

2 JUDGE ANTONETTI: [Interpretation] If I understand correctly,  
3 because -- this new electoral law triggered your resignation. Why didn't  
4 you say it right from the start?

5 THE WITNESS: [Interpretation] I said that the electoral law was  
6 unfavorable, as far as the Croats were concerned.

7 JUDGE ANTONETTI: [Interpretation] Mr. Laws, you have 3 minutes  
8 left.

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

10 Q. Not all Croats shared your view, did they?

11 A. That's right.

12 Q. You can't possibly claim to speak for all Croats.

13 A. I didn't claim that, either. I'm speaking on behalf of the  
14 majority, as it says here in this report.

15 Q. And your goal, as you've told us, was autonomy?

16 A. Our goal was to enable equal rights to the Croats as the other  
17 two nations or ethnic groups in Bosnia-Herzegovina enjoyed.

18 Q. Well, you agreed that you expressed a preference for the solution  
19 of an independent Croat entity a few moments ago. Do you want to change  
20 your mind about that?

21 A. No. I said it in the sense of wishes, if wishes could be --  
22 could come true, could be fulfilled.

23 Q. And the end game, Mr. Curcic, wasn't just to have a part of  
24 Bosnia-Herzegovina that was Croatian, but to join up with Croatia.  
25 That's the bottom line here, isn't it? That's the truth, isn't it?

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1 A. Well, I can't always understand you, in your efforts and  
2 endeavours, to know what I'm thinking better than I do, myself.

3 Q. You've been heavily involved in a movement for many years, and  
4 I'm putting to you what its final goal was. To join up with the  
5 paymasters, the people who were paying your wages all the time you were  
6 travelling around Bosnia, **fighting against the legitimate army of that**  
7 **country, that's the goal, isn't it?**

8 A. Mr. Prosecutor, if there was the possibility, if the possibility  
9 existed, then all Croats would like to see that, but there is no  
10 realistic possibility for that within the frameworks of all the events  
11 that were happening. So the reality is Bosnia-Herzegovina, with respect  
12 for all ethnic groups and giving all ethnic groups and nations the same  
13 rights.

14 Now, at that time it was the vital interests of the Croatian  
15 nation that were under threat. It's not only I who say that; the media  
16 wrote about it and talked about it. And just as these people are writing  
17 bad things about us, so also there were positive writings saying that  
18 some rights of the Croatian people should be fulfilled, and that's the  
19 truth of it.

20 Q. One of the obstacles in the way of you achieving that goal back  
21 in 1993 was the fact that the area that had proclaimed itself as  
22 Herceg-Bosna had a very substantial Muslim population. That was the  
23 problem back then, wasn't it?

24 A. I don't understand the problem.

25 Q. The problem with achieving your desired solution of breaking away

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1 from the republic and joining Croatia **was that that was not a solution**  
2 that attracted the substantial Muslim population of Herceg-Bosna. That  
3 was the problem, wasn't it?

4 A. No, Mr. Prosecutor. The problem -- the general problem in 1993  
5 was that there were many enclaves, Croatian enclaves, in  
6 Bosnia-Herzegovina; that is to say, the area controlled by the Croats was  
7 separated, they didn't have any connection between them. And that was  
8 the major problem. Now, as far as the Muslim population is concerned, I  
9 told you how many remained in Mostar. I don't know the exact number, but  
10 I do know that a large number did.

11 Q. And I'm going to suggest to you that the solution to that problem  
12 that was adopted, for example, in Capljina was simply rounding them up at

13 gunpoint, putting them on buses, and shipping them out to areas that you  
14 didn't claim. That was the solution that was adopted, and it was a  
15 solution you knew full well about, as your letter about Fatima Klepo  
16 makes clear. That's the truth, isn't it, Mr. Curcic?

17 A. I wanted to help Ms. Klepo. Now, what you say, you keep saying  
18 that the truth is that I know, I knew. I don't know. What I knew and  
19 what I know is what I told you.

20 MR. LAWS: Thank you. I have no other questions.

21 JUDGE ANTONETTI: [Interpretation] So redirect. As far as the  
22 Praljak Defence is concerned, do you have any redirect for this witness?

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

24 Yes, we do. I'm going to have more corrections to the  
25 transcript. I didn't want to interrupt the cross-examination. So I have

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1 two questions, and Mr. Praljak also has some questions related to  
2 military matters.

3 Re-examination by Ms. Pinter:

4 Q. [Interpretation] Now, General, I'd like to start off with the  
5 following. While we still have the page on our screens, I'd like to ask  
6 you the following. The Prosecutor's question was formulated in the  
7 following way. He said:

8 You travelled around Bosnia and you fought against the legitimate  
9 army of that country, and that was your goal, to fight against the  
10 legitimate army of the country?

