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1 Monday, 25 May 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Prlic and Coric not present]

5 [The witness takes the stand]

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

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

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

12 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar. This
13 is Monday, May 25th. I would like to greet Mr. Praljak, Mr. Stojic,
14 Mr. Petkovic and Mr. Pusic. I also greet the Defence counsel. I greet
15 Mr. Stringer and everyone helping him, and I also greet our
16 court reporter and the interpreters, registrar, as well as the usher.

17 We have a short oral decision to render, and you will read it
18 immediately.

19 Oral decision on the request by Prosecution and the accused
20 Praljak for a stay of the proceedings.

21 On May 8, 2009, Prosecution requested a stay in the proceedings

22 for three days for June, 9, 10 and 11, 2009. On May 21st, 2009, the
23 counsels of accused Praljak also requested a stay in the proceedings for
24 the same dates. No objection was raised by the other parties, and,
25 therefore, the Trial Chamber decides to grant these motions and to stay

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1 the proceedings on June 9, 10, and 11, 2009. There will be no hearings
2 for those three days on June 9, 10, and 11.

3 Mr. Stringer.

4 MR. STRINGER: Just to express my appreciation to the Trial
5 Chamber and all the parties for their understanding on this issue. Thank
6 you.

7 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Stringer. The
8 hearing will now resume, and we will continue with the
9 examination-in-chief of Mr. Praljak, and so I give the floor to
10 Ms. Pinter.

11 WITNESS: SLOBODAN PRALJAK [Resumed]

12 [Witness answered through interpreter]

13 MS. PINTER: Thank you, Your Honour. Good afternoon to you and
14 everybody else in the courtroom.

15 Examination by Ms. Pinter: [Continued]

16 Q. [Interpretation] Good afternoon, General.

17 A. Good afternoon.

18 MS. PINTER: [Interpretation] Before we resume, I'd like to draw
19 the Trial Chamber's attention to the following: With respect to document
20 3D0 -- no, not document, video 3D03114, which was the video showing the

21 events in Travnik with members of the HVO who had left the front line,
22 the Defence checked the video, listened to it again, checked the
23 translation, and we claim that the interpretation into English is correct
24 and translates precisely the words that General Praljak uttered. So
25 that's what I'd say -- I'd like to say about that document.

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1 Q. Yes, go ahead, General. What was it you wanted to say?

2 A. Judge Antonetti, Your Honour, I did not say -- or say the words
3 that you were translated -- that were translated that we would fuck
4 Imater [phoen] and so on. I used a very neutral form, a neutral word,
5 "Jebemumate [phoen]," or "fuck you." So it has nothing to do with the
6 question you raised about what had been said.

7 JUDGE ANTONETTI: [Interpretation] Very well. This is noted.

8 Ms. Pinter.

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

10 Q. General, on Thursday we left off discussing the events in Gornji
11 Vakuf of the 18th of January and moving on slowly to the 19th, and you
12 spoke about your attempts to come into contact with General Petkovic, who
13 at that time was in Geneva. **So would you continue from that point,**
14 please.

15 A. I said that I arrived on the 16th and that the Deputy Chief of
16 the **Main Staff of the HVO at the time, Andric, and the commander of the**
17 area of responsibility, Mr. Siljeg, had had a series of contacts with the
18 opposite side; and I said that the BH Army had taken up positions in the
19 town of Vakuf, quite simply in and around Vakuf. Well, that's what I was

20 told. And I knew that from before, from December 1992, in fact. That
21 the Serb lines were about 10 kilometres as the crow flies from
22 Radusa Kamen, and that for various reasons the conflict had already begun
23 on the 11th of January, 1993.

24 After we had those discussions and we saw that the HVO -- what
25 the HVO proposals were and that they had consulted me, of course, and

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1 that they were very reasonable and precise and, militarily speaking, okay
2 and correct, in order to achieve some sort of agreement for a cease-fire
3 to be put in place I came into contact with Geneva. Well, not directly.

4 I wasn't able to contact Geneva **directly but had to go through**

5 Gojko Susak's secretary or some such round about route. That's how I did
6 it, I assume. And I think Sefer Halilovic was up there as well. So I
7 asked that they agree and send an official order for a cease-fire.

8 What happened up there was this: Every time the HVO stopped,
9 according to the information that I was conveyed by Andric and Siljeg,
10 the BH Army continued to fight using sniper fire. They carried on
11 killing and wounding people, and they showed no signs of resolving the
12 situation in a peaceful way.

13 The HVO achieved military success there. That is to say it took
14 control of the surrounding hills but with a lot of casualties and
15 fatalities. Lots died and were wounded. And on the 20th of January, I
16 think, an order arrived for a cease-fire. And in situations like that,
17 to effect a cease-fire is a slow process. You can't stop straight away,
18 because the military situation is such that it requires a gradual easing.

19 It has to reach the commanders in the field. Their communications are
20 down, but anyway, Andric and Siljeg did their best. However, I should
21 also like to mention that with -- according to all my information, in
22 Gornji Vakuf it wasn't actually possible, because you had that man,
23 Paraga, up there, who was a renegade from the BH Army and some other
24 people who were in the army of the -- of Bosnia-Herzegovina and in the
25 civilian structures of Gornji Vakuf.

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1 Q. Just to avoid any misunderstanding, Paraga is the nickname of
2 who?

3 A. Prijic.

4 Q. I see.

5 A. On the 22nd of January, 1993.

6 JUDGE TRECHSEL: [Interpretation] The answer to your question who
7 is Paraga is not at all reflected in the record. I haven't actually
8 heard it either. Perhaps you were overlapping. So perhaps you ask the
9 question again.

10 MS. PINTER: [Interpretation]

11 Q. General, who is Paraga, or who last Paraga?

12 A. It was a -- the nickname of a person called Hanefija Prijic. It
13 was a unit that was completely out of control, which had killed three
14 Italians from the humanitarian -- or, rather, humanitarian workers, and
15 he was of the people who behaved in this way in the BH Army.

16 So what I can say in conclusion is this: With major losses, the
17 HVO, on the basis of everything I knew of a purely military action,

18 succeeded to deblock, to completely lift the blockade of the roads and
19 HVO units and the commands. And on the 22nd of January, I had the task
20 of following the order from Mr. Petkovic preventing the town from being
21 taken over; and I claim that the HVO, at that point in time, by virtue of
22 its position and strength, was able to take the town of Uskoplje. And I
23 claim once again that that was not the intention or wish. We did not
24 want to have a conflict with the BH Army beyond not allowing them to set
25 up a complete -- blockade of the HVO in Gornji Vakuf tantamount to an

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1 aggression in military terms. That is an aggression.

2 Now, a response to that aggression is called active defence, and
3 so on the 22nd, I told the commanders, and -- I told them why I was asked
4 to go there, pursuant to General Petkovic's orders. I said no, the town
5 will remain free and peace is going to be restored. Now, to restore
6 peace after you've just been at war is a difficult thing.

7 On the 23rd, in the morning, I returned to Mostar, and that
8 completes my role as far as Uskoplje was concerned and the events there.

9 Q. Thank you, General. Now, for the record and for the benefit of
10 everybody in the courtroom, document 3D00476, which is already an exhibit
11 and was admitted by the Trial Chamber, is a document which testifies to
12 the number of killed and wounded in the Gornji Vakuf operation. So we
13 won't take up more time with that, but it is to be found in the document
14 which is already an exhibit.

15 General, we decided --

16 JUDGE ANTONETTI: [Interpretation] General Praljak, I listened to

17 your version of the events, the versions you gave us of the events as of
18 January 20th, and I must tell you that I can't understand.

19 Why is it -- I can't understand, because on January 15th there
20 was an important meeting in Zagreb **attended by all major -- all major**
21 **players, Mate Boban, Tudjman, Cyrus Vance, Lord Owen, and this meeting**
22 **obviously had an objective to restore peace, restoring a cease-fire and**
23 **bringing calm to the environment; and then you're telling us that in a**
24 **unit that was out of control, Paraga's unit, is on the field, is**
25 **operating on the field, and you as HVO in the framework of the concept of**

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1 active defence, and these are the words that you actually used, "active
2 defence," you managed to lift the blockade of the roads and to control
3 hills -- the hills. This is exactly what you said, and I can't
4 understand what actually happened.

5 If this Mr. Paraga is out of control and suddenly starts
6 operating while not following what had been decided in Zagreb, **why didn't**
7 **the HVO, through Mr. Boban, decide to directly call upon Mr. Izetbegovic,**
8 **as well as Cyrus Vance and Lord Owen and Tudjman, to say, We have a**
9 **problem. We have an eye BiH unit that is totally out of control and is**
10 **totally disturbing the environment.**

11 And then there could be a joint action that could have been
12 decided, but obviously you didn't choose to embark on that route. You
13 decided to go along active defence, and this is where I run into a
14 problem here.

15 So what can you say to this, please?

16 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour, the
17 problem of Paraga is just one that was prominent. However, the
18 leadership in Gornji Vakuf as well, and the commanders of the BH Army in
19 Gornji Vakuf, and the commanders of the 3rd Corps of the BH Army to which
20 that area belonged, in those hills spent three months digging, three
21 months before this event.

22 A whole series of meetings in December took place, as I've
23 already said here once, and it was under pressure from me and my
24 instructions that Mr. Andric and Mr. Siljeg discuss this with the
25 opposite side in treating them and warning them that a friendly army or a

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1 joint army or some sort of army that was supposed to act together didn't
2 behave in that way. It wasn't done. It was preparation for complete
3 control of the roads going into Central Bosnia, and that it was
4 tantamount to placing the HVO in Gornji Vakuf and complete control.

5 I also said that the commander of the HVO brigade from Vakuf and
6 Uskoplje, Tokic was his name, was not able to reach his headquarters and
7 command. For example, going from Rama, going from Rama, he had to ask
8 UNPROFOR to transport him, and as we saw when we looked at the map and as
9 a British officer demonstrated, at all the elevations, both in town and
10 around town, they had dug trenches. They had been fortifying themselves
11 for months. And you saw these trenches on the photographs as well,
12 photographs which were taken last year or the year before, and you can
13 still see that it was no improvisation.

14 So faced with a situation of this kind, it wasn't only Paraga who

15 acted as he did, but there was quite a different line of thought in whole
16 sections of the BH Army, and the commanders of the BH Army, and I don't
17 know who else as well, because something like that cannot be done. You
18 can't do something like that without others knowing or receiving
19 permission from the higher-ranking officers from those who were in
20 Gornji Vakuf, especially as throughout December the BH Army was being
21 asked to do away with the trenches and the HVO blockades of the roads
22 leading into Central Bosnia. For example, in Bugojno at the time,
23 everything was quiet. There were no problems there.

24 So it was not just Paraga. Paraga was just an extreme example.
25 This was a military action to block the -- what was supposed to be a

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1 partner army, especially since by the 11th they already left all the
2 lines leading -- or facing the Serbs, Republika Srpska army, and the HVO
3 then had to man to prevent any break-through -- their break-through
4 towards Vakuf.

5 Now, whether Mr. Izetbegovic knew that in Zagreb, whether he knew
6 everything, I don't know that, but when I was asked to go down there, I
7 told him some of it, because by forcing, so to speak, Siljeg and Andric
8 to talk and to negotiate and try to resolve it peacefully, in November I
9 knew that it was a big part of the problem.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, this is a
11 lengthy answer, but in diplomatic terms, it's not complete. You are
12 noting what is happening military-wise on the field, and you told us
13 about it. You told us that they dug trenches and so forth and so on.

14 You also note that they have no intention of entering into the
15 diplomatic game that was set up in Zagreb. **Very well, but why don't you**
16 report to Mate Boban telling him, This is the situation. What should I
17 do? Should I attack them in the framework of active defence, or should
18 you, Mr. Boban, call Mr. Izetbegovic, Lord Owen, and all of them, to tell
19 them about the situation, tell hem that there is a problem?

20 When you decided to act militarily, did you get the green light,
21 or did you do this on your own volition, if I could say so.

22 THE WITNESS: [Interpretation] Your Honour, Judge Antonetti, my
23 answers are long because it always seem to me that my role is not
24 understood properly here.

25 The commanders in the field have the right to decide on many

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1 issues. So the deputy chief of the Main Staff and the commander of the
2 operational zone, they have responsibility vis-a-vis their troops, the
3 troops under their commander. And on the 11th of January, they started
4 conflicts with the BH Army.

5 On the 15th of January, I was asked to go down there and to calm
6 things down, and I entered the story on the 16th of January. By that
7 time those guys had already gone to Geneva, **and I'm in the field. Our**
8 communications -- well, I could -- I find it really hard to get in touch
9 with Geneva **from Rama, from Prozor. And immediately on the 16th Siljeg**
10 and Andric were sent again to -- for another round of talks in Vakuf.
11 All the documents are here. I don't want to go through them again. And

12 there the demands before them were very clear, because demands were made
13 in the army that military should withdraw from Vakuf, that no rifles are
14 carried by the troops, that the joint police should be set up, the joint
15 check-points should be set up, and so on and so forth. And all the
16 things that I suggested should be placed as demands, I still stand by it.
17 It is logical, and it is justified in military terms. So I supported two
18 of the HVO commanders in their logical demands.

19 And now since the other side turned a deaf ear and every time
20 there was a cease-fire they would fire on people, they would kill people.
21 They had casualties. And at the same time I had this parallel situation.
22 I informed Petkovic about what was going on because he was the chief of
23 the Main Staff, and at the same time he has his deputy and the zone
24 commander, and they are responsible vis-à-vis their troops; and the
25 responsibility is not to let them become casualties and not to let them

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1 be encircled or blocked totally, because when the cease-fire was signed
2 and you could see from the documents that were here the destruction of
3 the trenches took months and with UNPROFOR controlling the whole
4 operation of --

5 JUDGE ANTONETTI: [Interpretation] General, let me stop you here.
6 I fully understand -- understood that you're saying, but there's
7 something that just doesn't work, doesn't click. And there's
8 everything -- there's a very complicated architecture that's set up. We
9 have General Petkovic in Geneva **with Halilovic, but you on the field, you**
10 observe the situation because the enemy, "ABiH", is playing its own game

11 according to you; and you decide to trigger an attack, call it active
12 defence or defensive, defence, whatever. There is a conflict when
13 everybody, on the other hand, is trying to cool things down. So this is
14 what I can't reconcile.

15 According to your answer, I feel that while apprehending the
16 situation on the ground, you decide -- you made a military decision
17 without taking the diplomatic negotiations into account. You decided to
18 go against the ABiH.

19 THE WITNESS: [Interpretation] Well, I think you're wrong,
20 Your Honour. In military terms, yes. If -- let's assume -- let me take
21 the liberty to assume. Let's say we are partners in something. Then you
22 will not let me train my machine-gun at you and to control where you go
23 and how you go about.

24 So the diplomatic efforts and everything that was going on, there
25 was always this element, please don't keep your machine-gun trained on

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1 me, because in military terms this is inadmissible.

2 So peace the way they saw it according to the documents that you
3 have, resulted in dozens of casualties in HVO ranks. My duty was to
4 prevent the conflict from escalating and not to take the town at any cost
5 because that was not the intention. But if somebody controls every step
6 that's taken in Vakuf and controls seven or eight main positions, key
7 positions, and I drew them very accurately on the map and this English
8 major testified about them here very accurately, they simply had a
9 situation where they could shoot and kill people at will, and there was

10 always an incident. So if you have three dead one day, it's an incident.
11 Four killed the other day, it's an incident. Five killed the day after,
12 again an incident. Then the commanders have an obligation.

13 Nobody sent an order from Geneva **that the commanders of the**
14 partner armies should behave in the way that we proposed, that everybody
15 should move out of the town, pull out to the lines facing the Republika
16 Srpska army.

17 So this was a response to a conflict that they had caused two
18 months before, and it resulted in a great number of casualties, a number
19 of killed and wounded soldiers of the HVO. And I'm afraid that
20 Mr. Izetbegovic did not have any control over those units, and when I get
21 to the books, I will show how the BH Army actually functioned.

22 JUDGE ANTONETTI: [Interpretation] Very well. Thank you for your
23 lengthy answer.

24 Mrs. Pinter.

25 MS. PINTER: [Interpretation]

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1 Q. Thank you very much, General. I would like to ask you to take
2 the Gornji Vakuf file which is to your left. We will have to have to go
3 through some of the documents in order to show the situation.

4 Now I would like to ask you if you could look at P01114. Well,
5 you can look at the screen in e-court. There won't be that many
6 documents.

7 This is the Main Staff of the HVO. The date is the 13th of
8 January, 1993. P01114.

9 I would like to draw your attention only to Gornji Vakuf. You
10 have it on your screen?

11 A. Yes.

12 Q. Gornji Vakuf. It's a summary report on events in the area of
13 Gornji Vakuf, and the date is the 13th of January. And in this document
14 there is a mention about the possibility that the conflict might occur,
15 and the events of the 13th of January.

