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1 Thursday, 4 June 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Prlic and Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 2.18 p.m.

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

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

12 JUDGE ANTONETTI: [Interpretation] Can you hear now? Yes.

13 I was saying that I was greeting the accused, Mr. Praljak, first
14 of all, since he is testifying, the Defence counsel, Mr. Khan, who has
15 replaced Mr. Karnavas in his seat, Mr. Stringer and all his associates,
16 as well as all the people assisting us.

17 I shall now give the floor to Ms. Pinter, who will resume her
18 examination-in-chief of Mr. Praljak.

19 WITNESS: SLOBODAN PRALJAK [Resumed]

20 [The witness answered through interpreter]

21 MS. PINTER: [Interpretation] Good afternoon, Your Honours. Good
22 afternoon to everybody in the courtroom.

24 Q. [Interpretation] And good afternoon to you, General.

25 A. Good afternoon to everyone.

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1 Q. We'll, let's be as efficacious as possible. We're dealing with a
2 binder relating to effective control, and please look at 3D01193. 1193,
3 for the record, please, 3D01193.

4 General, can you tell us something about this document, the
5 circumstances under which it was written and so on?

6 A. As it says in the document here, in the night between the 30th of
7 April and 1st of May, 1992, at 1.00 a.m., 0100 hours, I was stopped by a
8 policeman in Ljubuski in 1992. He was drunk, and I reported him. So
9 that's what I want to say. The document speaks for itself, and I claim
10 that I reported everything that I considered to be out of order and
11 contrary to the rules and regulations, and that such conduct was
12 unacceptable.

13 Q. And was it according to the rules?

14 A. Well, you can't have a police officer under the influence.

15 MS. PINTER: [Interpretation] May we now look at the video.
16 3D03114 is the number.

17 Q. General, when we take a look at the video, could you tell us what
18 it is about, when it was filmed, if you can remember, and the
19 circumstances, and what this meeting was?

20 For the record, the number of the video is 3D03563, so I
21 apologise for that.

22 [Video-clip played]

23 THE INTERPRETER: [Voiceover] "Soldiers, officers,
24 non-commissioned officers, thank you for attending the solemn oath that
25 you've taken. There's no smoking here during this official ceremony, so

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1 put your cigarettes off -- out. The idea of the people is a great idea.
2 This rally is going to last for 25 minutes, so please stand at attention.

3 "There are people who are much older than us, more numerous than
4 us, or people and nations older than us, so we must devote all our
5 efforts to the state ideal and idea of our nation. We are parents of the
6 child which is that idea and ideal, so bear that in mind when you're
7 digging trenches, when you're looking after your weapons, when you're out
8 in the streets, behaving during your daily lives.

9 "Happy Christmas to you all, Happy New Year. May you be blessed
10 and happy, and please remember those friends of yours who are no more.

11 "Thank you."

12 MS. PINTER: [Interpretation]

13 Q. General, can you tell us something about that video and something
14 about your speech delivered at that rally?

15 A. This is in 1992, just before Christmas, in Zenica, when a brigade
16 was being established, the Jure Francetic HVO Brigade, and as you were
17 able to see, my speech is very short and to the point, very clear. So,
18 first of all, this is a rally of volunteers that have reported to the
19 HVO, and it will take them some time to become proper soldiers, the kind
20 of soldier that exists in the West.

21 And I state right at the outset here -- I'm telling them that --
22 well, I wouldn't change anything in that speech of mine. I, first of
23 all, told them that they weren't allowed to smoke while they were
24 standing to attention.

25 JUDGE ANTONETTI: [Interpretation] It's the first time I see this

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1 video. I've seen a lot of videos, but I wasn't familiar with this one.
2 We saw the images go by very quickly. It seems that I saw, among the
3 soldiers, a young boy holding a flag. Were there children in the troops
4 of the HVO?

5 THE WITNESS: [Interpretation] No, Your Honour. Perhaps they just
6 put a little boy there to hold up the flag. But as far as I know, and I
7 knew a lot of HVO soldiers, of course, none of them were under the age of
8 18.

9 MS. PINTER: [Interpretation] Can we go back to the beginning, and
10 perhaps you'll be able to give a more precise answer.