11 Is that true and correct?



12 A. I didn't hear that. The legitimate army, well, the legitimate  
13 army was the HVO which, according to all the laws in Bosnia-Herzegovina,  
14 was confirmed, because the same rights were realised by members of the  
15 HVO and the BH Army. But I didn't hear him ask the question that way.

16 Q. Well, perhaps not, but it was recorded on page 58,  
17 lines 19 to 23.

18 Similarly, in yesterday's transcript your answer was recorded,  
19 and as you were gesticulating while you were giving your answer, the  
20 transcript isn't quite clear in that portion. So I'd like to focus on  
21 page 37, lines 5 to 10, and it relates to a question that Ms. Alaburic  
22 put to you linked to documents 4D0618 and P7419.

23 Now, my question to you, linked to those two documents, is the  
24 following: The ATG Tvrtko, the ATG from Livno, and other ATGs, were they  
25 within the same structure as Ludvig Pavlovic?

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1 A. The Tvrtko ATG was not, nor was Livno in the same structure.

2 Q. So what units, along with Ludvig Pavlovic, were in the same  
3 structure?

4 A. In the same structure, you had Bruno Busic, the Vitezovi,  
5 Ludvig Pavlovic, the Convicts Battalion of 92, and the Baja Kraljevic  
6 ATG.

7 Q. Thank you. Then on page 100, line 1, of yesterday's transcript,  
8 your answer was recorded. I think it was wrongly recorded, but let me  
9 ask you the question because I don't want to suggest an answer to you.

10 Ludvig Pavlovic, your unit, had under its control a large

11 territory of the HZ-HB or was active over a large territory of HZ-HB;  
12 which?

13 A. My unit was of the manoeuvre type, and it acted over a large  
14 territory. It did not control.

15 Q. Thank you. And once again a correction to today's transcript,  
16 your answer recorded on page 61, line 19 and 20. The Convicts Battalion  
17 was within the structure of -- when?

18 A. The Convicts Battalion was in the structure in 1992.

19 Q. Thank you. Now, I'd like to ask you to look at --

20 MS. PINTER: Or perhaps the Usher can put P02240, the next  
21 document, on the overhead projector.

22 Q. We discussed the document several times today. It's an order  
23 stating that a unit from the 4th HVO Brigade, on the 10th of May, should  
24 be -- should get up and be awakened at 5.30. Does that mean that the  
25 whole brigade was to arrive in Mostar, was to go to Mostar?

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1 A. No.

2 Q. Did the unit reach Mostar on the 10th of May?

3 A. They did not report to me. Now, whether they arrived or not, I  
4 don't know.

5 Q. That means you didn't do anything with them, you didn't deploy  
6 them at all?

7 A. I did not deploy them according to this order because they didn't  
8 report to me.

9 Q. Thank you. And another document discussed today. The Prosecutor

10 showed you document P9847, and he referred to page 3 of that document.

11 And what was suggested to you was that in Mostar, in West Mostar, no

12 Muslims remained. Now, as we're dealing with redirect --

13 MR. LAWS: That's simply not right. This document has nothing to

14 do with Mostar. It's to do with Stolac-Capljina.

15 MS. PINTER: [Interpretation] Well, I'm sorry, but page 3 refers

16 to Mostar.

17 MR. LAWS: I didn't put page 3 to the witness. That's all. I

18 put page 2, so far as it relates to the 13th of July, women and children.

19 MS. PINTER: [Interpretation] On that same page, above that

20 paragraph beginning: "On the 13th of July ...," so on that same page,

21 above "the 13th of July," it says -- I beg your pardon. My mistake.

22 13th of June. I do apologise. I was looking at the wrong date, the

23 13th of June. Never mind. We'll skip that.

24 However, the Prosecutor, nevertheless, suggested to the witness

25 that the Muslims were expelled from West Mostar, because the witness's

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1 answer was that, to the best his recollections, there were a certain

2 number of Muslims who stayed on in Mostar.

3 MS. PINTER: So I'd like to see P5984, please, the next document.

4 It is -- did I give the wrong number there? I don't know which number

5 you mean. 5984, P5984. P -- P5984. Yes, that's right.

6 Q. Look at the document, please. Can you see it on your screens?

7 A. Yes, I can.

8 Q. According to this document, in Mostar, in October 1993, were

9 there any Muslims?

10 A. Yes.

11 Q. Can you tell us what the figure there is?

12 A. 8.100 -- I'm reading the total number. Is that what you want?

13 8.141.