16 You were not there at the time?

17 A. No, but I was told about that. I was in the field until
18 Christmas throughout December, and I know what it means to provoke
19 conflicts on a daily basis, on a daily basis, and putting the other side
20 in a subordinate position, and this culminates and culminates; and it is
21 completely understandable that the commanders on the opposite side cannot
22 allow this mistreatment, because this is what it amounted to, abuse,
23 maltreatment, killing people, wounding people, and in effect --

24 Q. Now I would like us to look at 3D0153 --

25 JUDGE TRECHSEL: I like to ask a question of you, Mr. Praljak.

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1 Here in this report, one of the first incidents mentioned culminating and
2 culminating in lowering the Croatian flag. Now, where was the Croatian
3 flag lowered, and what was the legal basis for the Croatian flag having
4 been drawn up? If you know, of course.

5 THE WITNESS: [Interpretation] Well, I -- I know about the
6 incident. This is described in an earlier event. I know partially. I
7 don't know exactly.

8 There was a building where the HVO was. It was on this building,
9 and I think that it was for Christmas that the BH Army set the flag on
10 fire, tore it up, and of course -- well, why was it flown at all?
11 Because, Your Honour, we are a constituent people in the Republic of
12 Bosnia-Herzegovina, and we had the right to display our historical emblem
13 and the flag, as did the BH Army, because the flag that they adopted was
14 not recognised as the flag of the Republic of Bosnia and Herzegovina. It
15 was changed later. It was the flag with the Fleur-de-lis emblem which
16 they considered, and of course they used flags with crescent moon. In
17 fact, 50 percent of their units carried flags that had the insignia
18 associated with Islamic religion.

19 Simply, in the war armies carrying flags, and the Croats, without
20 wishing to impose their solution on anyone flew their historical flag on
21 the buildings that they used, not the flag that meant that they had any
22 aspirations to anything but as a people that has the right to be treated
23 equally with all the -- with the other two peoples in Bosnia and
24 Herzegovina, and this incident with the burning of the flag is very
25 sensitive.

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1 If flags are being burnt, that means that the situation is very
2 bad.

3 JUDGE TRECHSEL: On the other hand, Mr. Praljak, may not the
4 other side have a different view and regard it as possibly under certain
5 circumstances a provocation if the flag is raised? For instance, in a --
6 in a municipality which is inhabited predominantly by Muslims? Could

7 they not have a different view which might be balanced against the
8 Croatian view?

9 THE WITNESS: [Interpretation] Well, Your Honour, of course their
10 position was different, but this position shows that they did not
11 recognise Croats as a people with equal rights within the Republic of
12 Bosnia and Herzegovina. That was the problem, because by and large the
13 politicians and the personnel in the BH Army thought that they would
14 dominate Bosnia and Herzegovina the way that Serbs dominated Yugoslavia.

15 I would never allow, and I don't know of any instance when the
16 HVO -- well, apart from the lunatics in Rama and so on, that I fought
17 with using pistols, that anyone allowed the flag of another people to be
18 trampled on. They, Muslims, had the right to deploy their own flags.
19 Serbs had their flag and Croats had their own natural flag until it is
20 determined, as it was after the war, what the flag of Bosnia and
21 Herzegovina **should look like, and then it becomes obligatory.**

22 JUDGE ANTONETTI: [Interpretation] General, the question of the
23 flag lies at the heart of these incidents that have occurred on several
24 occasions, but amongst intelligent and educated people, did nobody ever
25 think of hoisting both flags at the top of a building, for instance?

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1 A. Your Honour Judge Antonetti, you have seen the photographs that
2 I've shown here. In the war, initially the Croatian and the Bosnian, the
3 Muslim flag were tied together if you remember. I showed this Court
4 those photographs. This is -- was the situation at the outset. But
5 little by little, and I shall substantiate this by documents, if not

6 today then tomorrow, slowly Sefer Halilovic and other people on their
7 side started changing their positions. So you could see that Petkovic is
8 a Ustasha, and they all are Ustashes down there. This was already
9 obviously in 1990. Many of those people started thinking that Bosnia and
10 Herzegovina was their own state, their domicile, and that the Croats and
11 Serbs can go to their respective states, the Croats to Croatia. And that
12 was the dominant idea, which was the prime mover of the ABiH Army's
13 attack on the Croats, on the HVO throughout Bosnia-Herzegovina.

14 As far as the Croats are concerned, they thought that the Muslims
15 could hoist their flag until the conflict flared up and escalated. After
16 that time, things changed. And if you remember, the commander from
17 Capljina, Luburic to whom I brought the insignias of the Army of Bosnia
18 and Herzegovina, we actually gave them the patches with the lilies, with
19 the Fleur-de-lis for them to wear on their uniforms. I personally did
20 that. I did not bring them the Croatian coat of arms. I wanted them to
21 bear insignia with their own emblems on their uniforms, and no one
22 challenged that.

23 So we did so until the end of 1992, and Luburic, too. That is
24 something that I know for a fact. But Sefer Halilovic and some of his
25 commander, and I will show this, this was impossible; for him, Petkovic

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1 and the entire HVO team were Ustashes already in 1990 in his view and
2 even before, even while he was a member of the KOS, K-O-S, all the Croats
3 were Ustashes to him. That is at the root much their attack on us

4 because they thought themselves a fundamental nation in
5 Bosnia-Herzegovina, and if they are the fundamental nation, the basic
6 nation, where does it put me? It puts me into a subordinate position, of
7 course.

8 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter.

9 MS. PINTER: [Interpretation]

10 Q. Thank you, General. Where does Mr. Sefer Halilovic come from?

11 A. Sefer Halilovic is not from Bosnia and Herzegovina. He came to
12 Bosnia and Herzegovina as a citizen of Serbia **and Sandzak. As an officer**
13 of the Yugoslav People's Army who worked for the counter-intelligence
14 service, the KOS.

15 Q. The transcript says Croatian flag?

16 A. What I said is the historical flag of the Croatian people. The
17 classical tricolour. It has identical colours, red, white, and blue as
18 the flag of the Netherlands. **Tricolour flag as many states have, and in**
19 the centre is the coat of arms, which has been the Croatian people's coat
20 of arms for eight centuries, through the 25 red and white fields it
21 symbolises the unification of north and southern Croatia.

22 Q. But it is not the flag of the Republic of Croatia?

23 A. No, no.

24 Q. All right. General, the first sentence of this document reads:

25 "From the Christmas holidays up-to-date, there was -- there --

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1 since Christmas, the relationship between the HVO and the BH Army has

2 become increasingly tense culminating in the lowering of the Croatian
3 flags, bringing in of additional BH Army forces, setting up check-points
4 in and around the town, so --" and it goes on to describe what happened.

5 So it was not the Croatian flag that was actually the cause of
6 this?

7 A. No, the Croatian flag was not the cause of this. It was just one
8 in a series of open, overt attacks, and the putting of a very important
9 place under control. And in his book the American Colonel Shrader in his
10 book about the war in Central Bosnia, and I have it in front of me, and I
11 will show you. He claims that the army had planned the attack on Gornji
12 Vakuf, that it had been planned in advance for strategic reasons so that
13 later on he could operate unhindered in Central Bosnia, in Travnik, at
14 other places without any help being able to arrive to the HVO.

15 Q. We still have to see 3D01537. It will be on the screen for your
16 benefit, so you don't have to look for it. 3D01537. This is a document
17 of the 1st of January, 1993. **The readiness of units for use signed by**
18 Commander Enver Hadzihasanovic.

19 I should like to ask you to take a look at this document and pay
20 special attention to item 4 in it. Can you read it? Are you able to --
21 could the --

22 A. Yes, I can see. I'm able to read it.

23 Q. To take land features from which action was taken against our
24 forces?

25 A. It always starts like this. If the HVO attacks us first. This

1 is a false formulation which is always resorted to and which always puts
2 the HVO in this thankless position. So if they should take action, then
3 they should be smashed and as they say here the 3rd Brigade and
4 7th Brigade, Muslim brigades will be at full readiness with the
5 battalion, et cetera. So the entire situation, the entire scenario has
6 been prepared.

7 This actually means that you provoke, provoke for so long, and in
8 military terms to provoke means actually kill until you react, and when
9 you do react, then I will say, Now you have attacked me; and then I will
10 have taken advantage of that situation to take that area and subdue you.
11 This is a classic scenario, perfidious military tactics where someone
12 heckles you and riles you all the time and once when you say enough is
13 enough, then this kind of a situation happens and this is what they were
14 preparing for and this is what they did.

15 Q. We only have another two documents and then we shall move on.
16 P01216 is one. This is a document dated the 19th of January, 1993,
17 signed by Colonel Zeljko Siljeg. It is a reply to the ultimatum of
18 Senad Dautovic. Who was Senad Dautovic?

19 A. Senad Dautovic was the commander of BH units in Bugojno, and in
20 this letter Colonel Siljeg, the commander of the zone of operations in
21 the area tells him, Dautovic, this is not what we looked for. We did not
22 look for this, and you know very well who cooked this up, your side. It
23 is not our wish to expand the conflict, for the conflict to escalate, but
24 if it does, we will have to accept it.

25 And he tells him, wherever you had a normal attitude and had

1 reasonable people, there were never any problems from our side. And that
2 is the case of Bugojno.

3 In Bugojno there never were any problems, and the HVO actually
4 allowed, because it was so unprepared, because it was complacent in its
5 attitude towards the BH Army, it allowed itself to be routed sometime
6 around July 1993, because they were lulled up. That was the tactics.
7 They dug trenches in the city. They carried out all the necessary
8 preparations.

9 And the HVO, because it did not want in any way to actually
10 deteriorate the situation, they were defeated in just one day. There
11 were 15.000 people, and the Bugojno brigade got involved, and there was
12 total disaster. This is not to be done in the army. This is no way to
13 act in the military. The army has weapons, and everyone has to know what
14 they are to do, because those -- had not the people in Gornji Vakuf been
15 ready and prepared, their fate would have been the same as those in --
16 the fate of -- the fate that befell the people of Bugojno. They say
17 peace, peace, okay, and then the Muslim army prepares itself as we saw
18 with Alagic, and with Bugojno and in Central Bosnia, and there you are,
19 as we saw in Konjic, et cetera.

20 So wherever they were even in the least -- where they had
21 supremacist even in the least. And we were not prepared to clash with
22 the Army of Bosnia and Herzegovina. We were routed. We were defeated in
23 a major way. But it is a fact, I repeat, we could have taken Vakuf, but
24 obviously because this was prohibited it was not the intention of the HVO

25 to have this conflict escalate, and the BH Army actually did so in

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1 Bugojno and in Vares and in Konjic and in Fojnica. They acted in
2 precisely that way.

3 Q. Document P01238, please. This is a document of the 20th of
4 January, 1993, by now already an exhibit and a document that confirms
5 exactly what we are talking about now.

6 General Praljak, the document is from the commander of the
7 4th Corps of the BH Army, order. P01238. The Main Staff of the HVO and
8 the BH Army staff.

9 A. Yes. Yes. This was already after the -- after General Petkovic
10 had got into touch with Mostar down there and that is it. But look here,
11 item 2, bullet 2: "From the municipality of Gornji Vakuf **withdrawal all**
12 forces from the adjacent municipalities."

13 This was also demanded in December. Also, the meeting on the
14 16th of January with UNPROFOR present. And on the 20th when they were
15 defeated for the most part it was agreed to do so.

16 This is a plea for units from the outside to move, because they
17 were riotous. They were out of control -- no, not out of control. I'm
18 not saying the right thing. They were under somebody's control, and
19 these units in carrying out their intentions was under somebody's
20 control. I don't know whose, but I know when I was there, and I was
21 there in Rama, I know what was happening, and I was informed about what
22 was going on.

23 Q. 3D02212. That is the next document. And as -- so 3D2212. This

24 is an order by Colonel Zeljko Siljic from the 22nd of January, 1992 [as
25 interpreted], which reflects the behaviour -- shows the behaviour of the

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1 HVO in respect of the ordered or achieved cease-fire.

2 I should like to direct you to item 3 and 5, items 3 and 5.

3 A. What the commanders were particularly bothered by was the fact
4 that the propaganda that one could hear on radio Sarajevo, et cetera; at
5 that time, all this reported that mosques were being targeted, this and
6 that was being done. So war propaganda, the propaganda of spreading
7 lies, in fact. And they were particularly sensitive to that for the
8 simple reason that the HVO did not have any counter-propaganda to speak
9 of, although UNPROFOR was there, and they were able to see everything;
10 but he's asking again the units and joining up on the units that they
11 have to conduct themselves in keeping with the law of war, that they have
12 to comply with orders. This was, of course, done orally very often in
13 order to instill it upon every single man that the war had to be waged by
14 means which are allowed in war.

15 Until the 22nd, the time until which I was there, up there, I
16 didn't see a single report that would demonstrate there had been any
17 breaches of any rules of law, which does not, of course, mean that I had
18 the correct information. I had information that I had, and that was the
19 information that I had.

20 JUDGE TRECHSEL: Ms. Pinter, I think it is January 1993, not
21 January 1992, and is stated in the record. I think you misspoke. Page
22 21, line 12.

23 MS. PINTER: [Interpretation] Thank you, Your Honour. It is 1993.

24 I haven't been following the transcript, so I missed it.

25 Q. General, now we are done as far as Vakuf is concerned, but before

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1 we move on --

2 JUDGE ANTONETTI: [Interpretation] One moment. General, this last
3 document signed by Colonel Siljeg, in paragraph 1 it seems that he is
4 challenging the renegade elements in the ABiH. Is this a diplomatic
5 formula to avoid the responsibility being borne by the ABiH for what
6 happened, or is it something which colonel is noticing since he is
7 responsible and in charge in the area, and he realises that part of the
8 ABiH has violated everything that was being prepared in Geneva?

9 If that is the case, why did Colonel Siljeg not ask for any
10 sanctions? And in addition, why is there no copy of this order that was
11 sent off to the cabinet of Mate Boban for information?

12 THE WITNESS: [Interpretation] First of all, Your Honour
13 Judge Antonetti, a copy of this document was most certainly sent to the
14 Main Staff, and Mate Boban received summary reports.

15 Secondly, this is not a diplomatic -- this is not diplomatic to
16 the effect that the renegades had to be treated so-and-so. What we saw,
17 Mr. Siljeg and all of us could see that there were two streams evolving
18 in parallel in the Army of Bosnia and Herzegovina with one gaining
19 prominence as time went by and the other one losing in importance. So
20 the situation in the -- in the HVO, in the Army of Bosnia and
21 Herzegovina, in Mostar, was peaceful. In Konjic things functioned. In

22 Jablanica they functioned. And some ten days before that I had left
23 Central Bosnia where the situation was reasonably orderly. There was a
24 satisfactory level of law and order, et cetera. But at that time in
25 Bugojno, the situation was more than good. The level of cooperation was

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1 satisfactory. We had joint meetings. So Siljeg fails to understand, and
2 he thinks that what was happening in Bosnia -- in Vakuf was being done by
3 disaffected elements from the Army of Bosnia and Herzegovina, because
4 there was nothing to be done with him except that they have put him in a
5 totally disastrous military situation in this brigade in Vakuf, and this
6 is why this refers to this renegade situation or element.

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

8 Q. Now, General, on Thursday we discussed the 15th of January, 1993,
9 and the order issued both by Bruno Stojic and Milivoj Petkovic, and also
10 Dr. Jadranko Prlic, and you gave us your explanation. However, you did
11 mention that it was necessary to look at additional documents. So we
12 provided a small file for Their Honours entitled "Additional documents."
13 They are 2D01409, 2D00441, and P01343, and they are documents which
14 relate to the 15th of January, 16th of January, and 20th of January,
15 1993. Just a moment I have to repeat the first number 2D01409. It is an
16 order from Bozo Rajic.

17 A. Well, as I've already said, this order was late by just one day,
18 probably, because Bozo Rajic was not in Sarajevo but was somewhere else.
19 Anyway, he was the minister of the Army of the Republic of
20 Bosnia-Herzegovina, and so on the basis of the agreement that I spoke

21 about, he issued an order and this is what it is, referring to the three
22 armies, although, in fact, it is unrealistic that he should issue an
23 order of this kind to Mladic and so on. But anyway, negotiations had
24 already started, so in view of the fact that they considered that
25 Bosnia-Herzegovina was also what the territory occupied by the Army of

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1 Republika Srpska, that this is how it should be written, to see who
2 wasn't going to respect the agreement reached if the negotiations on
3 Bosnia-Herzegovina had been conducted and so on.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, we have a
5 document here on the screen. Let me give the number again, because I
6 believe it's very important. 2D01407 -- no, 1409. 2D01409. This is a
7 document signed by Bozo Rajic. You told us that he's the minister of
8 defence of the Republic of Bosnia-Herzegovina.