11 JUDGE ANTONETTI: [Interpretation] [Previous translation
12 continues] ... the point. This was a detail.

13 MS. PINTER: [Interpretation] Very well.

14 Q. General, I have to ask you this. You say it's not easy to win a
15 state, to get a state?

16 A. Well, yes, I said a state cannot be gained that easily, and that
17 the state is the mother, and everybody asks something of their mother.
18 And I say that an idea and an ideal is like a child, so I turn the whole
19 thing the other way 'round. You have to look after your child, tell your

20 child how to behave in the streets, how to clean weapons, how to dig, and
21 so on. And how well they're able to do that is how attached to the ideal
22 of the Croatian people they are, and if they work with a lot of
23 discipline, then the idea and ideal of the Croatian nation in Bosnia and
24 Herzegovina will be realised. So I stand by what I said then, and I
25 state again -- or, rather, I stated again that there must be law and

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1 order, and I stipulate what somebody who wants to be in the HVO should do
2 and how they must act.

3 Q. So you were actually building up a Croatian state in that area;
4 would I be right in saying that?

5 A. Well, we're talking about the ideas and ideals of the Croatian
6 people on that territory. You can't mention any state there. We're not
7 mentioning any state there, just the survival and ideals of the Croatian
8 nation on that territory. And it was a territory of Bosnia-Herzegovina,
9 and what the fate of the Croatian nation will be there will depend on how
10 ready they are to fight for it, because the Serbs were not far away from
11 Zenica by this time.

12 JUDGE TRECHSEL: May I ask, perhaps with the assistance of the
13 interpreters, what terms are used for "state," because just now
14 Mr. Praljak says there's no mention of a state; and on line 15, he speaks
15 about the state. So were there different terms in B/C/S?

16 THE WITNESS: [Interpretation] Can we have the video played again?
17 I think that would be the best thing.

18 [Video-clip played]

19 THE INTERPRETER: [Voiceover] "Gentlemen, soldiers, junior
20 officers, officers, I congratulate you on taking the solemn oath to your
21 people. You were praised, gentlemen, soldiers, junior officers, and
22 officers, in a formation, and while taking the solemn oath, you are not
23 to smoke."

24 THE WITNESS: [Interpretation] That's what I say, no smoking,
25 throw your cigarettes away. That's what I said.

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1 THE INTERPRETER: [Voiceover] "Gentlemen, the ideal of the nation
2 is a great ideal, and it's not as cold as you think it is, neither is
3 this meeting going to last too long. It will last 20 minutes, so we can
4 sacrifice for that ideal our cigarettes and stand to attention."

5 THE WITNESS: [Interpretation] What I'm saying there is they are
6 not to smoke.

7 THE INTERPRETER: [Voiceover] "Take into consideration that there
8 are nations which are older than ours, not greater than ours, but more
9 numerous than ours."

10 THE WITNESS: [Interpretation] So I mention the state here, but I
11 am talking about the state on whose soil they are, and that is to say
12 Bosnia-Herzegovina. There are nations that are older than ours, and of
13 course I meant the Kurds there and many other nations and peoples who
14 have an older civilization, thousands of years of civilization, and still
15 have not been able to have their own state. And I don't divide nations
16 into big, large nations, or small, but into numerous nations and those

17 which are less numerous. That's what I say. But I don't recognise that
18 great nations exist and small nations exist. It's just a question of
19 population, nations with a larger population and with a smaller
20 population.

21 Now we can play the video further.

22 THE INTERPRETER: [Voiceover] "You must dedicate yourself to the
23 ideal of a state every day. The idea and ideals of a state is not a
24 mother but a child to which every single one of us is a parent who must
25 consider how to help this ideal instead of how to take advantage of it."

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1 THE WITNESS: [Interpretation] Well, here I say that this idea and
2 ideal of a nation means --

3 THE INTERPRETER: General Praljak is kindly asked not to speak at
4 the same time as the video is being played. Thank you.

5 [Video-clip played]

6 THE INTERPRETER: [Voiceover] "Bear that in mind when you're
7 digging --"

8 JUDGE PRANDLER: General Praljak, do not speak when the video is
9 on. They cannot follow you and also the video. Thank you.