14 Q. And the table relates to whom?

15 A. This is -- these are parts of Mostar.

16 Q. And what population there, which inhabitants?

17 A. Bosniaks, I assume.

18 Q. Retired? It said "retirees"?

19 A. Yes, on the 20th of October, 1993, there were that many of them.

20 MS. PINTER: Thank you. That completes my portion of the

21 cross-examination -- or re-examination, and --

22 MR. LAWS: I'm very sorry. Before we leave that document, it's

23 not a document that was used in the course of the cross-examination at

24 all, and -- I don't dispute that at all, but the witness has just been

25 asked to confirm something. The document appears to give us columns, and

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1 we appear to have in evidence that it shows there are 8.141 Muslims in

2 total. Perhaps that is what it says, but it isn't remotely clear to me;

3 and how it's clear to the witness, I don't know, either. It appears to

4 say different numbers as we go across, and the figure for Muslims looks

5 like it's 2.107. So I just want the record to be clear as to that.

6 THE WITNESS: [Interpretation] Correct.

7 MR. LAWS: Thank you.

8 MS. PINTER: [Interpretation] The second column refers to

9 Muslim Bosniaks, retired persons.

10 Your Honours, with your permission, General Praljak would now  
11 like to ask several questions.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, let me remind  
13 you that in your redirect you must put questions that refer to questions  
14 put by Mr. Laws in his cross-examination. Otherwise, Mr. Laws is going  
15 to raise objections all the time.

16 So now you have the floor.

17 THE ACCUSED PRALJAK: [Interpretation] Thank you, Your Honours.  
18 I'm quite sure that I won't move outside the frameworks of what the  
19 Prosecutor asked, and I don't think he'll have any objections to make in  
20 that regard.

21 Re-examination by Mr. Praljak:

22 Q. [Interpretation] General Curcic, good morning to you once again.

23 A. Good morning, General Praljak.

24 Q. Now, Kralj Tomislav is a regiment which was established where?

25 A. Kralj Tomislav is a regiment founded in Croatia, in Dubrovnik and

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1 then in Vrgorac.

2 Q. And you were the Croatian Army?

3 A. Correct.

4 Q. That particular unit, how many Croats were there in it and how  
5 many Muslims?

6 A. The unit had 60 per cent Croats and about 40 per cent Muslims.

7 Q. What percentage of people in that unit was born on the territory  
8 of Bosnia-Herzegovina, and was citizens of the republic or, rather, the  
9 Republic of Bosnia-Herzegovina **just like you are?**

10 A. Over 90 per cent of the members were born in Bosnia-Herzegovina.

11 Q. Were you a military conscript of Bosnia-Herzegovina?

12 A. I was an active military person in Belgrade.

13 Q. Very well, we know that. But afterwards, you were a military  
14 conscript of Bosnia-Herzegovina?

15 A. Had I stayed on in Bosnia-Herzegovina, I would have been.

16 Q. Correct. Now, the Prosecutor said the Croatian Army -- you were  
17 on loan. He used the term "on loan." You said that was a strange term  
18 to use. But isn't it correct to say that you were on loan from  
19 Bosnia-Herzegovina, both the Croats and Bosniaks, voluntarily to the  
20 Croatian Army to defend the south of Croatia? Would that be a more  
21 correct interpretation?

22 A. Yes. We first went to defend Croatia.

23 Q. General, Cepikuce, did you take part in the fighting for  
24 Cepikuce?

25 A. Not me, General, but members of our unit, yes, led by the late

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1 Bozan Simovic.

2 Q. Against whom were you fighting in Cepikuce?

3 A. They fought there against the Serb army, the JNA.

4 Q. General, it doesn't matter whether you were there, personally.

5 I'm talking about the unit. Now, had Cepikuce been lost at the time,

6 where would the Serb -- what area would the Serb army have reached and  
7 what axis would it have taken?

8 A. Had Cepikuce fallen, automatically Dubrovnik would have fallen,  
9 and they would have advanced to Split.

10 Q. Thank you. Now, your commander, you say that your commander was  
11 General Daidza; right?

12 A. Yes.

13 Q. What was his full name, his real name?

14 A. We all knew him under the name of Mate Sarlija, nicknamed Daidza,  
15 but his real name was Nijaz Batlak.

16 Q. Was he a Muslim?

17 A. Yes.

18 Q. Now, please, after the truce that was signed, as far as Croatia  
19 is concerned, where did you have your training centres?

20 A. We had our training centres in Basko Polje and Vrgorac.

21 Q. That's in Croatia?

22 A. Yes.

23 Q. Who came from Bosnia-Herzegovina to be trained in your training  
24 centres, to be trained and go back? Were they Croats, Bosniaks? Were  
25 there more Croats than Bosniaks or more Muslims than Croats?

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1 A. The prevailing number was among the Bosniaks. There were more  
2 Bosniaks.

3 Q. What was the name of the logistics man in your unit?

4 A. Kralj Tomislav logistics man was Nikica Raguz -- Nikica Raguz

5 and Marko Potrebica.