9 This document seems to go against what we had thought we
10 understood when Mr. Okun testified. If I remember right, Mr. Okun seemed
11 to hint that the HVO had anticipated the Geneva conference, but in this
12 document we see, and it's written black -- in black and white, that all
13 formations of the HVO in provinces 1, 5, and 9 will be under ABiH
14 command; that all formations of ABiH in provinces 3, 8, and 10 will be
15 under HVO command; and, most importantly, all formations of the Serbian
16 army in provinces 2, 4, and 6 will be proclaimed to be Serbian provinces.

17 Now, General Praljak, this is my question: On -- on your side it
18 seems that as of January 15th, you asked for the ABiH units to be
19 subordinated to you in provinces 3, 8, and 10. So isn't the -- this

20 document the version for these provinces of what you asked for, provinces
21 1, 5 and 9.

22 THE WITNESS: [Interpretation] First of all, Judge Antonetti, in
23 Geneva **some agreements had had already been signed, and one of them, as**
24 far as I remember, was the one that said that if more negotiations were
25 going to be conducted on a proposed resolution by the international

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1 community, that while these negotiations are still going on, on a
2 political level, that the war should stop so that the armies would not be
3 in conflict with each other. It is more -- it is less logical that is it
4 is militarily to be assumed that this could happen and that this kind of
5 solution could be signed.

6 For example, you can command the HVO in these provinces, and
7 we're going to command the BH Army in those provinces. Now,
8 Your Honours, when you say that, it's not true --

9 JUDGE ANTONETTI: [Interpretation] General Praljak, I agree with
10 what you're saying. An agreement had been signed. But according to
11 Mr. Okun, who was sitting in your chair just a few months ago, he seemed
12 to say that you had implemented the agreement in anticipation, and if you
13 had done this, you were not the only one, because the Muslim side seems
14 to have done exactly the same thing.

15 THE WITNESS: [Interpretation] Your Honours, this was agreed with
16 Alija Izetbegovic in Zagreb, **the talks that I took part in, and I took**
17 part in the compiling of this document. I can't tell you more than that.
18 This was a major attempt that had been made.

19 Now, I can't go through all the documents. That would take up
20 much -- too much time, but you have them. They are exhibits. It says
21 without -- without pre-empting a political solution, okay, you decide
22 what you want in Geneva, **but until you have decided fully, let's stop the**
23 **conflicts,** and then you can negotiate peacefully and calmly -- calmly.
24 The HVO will respect every political solution made in Geneva.

25 So nothing was foreseen here. This was an attempt to stop the

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1 war, and it was agreed upon with Mr. Izetbegovic, Mr. Susak. I think
2 that also present at the negotiations was either Vance or Owen,
3 Lord Owen, and that was signed by the defence minister,
4 Mr. Alija Izetbegovic's minister of defence.

5 JUDGE ANTONETTI: [Interpretation] Okay, General Praljak, which
6 means that for you, as of January 15th all this was supposed to be
7 implemented on the ground, i.e., a single command for areas 3, 8, and 10,
8 and 1, 5, and 9; 3, 8, and 10 were to be under HVO command, and 1, 5, and
9 9 under ABiH command. And there was no need for wait for weeks or months
10 or anything. This was supposed to be implemented on the ground as of
11 January 15th. Is this what we're supposed to understand; yes or no?

12 THE WITNESS: [Interpretation] Yes, precisely, Judge. And apart
13 from that, in these provinces, the HVO was subordinated to the BH Army
14 straight away; and all the provinces that were called Muslim provinces
15 here. But anyway, the HVO in those provinces was subordinated to the BH
16 Army just as you heard say here, both in Tuzla, and Sarajevo, **and Bihac,**
17 and so on and so forth. Unfortunately, the BH Army -- or, rather,

18 Halilovic and the others never imagined that they would actually do
19 something. They were the HVO. They had quite different plans and
20 developments were quite different unfortunately, as I say.

21 JUDGE ANTONETTI: [Interpretation] I note something that seems
22 important when the Judges will have to deliberate in order -- we need to
23 have all this in mind. There are two elements on item 7. It says that
24 the execution of this order will start as of January 20th at midnight,
25 seemingly. And as recipients, we have also UNPROFOR and ECMM. So it

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1 seems that the international community is kept informed.

2 UNPROFOR is recipient number 6. ECMM is recipient number 7.

3 THE WITNESS: [Interpretation] Yes, Your Honour. We did hope, of
4 course with UNPROFOR and the ECMM, that all of them would try to put this
5 kind of order into practice. However, to be quite frank, many people
6 weren't interested in stopping the war, in actual fact.

7 And secondly, for this kind of order to be carry out, you need
8 three or four days, and that's were Mr. Bozo Rajic says on the 20th of
9 January was the date by way this should have been agreed because
10 communications had to be established and so on.

11 JUDGE ANTONETTI: [Interpretation] I was not on the field, but on
12 January 20th, in provinces 3, 8, and 10, did you go and meet with your
13 counterparts from the ABiH to tell them, Now we're in command. And did
14 your officers in provinces 1, 5, and 9 meet with their Muslim
15 counterparts to tell them, We are now under your command. Is this the
16 way things happened?

17 THE WITNESS: [Interpretation] The first point of your conclusion,
18 that is to say that had they done anything to set up a Joint Command in
19 3, 8, and 10 provinces, never entered their head. That's the first
20 point.

21 Secondly -- well, my answer is yes, in provinces 1, 6 [as
22 interpreted], and 9, the HVO did place its self under the command the BH
23 Army, and that was the situation until the end of the war.

24 JUDGE ANTONETTI: [Interpretation] Do you have evidence proving
25 this in 1, 5, and 9? There's a mistake in line 9. It's 1, 5 and not 6.

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1 Do you have any evidence proving that HVO officers actually placed
2 themselves under ABiH command?

3 THE WITNESS: [Interpretation] Your Honour, you heard testimony
4 here from the number one or -- number two or number three man from the
5 Tuzla Corps whose units were there. You saw the situation around
6 Sarajevo, how the HVO was under command -- what command the HVO was under
7 and in Bihac the same. I can, of course, connect the documents, but
8 they've been presented to this Court a number of times, both documents
9 and testimony to accompany them. And I'm quite sure of that. I'm quite
10 sure we have already presented them to the Trial Chamber along with the
11 witnesses, the documents and the witnesses together; and they're saying
12 what I'm saying, that in the provinces with the so-called Muslim majority
13 the HVO was placed under the command of the BH Army to the end of the
14 war.

15 JUDGE ANTONETTI: [Interpretation] So as early as January 21st

16 when you noted that in provinces 3, 8, and 10, it was not working. Did
17 you -- did the -- was the information immediately fed back to political
18 authorities, to Mr. Mate Boban, Mr. Prlic, Mr. Stojic, so they would know
19 that there is a problem that the orders are not being carried out?

20 THE WITNESS: [Interpretation] All of them. All the people you
21 mentioned, every single one of them knew full well that we had been
22 tricked in that respect and that the BH Army had absolutely no intention
23 of subordinating themselves to -- in these province and to set up a joint
24 commander with the HVO, and in that respect, you'll see far we
25 participated. You will see the meetings in a Mr. Petkovic had with

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1 Sefer, the attempts that were made. However, they mined it all. They
2 tricked us on all counts, and I state calmly that they tricked us from
3 one day to the next. They made us look fools, and it was difficult for
4 the army to take that, because it -- it made us look very naive, the fact
5 that we didn't know.

6 JUDGE ANTONETTI: [Interpretation] Let me try and make a
7 comparison with what is happening today. It seems that North Korea **is**
8 trying to launch a rocket, and I think the Security Council will meet. I
9 think they're meeting right now. This is what was happening with you at
10 the time. It was supposed to be implement, and it wasn't implemented.

11 So as far as you know in Geneva **did Cyrus Vance and Lord Owen told**
12 immediately about this? Were they told immediately about this? You
13 might not know, I don't know. I'm just putting the question to you in
14 case you might have information on this.

15 THE WITNESS: [Interpretation] I don't know what they were
16 informed of, Your Honour, but I do know that all the proposals that came
17 forward and were accepted by Mate Boban, that is to say the Croatian
18 side, I know that, and that they were signed by Franjo Tudjman, and that
19 we had every hope that it would mark the end of the war. That's what I
20 do know. You but let me give you another example with your permission,
21 concerning Vakuf. You will remember the so-called Cuban crisis when on
22 the territory of a sovereign state, the Russians brought in rockets.
23 Now, the Americans wouldn't -- wouldn't have thought that those rockets
24 were targeting birds and trained on birds; so that's the answer, either
25 take your weapons away or we're going to defend ourselves. And that was

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1 the Vakuf situation. Just imagine they're shooting at Americans and
2 killing 5, 10, 15, and you're waiting there calmly taking it all and then
3 when you respond somebody comes in here and says, You attacked first.
4 No. It was a justified, logical, provoked military action which was
5 carried out professionally and completed on the 22nd with the prohibition
6 of touching Gornji Vakuf or the population there or whatever.

7 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

8 MS. PINTER: [Interpretation] Thank you.

9 JUDGE TRECHSEL: Mr. Praljak, first a technical matter. On point
10 8, would you be so kind as to read that little sentence on page -- on the
11 second page, number 8. "The commanders," is the first word,
12 "zapovjednici."

13 THE WITNESS: [Interpretation] Mr. Rajic is addressing in this

14 item to brigadier Milivoj Petkovic.

15 JUDGE TRECHSEL: Sorry I just asked you to read please in your
16 language the text, and I will explain why afterwards.

17 THE WITNESS: [Interpretation] Item 8: "The commanders of units
18 from item 6 of this order shall submit their daily reports to me by 2000
19 hours at the latest."

20 JUDGE TRECHSEL: Thank you very much. Those who have followed
21 the English text will have noted that it is miswritten. Instead of
22 number 6, the reference is to paragraph 8. So that is a mistake which
23 must be corrected.

24 And my -- my question with regard to this is: Are you aware of
25 these reports that Bozo Rajic demands to be sent to him daily were ever

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1 actually sent?

2 THE WITNESS: [Interpretation] I don't know, Your Honour
3 Judge Trechsel, but with a great deal of certainty I can claim that apart
4 from the reports from the HVO, he did not receive any reports from the
5 VRS and from the BH Army, and I can say that with 99.99 percent
6 certainty.

7 JUDGE TRECHSEL: Thank you. The second question is I want to
8 point to point 5 where it is -- reference is made "until the final
9 agreement." This gives the impression that there is a provisional
10 element in this order. How would you interpret this reference to "until
11 the final agreement"?

12 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, as far

13 as I know, in Geneva an agreement was reached on the cease-fire, but
14 since Mr. Petkovic was up there, he will be in a better position than I
15 am to know what.

16 But here it says: "On the basis of what was agreed in Geneva
17 this is what we've done," and it goes on to say if a final agreement is
18 reached, an agreement that would signify any changes or that any new
19 orders should be signed to operationalise this agreement in Geneva, then
20 this would be amended. This is what it says here.

21 JUDGE TRECHSEL: Thank you.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, in answering
23 the question put to you by my fellow Judge, you said that Halilovic and
24 Mladic never wrote any reports. Now, as far as you know, and I'm sure I
25 will ask him the question when General Petkovic comes to testify, if he

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1 does, as far as you know did General Petkovic ever make a report to tell
2 Mr. Bozo Rajic that things were not working in regions 3, 8, and 10; did
3 he do this?

4 THE WITNESS: [Interpretation] I don't know, Your Honour, but I do
5 know for a fact because I was with Rajic at the time that he was fully
6 briefed. He was fully aware of the fact that -- the fact that the HVO
7 refused to implement it, that it didn't affect the other two army. Now,
8 whether Petkovic sent him any reports or not, I don't know that.

9 JUDGE ANTONETTI: [Interpretation] Very well. Now, if later on
10 but maybe General Petkovic Defence will show us that, if we find a report
11 by General Petkovic sent to Bozo Rajic, according to you would that mean

12 that that would demonstrate the good faith of the HVO?

13 THE WITNESS: [Interpretation] Probably, yes, but I was in the
14 field, and I will be testifying later, and you will see from other
15 documents it was goodwill, but not only goodwill but strong, aggressive
16 will to reach, to achieve peace. That is what existed on the part of the
17 HVO. You will see that from other documents.

18 JUDGE ANTONETTI: [Interpretation] General Praljak, you have to
19 demonstrate good faith, not just, you know, with speeches. You need also
20 to act, but we'll see that later on.

21 JUDGE TRECHSEL: I'm sorry. General Praljak, there's one element
22 in one of the answers that you gave to me which surprises me somewhat,
23 and the same issue has been addressed by the president. You know 99
24 percent for sure what Mladic and Halilovic did not do, but you simply say
25 you don't know, you have no idea what your immediate military neighbour

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1 within the HVO, Mr. Petkovic, that is done. Isn't that a bit surprising?
2 You know what happens on the other side, and you have no idea what
3 happens on your side. I find that a bit surprising, I must say.

4 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, no,
5 it's not surprising at all. Until the 22 to 23rd I spent a couple of
6 days in Mostar after that date and I know what happened, and I know for a
7 fact from Bozo Rajic that he definitely did not receive anything from
8 Sefer and from Mladic, and he know that he knew what the HVO was doing.
9 I simply don't know whether Petkovic gave him anything. It's possible
10 that he did, but it's not in any kind of a contradiction, knowledge that

11 something was not done. You receive it from a man. Well, Mladic --
12 well, Your Honour Judge Trechsel, Mladic was laughing his head off
13 because the war was just getting under way. He found this really funny,
14 and you will see from the documents in an hour, an hour and a half -- in
15 an hour or an hour and a half, you will see what Sefer was thinking. You
16 will not get his thoughts about this but in other things. So you don't
17 really have to -- you know too much about the situation because you're
18 down there all the time, so you don't need to have a piece of paper for
19 everything. I simply know that.

20 JUDGE TRECHSEL: Okay. Thank you.

21 JUDGE ANTONETTI: [Interpretation] I'll continue. Ms. Pinter, one
22 thing that escaped me earlier, you did not submit an IC list today. Is
23 there a reason for this?

24 MS. PINTER: [Interpretation] For last week? I have information
25 because I saw a person nodding that the IC list for last week was

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1 submitted.

2 JUDGE ANTONETTI: [Interpretation] I will check.

3 MS. PINTER: [Interpretation] That's what I'm told. Now, to let
4 you know, Your Honour Judge Antonetti, when you asked General Praljak
5 whether Lord Owen and Vance knew about the talks and the events in Vakuf;
6 I would like to bring up document P01240, dated the 21st of January,
7 1993. It's a discussion in the office of President Dr. Franjo Tudjman
8 dealing with this issue. This transcript has already and admitted. It's
9 an exhibit. It was tendered by Jadranko Prlic Defence as part of their

10 presidential transcript motion.

11 Q. General, would you look at the document because it follows
12 naturally in what you've been saying in answer to Their Honours.
13 2D00441. The date is the 21st of January, 1993. It's again signed by
14 Bozo Rajic.

15 A. Well, again he talks about the principles from the peace
16 agreement, because obviously the principles were signed at the time, and
17 he again issues an order of the same form. It's to be extended until the
18 conclusion of the peace talks in Geneva, so let's have peace until peace
19 talks in Geneva **are concluded. This is again -- the essence is the same**
20 as in the previous document and in everything else.

21 Q. Or, rather, could you please look at P01343. It's the official
22 Gazette of the Republic of Bosnia and Herzegovina. The date is the 19th
23 of January, 1993. It's the decision that bears that date, the Official
24 Gazette was issued on the 29th of January, 1993. It's the decision of
25 the president, Alija Izetbegovic, declaring the order of the defence

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1 minister of the Republic of Bosnia and Herzegovina null and void. This
2 document confirms what we've heard from you about how the joint order on
3 the establishment of peace and resubordination, if we can call it that,
4 was stopped. It's already been admitted into evidence by the
5 Trial Chamber.

6 A. Well, here Mr. Izetbegovic says, "Rajic, you don't have the right
7 to do anything of the sort," although it was agreed that he would issue
8 such an order. But the question remains why Mr. Izetbegovic, because you

9 saw from the transcripts that he agreed to such a thing, why didn't he
10 himself sign it? That's precisely what we've been hearing about here,
11 and that's that Mr. Izetbegovic was playing for a number of reasons that
12 we can now think a double game. That's one thing. And another thing is
13 that this whole issue surrounding this order that was supposed to be the
14 cause of war, on the 19th of January, 1993, it no longer exists. So he
15 invalidated it, declared it null and void, and we were back at square one
16 without any consequences. His generals probably told him or whoever,
17 Silajdzic had already been telling him that in Zagreb as Antun Vrdoljak
18 testifying --

19 MR. STRINGER: I'm going to start objecting, Mr. President, when
20 the witness starts speculating. I've been letting it go, but we're going
21 to start objecting when the witness leads off with a "probably,"
22 attributing based on speculation motives behind what other people have
23 done.