10 THE INTERPRETER: [Voiceover] "As much as we are ready to give
11 and accept this idea, the idea of the Croatian nation shall remain in
12 existence for that long."

13 THE WITNESS: [Interpretation] Now, I am saying that if they
14 devote themselves to that ideal and idea, and the extent to which they
15 are able to devote themselves to it, that will be the extent to which it

16 will survive in those parts.

17 I think that the speech is very clear, and there's no dilemma
18 about what I'm saying with respect to law and order, the survival, and
19 idea of survival, and so on and so forth.

20 And when I mention the state over there, I meant the state in
21 which they were, and that was Zenica 1992.

22 THE INTERPRETER: [Voiceover] "Merry Christmas and a very Happy
23 New Year. God bless you and good luck. Remember your friends who are
24 with us no longer."

25 THE WITNESS: [Interpretation] There, at the end, I wish them

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1 Merry Christmas, and I say that when you think times are hard, just
2 remember those friends who are with us no longer, because it's war, it's
3 1992, and people have already been killed. So if you remember those
4 people who have been killed, you will gain the strength to fight further.

5 So I have nothing more -- that's it. I have nothing more to add
6 to this video, and I'm open for questions.

7 MS. PINTER: [Interpretation] Thank you.

8 JUDGE TRECHSEL: Just as we are invited to ask questions:
9 Mr. Praljak, there are a number of persons dressed in white in the back.
10 Do they belong to the medical personnel? Are they sanitary troops?

11 THE WITNESS: [Interpretation] Judge Trechsel, Your Honour, I
12 can't tell you exactly at this point in time. I can't say. As far as I
13 remember -- let me just add, I can't say for sure, but I seem to remember
14 that we had members of the BH Army there as guests. And as for the white

15 uniforms, it's not the Medical Corps, it's that we expected snow to fall.

16 So some units wore this uniform by way of camouflage in the snow.

17 JUDGE TRECHSEL: I may have missed this. Could you give us the
18 date when this was taken, the date?

19 THE WITNESS: [Interpretation] Just before Christmas 1992.

20 JUDGE TRECHSEL: Thank you.

21 MS. PINTER: [Interpretation]

22 Q. General, look at 3D01168 now, please. 1168, just two 1s.

23 3D01168 is the correct number. Can you tell us something about this
24 document?

25 A. Yes. This was written while I was in Central Bosnia. There was

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1 a unit there commanded by Darko Kraljevic from Vitez, and we had trouble
2 with that unit with respect to military discipline. They did not follow
3 orders and so on and so forth. So I asked Mr. Stojic here -- and this
4 was a special-purpose unit, and they didn't listen to General Blaskic, so
5 I say they should be sanctioned until they obey orders.

6 MS. PINTER: [Interpretation] Thank you.

7 THE INTERPRETER: Microphone, Counsel, please.

8 MS. PINTER: [Interpretation]

9 Q. Tell us now, please, General, what was your relationship towards
10 lack of discipline or soldiers who had committed a crime or offence of
11 some kind and something contrary to the rules and laws?

12 A. Ms. Nika, I punished soldiers for transgressions, but I didn't
13 have any contact with soldiers who had committed crimes or criminal acts.

14 A report would be filed, proceedings initiated through the courts, and
15 then they would be sentenced and serve prison terms, whether it was a
16 murder, killing, or whatever. But lack of discipline and infractions of
17 that kind were sanctioned and punished as much as we could, but I did --
18 I punished them more by talking to them, in verbal form. I would give
19 them a good talking to.

20 Now, you can't punish 50 soldiers, 50 people. They were all
21 smoking, for example. There were civilians, and yesterday -- and it
22 would take them a long time to become proper soldiers, so you can't
23 really punish them for smoking. You have to try and prevail upon them in
24 some other way and give them a hard talking to.

25 Q. Thank you. Now look at document 3D01073, please. The date is

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1 the 4th of April, 1993 -- the 6th of April, 1993. It is signed by
2 Colonel Miro Andric, and we've already mentioned him in court here.