6 Q. As far as you know, how many weapons were sent to Bosnia and  
7 Herzegovina via Kralj Tomislav unit? That's the first question. And how  
8 much of those -- how many of those weapons were sent to the Muslims and  
9 how many to the Croats?

10 A. I wouldn't know that, General. There were large quantities, we  
11 are talking about truckloads here, but most of those weapons went to the  
12 Bosniaks.

13 Q. General, can we agree that Mr. Nijaz Batlak or Mate Sarlija was a  
14 Croatian general, a general of the Croatian Army, and that he provided  
15 weapons in truckloads that were sent to the army -- or, rather, to the  
16 Muslims of the BH Army?

17 A. That's correct.

18 Q. Did Zuka also come for training to you?

19 A. Zuka was in Basko Polje with us for a while.

20 Q. We all know here who Zuka was, so we won't dwell on that any  
21 longer.

22 Now, my next question. Following this, what happened was an  
23 aggression against Bosnia and Herzegovina; in other words, the JNA and  
24 the Serbian Army of Bosnia-Herzegovina.

25 Before we go on to that, could we please have document 3D00420.

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1 3D00420.

2 As you can see, this is a document from the Republic of  
3 Bosnia and Herzegovina, and it relates to a decision on the formation of



4 Territorial Defence units. And you can see, under 1, that the person who  
5 signed this document, and as we will see, this will -- we will see in a  
6 moment that this was Alija Izetbegovic, well, where we see that he  
7 proclaims Kralj Tomislav unit and General Mate Sarlija as a  
8 Bosnian-Herzegovinian brigade.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a  
10 question from the Chamber. The document is interesting, but was this  
11 mentioned in the cross-examination?

12 THE ACCUSED PRALJAK: [Interpretation] Your Honour, the foundation  
13 for the questioning was the status of the brigade Kralj Tomislav or,  
14 rather, the regiment, where we see an order that Mate Sarlija, Daidza, is  
15 the commander, and the basis of that was to show that the  
16 Croatian Army -- that actually it was in Bosnia-Herzegovina under the  
17 orders of the Croatian Army.

18 But from this document, Your Honours, we can see that  
19 Mr. Alija Izetbegovic considers that brigade to be a brigade of the  
20 Territorial Defence of the Republic of Bosnia and Herzegovina and that he  
21 considers Mate Sarlija, Daidza, a commander of his Army of  
22 Bosnia and Herzegovina, and that he actually appoints him to that  
23 position. In other words, he appoints him as commander.

24 JUDGE ANTONETTI: [Interpretation] Mr. Laws.

25 MR. LAWS: I may well stand to be corrected, but I don't think I

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1 asked any questions about the Kralj Tomislav Brigade at all at any stage,  
2 and I hope I've been quite patience, watching the transcript going by,

3 but we haven't been dealing with topics that arose in cross-examination  
4 now for some few minutes.

5 MR. KOVACIC: I don't think that really a response is needed.  
6 The transcript could easily show whether this brigade was discussed or  
7 not.

8 And if I may add, since I'm on my feet, this is a classical  
9 example how documents and which kind of documents should be used on  
10 direct. Mr. Praljak precisely said what was inserted in the cross and  
11 precisely said why this document has to be shown in redirect. This is  
12 more than a clear example.

13 Thank you, Your Honour.

14 JUDGE ANTONETTI: [Interpretation] What's sure is that  
15 General Daidza was a topic mentioned by the Prosecutor. It seems that  
16 the real name of Daidza was Mate Sarlija and that we have a document  
17 mentioning him within the army -- the BH Army.

18 Let's move on. Please put your question, General Praljak.

19 THE ACCUSED PRALJAK: [Interpretation]

20 Q. My question is very simple. Sir, are you aware -- do you know  
21 that at this time you were, in fact, under the command both of  
22 Alija Izetbegovic and the Croatian Army, as this document shows?

23 A. Yes.

24 Q. Thank you. At this point, there was a clash in the army, the  
25 conflict broke out; and this brigade, this regiment, Kralj Tomislav, in

1 view of its composition, crossed over to the territory of

2 Bosnia and Herzegovina in order to fight for the survival of

3 Bosnia and Herzegovina?

4 A. That's correct.

5 Q. Is it true that it was split into two: A, Ludvig Pavlovic,  
6 numbering 92 members; and another number of Muslims who went to Konjic to  
7 create what?

8 A. To establish the regiment Nihad Kulenovic.

9 Q. Nihad Kulenovic was part of what?

10 A. Part of the BH Army.

11 Q. Of the original 92 members of the Ludvig Pavlovic Regiment, how  
12 many were Croats and how many Bosniaks?

13 A. I don't know exactly, but the ratio is about 70 to 30 per cent.

14 Q. Thank you. Is it true that these members, too, who had gone to  
15 join the Konjic Regiment, which was part of the BH Army, were they, too,  
16 retained -- or did they, too, retain the status as Croatian soldiers when  
17 their benefits are concerned and their pay?