24 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, your objection is
25 on the transcript, but you are not entitled to raise an objection

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1 vis-a-vis Defence strategy developed by the witness. Let him develop his
2 theory. During your cross-examination, you can demonstrate that
3 everything he's saying is wrong.

4 So what do we have here? We have an order by the minister of
5 defence which is very precise, which is an implementation of the
6 Vance-Owen Plan alongside with that of the HVO. Mr. Izetbegovic, a few
7 days later, publishes a decision that rescinds the order given by his

8 defence minister by stating that he had not the legal authority to
9 execute this order and this order was anti-constitutional.

10 This raises a whole series of issues. Mr. Praljak, as far as you
11 know, do you remember whether the minister of defence stepped down after
12 this reaction by Mr. Izetbegovic? Was he set aside? Did he have to step
13 down, or did he remain in government?

14 THE WITNESS: [Interpretation] Well, I don't want to speculate. I
15 don't know the exact answer to that, but I think that he remained in the
16 government. I don't want to speculate, but I can repeat:

17 A, the order that was signed by Mr. Bozo Rajic and the people
18 from the HVO, Prlic, Stojic, Petkovic, was agreed in Zagreb with
19 Mr. Izetbegovic, in the presence of two high-ranking representatives of
20 the international community who acted as mediators in the peace process.

21 B, I took part in that.

22 C, Mr. Izetbegovic on the 19th of January declared this order
23 null and void. So let's leave it at that, that I don't know why that
24 happened.

25 JUDGE TRECHSEL: I would like to say two things. Firstly, on

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1 principle I would respectfully disagree that Mr. Praljak the right and
2 the duty as a witness to issue speculations, and I think he, himself,
3 agrees. But the second point is number II of the letter -- or the order
4 of Mr. Izetbegovic we are looking at. If you look at number II, as I
5 read it, but I, of course, read the translation, the reason is he says
6 only the president of the Republic of Bosnia and Herzegovina is competent

7 to sign such an order. So it's not matter of whether Mr. Bozic is still
8 in office, but it's a matter of whether, according to Mr. Izetbegovic,
9 the minister of defence is legitimate to sign such an order or not.

10 Of course I'm -- I will not even attempt to speculate about
11 whether he's right or wrong. I mean, definitely not saying that this is
12 the effective and correct legal argument, but it is what in my view
13 emerges from this letter. Thank you.

14 JUDGE ANTONETTI: [Interpretation] General, we'll get back to
15 this, I'm sure we will, a little later today, because your counsel will
16 certainly have follow-up questions.

17 We are reaching the end of the tape, so we need to have your
18 20-minute break now.

19 --- Recess taken at 3.52 p.m.

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

21 JUDGE ANTONETTI: [Interpretation] I shall give the floor to the
22 registrar who is going to give us a famous IC list.

23 THE REGISTRAR: Thank you, Your Honours. The second IC list
24 tendered by the Defence of Witness Slobodan Praljak shall be given
25 Exhibit IC1018. Thank you, Your Honours.

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1 JUDGE ANTONETTI: [Interpretation] Thank you.

2 Mrs. Pinter.

3 MS. PINTER: [Interpretation] Thank you very much, Your Honours.

4 Q. General, we took our break. You were interrupted. You wish to
5 say something else.

6 A. Yes. What I wish to say is that in this document Mr. Izetbegovic
7 actually says that the minister of defence is not competent to issue that
8 kind of a document. Needless to say, I, myself, don't know whether he
9 had been competent so to do or not. But we heard here in court, and I
10 was familiar with the constitution of the -- constitution of Bosnia and
11 Herzegovina, and without wishing in any way to actually dabble with law
12 too much, I can confirm that neither is Mr. Alija Izetbegovic, according
13 to the constitution of Bosnia and Herzegovina was able to serve a third
14 term of office as president of Bosnia and Herzegovina, for that matter.

15 So the Presidency themselves changed the rules on the election of
16 the president of the Presidency in order to enable Mr. Izetbegovic to
17 serve this third mandate -- third term as president, whereas according to
18 the actual rule, he had -- he was under the obligation to relinquish that
19 post and cede it -- hand it over to a Croat. And the Croats didn't
20 carry, in fact, and the Serbs conceded just to peace -- to keep peace in
21 the House. Yes. And the witness is --

22 THE INTERPRETER: And the interpreter could not hear the counsel
23 because of the overlapping.

24 JUDGE ANTONETTI: [Interpretation] General, the issue you've just
25 raised had already been mentioned when a witness came to testify, and we

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1 had been told that taking it in turns was a rule which prevented
2 Mr. Izetbegovic from holding this mandate. This is something that's been
3 said already, and we know this.

4 Let's proceed. Yes.

5 MS. TOMANOVIC: [Interpretation] I apologise. I have to correct
6 the transcript in a section which I think is important. Page 39, lines 1
7 and 2. General Praljak said that the Serbs didn't actually care about it
8 and that the Croats agreed in order to keep peace in the House, whereas
9 in the transcript it is vice versa.

10 THE WITNESS: [Interpretation] Yes, exactly. The Croats -- the
11 Serbs really didn't care at all about Bosnia and Herzegovina and
12 Mr. Alija Izetbegovic as president of the Presidency. They had their
13 parallel structures of power, and the Croats actually gave in. That's
14 it.

15 MS. PINTER: [Interpretation]

16 Q. Thank you, General. Now we shall move to document 3D02637. This
17 is Shrader's book, "The Muslim-Croat Civil War in Central Bosnia," and
18 for Their Honours and all others, this book is in binder --
19 Central Bosnian.

20 General, this is the book that you wished to talk about today.
21 It refers to Central Bosnia, but it is a book which gives an overall
22 overview of events. So please be so kind as to tell their -- to point
23 out to Their Honours the parts which you consider to be of relevance for
24 understanding the situation.

25 A. Here page 25 in the introduction.

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1 Q. In English, it's 3D33-0247, and in the Croatian version it is
2 3D33-0143.

3 A. Mr. Shrader in this part, Dr. Charles Reginald Shrader, who in

4 1964 graduated cum laude history, historical sciences at Vanderbilt
5 University, and also completed the American Infantry College of the
6 American army, and the US college for commands and Main Staff members,
7 the NATO university, university college. That was in 1994. And also in
8 Rome the highest military school of the North Alliance. So he wrote this
9 book, and I'm going just to take some short excerpts from this book.

10 Here he speaks about Jajce --

11 JUDGE TRECHSEL: I would just like a little comment, Mr. Praljak.
12 You have stressed that he made his doctorate cum laude. In what scale is
13 that? What is the best? What is the second, the third, the fourth? I
14 can tell you what the rules are in the universities I know. There are
15 four levels of quality. The lowest is rite then comes cum laude, and
16 then calms magna cum laude, and then summa cum laude. Is this what the
17 scale that was applied here also? If you know, if you --

18 MR. KARNAVAS: It's Columbia university, Mr. President.

19 JUDGE TRECHSEL: Columbia must be the same.

20 MR. KARNAVAS: Yeah.

21 JUDGE TRECHSEL: Thank you.

22 THE WITNESS: [Interpretation] I shall quote:

23 "In 1964 he graduated with exceptional distinction (cum laude)
24 historical sciences at Vanderbilt University. At Columbia University he
25 defended in 1976 his doctoral thesis dealing with medieval history," and

1 on as I enumerated earlier in the organisations of the US army, and I

2 cannot tell you any more than that, Your Honour.

3 JUDGE TRECHSEL: Thank you. That's -- thank you. That's quite
4 all right. Thank you.

5 THE WITNESS: [Interpretation] So here he describes what happened
6 to and with Jajce, and he again refers to 30.000 refugees, which is the
7 number that I also have mentioned myself who fled via the Vietnam Road
8 which I drew for you as the road between the hills. So they fled to
9 Travnik. And he goes on to say -- he says that there were mutual
10 recriminations between the HVO and the ABiH and the BH Army, because of
11 abandoning the defence of the city and that the civilian authorities were
12 confronted with the problem of a formidable number of refugees, which of
13 course is correct, and then he also adds that: "Therein lay the seed of
14 the coming conflict."

15 And as for the subject how the refugees would actually contribute
16 to the conflict which was coming is something that I've already developed
17 and talked about, and Madam Thatcher, Baroness Thatcher also grasped this
18 problem in its entirety, comprehensively.

19 He goes on to say that in respect of the -- that four, the
20 government of Mr. Izetbegovic, the refugees were both a problem and a
21 favourable, favourable development. The favourable development was that
22 a large number of men refugees were simply motivated to exact revenge on
23 both Serbs and the Croats as -- as well.

24 He continues to say that they were not ready for any actions
25 worth mentioning against the Serbs, but that with the arrival of the

1 Mujahedin and due to the large influx -- large influx of able-bodied men
2 in the area, that the army was already by that time able to set up units
3 that were capable of carrying out offensive actions.

4 THE INTERPRETER: Will counsel please not overlap. The
5 interpreter cannot hear both speakers at the same time. Sorry.

6 MS. PINTER: [Interpretation]

7 Q. I repeat: The English version page is 3D33-0248, and the
8 Croatian 3D33-0144.

9 A. Yes. Shrader considers that contrary to the conventional wisdom,
10 the Croat-Muslim conflict was accelerating the fall of Jajce and the
11 influx of refugees that it wasn't the Vance-Owen Plan that was doing
12 that, and he also states that the argument is fallacious that the Croats
13 should be accused for trying prematurely to apply the plan in the
14 provinces, that that had been the source of conflicts; that it was post
15 hoc and proctor hoc thinking that was mistakenly applied and that he can
16 say -- yes, he can say that the conflict actual at this erupted on the
17 14th of January, 1993, two dates after the cantonal division according to
18 the Vance-Owen Plan had been completed in Geneva, which of course they
19 couldn't have known that quickly really.

20 He also refers to another thesis which was advanced by
21 Franjo Nakic in fact before this court and which myself also will be
22 showing in a document about Mostar, namely that -- I shall not say as
23 Mr. Nakic that had there been no refugees there would not have been any
24 conflicts in the area as well as in Mostar, but it's quite certain that
25 the refugees on their part who had no guarantees whatsoever of ever

1 returning to the territories from which they had been expelled and the
2 majority in fact did not return to Republika Srpska, the vast majority of
3 them never returned, that --

4 MR. STRINGER: Excuse me, General. I apologise, Counsel, for the
5 interruption. I've been looking at the English version of the book, and
6 I may have missed it, but I'm not able to see and it might be helpful if
7 the general could tell us, if he knows, the basis of the information on
8 which Mr. Shrader is making these conclusions or observations that are
9 being tendered to the Trial Chamber, whether he is someone who is in the
10 area at the time, whether he was participating in Vance-Owen
11 negotiations, whether he was in Central Bosnia, or whether this is a
12 historical study based upon documents that he read after the fact. I
13 think it would just be useful to know what his perspective is in terms of
14 having made this book, if the general knows.

15 THE WITNESS: [Interpretation] Mr. Shrader at that time was not in
16 the area. He had documents at his disposal, and he did spend time, quite
17 some time, in Central Bosnia later on studying not only the documents but
18 also talking to the various people. And then he wrote a book that he
19 signs his name to, just as you, Mr. Prosecutor, wrote the indictment on
20 the document -- based on the documents that you had at your disposal,
21 although you were not in Central Bosnia at that time or on the territory
22 of Bosnia-Herzegovina.

23 In his footnotes, he always states what documents he is referring
24 to and what events, and the footnotes have been translated. So I can

25 move on now.

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1 MS. PINTER: [Interpretation]

2 Q. Just a moment, please, General. The number of the page where the
3 footnote is referring to this latest -- last portion is footnote 5 in the
4 Croatian, but in English it is 3D33-0312, and all the footnotes in the
5 English version are at the end of the book. The whole of the book is in
6 e-court, and the footnotes are on the page I've just quoted, and we have
7 handed over the book to the OTP. I think we did that about a month ago,
8 if not more.

9 A. So now we can move on to page 74 of the Croatian.

10 Q. Just a moment, please, General. The Croatian page is 3D33-0145,
11 and for the English it is 3D33-0249 to 32- -- or, rather, 32-0250.

12 A. Mr. Shrader talks about the three important points that the
13 Western armies have, and that is the so-called three C, command, control,
14 and communications, the three-C system. And he clearly states that there
15 were criminal and extremist elements both in the HVO and in the BH Army,
16 and he focuses in particular on the problem of General Blaskic.

17 Obviously he saw from the documents that in fact it was not
18 possible in Central Bosnia to have a -- to have effective control --
19 command and control, command and especially not control. As a
20 high-ranking officer who had been to the best military schools, it was
21 obvious that the system of control and command was difficult to implement
22 even when you had highly disciplined armies and well-trained armies and
23 men, and this was particularly impossible when the soldiers and -- and

24 officers were volunteers and when the influence of local political
25 authorities on the selection and dismissal of subordinate commanders was

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1 prevalent and when there were independent units that were not responsible
2 to anybody, and when there is general chaos attending this war -- this
3 defensive war, which led to a rise in crime, in common criminality, and
4 when you had very poor communications.

5 And you were able to see that the political representatives of
6 Central Bosnia **asked me to return to** Central Bosnia. I know that because
7 I was up there, and I know the animal force that you needed to exert in
8 order to fight. And I managed to do that in order to establish some sort
9 of control and law and order and to put a stop to the criminal groups
10 that were rampant and to prevent everything getting out of control.

11 Of course, Blaskic found this much more difficult to achieve than
12 I did because there was a difference between the two of us both in levels
13 of education and strength. Well, in many aspects, many things.

14 Furthermore, he goes on to speak about the newly established
15 units, about people who were friends and came from the same village, and
16 the fact that the command -- that you had to deserve command to be able
17 to command the people and that the people were elected from amongst
18 themselves. And we'll see when we get to the Main Staff at the time when
19 I was the commander of the Main Staff just how much lack of respect there
20 was, lack of respect for any order issued.

21 And then he goes on to say that there were no barracks, which
22 meant that the soldiers went home, taking their weapons with them, and so

23 on and so forth. He speaks about the political influence, and this is to
24 be found on page 76.

25 Q. That page --

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1 JUDGE ANTONETTI: [Interpretation] Before we move on in the book,
2 I have a question for you. The author of this survey, who is an
3 American, so someone who at first-hand is neutral in the face of other
4 warring parties, this is in footnote on the page 51, you are mentioned.
5 The person realise on the Kordic and Blaskic trials. This seems to be
6 the main source of information here. I also noted that he relied on
7 documents from the US Defence Department. So this person has been able
8 to access a great number of documents.

9 Why didn't you ask this person to come as an expert witness for
10 your defence?

11 THE WITNESS: [Interpretation] Well, my answer, Judge Antonetti,
12 is simple. Not enough time, and secondly, I thought that the gentleman
13 had already written this book, so that the book signed by him was
14 legitimate and gives us all the credentials we need. So I thought that
15 if we tender the whole book into evidence, then we needn't bring in
16 Mr. Shrader, although we did give it some thought and we were in contact
17 with him.

18 MS. PINTER: [Interpretation] And I'd just like to add to what the
19 general has said this: A very prosaic reason: The limited resources
20 that the Defence has to finance an expert witness of such a calibre that
21 this person would no doubt be.

22 MR. STRINGER: Mr. President, I was -- the Prosecution was about
23 to make an objection, although it's probably more for later, whenever the
24 book is tendered into evidence, but what's happening here is that the
25 Defence is try to get expert testimony in to evidence. The person

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1 appears to have qualifications. He's making observations and reaching
2 conclusions about issues concerning command and control of the HV in
3 Central Bosnia during the time.

4 Now, of course they can tender the book, but what is not going to
5 happen is that the Prosecution's not going to have an opportunity to
6 cross-examine this gentleman. So two things are happening. We have
7 expert information or information that's being tendered as essentially
8 expert testimony and conclusions. At the same time we don't have someone
9 here in the courtroom who will be subject to cross-examination on the
10 conclusions that are being tendered, and it's on that basis and perhaps
11 others that the Prosecution will be objecting to this book or parts of it
12 being admitted into evidence.

13 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, what you have
14 said is on the record, but I must say that personally, if I had known
15 about the existence of this book when the expert came, I could have put
16 more relevant questions to the expert in question, because I had no idea
17 that this survey existed. In what way is that expert better than the
18 other one, a former colonel from the US army. So you see you're right
19 when you say what is important is the expert witness. You're quite right
20 when you say that, and that's why I put the question to the Defence, "Why

21 didn't you call this witness?" The Defence answered by saying, "Well, we
22 learnt about this rather late and we don't have enough resources to call
23 this witness." Whatever the case may be, we have a number of documents
24 before us. If the Defence would like to tender these documents, then you
25 can make your observations and the Trial Chamber will rule on this.

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1 Mrs. Pinter.

2 MS. PINTER: [Interpretation] Thank you, Your Honour, I'd just
3 like to add that this book as the general has already said was written on
4 the basis of documents and refers to specific documents throughout so
5 that documents were presented and will be presented in the future.