3 A. Well, at that time in April, as I've already said, I was down
4 there, I would spend a few days down there. And this is a report by him.
5 He's just reporting on the situation, and he sent me this report, too,
6 because at that time I took part in talks on military and political
7 problems and why some of the units of the brigade didn't want to take up
8 their positions. So there were problems in the municipality, and the
9 feedback between the civilian authorities and the military authorities.
10 And, anyway, they were rebelling at this point in time, and so we had to
11 deal with the situation.

12 And I said that Mr. Stojic took part there, Miro Andric and I,

13 myself, but Mr. Andric was not able to resolve this problem with the
14 municipality; so we had to deal with it. I dealt with it at a meeting,
15 and Mr. Stojic also had a meeting with them. It went on for quite a long
16 time. And then we looked at what was happening up at the front-lines, at
17 the defence lines, so that is what this report is about. It speaks for
18 itself.

19 Q. You mentioned a meeting in Ljubuski which you had with the
20 municipal government there?

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

22 Q. So that's the document, the document about the meeting that you
23 testified about earlier; is that it?

24 A. Yes, that's right.

25 Q. Thank you.

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1 A. Well, in paragraph 2 here, in particular, people are simply
2 embittered by the fact that what I've been saying all along, this problem
3 of this semi-voluntary nature of the army, everybody could go to Croatia
4 or wherever as they saw fit. And now they're asking themselves, Well,
5 what kind of a government do we have? Who's in authority here? And why
6 some people have to fight for their homes and for their families and for
7 the homes and families of those who had fled. And then there were
8 different ideas; that their property should be seized, that a law should
9 be passed entitling people. Well, of course it's not -- it was not
10 possible, but people were very bitter. And at one point, they simply
11 said, Well, we're not going out in the field. Let them come and let them

12 burn everything.

13 Of course, these are not problems of an army as it is known, but
14 these are the problems that you have if you have a structure that we had
15 down there, and that's -- well, at the same time, an army is being
16 construed as are the authorities, and nothing is really functioning. And
17 then a small -- a small-scale discontent can grow into mutiny. And,
18 again, you cannot deal with it with any kind of military orders, purely
19 speaking. It simply does not function.

20 Q. That is the time when we're still talking about the war and the
21 conflicts with the Republika Srpska Army?

22 A. Yes, of course.

23 Q. Now I would like you to look at 3D02616. The date is the 26th of
24 July, 1993, the time when you were officially the commander of the HVO
25 Main Staff?

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1 A. Yes. Well, the commander of the brigade from Posusje,
2 Colonel Andjelko Djerek, is writing a report about the soldiers from the
3 Independent Battalion of Novi Travnik going absent without leave. So
4 these were people who had fled from Novi Travnik. And, well, he says
5 that quite a lot of them fled to parts unknown, probably to Croatia, that
6 there were 380 civilians in a camp near Posusje, and that there are no
7 conscripts there who could be drafted into the unit. And he provides
8 some figures here and so on, saying that that night they left their
9 accommodation in the elementary school and simply fled.

10 So the same thing that Judge Antonetti had asked me about,

11 whether these were volunteers who remained in the classical sense of the
12 word, such as the situation was in the USA at the beginning of the Second
13 World War, some people volunteered and others remained behind. And here
14 the term "volunteer" is a different -- has a different meaning. If those
15 who can flee flee and are not punished, then all of them who remain are
16 volunteers. And if some of them try to draft -- to dodge the draft, then
17 you can use the military police to press them into their units. But if
18 they don't like it, they can just cross the border. The border could be
19 crossed at 1.000 locations. It was not a problem at all.

20 Q. Thank you. Now I would like you to look at document P03734.
21 It's a document dated the 27th of July, 1993. It is signed by Zlatko
22 Senkic, from the Command of the Stjepan Tomasevic Brigade, and this
23 pertains to Central Bosnia?

24 A. Yes. This is yet another -- well, we haven't seen so many here
25 before, unfortunately. It's a classical way in which a report is

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1 submitted, that disciplinary proceedings were instituted against Brdar,
2 and that he actually aimed his weapon at the commander of the 1st
3 Battalion, and that he was punished with 15 days in prison.