18 A. Yes.

19 Q. Is it true that the 92 of you also retained that status?

20 JUDGE ANTONETTI: [Interpretation] Stop, General.

21 The Prosecutor showed you a good number of documents earlier. We  
22 spent a lot of time on this. But now I'm discovering that the soldiers  
23 who had left the Republic of Croatia **to go to Bosnia-Herzegovina were**  
24 split up in two. Some joined your Ludvig Pavlovic unit, and the others  
25 go to Konjic to join a BH Army regiment, the Nihad Kulenovic Brigade.

1 Now, I'd like to know the following: The soldiers that go to the  
2 BH Army, as far as you know, were they still paid by the Croatian Army?

3 THE WITNESS: [Interpretation] Your Honour, even General Daidza,  
4 in his case, he spent more time in Konjic than in Croatia or Herzegovina.  
5 In other words, they retained their rights, just like the 92 of us did.

6 JUDGE ANTONETTI: [Interpretation] If I understand you correctly,  
7 General Daidza came to see you and then would go and visit the Muslim  
8 soldiers in the BH Army. He would go from one unit to the other; is that  
9 it?

10 THE WITNESS: [Interpretation] Your Honours, yes. It was only on  
11 the 6th of June that the Ludvig Pavlovic unit was established. Up until  
12 then, we were part of Kralj Tomislav, and I'm talking about 1992.

13 JUDGE ANTONETTI: [Interpretation] In 1993, could you tell us  
14 whether the Muslim soldiers in the BH Army who were stationed in Konjic  
15 were still -- were they still paid by the Croatian Army?

16 THE WITNESS: [Interpretation] Your Honours, I don't know because  
17 at that time we had lost contact, we were not in contact.

18 JUDGE ANTONETTI: [Interpretation] Very well.

19 THE ACCUSED PRALJAK: [Interpretation]

20 Q. General Curcic, do you recall that you addressed me as well  
21 within the Ministry of the Republic of Croatia **relating -- regarding the**  
22 **status and service-related matters?**

23 A. Well, for the most part, we addressed you.

24 Q. Could you tell us -- so --

25 THE INTERPRETER: Interpreters request, could the question please

1 be repeated.

2 MS. TOMANOVIC: [Interpretation] Just a moment.

3 General, would you please slow down a bit. A portion of your  
4 question, which is important, did not make it into the transcript. On  
5 page 72, lines 7 to 9, the General said that both sides addressed him,  
6 requesting assistance to resolve the status-related and service-related  
7 issues, and I would really appreciate it if the general could repeat his  
8 question because the transcript is unclear as it stands.

9 THE ACCUSED PRALJAK: [Interpretation] I will repeat my question.

10 Q. General, did you address me in the Ministry of the  
11 Republic of Croatia to resolve the status and service-related issues of  
12 the 92 of you?

13 A. Yes.

14 Q. And also the issues that related to the men who had joined the  
15 regiment in Konjic?

16 A. Yes.

17 Q. Tell me, would I, perhaps, be the best source to provide an  
18 answer about the date up until when all the members of Kralj Tomislav who  
19 were members of the Croatian Army, regardless of whether later on they  
20 joined the HVO or the BH Army, up until what date they actually enjoyed  
21 the benefits of the Croatian Army?

22 A. I think so. I think that would be you.

23 Q. We saw that Mr. Nijaz Batlak was appointed, and this was his real  
24 name of Mato Sarlija, that he was appointed by Alija Izetbegovic?

25 A. Yes.

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1 Q. Do you know that he received his pension, once he retired, from  
2 the Croatian Army and that he was buried at Mirogoj as a member of -- as  
3 a Croatian general?

4 A. Yes, I was at Mirogoj.

5 THE ACCUSED PRALJAK: [Interpretation] Could we now see 3D00560.  
6 3D00560.

7 Q. Please read this document. I don't know if you have ever seen  
8 the signature of Mr. Alija Izetbegovic, but I think you had occasion to  
9 see it in Sarajevo.

10 My question is this: Do you know that Mr. Alija Izetbegovic  
11 trusted, to a large extent, and had intimate cooperation with  
12 General Daidza?

13 A. I never saw them personally together, but Mr. Izetbegovic's  
14 envoys often came to see General Daidza in Vrgorac.

15 Q. Do you know, General, that Mr. Alija Izetbegovic wanted to  
16 entrust the operation for the liberation of Sarajevo to General Daidza?

17 A. Yes.

18 Q. Was this operation carried out? And we won't discuss how  
19 successfully.

20 A. Well, it was more an attempt at doing that.

21 Q. Did members of Kralj Tomislav participate in this attempt?

22 A. Yes.

23 Q. And the last question regarding this: When you were -- when you

24 crossed over to the HVO, was it voluntary or did you ever receive an  
25 order to that effect?