6 MR. KARNAVAS: If I may just add one point. It's very similar to
7 hearsay evidence, Your Honours, and so if you have the documents and the
8 documents are presented, then you can use the documents and draw
9 conclusions, and if those conclusions are similar to the ones that are
10 being drawn by the gentleman, there's no reason why weight should not be
11 given to Mr. Shrader's opinions.

12 So I don't think there's anything unusual with what is happening
13 here. For instance, we had used Lord Owen's book. Lord Owen absolutely
14 refuses to come and testify for anybody. He was a prime candidate to --
15 you know, for us, but he would not come. Nonetheless, he wrote a book
16 based on documents, based on meetings. So you triangulate in this
17 instance. So I don't think -- obviously you can't give the entire
18 weight, but I think there is some merit into considering that there is a
19 limited amount of resources provided to the Defence.

20 JUDGE ANTONETTI: [Interpretation] Mr. Karnavas, this is something
21 I did not know about. I didn't know that Lord Owen refused to come,
22 because did -- had you intended to call him? You could have subpoenaed
23 him if you wanted to.

24 MR. KARNAVAS: Well, Your Honour, first of all, subpoenaing
25 somebody and then actually bringing him over are two different things.

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1 And secondly, once you drag somebody over here who doesn't wish
2 to be here you've just made him into a hostile witness and obviously
3 makes it much more difficult to get positive information from the
4 gentleman. That's the reality of the practice, and I can assure you over
5 the years I have subpoenaed witnesses, and it's one thing when you're
6 talking to them out of court, but when you force them to come, they're
7 quite different. And this -- Lord Owen, to be quite candid is a very
8 high personality, and obviously he chooses not to testify for any party.
9 So it's not like he's taking sides. Others have agreed to testify it,
10 but even with Holbrooke as you may know, dragging him over here and then
11 negotiating with the American government as to what he will and will not
12 say, you know, how does that -- so we are obviously with certain
13 witnesses we are at, you know, under difficult conditions.

14 I did, in fact -- for the record, I did meet with Mr. Shrader. I
15 flew over to the United States and met with the gentleman. It's quite a
16 difficult task to bring somebody like him here over given the resources
17 that are made available to the Defences and the amount of time. So then
18 one has to decide how best to proceed with their case in light of the

19 fact that we are joined together, have limited resources, and hopefully
20 we're hoping that some will covering certain topics.

21 But getting back to your point, I don't see any reason why the
22 Trial Chamber, which has a much deeper pocket than the Defence, can't
23 call Mr. Shrader if they feel that, you know, they would add to the
24 truth. That could be -- that could be of some assistance. He's in
25 Pennsylvania. He teaches. He used to teach at West Point. So he's

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1 quite qualified. He's been to the area. He knows the documents.

2 JUDGE ANTONETTI: [Interpretation] Thank you. What you have said
3 is on the record. Your idea which you have put forward is on the record.

4 Mrs. Pinter.

5 MS. PINTER: [Interpretation] Thank you, Your Honour. Just to
6 have the correct record -- well, it appears that you confirm -- you
7 observed that the Defence learnt of Dr. Shrader's book too late. That's
8 not true. So I think this might be an interpretation issue. I don't
9 think you said that the Defence learnt about the book too late but that
10 you have just learnt of the existence of the book just now.

11 JUDGE ANTONETTI: [Interpretation] I must have misunderstood. I
12 note that you did know about this historian. This is on the transcript
13 now.

14 MS. PINTER: [Interpretation] Yes, Your Honour.

15 Q. General, you said is that we can move on to page 76, which in
16 Croatian is 3D33-0146, and in the English it is 3D33-0252.

17 A. I'd just like to say that most of the matters that Mr. Shrader

18 deals with, the fall of Jajce, the refugees, and so on and so forth, are
19 things that I've already spoken about. So you can ask me about those
20 subjects.

21 Now, in this section Mr. Shrader says something that has been
22 heard several times in this courtroom already, and that is what the
23 political influence in the municipalities was with respect to the
24 appointment of commanders for the units. And he goes on to say that from
25 the United States of America -- **that the** United States of America had to

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1 invest great effort to mitigate the influence that the local political
2 authorities had on the national armies of different states -- or, rather,
3 they're referring to the states of the United States of America. So
4 politicians meddled there, too, in the United States. They meddled in
5 cadres, structure, and so on. And that's on page 77 already.

6 Q. For the record and everybody else in the courtroom, the English
7 is 3D33-0251 and 0252. I don't want to interrupt you any more.

8 A. And he goes on to say that there was an event that we are well
9 aware of, and Mr. Petkovic is well aware of that, and that is that
10 Blaskic needed a month to resolve -- or, rather, to relieve of duty
11 somebody whose name was Tuka, to dismiss Tuka, because the politicians
12 didn't agree to that in the area.

13 And then he goes on -- Mr. Shrader says that in the BH Army,
14 throughout most of the time there was a great clash between
15 Mr. Izetbegovic and the Chief of Staff of the BH Army, Sefer Halilovic,
16 that they were at odds. And I'll be able to show Their Honours that in

17 the days that come.

18 So anyway, there was a clash. They were at odds over such
19 fundamental questions as whether the Republic of Bosnia and Herzegovina
20 ought to defend itself from the Bosnian Serb aggression at all. And then
21 he goes on to say that he does not agree with respect to the people who
22 are passive and possibly traitors too, supports of Izetbegovic, many --
23 and those backing Sefer Halilovic.

24 So this is something that I've already spoken about, that is to
25 say the fundamental -- fundamentalist Islamic stream which Izetbegovic

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1 supported and which together with him or opposed to him made decisions.

2 And Mr. Filipovic addresses that in his own book. So he's an
3 academician, a Muslim, and he says that all this suppressed what little
4 goodwill there was to cooperate among the Bosnian Croats. And then he
5 goes on to say that Izetbegovic and Halilovic quarreled over the police
6 of the Ministry of the Interior and so on and so forth.

7 And I would wrap up with this: The reason why I'm saying this,
8 Mrs. Nika, is because we will be tendering clear documents about that.
9 So now let us move on to page 86.

10 Q. Let me just give the number. 3D33-0148. That's the Croatian.
11 And 3D33-0253 through 3D33-0255. So I don't want to interrupt you, I'm
12 giving the reference now.

13 A. Mr. Shrader here talks about the accusations that the Croatian
14 army is present in Central Bosnia and that this is, of course, the
15 propaganda disseminated by various people from the international

16 community in the field creating a wrong picture of Croats. And then he
17 also on to speak about the alleged intervention on the part of the
18 Croatian army. And he says that there is no evidence, no proof about the
19 Croatian army presence in Central Bosnia or interfering in any way, which
20 is, of course, more than correct, and we saw this from a document
21 indicating that in late November 1992, the BH Army refused to let through
22 into Central Bosnia what little units there were that were supposed to
23 help Jajce.

24 He goes on to say that the conflict had its peculiarities from
25 one location to another, and that is true. And this is why one should

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1 know the history of each town and village, because their histories differ
2 and one can only generalise in one segment of this whole thing.

3 And then he goes on to say that the observers were prone to
4 seeing HV soldiers everywhere, and then he goes on to explain how those
5 claims actually came into being. He says that the HVO was involved in
6 conflict with two enemies. That's page 88. I don't know if you gave us
7 the quote for that.

8 Q. Yes, I did. The Croatian is 3D33-0149.

9 A. And then he goes on to say how it happened that this report or
10 this information reached the Secretary-General of the United Nations
11 about the presence of three HV, Croatian army brigades in Central Bosnia.
12 He says that, of course, that this was misinformation provided by
13 UNPROFOR, and of course this propaganda was fomented by the
14 Bosnia-Herzegovina authorities. They simply lied. I claim that this is

15 a lie, a lie that was perpetuated because they simply wanted to weaken
16 not only the HVO but Croatia too. In spite of all the evidence about how
17 Croatia treated Bosnia-Herzegovina and the BH Army.

18 Furthermore, he says that nothing of the sort has ever been
19 confirmed, and he quotes Mato Granic. The date is the 11th of June,
20 1993, where he says that Croatia had no armed formations. And he also
21 quotes me. And in the documents that will be called later about -- well,
22 the documents from the Main Staff from the time when I was active there,
23 I will show quite clearly that this argument is absurd.

24 And he quotes Mr. Bob Stewart at -- at a trial in this very
25 building where he said that generally BritBat did not believe that there

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1 was any HV presence in Central Bosnia. And if Mr. Shrader quotes that,
2 then you can find this in the transcript from the Blaskic trial. So
3 famous Bob Stewart, as Shrader says, said that BritBat did not believe
4 there was any HV presence in Central Bosnia. And the UNPROFOR Chief of
5 Staff, Lieutenant-General Sir Roderick Cordy-Simpson also stated that
6 UNPROFOR had no confirmed -- not confirmed such reports and that he
7 personally had never seen any HV troops in the Kiseljak area.

8 JUDGE TRECHSEL: Sorry, Mr. Praljak. I wonder whether this is
9 really proper. Here is a gentleman from the United States who assesses
10 the evidence before the Court, practically all of it, and makes
11 conclusion. I don't think this can be called testimony of the witness.
12 I'm sorry, this is really conferring -- conveying to the Chamber

13 someone's considerations which are actually the task of the Chamber.
14 There is a rule that you cannot bring evidence and an expert cannot
15 pronounce himself directly on the finding. It's sort of a shortcut rule.
16 Mr. Karnavas knows what I'm referring to and can give the correct term of
17 it. And Mr. Khan definitely is also -- I'm the only one that is not
18 very, very conversant with this, but --

19 MR. KARNAVAS: Well, basically they cannot be testifying on
20 the --

21 THE INTERPRETER: Microphone, please.

22 MR. KARNAVAS: An expert cannot be testify on the ultimate issue.
23 That is up to the Chamber to make a decision. Perhaps a matter of
24 technique, if for instance the general were to be asked a series of
25 questions about events and perhaps make reference to the book maybe that

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1 might be one way of showing how General Praljak's intimate first-hand
2 knowledge is consistent with the conclusions drawn by the gentleman.
3 That may be of some assistance.

4 JUDGE TRECHSEL: That might definitely be more appropriate,
5 because I think this is really a bit -- goes very, very close, at least,
6 to ultimate issue.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, my fellow
8 Judge is absolutely right to make this observation. Your counsel and
9 you -- this book mentions -- talks about two witnesses, Colonel
10 Bob Stewart and General Cordy-Simpson. Obviously these two gentlemen
11 testified. They were probably Prosecution witnesses. I assume they

12 were. So it's up to your counsel to find their testimony in the Blaskic
13 case and to confront you with it, i.e., say, Mr. Stewart says this, what
14 do you believe of it? General Cordy-Simpson says this, what do you think
15 of it? And your counsel who is very -- knows her job, should also show
16 you part of the judgement in the Blaskic case where the Judges out of the
17 ideas [as interpreted] drew the conclusion that the HV were actually
18 present and then the four Judges on the bench here when they deliberate
19 will draw the necessary inferences from this. So this is the way the
20 evidence must be produced.

21 It's a technical problem. I believe that you must think about
22 this with your counsel, but my fellow Judge was absolutely right. You
23 cannot about it in the way you are proceeding at the moment.

24 THE WITNESS: [Interpretation] Your Honours, the Defence counsel
25 and the Prosecution will deal with that. It seemed to me as we talked

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1 this is what I am saying. I claim this. I know that when the accused
2 claims something that his claim is always under suspicion of being
3 untrue. That's only natural, and that's why I tried to find people who
4 are not biassed, people who are impartial, and people who wrote books who
5 have enough education in the field which they covered in their books, and
6 this is why I bring this up to you, Your Honours. This is -- what I've
7 been saying is true, and Mr. Shrader confirms that. This is what I
8 wanted to do.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, when you are
10 stating something, you're stating something under oath, and this does

11 have a certain probative value, but there is what you're saying under
12 oath and there is what a colonel in the British Army can say. And you
13 know that the colonel in the British Army is more neutral than you are,
14 of course; so what he says will have more probative -- will have more
15 weight anyway than what you will say, so you can state whatever you want
16 but you also have to back everything with other elements.

17 MR. KOVACIC: [Interpretation] Your Honour, a procedural question
18 that has been of concern to us. Mr. Praljak could in his testimony on
19 certain topics simply refer to a book, in this specific example,
20 Mr. Shrader's book or some other book, and say you will find the
21 situation in such and such a book. The problem with the Rules of
22 Procedure in this courtroom which would not make it possible for us to
23 tender this book into evidence. This book is evidence. A book about
24 those topics written by qualified -- by a qualified person. In political
25 sense Margaret Thatcher about political issues. Mr. Filipovic who was an

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1 insider. They have probative value, and I'm sure that the Judges would
2 like to see that because this is important. But according to the Rules
3 of Procedure that govern our work here in this courtroom, we cannot
4 tender a single page from a book or a document unless we talk about. And
5 this is why Praljak, after he has already testified about most of these
6 topics, he now says, he now demonstrates that a qualified person shares
7 his opinions and views, and I have to say, perhaps, to --

8 JUDGE ANTONETTI: [Interpretation] Yes, but the only difficulty
9 that my fellow Judge justly rose is that your client has been reading a

10 page from a book. That's fine, but he could have answered Mrs. Pinter's
11 question in the following way: He could have said, I always stated that
12 the Croatian army was not present in Central Bosnia, and the best proof
13 of this is what is written in this book; and he could stop there and then
14 either you or your fellow counsel could say, Well, in this book we have
15 mention of Bob Stewart, and he's quoted; and then you could present to
16 your client what Stewart said in the Blaskic case. That's the way to
17 proceed.

18 In order to receive a -- to receive anything, the Chamber must
19 check relevance and probative value, possible probative value. This is
20 what we have to take into account to present to -- to admit a document
21 that was shown to a witness. But if the document was not shown to the
22 witness, then the guidelines have to apply but it's more complicated
23 because we have to explain why the document was not presented to a
24 witness, what are the paragraphs involved and so on and so forth.

25 This is here a perfect occasion to show Bob Stewart's and

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1 Cordy-Simpson's testimony to Mr. Praljak. Telling them on the
2 transcript, on such and such page, this is what this person said. Do you
3 agree with him, yes or no. And then you can ask for -- we can tender the
4 transcript, transcript which the witness will have either admitted,
5 confirmed or not confirmed.

6 MR. KOVACIC: [Interpretation] We fully agree with your approach,
7 but again we have this technical problem. As we were preparing for the
8 scope of the testimony of General Praljak and primarily bearing in mind

9 the time that we have at our disposal because we can't get out of that
10 framework, we decided that we would achieve more, that we would be more
11 efficient, we would let General Praljak say more if he were allowed to go
12 through those parts that he thinks support his arguments without our
13 interference.

14 Of course my colleague could ask 120 questions and lead him
15 through all the pages of this book, but I don't think that I have to tell
16 you that this will take much more time.

17 MS. PINTER: [Interpretation] Just one detail. In footnote 42 at
18 page 3D --

19 THE INTERPRETER: Interpreter's note. The counsel is kindly
20 asked to speak more slowly when quoting numbers.

21 MS. PINTER: [Interpretation] Mr. Shrader, the author of this
22 book -- let me repeat the number 3D33-0316. In footnote 42 provides
23 clear reference for Bob Stewart's testimony and the testimony by
24 Sir Roderick Cordy-Simpson. That was on the 4th of August, 1999. And in
25 the book itself these are direct quotes, which means -- the quotation

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1 marks indicate that these are quotes, but if, Your Honours, you want us
2 to put to the general the testimony from those witnesses from the Blaskic
3 case we will do so if we have enough time. It's just -- it's all a
4 matter of time.

5 MR. STRINGER: Mr. President, I'm concerned about how far this is
6 going off track. Books play a role in this trial. I think those of us
7 from different backgrounds have come to accept that. Books by

8 Margaret Thatcher or Lord Owen or Mr. Alagic are books written by people
9 who were there personally participating in events and writing a book
10 about it afterwards; and the Trial Chamber under the procedural rules
11 that it has laid out agrees to accept books or parts of the books,
12 accepting, of course, that anyone who writes a book might be writing it
13 in a way that puts themselves in better light or for whatever motives
14 they may have to recount a story or history in a particular way, but the
15 Trial Chamber knows that, and the Trial Chamber, I assume, takes that
16 into account when it considers the weight to assign excerpts of books.

17 Now, this book is different. This book is not written by someone
18 like Lord Owen or Margaret Thatcher who was there participating in the
19 meetings, who was there like Colonel Stewart. This is a person who is an
20 historian who read a lot of documents and may have gone to the area after
21 the fact and talked to these people, and he's made what reads like an
22 expert report.