4 Q. Well, this report was sent to whom?

5 A. To the commander of the Central Bosnia Operation Zone.

6 Q. But not to the Main Staff?

7 A. No, no, there was no need for the Main Staff to get this kind of
8 thing. It would just generate a lot of paper. These are the duties that
9 are performed by the brigade commander, and this remains at the brigade

10 command level. Perhaps it goes up to the operational zone command, but
11 it did not concern the Main Staff.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a
13 difficult question for you. Since you are an intellectual, you'll
14 understand.

15 Without a doubt, through the swaths of documents we have seen, a
16 reasonable trier of fact can see that there was a problem inside the HVO
17 as regarded the conscripts or the volunteers, because a lot of them
18 clearly didn't want to go out and fight. This is a real problem which I
19 shall mention in two weeks' time. I shall mention a document which
20 relates to a meeting between Bobetko, Tudjman and Susak, where this
21 particular question was raised. So this was a real problem. A
22 reasonable trier of fact tries to analyse the reasons for this, and one
23 of the reasons, but this is just an assumption I'm submitting to you,
24 could it be that the soldiers didn't feel they were engaged in a
25 patriotic war, in the sense that a patriotic war symbolises the

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1 republican and secular values; but they were engaged in a nationalistic
2 war in which, in which, the famous General de Gaulle said - who is a
3 general like you - nationalism amounts to the hatred of others? In the
4 end, all the soldiers that dropped out, didn't they feel that they were
5 patriots who needed to fight, and this fight, one wanted them to engage
6 in, was not a fight they identified with? What do you think about this?

7 THE WITNESS: [Interpretation] Well, Your Honour, the problem is
8 not that simple, and I will try to analyse it here.

9 In a war, there is a congruence of a large number of things. Let
10 me say first that nationalism could be qualified this way or that way.
11 There is a word, "chauvinism," "jingoism," to describe hatred towards
12 others. In many books on political science, nationalism is defined as
13 increased love for one's own country and not hatred towards the other
14 nations. So we don't know what term to use instead of "nation" and
15 "nationalism" for something that might denote love.

16 But that aside, you know, Judge Antonetti, that out of love for
17 one's own country, the French -- after the Second World War, the
18 French Resistance summarily executed at least 7.000 to 10.000
19 collaborators. That was done out of love. Well, it's very difficult,
20 but what we have here is this: It's not true that these people did not
21 feel the desire to fight for their own country, and it's Bosnia and
22 Herzegovina **in this case. This is a wider problem.**

23 First, this country broke down. They did not have a clear goal,
24 what this country is, the country they are supposed to fight for. At the
25 beginning, the goal was clear: Bosnia-Herzegovina. But you will see

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1 from texts by Franjo Tudjman and so on, as the war progressed, and the
2 embargo was not lifted, and Serbs were allowed by the international
3 community and so on, people starting asking themselves if it has already
4 been decided somewhere, then what should I fight for? This was a problem
5 that Franjo Tudjman and all of us who talked about that faced. If
6 somebody lifts the embargo, and let's the Serbs massacre you and fight
7 you in that way, then the question is: Isn't your fight in vein, because

8 the maps have already been drawn somewhere? And you know how maps were
9 drawn, in Versailles, at Yalta, in Kosovo, and so on. When the might --
10 or when the great powers decide things will be like this or like that,
11 and people feel that something strange is going on, well, that's the
12 first problem.

13 The second problem was that Mr. Alija Izetbegovic didn't want to
14 go out with a proposal for the internal organisation of Bosnia and
15 Herzegovina. **People wanted to know. Well, Your Honour, life is very**
16 **valuable to people who are 20 or 21 years old. What are they supposed to**
17 **lie down their lives for, for what idea; the idea that 70 percent of the**
18 **territory is held by the Serb Republic, that the international community**
19 **has been tolerating all the way down to Srebrenica, or the idea of**
20 **Alija Izetbegovic, that everybody has read, that this should be a state,**
21 **a unitary state, where he -- with his 50 percent of the population would**
22 **be in the majority? And then these people are asking themselves, Well,**
23 **why should I get killed? I would prefer to flee to Croatia and save my**
24 **life, and I will find some other place to live. So that's the second**
25 **thing.**