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1 A. Well, the easiest -- that's very easy to answer. We went back  
2 home. It was voluntary.

3 Q. Mr. Curcic, other than Bozan Simovic, your commander, who was  
4 killed in an operation, was there another commander of your battalion who  
5 was killed?

6 A. Yes, Ante Primorac was killed Kupres during an operation to  
7 liberate it.

8 Q. Well, let's clarify that issue. Did you -- let's talk about  
9 Urina Ravan and those events, we were together at that hut. Were we  
10 exposed? Could we have been killed because there was shooting going on  
11 some 30 metres away from us?

12 A. Yes, I remember it.

13 Q. Could you have been killed?

14 A. Yes.

15 Q. Tell us, is it true that the most important thing then was not  
16 death, itself, but what would happen to the families; in other words, to  
17 your mother, to your father, to your two sisters, what would happen to  
18 them after you get killed?

19 A. That's correct.

20 Q. So Croatia **was already a state. Was it important, very**  
21 **important, to gain in any way possible a status so that the Croatian Army**  
22 **would take care of your family and your loved ones if anything should**

23 happen to you?

24 A. That was the most important question.

25 Q. My next question, Mostar. We've seen a document there. Could we

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1 see it again, please? This is P02240.

2 While we are waiting for the document to come up, tell us, you  
3 have graduated from the Military Academy in Belgrade; correct?

4 A. Yes, in Belgrade and Sarajevo.

5 Q. Tell me, please, when a military action of an offensive character  
6 is being prepared, tell the Trial Chamber, please, briefly, what has to  
7 be done before an operation of that type.

8 A. General, the easiest way would be to describe it if we -- if  
9 you -- if we tell you about an order for an operation for attack. The  
10 first thing is an assessment. You have to assess the strength, the  
11 combat disposition, the possibility of bringing in reserve forces, if  
12 possible determining the firing position of the artillery, and so on and  
13 so forth. In other words, before any offensive operation is to be  
14 conducted, you need to have very high-quality reconnaissance conducted.

15 MS. TOMANOVIC: [Interpretation] I really do apologise, but both  
16 the generals should slow down. I think you're making it very hard for  
17 the interpreters.

18 Now, on page 75, line 22, the witness said "assessment of the  
19 enemy." That word is missing there, because the interpreters either  
20 didn't hear you or didn't have time to interpret you, but can you tell me  
21 if I'm right? Did you say "assessment of the enemy"?



22 THE WITNESS: [Interpretation] Yes, "assessment of the enemy" is  
23 what I said.

24 THE ACCUSED PRALJAK: [Interpretation]

25 Q. Is it true, General, sir, that maps were drawn up at the time or

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1 maps were drawn up at that point, that there's a general plan of attack  
2 which is then elaborated down the line among the individual units, that  
3 the start of an attack is elaborated, fire support to the artillery, the  
4 system of communications and signals is looked at, and everything else,  
5 what we call the wounded, where the wounded and casualties are to be  
6 collected; so it requires a whole lot of organisation, the necessary  
7 ammunition must be put in place and so on; is that correct?

8 A. Yes.

9 Q. And is it also true and correct that in a large-scale  
10 operation -- or let me ask you this first: The taking of Eastern Mostar,  
11 and the line was established -- the front-line was along the  
12 Bulevar and Santic Street, so taking a town like that defended by the  
13 4th Corps of the BH Army is a major, large-scale operation, or is it a  
14 small operation?

15 A. It was an enormous operation, too large. And I just want to say  
16 that the most difficult form of combat that is studied at military  
17 academies is combat in built-up areas, in settlements. So any logical  
18 soldier belonging to any side would try to avoid fighting in built-up  
19 areas because you have special characteristics of warfare there. You  
20 don't have a front; you don't have any neighbours. Every building is a

21 bunker, and so on and so forth. And the history of warfare from  
22 Stalingrad onwards have always shown that to be true. Then you have  
23 Vukovar as another example, and so on and so forth.

24 In Iraq, for example, the troops had problems when entering urban  
25 environments; but when they had a clear-cut front in the desert, that was

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1 another matter altogether.

2 Q. And one more thing. Every operation of this kind, does it need  
3 reserves? Do you have to create reserves, because the front-line units  
4 will suffer from fatigue and then you have to have reserve forces in  
5 preparation to replace them; would that be correct?

6 A. Yes.

7 Q. Now let me ask you this: Would it then be possible for an elite  
8 unit, of the type that the HVO Main Staff had at its disposal, was  
9 asleep, as the Prosecutor says, on the night before a prepared attack  
10 against the BH Army in Mostar? Is that something you could envisage at  
11 all?