23 Now, again, we've had historians testify in this case and in this
24 Tribunal, but they come testify, and their reports, their findings and
25 conclusions are subject to cross-examination and questions from the

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1 Judges. That's not happening here. So in that respect, this is a
2 different type of written material than just a book written by someone
3 like Margaret Thatcher.

4 The second point, and again this is just for the record,
5 Mr. President, you indicated a willingness or the possibility of
6 accepting transcripts of witnesses who have testified in other

7 proceedings at this Tribunal like Colonel Stewart or Mr. Cordy-Simpson.
8 They were witnesses in the Blaskic case. Colonel Stewart, actually, was
9 a court witness. He was called by Judge Jorda and the Trial Chamber at
10 the end of the Prosecution, Defence case in the Blaskic trial.

11 But, of course, under the rules we have rules that provide for a
12 mechanism of transcripts from other cases to be put into evidence here,
13 and that's called Rule 92 bis or 92 ter, and if the Trial Chamber or if
14 the Praljak Defence wants to tender transcripts of Colonel Stewart or
15 anyone on these issues, certainly they're free to tender that evidence;
16 but to do so again under those rules and satisfying the procedural
17 requirements of those rules as opposed to just sort of throwing them in
18 together with a book that's written by an expert or a -- someone who
19 appears to certainly possess specialised qualifications whose book is
20 being tendered, parts of it being tendered, and not subject to
21 cross-examination.

22 So now we're at a second level where not only can the Prosecution
23 not cross-examine the gentleman Shrader, but nor are we able to
24 cross-examine Shrader about the transcripts that he's referring to and
25 parts that he may or may not have relied upon. So we're really getting

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1 into a deeper level of remoteness and fairness in terms of the
2 Prosecution's ability to deal with this evidence, because it's becoming
3 increasingly separated from the ways that we tender such evidence of
4 experts and other witnesses here in this trial.

5 JUDGE ANTONETTI: [Interpretation] Judge Prandler has something to

6 say, just a minute, but before my fellow Judge takes the floor, I have
7 something to add.

8 I share Mr. Stringer's point of view. The Defence could have
9 asked this Shrader to write a 92 ter statement, after which -- you know,
10 at the end of which he could have said, you know, I'm an historian, I
11 work for the US **army, or whatnot. This is my educational background and**
12 career elsewhere. I'm interested for -- in Yugoslavia for such and such
13 reason. I'm very neutral. This is the result of my work.

14 You could have added this on your witness list. And as
15 Mr. Stringer just said, the Prosecution could have asked for this person
16 to be cross-examined. And you would have tendered the statement. It
17 wasn't wasting any of your time because you're not putting any questions,
18 and then we would have allotted two or three hours to Mr. Stringer for
19 cross-examination. This would have been a technical procedure to admit
20 this, but I believe that Judge Prandler has something to say.

21 JUDGE PRANDLER: Thank you, Mr. President. I do not want to take
22 your time, but I would like to add my voice to the concerns raised by my
23 fellow Judges here and the concern of -- of the caution. Mainly, I would
24 take the other point which probably has not been yet so discussed and
25 consulted upon, and it is the question that this book is in a way

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1 concentrating on, and I quote the title, "Civil War in Central Bosnia."

2 Now, it is in Central Bosnia, which of course I am ready to
3 consider to look into and to study, but no doubt a major part of this
4 book and what we are reading here, and I try to look at it in the

5 meantime when we have this discussion here, they are mainly on those
6 issues which are not within the indictment. And I think that it should
7 also be borne in mind that although again I say that I am not against any
8 kind of witness statement or also expert studies, but on the other hand,
9 we should really concentrate on what we have at our hands, i.e., the
10 issue of the indictment. So I would like to hear some explanation about
11 this also from Mr. Praljak and from the Defence. Thank you.

12 MS. PINTER: [Interpretation] Thank you, Your Honours. I should
13 just like to caution -- in fact, I should respond to your comment that
14 this book refers to Central Bosnia and that is not the subject of the
15 indictment. And in that connection I should like to draw attention to
16 paragraphs 33, 34, the joint criminal enterprise, and the assertion in
17 the indictment that Croatian forces, the forces of the Croats from Bosnia
18 and Herzegovina, **in other words, were the ones who started the conflict**
19 in all areas, in -- of the Croatian Community of Herceg-Bosna.

20 I should like to draw your attention to your decision on the
21 acceptance of established facts and in connection with which we were
22 given the right to present evidence to the contrary.

23 I should only like to add that the onus probandi is on the
24 Prosecution and not the Defence. With this book as well as with some
25 other books, the Defence only wished to demonstrate that there also exist

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1 other possibilities, and General Praljak, from the very beginning of his
2 defence -- or of his statement, rather, from the 4th of May up to this
3 date has stressed and underlined time and again and also presented

4 documents which show the presence or nonpresence of Croatian forces in
5 the areas of Bosnia and Herzegovina, i.e., the areas of the Croatian
6 Community of Herceg-Bosna.

7 In other words, General Praljak has so far in countless
8 situations spoken about the circumstances which are quoted here and which
9 actually confirm his statement, his allegations.

10 Q. General?

11 A. Then I believe we should not go on with this book. There is
12 nothing that is too interesting. I wanted to show the view presented
13 there about the presence of the Croatian army in the -- in the area of
14 Central Bosnia **and what the possibilities were of controlling the HVO**
15 in -- in conjunction with the problems of the organisation of the army,
16 control, communications -- control and communications, and the
17 involvement of political echelons.

18 Needless to say, I wanted to show how this attack of the Army of
19 Bosnia and Herzegovina which Alagic and others testify about in their
20 books also spilled over to the south and how this chaos developed. The
21 gist -- the gist of the problem is who manages the chaos, who generated
22 the chaos. What were the possibilities of controlling it, and why am I
23 guilty or what am I guilty of? That is the essence of this case, the
24 general comprehension of the situation to see whether these six people
25 did have the power, if they did have the will and how much power they did

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1 have to stop all that. This is what I'm saying and other people are also
2 saying. I'm saying what power I had, what the extent of my power was and

3 how I used it. Because the crux of it, where there is some phenomena
4 which took place will be ascribed to the people who were down there.
5 That is the essence of the thing.

6 For instance, to me, was my power such that this war situation
7 could evolve without any war crimes being committed and how much I'm to
8 blame in that context. That is the sense. Because in every war you can
9 say that a soldier has done this or that and then just lock up a general
10 or some other superior. That's why I assert that the overall policy are
11 **France, America, the Serbs, Alija, the fundamentalist, actually**
12 engendered something that I do not want to be responsible for. Just
13 because I remained there amid that chaos rather than go to Germany. **And**
14 I could go to Germany **because I was of the proper age. That's it.**

15 So we've just extracted passage. You try and seek to prove
16 something and you can prove anything. Let us not discuss this book any
17 more. Thank you very much. Because I believe to go on would just mean
18 that we would only develop something else, and what I can't claim is what
19 Mr. Shrader confirms, that the attack of the Army of Bosnia and
20 Herzegovina **in** Central Bosnia had been planned and that it amounted to
21 aggression and that they barely managed to hold out until the end. This
22 is what Alagic and Shrader and Praljak claim. That's it from me. Thank
23 you.

24 MR. KARNAVAS: I just want to make one comment for the record
25 with respect to Judge Prandler's observations. I've read the book. In

1 fact, I've read it several times, and I can -- I can attest that based on
2 what is being presented in the indictment, it is highly relevant what
3 Mr. Shrader does.

4 Now -- because he provides alternative plausible explanations to
5 events that are directly linked to the indictment and links to the joint
6 criminal enterprise. That's why you can't just dissect something and say
7 this is Central Bosnia, therefore, it's not relevant, because if I may
8 recall everyone's attention to the fact that the Prosecution has argued
9 extensively that there was reverse ethnic cleansing in Central Bosnia.

10 But I understand the general's frustration. Perhaps we can get
11 back to this book. But I just want to make sure on the record what is in
12 that book is directly related to the -- to the joint criminal enterprise,
13 who started what, because there's a trickle-down effect, sort of a domino
14 effect, and you just can't separate it and say well, that's Central
15 Bosnia. **It is highly relevant to this -- to this particular case.**

16 JUDGE PRANDLER: I thank Mr. Karnavas for his explanation. Let
17 me also for the record to say the following: That I have never doubted
18 that certain parts of the book, and I tried to look at those parts during
19 our discussion here, they are relevant. I do not deny that. I said that
20 the book as a whole and -- and it is about Central Bosnia and apart from
21 certain parts, which I admit they have certain bearing on the issue -- on
22 the issues before us on the indictment. Nevertheless, the bulk of the
23 book is not what I -- what I see from this one which would be relevant
24 for us. But again I said I am pleased to read it as a -- I will read it
25 as a whole during our next couple of days. Thank you.

1 JUDGE ANTONETTI: [Interpretation] General, to round up on the
2 subject, you said a while ago, "I claim that the ABiH had planned these
3 attacks in Central Bosnia." Fine, you've said it, and you are under
4 oath, but now technically speaking, your counsel should have put the
5 question to you this way: A book has been written by a well-known
6 American, and so on, and you say yes this book exist. And then she puts
7 a question to you and says why do you wish to talk about this book, and
8 then you can answer by saying, Well, I claim that it was the ABiH that
9 launched its attack throughout 1993 in Central Bosnia. And then she
10 says, what do you rely on to say this? And then you say, Well, all you
11 need to do is look at Annex B of the book where all the documents of the
12 3rd Corps are proof of this.

13 So your counsel then says, I shall show you the document
14 pertaining to the 7th Brigade, and so on and so forth.

15 This is how you should proceed. I'm not going to give you a
16 lecture on how you are to present your evidence or adduce it in the most
17 efficient manner.

18 Mrs. Pinter, you have the floor.

19 THE WITNESS: [Interpretation] Your Honours, counsel are not that
20 much militarily educated, but here on page 119 you can ask me a question
21 as recommended to you by His Honour.

22 MS. PINTER: [Interpretation]

23 Q. Yes. Let me just turn this page. So on page 119 -- pages 119
24 and 120, in particular page 120 of the book, which in the English

25 language version is 3D33-0264 and in Croatian 3D33-0161 there is

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1 reference about trial attacks of the army -- of the ABiH army in January
2 1993. We have already discussed about the situation in Gornji Vakuf, and
3 not only Gornji Vakuf, we spoke about Travnik. Travnik is in Central
4 Bosnia and there were problems there as well.

5 The events in Central Bosnia and the events in Mostar, i.e., in
6 the Main Staff which is in Mostar and the events in Novi Travnik and
7 Gornji Vakuf, Zenica, and Busovaca are also events also described by
8 Mr. Shrader in his book?

9 A. I claim and that is what I have been saying here and it is also
10 attested to by Mr. Shrader that the trial attacks by the Army of Bosnia
11 and Herzegovina **started in January 1993, that already in 1992, towards**
12 **the end of 1992, a number of brigades of the Army of Bosnia and**
13 **Herzegovina deployed at key points in the** Lasva Valley.

14 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, well, it's fine
15 for you to say that, but then your counsel should show you a document
16 that states that the brigades were deployed in the Lasva Valley. **Then**
17 she shows you the document, and then you explain that this document
18 proves that they had prepared the ground beforehand and so on and so
19 forth.

20 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour,
21 believe me, I have many people on my team, so a hundred people couldn't
22 be able to cover each unit. So Mr. Shrader states here very precisely

23 and gives a map of the deployment of the forces of the 3rd Corps; and he
24 says, this is KCD 189, and he shows the disposition of the 351, 309th,
25 and parts of the 7th Muslim Brigade. And from this disposition it is

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1 evident that they are directed at the HVO. But this is what Mr. -- or
2 the general in the book also says. The general says this very precisely,
3 he is the commander, and he says, "We have deployed our units behind the
4 back of the HVO and they failed to notice that." This person --

5 Q. Alagic?

6 A. This other one. Yes, Alagic. There are so many maps. There is
7 ample evidence. So if Alagic writes that in his book and then Shrader
8 again claims the same thing. And take me, I'm saying the same thing
9 under oath. Then I claim that --

10 JUDGE ANTONETTI: [Interpretation] You are saying that you have
11 clear evidence. You know that the Judges, when they are to determine the
12 question, need to have compelling evidence. They're not going to rely on
13 what you're saying even what you're saying is under oath. This needs to
14 be supported by documents that go unchallenged. For instance, like the
15 deployment of units and a number of reports. This then gives all of this
16 probative value.

17 You know that the Prosecution has another theory, and the theory
18 of the Prosecution is that you had started the attack and launched the
19 attack, and the Prosecution is certainly going to come up with documents
20 that testify to the fact that you were the one that launched the attack.
21 Have you understood what I'm saying?

22 THE WITNESS: [Interpretation] Yes, I have understood. But let
23 him show a single document proving that we attacked first. Have we ever
24 seen a document about an attack in Gornji Vakuf, except for the fact that
25 the English officer tells me, Yes on the map that I drew. Well, I drew

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1 the map, Your Honours, and I asked the man.

2 JUDGE ANTONETTI: [Interpretation] If you show us documents in
3 support of your theory and if the Prosecution is unable to demonstrate
4 the contrary, then the Trial Chamber will conclude that you are right,
5 but the Trial Chamber cannot reach this conclusion on the sole basis of
6 what this American historian has said. The Trial Chamber needs further
7 evidence.

8 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour, I'm
9 fully conscious of that. However -- well, we've been here for three
10 years, and during that space of time I've seen not a shred of evidence
11 about an HVO attack except tactic movements against the Army of
12 Bosnia-Herzegovina. I have not seen a shred of evidence showing that we
13 displaced the population in any way from Central Bosnia to fill up
14 Herzegovina **that was full of Croats already with yet more Croats. But I**
15 don't know what I'm supposed to defend myself against.

16 I claim that the trial attack -- or, rather, the taking of Vakuf
17 happened as I've explained it, and that's what Mr. Shrader said, too,
18 that they wanted to effect control along this Diamond route and that
19 that's how they behaved. And every soldier will make the same
20 conclusion. You can bring anybody in, anybody you like, and they will

21 deduce the same. And I've explained how many times we tried to resolve
22 the problem and all the rest of it.

23 So regardless of what happens next, I have finished with the
24 book. There's no need to go on.

25 MS. PINTER: [Interpretation]

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1 Q. Just by way of information, we've just started discussing Central
2 Bosnia. **We haven't even reached the documents. We started with the**
3 book, and I think this is the right time for the break.

4 A. Let's move on to the next area.

5 MR. KARNAVAS: I wanted to make one observation, Your Honour,
6 based on Mr. President's remarks, because it seems to me maybe it was
7 misinterpreted, but it seems as if there's a shifting of the burden of
8 proof. The Prosecution has made allegations they obviously have to
9 prove. Whether the Defence proves or disproves it is another thing, but
10 we don't have -- as the Defence have to convince the Trial Chamber
11 otherwise. They have to convince you. And perhaps it was just a
12 misinterpretation, though I think we're on the same page.

13 JUDGE TRECHSEL: Mr. Karnavas, I couldn't fail to disagree with
14 you less. I do agree with you.

15 MR. KARNAVAS: Okay.

16 JUDGE TRECHSEL: This was certainly not at all in question. The
17 Chamber is very well aware of the fact that it is for the Prosecution to
18 prove the facts it alleges, not for the Defence to disprove but for the
19 Defence, as the case may be, to cast sufficient doubts on the -- on

20 what -- the accusation put forward that we can see that we are not
21 convinced beyond reasonable doubt. That's all the Defence is expected to
22 do, and please do not doubt that this is firmly in the mind of each and
23 every Judge on this Chamber.

24 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, before the
25 break --

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1 THE WITNESS: [Interpretation] Thank you, Judge Trechsel. Look at
2 the problem with the Croatian army. All we have from the Prosecutor is
3 that some people saw some things. One of them saw a division wherein he
4 saw 50 people at Metkovic. We have to look at my orders that the HVO
5 must not go there, then Susak's, then Stipetic's, then draw the
6 maps.

7 Your Honour, it's like this: I am simply don't know how many
8 arguments to the contrary are sufficient for me to be even partially
9 certain I have explained what is meant by the Croatian army, because
10 that's how this trial is going. I always have this fear, well, in
11 quotation marks, that I am invoking Shrader to help me out and
12 Bob Stewart to help me out, to say it again and again and yet again; and
13 wasn't it up to the Prosecutor to say here you have the piece of paper -
14 and they've got all the papers down there - from the Main Staff of the HV
15 where five brigades have been sent to the territory of
16 Bosnia-Herzegovina. Had he shown that, I would have nothing to add.

17 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we do not disagree
18 with you. The only issue we have is the Trial Chamber filed judicial

19 notice on the international -- international conflict which is -- has
20 been mentioned in the Blaskic judgement. So there was an international
21 conflict and the Croatian army was in Bosnia-Herzegovina. That's it.
22 But if you would like to attack this theory, then you have to provide
23 further evidence.