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1 And the third thing is those enclaves were scattered all over the
2 place, and it was very difficult to link them up. In other words, the
3 people from Livno wanted to defend Livno. People from Tomislavgrad
4 wanted to defend Tomislavgrad. And people from Jajce fought well in
5 Jajce, but when they lost Jajce and when everything was burnt down there

6 and when they were expelled, they, as a group in disarray, an army in
7 disarray, troops in disarray, did not have this feeling that they should
8 defend the territory around Tomislavgrad and then one day return to
9 Jajce. It is difficult to achieve that in any army, and this was no
10 exception.

11 So this whole spectrum of human distress, pain, the ordeal, the
12 suffering that people experienced, and if 30.000 people are expelled from
13 Jajce and there are so many killed, people don't have this clear-cut idea
14 of what they were fighting for. Unlike in Croatia where every soldier
15 knew these are Croatian borders, and we will reach those borders. And
16 that will be a state, a democratic state, a parliamentary state, a
17 well-organised state. But in Bosnia-Herzegovina, the war is going on,
18 everybody is just sitting back and watching, nobody gives you any
19 weapons, and if you have a modicum of sense you will ask yourself, Well,
20 why should I get killed? Has this been solved? This is why people speak
21 about treason, about being sold out, because people get those figments of
22 their fantasy and they say, Why isn't anybody helping me? Why do the
23 Serbs get so much?

24 I could go on on this topic, but you have to add to this, well,
25 the ideal of patriotism. You, Your Honour Judge Antonetti, you know how

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1 few Frenchmen participated in the resistance. The rest just sit back.
2 People made wine, people drank Chateau, fortunately, and a small minority
3 fought back. There were some French admirals who had a large fleet, and
4 they preferred Hitler to Churchill, and then Churchill had to bomb them.

5 Unfortunately, one cannot simplify. This whole problem is a very
6 complicated sociological problem.

7 And now when we talk about unrest, an expert will come. If you
8 have a group of people, a neutral group of people, such as ourselves
9 here, if you have a small research into the aggression among the people
10 here in this small group and you reach a certain result, and here on our
11 desk we have tennis rackets, Your Honours, if you were to take the same
12 group and control the level of aggression --

13 MR. STRINGER: [Previous translation continues]... the testimony.
14 It's irrelevant and it's very far off the track, I think, from the
15 President's question, and I suggest we get back to more pertinent issues.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, you have
17 really elaborated on my question, which was simple, which was to know why
18 soldiers would not fight. You gave an explanation, and I concluded that
19 this was connected to the situation prevailing then in Bosnia and
20 Herzegovina. **Maybe this gives us an opportunity to understand better,**
21 but we can revisit the issue later on; and we will, because this issue
22 was discussed at the top level in Croatia by Tudjman, Bobetko, and Susak,
23 because they thought it was a real problem.

24 Yes, Ms. Pinter.

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

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1 Q. General, let us go back to this document. Okay, we're done with
2 this document.

3 Could you please look at document 3D00967. It is your document.

4 It is not signed, but --

5 A. Yes, yes, that's my document, and I think that if we've already
6 seen it, I have nothing to add to it. It speaks for itself. Members of
7 the HVO must not stop and control and search UNPROFOR vehicles, and
8 that's it. The convoys, of course, in paragraph 3, what is meant here is
9 this part of the job must be done where the convoys are loaded, but
10 that's what I wrote. It doesn't have anything to do with the army,
11 but -- well, convoys should be checked at the point of origin, lest some
12 contraband should be loaded, and then it should be checked, taken along
13 appropriate routes, and routes -- and checks should also be done
14 en route.

15 Q. Thank you. Could you please look at 3D01145.

16 A. Well, it's a document from Major General Petkovic, dated the 9th
17 of August, 1993. Well, nothing. It's a clear document, it speaks for
18 itself. I have nothing to add to it. Proper lists should be kept of the
19 soldiers, NCOs, and officers; and those who went AWOL must be reported
20 and listed, they must be punished. Well, the document speaks for itself.