12 A. No.

13 Q. Secondly, once you arrive in Mostar, you say that the first  
14 engagement that you had, the first piece of firing with the BH Army, was  
15 at the Rondo area. Now, tell Their Honours where Rondo is located in  
16 relation to the Bulevar, which was the separation line already  
17 established. So how far is it in to the western side? And take it  
18 slowly, please.

19 A. Rondo is at a distance of 500 metres from that line, and from the

20 Vranica building itself, perhaps 700, thereabouts, and that conflict and  
21 the engagement line was not at Rondo, itself, but halfway between Rondo  
22 and the Vranica building.

23 Q. Militarily viewed, was that an incursion by the BH Army towards  
24 the HVO; that is to say, movements towards the Ministry of Defence and  
25 movements towards Vranica, which is where the Command of the 4th Corps

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1 was and the Command of the 1st Brigade of the BH Army, the  
2 1st Mostar Brigade, in fact?

3 A. Yes.

4 Q. Now let's look at this next document, please. Well, we've  
5 already looked at it, and we've seen many similar documents of that  
6 nature. Is it possible for a good unit from Ljubuski, for example, does  
7 not take part in the attack or was not a reserve force, if someone was  
8 preparing an operation to take control of Mostar, would that be possible,  
9 militarily speaking?

10 A. Well, it would be possible if they had enough forces in some of  
11 the operations of attack, but if you had such a broad front, because the  
12 town itself, as a town, it would be more probable that it would have been  
13 prepared several days in advance and not to have the order issued today  
14 for tomorrow.

15 Q. And do you know, General, that at the time in Mostar, at the  
16 northern part of Mostar, facing the Serbs, and the south of Mostar,  
17 facing the Serbs, that two brigades -- two HVO brigades, the 2nd and  
18 3rd HVO Brigades, were engaged, deployed; is that right?

19 A. Yes.

20 Q. Was it the 1st or 2nd? No, the 2nd and 3rd, the 2nd and 3rd,  
21 that's the right number.

22 Now, in view of the troops that the HVO brigade had, was it  
23 possible, with two brigades which also held the lines facing the Serbs,  
24 was it possible to go into any relevant logical operation to take control  
25 of the town or, rather, the 4th Corps and the 1st -- let me repeat.

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1 THE ACCUSED PRALJAK: [Interpretation] Yes, I will slow down, and  
2 I do apologise. The devil take me. I apologise to the interpreters. I  
3 get carried away. I apologise to Your Honours, too.

4 Q. Now, is it possible, with two HVO brigades, with the number of  
5 men that they had, of the strength they had, holding the lines  
6 simultaneously facing the Army of Republika Srpska, and to the north of  
7 Mostar, and to the south of Mostar, was it militarily possible, having  
8 two brigades of this type in Mostar, an inhabited area, to attack the  
9 4th BH Army Corps and reap any success? Is that possible? Are there any  
10 realistic foundations for anything like that or is that something just a  
11 madman could think up?

12 A. I agree.

13 Q. Well, we're done with that. I just have a few more points.

14 General, do you know that the Croatian people, of their own free  
15 will, at a referendum in the spring of 1993, of their own free will, I  
16 repeat, voted for an independent, autonomous, integral  
17 Bosnia-Herzegovina? In 1992, I meant to say, in 1992. Do you know about

18 that?

19 A. Yes.

20 Q. Let's leave wishes aside and fantasy aside. But you, as a  
21 commander in a mixed unit in Croatia **and** Bosnia, **did you fight for,**  
22 number 1, protecting Bosnia-Herzegovina against an attack by the JNA and  
23 the Army of Republika Srpska?

24 A. Yes.

25 Q. As I claim, after an attack by the BH Army in the spring of 1993

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1 and then later, were you mostly on the defensive or almost exclusively on  
2 the defensive, compared to the attacks Neretva 93, Bugojno, et cetera?

3 A. Yes.

4 Q. Tell me, please, General, in the military sense, and in the  
5 general sense, popular sense, did you ever, you, personally, or did you  
6 hear from someone, from me or from anybody else, that you wanted in  
7 Bosnia-Herzegovina, for the Croatian people, anything more than equality,  
8 the kind of equality that a sovereign constituent people merit along with  
9 other ethnic groups inhabiting the area?

10 A. That's right.

11 Q. Did you want anything other than that, anything else, anything  
12 more than that?

13 A. No.

14 Q. Did you ever receive any instructions or orders from anyone, or  
15 any considerations, which would indicate something other than the defence  
16 of Bosnia-Herzegovina and equality for the Croatian people, complete

17 equality, full equality of the Croatian people within Bosnia-Herzegovina,  
18 along with the other constituent ethnic groups?