24 We are not reversing the burden of proof. The international
25 conflict has been acknowledged. If you want to make a dent into this,

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1 you have to introduce your own evidence. It's for you to counter-attack
2 this theory, otherwise, the Prosecutor doesn't have to do much, because
3 all of this has been said. If you want the Prosecution to cross-examine
4 you, you need to challenge this which has been stated in the Blaskic
5 trial. This is what we would like you to understand.

6 We're going to have a 20-minute break now.

7 --- Recess taken at 5.38 p.m.

8 --- On resuming at 6.00 p.m.

9 JUDGE ANTONETTI: [Interpretation] Court is back in session. We
10 have one hour left.

11 MS. PINTER: [Interpretation]

12 Q. General, we're moving on to another area now. What do you know
13 about the referendum of the 19th of July, 1993, held in Knin, according
14 to which the governments of Republika Srpska Krajina and Republika Srpska
15 were supposed to meet?

16 A. The referendum wasn't held in Knin, it was in the whole area of
17 the two Serbian states as they were called. This one here, the Republika

18 Srpska in Bosnia-Herzegovina, that was one state. And the other state
19 was the Republika Srpska Krajina in Croatia, in the areas depicted on the
20 map. And already on the 31st of October, 1992, the Prijedor declaration
21 was passed by the Serbs in which they presented the following: That the
22 legal systems in the Republika Srpska Krajina, which is in Croatia, of
23 course, on occupied territory, and Republika Srpska would be identical.
24 The legal systems, I mean. That is to say they would have the same coat
25 of arms, the same flag, the same hymn and everything else that is needed

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1 for a joint state.

2 Furthermore, on the 27th of June, 1993, a referendum was held for
3 the Serbs in the Republika Srpska and in -- well, I won't say so-called,
4 but anyway, so-called Srpska Krajina and Republika Srpska, the one in
5 Croatia and the one in Bosnia-Herzegovina, and the question asked at the
6 referendum was, and I quote -- the question put was:

7 "Are you in favour of independence for the Republika Srpska
8 Krajina and Republika Srpska?"

9 And later on with other Serb areas. Unity, unification with
10 other Serb lands is I think what is missing here.

11 Anyway, 98 percent of the population came out for the referendum,
12 98 percent of the voters.

13 Before that, generals -- the generals of the Army of Republika
14 Srpska and of the Srpska Republika signed an agreement on military
15 assistance in case of attacks, an attack on any portion of Western

16 Serbia, because according to that policy - and we've said that hundreds
17 of times - it was considered that this whole area here in the Republic or
18 Croatia **and the** Republic of Bosnia-Herzegovina **controlled by the Serbs**
19 were and constituted Western Serbia.

20 Furthermore, on the 30th of May, 1993, at a meeting of the
21 political leadership of the Republic of Srpska Krajina and Republika
22 Srpska, Biljana Plavsic put forward a proposal that conclusions be voiced
23 at the assemblies about the formation of a joint Assembly and state of
24 these two sections or two states that I've mentioned before, Republika
25 Srpska Krajina, and the other one was Republika Srpska. And she goes on

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1 to say that there was no sense in beating about the bush any more, and
2 Radovan Karadzic said at the time, and I quote:

3 "The aspirations of the people for unification are evident and we
4 must respect them. Those aspirations will be realised either now or
5 later, and a state united in that way will join up with the one east of
6 the Drina River."

7 Republika Srpska, Republika Srpska Krajina would join up with the
8 Republic of Serbia.

9 Q. What would that mean for the Republic of Croatia **and the Republic**
10 of Bosnia-Herzegovina?

11 A. Well, I keep stressing that when we come to this thesis about an
12 alleged international conflict that is permeating all these
13 discussions -- well, I don't know how to show you this. The Serbs did

14 not attacked Bosnia-Herzegovina and Croatia separately, but they attacked
15 the Muslims and Croats on the territory of the Republic of Croatia **and on**
16 the territory of Bosnia-Herzegovina. That's what happened. And had it
17 had had the strength and power to do so as far as I was able to see and
18 reading what international law says, Croatia with its units could have --
19 well, this state that was taking away a third of its territory could have
20 attacked it at any point anywhere. Croatia did do that in 1995 in
21 Operation Storm, of course when it was given the green light from the
22 international community because they were unable to solve the problem.

23 So the law is the law, and what America says is far more the law
24 than what international law stipulates. That is what I claim.

25 Q. General, in the Republic of Croatia **did they endeavour through**

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1 legal means to resolve or regulate this aspiration with respect to the
2 unification of those two parts?

3 A. Well, yes, the Sabor, the Assembly took a decision saying that
4 that was invalid. The Constitutional Court -- well, a war isn't solved
5 with the Constitutional Court's decisions but the victory of an army in
6 the field. Unfortunately, that is the case.

7 Q. Now, what we have just been talking about was written in
8 Slavko Degoricija's book. It is not in vain, and that is 3D02656.
9 You've read the book?

10 A. Yes.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, it's hard to
12 follow you. You're saying many things, and sometimes it's a bit

13 difficult to understand you. We have not been seized of Operation Storm.
14 I believe that we agree on this. But you're saying when there was
15 Operation Storm, the international community gave its green light. Can
16 you back this with evidence or is this just speculation?

17 THE WITNESS: [Interpretation] No, Your Honour, this is not
18 speculation. There is clear evidence of that, because all the
19 participants thereof clearly stated that once all the plans have fallen
20 through, plans to resolve that situation, then Franjo Tudjman, with the
21 Croatian army, prepared, of course, the liberation of those territories,
22 and according to what I've been saying all this time and we will see
23 later, this thing, well, he -- he tried to bring it into line with, at
24 that moment, the Americans, and literally, literally, when presenting the
25 fact that this had to be done, had the Americans not -- well, the

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1 Americans did not explicitly say yes, but with their silence they
2 implicitly say, "Yes, please go ahead. Do it." Holbrooke says that in
3 his book. Various other participants say the same thing. I could give
4 you several sources. He even called us, Holbrooke, saying, well, we
5 can't -- we couldn't solve that, and then we left it to the dogs of war.
6 So he called us dogs of war, Mr. Holbrooke did.

7 Then I go on to say, because I know that, that we were assisted
8 in the way that some top US **generals, retired US generals, had come. We**
9 paid them that they placed at our disposal drones, pilotless aircraft, so
10 that we could see what was going on in the occupied territory, and the
11 beginning of that operation was seen by Mr. Clinton on his TV set,

12 probably in the Oval Office, and again I say there are all those
13 statements in the books by witnesses who were participants in those
14 events.

15 And this was because they couldn't and didn't want to protect
16 Srebrenica and so on; and astonished by what had happened in Srebrenica
17 and immediately after that the same scenario was being prepared from
18 Bihac, they told the Croatian army, of course to the HVO and the BH Army;
19 but the course of the Croatian army carried out the main assault in order
20 to prevent further massacres of Muslims, primarily, and also of Croats.
21 And this is how the Croatian army reached all the way up to Banja Luka,
22 almost reached Banja Luka.

23 The Serb forces were defeated, but -- and I know that first-hand
24 then, and Mr. Galbraith writes about that even today, and Mr. Holbrooke,
25 asking themselves whether they did the right thing at the time.

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1 At the time, under the threat of sanctions, they told the
2 Croatian army to stop, because, Your Honours, before that Milosevic
3 managed to arrange with the international community that he would get 49
4 percent of Bosnia and Herzegovina, which was not under discussion in
5 Dayton. **Croats and Muslims came to** Dayton, and they were told 51 percent
6 and Serbs got 49 percent.

7 These are the facts, and this is the truth that I can document
8 any which way you like.

9 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter.

10 MS. PINTER: [Interpretation] Thank you.

11 Q. General, I asked you about the book, "It was not in vain,"
12 authored by Slavko Degoricija. Did you speak about the unification of
13 Republika Srpska and --

14 JUDGE TRECHSEL: You have given a number of it. I think it was
15 3D02656, and would you be so kind as to assist us by telling us, for
16 instance, in which of some 20 binders we have now surrounding us we have
17 a chance of finding it? Thank you.

18 MS. PINTER: [Interpretation] Your Honour, this is the way it
19 looks like. You have it as a separate binder. It's a separate -- it's a
20 separate -- well, it couldn't fit in this binder and it had to be put
21 together as a separate file. And the page that -- the pages that
22 contain -- that deal with the topics that the general has been speaking
23 about are on pages 3D33-12 -- 2167. The English version is 3D41-0420,
24 3D41-0421, and 3D41-0422.

25 Q. General, you said that the referendum was held in the whole of

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1 that territory.

2 A. Yes.

3 Q. What were the results in the end? Did they unite, form a union,
4 or if not, how was this prevented?

5 A. Well, according to the referendum they were unified, but this was
6 prevented by military action. How else? You could not prevent it by
7 decision of the Constitutional Court.

8 Q. Thank you.

9 A. I would just like to add, Your Honours, that when the Croatian

10 generals came and two of them --

11 THE INTERPRETER: Interpreter's correction, US generals.

12 THE WITNESS: [Interpretation] -- came and two of them were
13 members of the joint chiefs of staff retired, I personally participated
14 in the formation of this body where they were in because I was at that
15 time a military advisor to President Tudjman.

16 JUDGE TRECHSEL: I'm -- may I? May I?

17 Mr. Praljak, who is the author of this book? Slavko Degoricija.

18 THE WITNESS: [Interpretation] That's correct. Your Honour, he
19 was -- he was a key man of Franjo Tudjman. He was a high-ranking person
20 in the structure of the Croatian state.

21 Well, I'm not sure now whether he was in the government. I think
22 he was.

23 MS. PINTER: [Interpretation]

24 Q. He was a deputy minister.

25 A. Well, yes, he was a deputy minister. He was the chief

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1 negotiator. I know for a fact because I know him personally, and he says
2 in his book at least 150 times, on the orders of President Tudjman, he
3 went to talk with the Serbs, the rebel Serbs, in the Republic of Croatia.
4 And in this respect, some Serbs from this area around Pozega, the central
5 part, Western Slavonia that was also occupied. He was quite successful,
6 and those people modified their extremist political positions, and after
7 the war, they became members of the Croatian parliament representing the
8 Serb people.

9 It's the same, the very same man who for almost a month on the
10 orders of President Tudjman stayed in the territory of Bosnia and
11 Herzegovina trying to convince the people and the leadership to vote in
12 the referendum whereby Bosnia and Herzegovina was able to be recognised
13 as a state pursuant to the Badinter Commission. His name is
14 Slavko Degoricija.

15 JUDGE TRECHSEL: Thank you very much.

16 MS. PINTER: [Interpretation]

17 Q. On the 12th of May, 2009, he was mentioned. That's at page
18 40008, line 4, and on the 19th of May of this year, at page 40353, line
19 16.

20 General, now we will move on to a file that's call
21 "General Praljak calms the tensions." It's not in a binder. It's in
22 this form. This is what it looks like.

23 General, could you please go to page 3 -- or, rather, document
24 3D00542. Before that, I would like to ask you this -- well, we've
25 mentioned Jasmin Jaganjac. He is a man who -- whom you know personally.

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1 A. Yes.

2 Q. What can you tell us about Jasmin Jaganjac?

3 A. Well, I don't want to repeat myself. I've said that a couple of
4 times already. Mr. Jasmin Jaganjac, we said what he did in Mostar.

5 Q. Very well.

6 A. At the time when this document was drafted, he was the military
7 advisor to the president of the Presidency, Alija Izetbegovic.

8 Q. You are familiar with this document?

9 A. Yes.

10 MR. STRINGER: Excuse me. Could we get -- I'm not sure that I --
11 could we get the exhibit number for the document that the general is
12 talking about?

13 MS. PINTER: [Interpretation] Well, it's probably not in the
14 record. That's 3D00542.

15 Q. You had talks with Mr. Jaganjac.

16 A. Yes. I met with Mr. Jaganjac in Central Bosnia. Well, you've
17 seen the documents --

18 JUDGE TRECHSEL: Excuse me for interrupting, but I have not yet
19 been able to locate this document in the immense -- they all look
20 like -- we've got, I don't know, half a dozen of documents that look like
21 that. What is the title exact -- the exact title, because they all have
22 the name of Praljak on the title, which is normal. Is it the one that
23 says annex General settles down?

24 MS. PINTER: No, General Praljak settles down --

25 JUDGE TRECHSEL: Oh, you're not even agreed amongst yourselves

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1 which one is it? Sorry.

2 MS. PINTER: "General Praljak settles down the tensions between
3 ABH -- B and H and HVO," November 1992, March 1993.

4 JUDGE TRECHSEL: Thank you very much. I'm sorry if I'm a bit --
5 there's no evil spirit behind it. Please believe me.

6 MS. PINTER: [Interpretation] Yes, I believe you.

7 Q. General, before we move on to this document, I would like you to
8 look at the document. It says the 12th of February, 1992.

9 A. No. No, it doesn't say the 12th of February, 1992.

10 Q. Well, that's what it looks like.

11 A. No, it says the 12th of February, 1993, because 1992 wouldn't
12 mean anything. There were no weapons in Bosnia-Herzegovina. There was
13 no war in Bosnia-Herzegovina. You can see that this is number 3. If you
14 look a bit more closely, and it is immensely clear from the document that
15 this document pertains to 1993.

16 So in item number 1 Mr. Jaganjac writes --

17 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter, where does this
18 document come from? It's a handwritten document? How did you obtain it?
19 Did you get it from the archives of the Republic of Bosnia-Herzegovina?
20 How did it ever land into your hands?

21 MS. PINTER: [Interpretation] We received it from the author.

22 THE WITNESS: [Interpretation] No, no. I think -- well,
23 Your Honours, you know, the Prosecution interviewed Mr. Jaganjac.

24 MS. PINTER: [Interpretation]

25 Q. Well, that's not there.

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1 A. And Mr. Jaganjac listed the documents that he provided to the
2 Prosecution. I don't know whether he also submitted this document. I'm
3 not sure, but I think that this document is among those documents --
4 among the documents that Mr. Jaganjac provided to the Prosecution from
5 his personal archive. Unfortunately, the Prosecution has not called

6 Mr. Jaganjac as its witness.

7 Q. Well, we'll check.

8 JUDGE ANTONETTI: [Interpretation] Mrs. Pinter, I'm putting this
9 question to you because I'm trying to verify the authenticity of this
10 document. If on 6.45, 1845 hours, on February 12, 1993, Mr. Jaganjac is
11 sending this letter to Mr. Izetbegovic. First, we have no idea how he
12 sends it, with a helicopter, with a bird, or I don't know, the original
13 must have been received by the president of -- Mr. Izetbegovic, President
14 of the Presidency. But if Mr. Jaganjac told you that he gave you this
15 document, it means that when he was writing documents, at the time
16 writing letters, he would be systematically keeping a copy of all these
17 letters? How do you explain this?

18 MS. PINTER: [Interpretation] Your Honours, well I don't want to
19 commit myself at this point and tell you something for a fact. I'll
20 check that. As far as I know, we did receive some documents from the
21 Prosecution related to Mr. Jaganjac's statement, and through our own
22 fieldwork we managed to obtain some documents.

23 At this point it would be less than serious on my part if I were
24 to tell you specifically what it was. I will give you the correct answer
25 tomorrow morning. I can only tell you that number 3D --

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1 THE WITNESS: [Interpretation] Could we please go into private
2 session for a moment, Your Honours?

3 JUDGE ANTONETTI: [Interpretation] Closed session.

4 THE INTERPRETER: Interpreter's correction, private session.

5 [Private session]

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 [Open session]

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

21 THE WITNESS: [Interpretation] So in item 1 he says that he agreed

22 with me and General Cermak that some materiel should leave for Pazaric,

23 which in Eastern Bosnia [Realtime transcript read in error "Posavina."]

24 I should like to remark here once again, if someone from the Army

25 of Bosnia-Herzegovina, in this case Jaganjac, asked for some means,

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1 resources, they would usually agree that it should go to Foca, to

2 Pazaric, to Tuzla and so on. But, Your Honours, once that passed through

3 the last check-point of the HVO, the Army of Bosnia and Herzegovina could

4 take it wherever they wished. We did not follow that convoy any longer
5 as security up to Pazarici or Foca. The moment it left, for instance,
6 the Rama check-point or at another point, the army could transport it
7 wherever they wished, as they wanted.

8 It is important to say here that these two trucks, trailer
9 trucks, each of which carries between 20 and 25 tons, are called by
10 Mr. Jaganjac quite logically a symbolic quantity.

11 Your Honours, it is obvious from this that Croatia sent
12 quantities that Jaganjac called symbolic, these two trailer trucks
13 namely.

14 Then he goes on to say that other quantities will follow as soon
15 as this first quantity is confirmed to have arrived. Then he refers to a
16 statement by Mr. Izetbegovic which has not been studied sufficiently.
17 And then he asked -- he asked me whether we, Boban, and the others had
18 renounced Herceg-Bosna, and I replied, and my response was in accordance
19 with the policy, the then-ruling policy of the Herceg community of
20 Herceg-Bosna that it no longer existed as such because this was,
21 according to the Vance-Owen Plan, that we needed a transitional period.

22 So, Your Honours, what you saw Jadranko Prlic and others do here,
23 namely when they talked about all the effort that needed to be invested
24 in order to structure and organise the new authorities. So it is obvious
25 that the HZ HB was a provisional organisation serving to defend a

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1 specific area in Bosnia and Herzegovina because we were better prepared.
2 We had prepared ourselves better for that war. That was it and nothing

3 more.

4 It goes on to say that Boban was being waited for to come from
5 Germany and that pressure would be brought to bear on him to sign this.

6 And Mr. Boban did, indeed, sign it. An entire series of these documents
7 were shown by Mr. Prlic's Defence.

8 And then there only remains the minor problem to the effect that
9 with the -- with the flags of the state of Bosnia and Herzegovina there
10 should also be hoisted the flags of the provinces, including, needless to
11 say, and of course, also the flag of the Croatian nation just as you have
12 put it yourself, Your Honour.

13 So the entire problem on the Croatian side was to put up its
14 flags and say thereby yes, we do exist here in this republic, in this
15 state and as part of its flag.

16 JUDGE TRECHSEL: May I -- excuse me. It's just a technical
17 problem. Perhaps it's not that important, but in this number 2, the
18 second sentence here reads: "They find it quite approximate," and this
19 strikes me as a bit surprising.

20 Is the translation correct? I would expect something like
21 "appropriate" rather than "approximate," even more so in that in the next
22 sentence, they say, "There is insufficient investigation." Is it really
23 approximate?

24 I'm looking at Ms. Tomanovic who usually is our linguistic expert
25 in this.

2 right. I only endeavour to correct the transcript when it is important,
3 and I will do so now, because page 84, line -- just a minute -- 17, there
4 are some words missing. A word is missing. It is "in the Republic of
5 Bosnia and Herzegovina." Actually, General Praljak said the Croats with
6 their flag wanted to state here we exist here in the Republic of Bosnia
7 and Herzegovina.

8 THE WITNESS: [Interpretation] Yes, exactly. In the provinces --
9 in the provinces that have been designate -- had been designated as
10 Croatian, which wasn't quite correct because they were joint provinces,
11 but the Croats had a majority of the population. In those provinces
12 there will be hoisted the flag of Bosnia and Herzegovina, of the Republic
13 of Bosnia and Herzegovina. It will be flown. But in addition to it, we
14 also want a flag to be put up which that province will have as its own
15 specific one.

16 MS. NOZICA: [Interpretation] Excuse me. Excuse me general. Let
17 us not go too far. If I may intervene at this point. Page 83, line 2,
18 you said that Pazarici was referred to in this document that it is in
19 Eastern Bosnia. **Page 83, line 2. It says eastern Posavina.**

20 THE WITNESS: [Interpretation] I said Bosnia.

21 MS. NOZICA: [Interpretation] May I just say for the benefit of
22 Their Honours that Pazarici is a place near Sarajevo.

23 THE WITNESS: [Interpretation] Yes, I am aware of that. Pazarici
24 is right next to Sarajevo.

25 MS. PINTER: [Interpretation] Let me just reply to His Honour's

1 question, to Judge Trechsel that the translation of the document in
2 question is correct. It is exactly as you read it, in fact.

3 JUDGE TRECHSEL: Thank you very much.

4 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, it was
5 probably on the same day when this proposed statement of Mr. Izetbegovic
6 came that he came to talk to me. And apart from that, Susak and I just
7 read it in haste. There was some minor points that needed to be dealt
8 with, but in the long -- but, actually, we were waiting for Mr. Boban to
9 come back. And as I said, the pressure was to be brought to bear on him,
10 but he was the one to make the final decision.

11 I claim, however, that this was also the policy which was
12 followed by Mr. Boban, and it is written on all these documents "The
13 Republic of Bosnia and Herzegovina," until peace is established in Bosnia
14 and Herzegovina. **So HZ HB was provisional organisation serving for**
15 defence purposes. There was no talk of it becoming any kind of a state
16 let alone its annexation to Croatia.

17 And let's go on. Number 3 as regards the flag, that is all
18 clear. And it says here if there is anything controversial, he would
19 inform Mr. Izetbegovic the next day, but we disputed nothing. At least
20 our side did not find anything to challenge.

21 I told Mr. Jaganjac from what I knew and what I had been saying
22 all along, that the situation in Central Bosnia was tense and that
23 according to the information that we all had at our disposal, and I will

24 not show all these documents, the Army of Bosnia and Herzegovina,
25 especially the 3rd Corps of the Army of Bosnia and Herzegovina was

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1 preparing to attack the HVO.

2 And I asked Mr. Izetbegovic for me to go to Herzegovina and for
3 him to give me two Muslims, two eminent politicians who worked together
4 with me, to Central Bosnia and work to further ease the tensions there.

5 And I say that I will be in Mostar and that our liaison will be Zijad or
6 Safet. Safet Orucevic was the chief figure in the east part of Mostar;
7 and Zijad was, at that time, already, I believe, the president of the SDA
8 for Herzegovina, **Zijo Demirovic** namely.

9 Now, in item 4, items 4, 5 and on, he reports to Mr. Izetbegovic
10 on things that I had been repeating myself, namely that there is one
11 policy being followed by Adil Zulfikarpasic who was a very rich man as I
12 said before. And he was a Swiss citizen. He had the Bosniak institute.
13 I'm not sure whether it was in Geneva or where. **And it goes on to say**
14 that Mr. Adil Zulfikarpasic was establishing contacts outside the command
15 structure with Sefer Halilovic and that he actually didn't know its -- it
16 refers to the statements of leading figures that were against the
17 Vance-Owen Plan, in particular that of Sefer Halilovic who considered
18 himself to be man number one in Bosnia and Herzegovina, and you will see
19 the words he uses to describe Izetbegovic.

20 MR. STRINGER: Excuse me. Apologise for the interruption. I
21 think unless I'm missing something in e-court we don't have the complete

22 translation in e-court. There's a one-page translation in e-court that
23 only contains points 1, 2, and 3. It does not contain any subsequent
24 points 4 and 5.

25 MS. PINTER: [Interpretation] The translation is at 3D28-0801.

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1 That's as far as the pages are concerned. The number is 3D00-542 ET.

2 MR. STRINGER: Actually, counsel's right. There are three
3 documents in e-court and the translation that counsel has just referred
4 me to is indicated in e-court as being an original, meaning the original
5 language document. So that's not correct. So maybe that could be fixed
6 in e-court to indicate that 3D28-0800 is a translation and not the
7 original document.

8 MS. PINTER: [Interpretation] Yeah, the translation.

9 THE WITNESS: [Interpretation] Yes. Can I conclude? I talked to
10 about all these matters because in a certain way I was -- we already had
11 friendly relations, Mr. Jaganjac and me, that is, after a lengthy period
12 of joint efforts so that our relations evolved to such a point, and I
13 knew that Zulfikarpasic had at a certain point started to influence some
14 of the personnel of the Army of Bosnia and Herzegovina, some of the
15 generals that he actually wouldn't subscribe to an agreement about joint
16 life between the Muslims and Croats and in this -- these parts, and that
17 is it.

18 MS. PINTER: [Interpretation]

19 Q. Please look at document 3D03510. This was a military booklet
20 that you have already seen, that you ever held in your hands. Perhaps

21 you have it today. Can you tell Their Honours under what circumstances
22 and how you got it?

23 A. Ms. Pinter, I've talked about it already, when I received it. We
24 cannot repeat things to such an extent. We do not have the time. The
25 booklet is here, but the signature of Mr. Pasalic has faded, but if

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1 Their Honours would like to take a look at it, it is already inscribed in
2 the paper. And as you are already familiar with his original signature
3 you will see that it is indeed it. In this way, I also became a member
4 of the Army of Bosnia and Herzegovina, yet another military formation, if
5 you would like to see it I have a magnifying glass which could be of
6 assistance if you do wish to see it.

7 JUDGE ANTONETTI: [Interpretation] Usher, please could you go and
8 fetch the map so that we can have a look at it. I would like the Judges
9 to have a look at it, and we'll also show it to Mr. Stringer.

10 THE INTERPRETER: Interpreter's correction, card, not map.

11 JUDGE TRECHSEL: While we're looking at it, Mr. Praljak, this is
12 a little bit surprising, and one wonders how come you get something like
13 that. Was it a gesture of camaraderie, of goodwill, something with a
14 more a social than a strictly legal character?

15 THE WITNESS: [Interpretation] Your Honour, there were not, you
16 know, distributing social assistance and benefits in order to give me a
17 document of this kind. If you just remember how many Muslims there had
18 been in the HVO, and of course there were Muslims in the Army of Bosnia
19 and Herzegovina, this was given at a time when -- when we thought that we

20 were one army.

21 JUDGE TRECHSEL: I'm sorry, I was using the term "social" in a
22 quite different way, in terms of socialising and having civilised
23 relations, and I -- was there any -- any formal procedure, administrative
24 procedure to get you this or was it just brought as a friendly gesture,
25 symbolic but -- but not really administrative?

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1 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, if you
2 recall Mr. Arif Pasalic, who was already by now the Army of Bosnia and
3 Herzegovina, **had been for a long time in the HVO, a very long time,**
4 initially we never looked to see who was what, but we had nothing against
5 the Army of Bosnia and Herzegovina. We were one people. We only had to
6 pursue joint objectives, but there were no common political objectives to
7 pursue. Therefore, what evolved developed, this that we have been
8 discussing here and will be discussing for at least a year in this court,
9 another year.

10 MR. STRINGER: Mr. President, if he's not done so already, and I
11 don't think he's done so today, maybe he did the other day when he spoke
12 about this, could the general indicate precisely or as best as he can
13 when he got this and where he was when he received it?

14 THE WITNESS: [Interpretation] Yes, I can tell you that roughly.
15 When we went -- or, rather, before we set out, Mr. Arif Pasalic and I
16 towards Prozor to calm the situation down there, that's when he,
17 according to a joint agreement -- well, he said it would be easier for me
18 to pass through check-points set up by the BH Army if I had a document of

19 this kind, and as we worked together over there, the business in
20 Jablanica and so on and because I travelled to Konjic, he said, "Give me
21 your photograph, and I'll make you a card saying you're a member of the
22 BH Army," and that was in 1992. October 1992 when the conflict in Rama
23 took place.

24 JUDGE ANTONETTI: [Interpretation] General, we've had a close look
25 at this card. This could be twofold. Either we consider you're a

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1 general from the Army of Bosnia and Herzegovina. In that case,
2 Mr. Izetbegovic should appoint you officially. Or the second alternative
3 is that General Pasalic gives you this so that you can go through the
4 check-points, so that you have no problem there.

5 Is it the first alternative or the second? Third maybe even.

6 THE WITNESS: [Interpretation] The second one, Judge Antonetti,
7 and let me repeat again. I was not an HVO general, ever, never
8 officially. Mate Boban, or whoever else -- well, I signed myself general
9 because I was a general of the Croatian army. Unfortunately, that was
10 the kind of war it was. Even if they persisted in trying to introduce
11 law and order, the kind of law and order that exists in the West, nothing
12 of the kind exists where we were.

13 For a start, the HVO didn't have any ranks for a long time. The
14 zone commander was referred to as the zone commander. He was called the
15 zone commander. And it was only in 1993 -- Mr. Stojic knows this very
16 well because this comes under his remit, but in July and August of 1993,
17 the first ranks were assigned in the HVO.

18 People would just be called brigade commander or Chief of the
19 Main Staff, without ranks. No ranks were assigned until that time.

20 Now, to lend me a bit of impetus, general from Croatia has
21 arrived, you see, so I would write down "general" because it meant that I
22 would achieve a little more of what I had been doing previously. But I
23 wasn't a general of the BH Army or of the HVO, the Croatian Defence
24 council. I was not a general of either of those two.

25 JUDGE ANTONETTI: [Interpretation] Very well. Mrs. Pinter.

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

2 Q. General, open the document, please, P01739 is the number. It is
3 the presidential minutes?

4 A. Why don't we go through the documents 3D01228, for instance? Why
5 don't we do that one?

6 Q. Very well. Go ahead.

7 A. It's the 17th of January, 1993, signed by Enver Hadzihasanovic
8 and Merdan Dzemal, and it relates to the commission for negotiations and
9 the resolving the conflict in Gornji Vakuf.

10 Q. You've already said --

11 A. Well, yes, the document -- or rather, on the 17th, they went to
12 attend the meeting, Miro Andric and Zeljko Siljeg, they went. Well, it
13 said that they had had consultations with me. That's what
14 Enver Hadzihasanovic notes, because they told him that and they told him
15 why I had gone down there. Probably they didn't tell him who had sent
16 me, because I didn't say it out loud. But anyway, I want to tell you

17 what was being offered at that time. But the HVO on the organisation of
18 provinces was a temporary decision, a provisional decision based on
19 reciprocity. That's what it says. So that can't be more logical than it
20 is there, and then it says if there are changes in the final agreement in
21 Geneva, the Croats will abide by them. So whatever the political
22 leadership in Geneva decides the HVO army will abide by those agreements
23 and decisions.

24 Furthermore, it says that the HVO forces explicitly demand that
25 the armed forces be withdrawn from the villages and that all units be

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1 returned to places from which they set out. And this refers to Jajce,
2 because Gornji Vakuf wasn't under threat from the Army of Republika
3 Srpska. So it's not clear why the areas under threat that is to say
4 Tuzla, Zenica, threatened by the Serbs, why from those areas a brigade is
5 being brought into Gornji Vakuf in addition to the brigade of the BH Army
6 and is doing nothing to boot because the area that they covered was
7 Raduski Kamen is a very small area.

8 So people are walking around town bearing weapons, and it's just
9 a matter of time when unrest would break out because soldiers who are not
10 in the barracks or walking around bars in town with weapons, so it was
11 only a question of days when a spark would ignite. It wasn't a matter or
12 whether there would be unrest but only when there would be a disruption,
13 unrest.

14 Furthermore, the HVO guarantees that it would not do anything

15 against Muslims who did not commit more crimes, so Paraga and that's what
16 that deals with. Then it says that equality would be respected in all
17 areas. But in the provinces, the number one man would have to be from
18 the HVO and then the number two man would, of course, be from the BH Army
19 and the principle of reciprocity would be applied and respected.

20 Furthermore, that the trenches would be abandoned, especially the
21 repeater, and the repeaters were I showed you pictures of those trenches
22 here which meant absolute control over the roads in Gornji Vakuf and the
23 surrounding areas and the trenches there resembled the kind of trenches
24 that you had during World War I.

25 Furthermore, a control of the army and commander and influence

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1 can no longer be exerted through Copic [phoen], Agic, and Prijic because
2 these were people who were Muslim extremists and were not in the army at
3 all.

4 JUDGE TRECHSEL: May I just draw -- draw the attention to a
5 problem in the transcript. It's just disappeared. On page 92, line 21,
6 it -- Mr. Praljak said that the army had the -- the HVO had requested to
7 withdraw the army from the villages, but I read that the army should be
8 taken towards the villages. That would be the opposite. Which was it?
9 Do you recall, Mr. ...

10 THE WITNESS: [Interpretation] There were BH Army units which were
11 composed of the population of Gornji Vakuf. So those people who made up
12 the brigade of the BH Army from Gornji Vakuf, they would go to the
13 villages from which they had come. They won't be on the hills that I

14 mentioned.

15 Now, the unit from Jajce, the brigade from Jajce, the Jajce
16 Brigade, I think it was the one -- 307th or whatever the number of the
17 brigade was, that one --

18 JUDGE TRECHSEL: Sorry. Let's not get into numbers and stuff.
19 What it says here that you said, line 20 of page 92, furthermore it says
20 that the HVO forces explicitly demand that the armed forces be withdrawn
21 from the villages, and in the text I read the HVO forces explicitly
22 demand that the armed forces withdraw units towards the villages.
23 Towards and from is the opposite. Which one is correct?

24 THE WITNESS: [Interpretation] Towards. Yes, towards.

25 JUDGE TRECHSEL: Thank you.

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1 THE WITNESS: [Interpretation] Towards the villages. To go to the
2 villages from which those people in the brigade were from originally. So
3 when they weren't in town --

4 JUDGE TRECHSEL: Thank you. The error is corrected.

5 JUDGE ANTONETTI: [Interpretation] We'll stop for now because it's
6 just about 7.00 p.m. I'm sure we'll have ample opportunity to discuss
7 this document tomorrow again.

8 As you know, this week we shall also be sitting in the morning.
9 Therefore, we shall reconvene tomorrow morning at 9.00. I wish you a
10 pleasant evening.

11 --- Whereupon the hearing adjourned at 6.57 p.m.,
12 to be reconvened on Tuesday, the 26th day

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of May, 2009, at 9.00 a.m.

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