19 A. No, I never received an order of that kind or any instructions to  
20 that effect.

21 THE ACCUSED PRALJAK: [Interpretation] Thank you, Your Honours. I  
22 have no further questions.

23 General, sir, thank you for your answers.

24 JUDGE ANTONETTI: [Interpretation] Witness, your testimony has  
25 just come to an end. I will, therefore, ask the Usher to escort you out

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1 of the courtroom. I wish you a safe journey home.

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

3 [The witness withdrew]

4 JUDGE ANTONETTI: [Interpretation] Now, as far as our further  
5 hearings are concerned, the Trial Chamber has issued a decision  
6 concerning the expert witness. I encourage you and invite you to read  
7 this decision. The Trial Chamber has decided that the Defence teams will  
8 have four hours for the examination-in-chief, the other Defence teams  
9 will have two hours for their cross-examination, and the Prosecutor will  
10 have six hours. This is what I wish to tell you, the time it takes to  
11 have this translated in your working language. Our decision was recorded  
12 yesterday afternoon.

13 Ms. Alaburic, this witness will be ready for Monday, the  
14 26th of October, from 4.00 onwards. It's 4.00 p.m., because prior to  
15 that we will shall proceed with the elections of the President of this

16 Tribunal.

17 MS. ALABURIC: [Interpretation] Your Honour, yes, the witness is  
18 due to come in that week, and he will be ready to appear in court on the  
19 26th.

20 Now, according to our schedule, we said that we would have an  
21 introductory section of about an hour and a half, and I wanted to ask you  
22 the following, and this is important for the organisation of the first  
23 day: This introductory presentation will be prepared following examples  
24 and guide-lines given by what Judge Trechsel said, that it should show  
25 the Trial Chamber, in the basic forms, of what the topic of the

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1 Defence -- topics of the Defence are, and that this should be elaborated  
2 with key documents and the subject matter that witnesses will be dealing  
3 with. So we're prepared to have an introductory presentation of that  
4 kind.

5 Now, if the Trial Chamber has any questions to ask after that  
6 introductory presentation has been delivered which you think will speed  
7 up our presentation of evidence and examination of witnesses, I will be  
8 ready and willing to respond to those questions. And in that case, the  
9 following scenario could be put in place: that we begin proceedings at  
10 4.00 in the afternoon with an introductory presentation, which will take  
11 up about an hour and a half. After that, we'll have a 20-minute break,  
12 which means that we would continue proceedings at around 6.00 p.m.

13 Now, if the Trial Chamber can predict certain questions, I think  
14 it would be rational not to introduce the witness into the courtroom late

15 on Monday evening, but to start with the witness on Tuesday morning.

16 But, of course, I don't mind having the witness ready and waiting to come  
17 into the courtroom at 6.00 p.m. **if you feel that would be opportune.**

18 That's what I wanted to say. Thank you.

19 JUDGE ANTONETTI: [Interpretation] Ms. Alaburic, if I have  
20 understood you correctly, you had rather present your introduction for an  
21 hour and a half in the absence of the witness.

22 MS. ALABURIC: [Interpretation] Yes, that's right.

23 JUDGE ANTONETTI: [Interpretation] So when you have finished with  
24 that, we shall have the break, and around 6.00 p.m. we can ask the  
25 witness to take the solemn declaration and start with a few questions.

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1 MS. ALABURIC: [Interpretation] Yes, we'll do that, Your Honour.

2 Fine.

3 JUDGE ANTONETTI: [Interpretation] That satisfies the Chamber.

4 The most important point, in our eyes, was that of the expert witness  
5 whom we would like to hear.

6 Yes, Mr. Scott.

7 MR. SCOTT: Good afternoon, Your Honour.

8 Just to be absolutely clear, because sometimes there is confusion  
9 based on different practices, when Ms. Alaburic says "introductory  
10 presentation," we're talking about an opening statement, the sort that  
11 the Prosecution gave and the sort that other counsel have given. We're  
12 talking about an opening statement, not evidence; correct?

13 MS. ALABURIC: [Interpretation] Yes, Your Honour, it is indeed an



14 opening statement, and in future I'm going to use English terms when  
15 referring to something that is important to us. So the opening statement  
16 will take an hour and a half, and that opening statement will be  
17 delivered by me, as lead counsel for General Petkovic.

18 JUDGE ANTONETTI: [Interpretation] On a personal note,  
19 Ms. Alaburic, it is of interest, because with your opening statement we  
20 will be able to get an insight in those questions you will put to the  
21 witness and assess the witness's report, so this is a very good idea. We  
22 will see, in practice, how this works on Monday, the 26th.

23 In the meantime, I hope to see you on the 26th, the Monday  
24 afternoon, and we can all read and examine the witness's report.

25 The court stands adjourned.

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1 --- Whereupon the hearing adjourned at 12.36 p.m.,  
2 to be reconvened on Monday, the 26th day of  
3 October, 2009, at 4.00 p.m.

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