21 Yes, go ahead.

22 Q. Did you agree with this document that General Petkovic drafted
23 then, not now?

24 A. Well, I would sign this document. Obviously, General Petkovic
25 was the number-two person in the Main Staff. He had the right to issue

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1 orders. I was the only person superior to him, so he couldn't exercise
2 command over me, but he could exercise command over everybody else in the

3 army. So I wouldn't challenge this document.

4 Q. Thank you. Now we can move on to 3D01189. It's a document from
5 Emil Harah. It's similar to, but not the same as the one we had before,
6 and could you please say something about that document? It's from the
7 time when you were the commander of the Main Staff, and is this
8 document -- did this document reach you in the Main Staff at all?

9 A. Yes, yes.

10 Q. Did it reach you?

11 A. Well, I did have such documents. I can't say whether it was this
12 document, but I did receive documents of this kind from there. And I had
13 an opportunity to read such documents that dealt with smuggling and so
14 on. I can't tell you whether I saw this particular document, but similar
15 documents that spoke about smuggling, and crimes, and other phenomena of
16 that nature, yes, definitely. So I can't really tell you, yes, I saw
17 this particular document.

18 JUDGE ANTONETTI: [Interpretation] General Praljak, in a few days'
19 time I will show you a document that was published in the official
20 journal, the Official Gazette of Herceg-Bosna, regarding military
21 prosecutors. Under Article 27 -- I could have brought the document
22 today, but I didn't. Article 27 says that the commander of a unit, at
23 his level, and you in this case, when they are made aware of a crime,
24 have to inform the military prosecutors thereof. It's written black and
25 white. I'll show the document, and I'll remind you of your position,

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1 because you say this was not under your purview. But this text I'm going

2 to show you is in perfect contradiction to what you said. Until then,
3 together with your counsel, you may study that document. We'll return to
4 this later.

5 THE WITNESS: [Interpretation] This notion of jurisdiction or
6 competence over something, Your Honour Judge Antonetti, I think there is
7 a misunderstanding. Under an obligation to report, yes, he was. For
8 example, I pull over a police officer who pulled over me, and then he is
9 drunk. And that is proof that I'm reporting a drunk officer. I can't
10 say that it's not in my jurisdiction if I'm the one actually reporting
11 this person. I never said that. What is not under my jurisdiction is
12 whatever happens after that, which is something that I don't know.

13 If I report certain people who are smoking while standing to
14 attention during the swearing-in ceremony, then it's under my
15 jurisdiction; and I, in fact, did that in a number of different
16 situations. But, for example, you find out that a house burned down
17 somewhere because someone had set fire to it, and then you report that a
18 house has burnt down, but between the fact that a house burned down and
19 the tracking down of the perpetrator, there is an enormous grey area.
20 One has to find out who it was who set fire to the house, and how is that
21 sort of thing investigated? Someone gets killed in Paris, how do you
22 investigate who the perpetrator is? About 15 percent of those are
23 eventually tracked down. I think that's what the problem is about.

24 We all know that someone set fire to a house, but someone, and
25 then we report an unknown perpetrator. There. And what we're talking

1 about here is someone is supposed to be pointing their finger at someone
2 else and saying, It was you. No one is allowed to do that. But again,
3 even if we're talking about a drunk police officer, it's not about a
4 house that burned down, something that I reported, because I was pulled
5 over by a drunk policeman. So that's my position.

6 JUDGE ANTONETTI: [Interpretation] Ms. Pinter.

7 MS. PINTER: [Interpretation] Thank you.

8 Q. General, can we please go to 3D01152. This is an order by
9 Zarko Tole signed, however, by Matic on the 13th of August, 1993.

10 A. Yes, yet another attempt, in the thick of fighting on the 13th of
11 August, 1993, another day like that. There were fires along -- or firing
12 along a 300-kilometre line. It was especially difficult in Mostar.
13 They're trying to teach these people here how to do office work and how
14 to keep it neat. I have nothing to add to this. A dead-line was set, a
15 five- or six-day dead-line to teach people how to keep their binders,
16 their lists, their log-books, how orders were to be drawn up properly.
17 Needless to say, that is also to be considered a skill, and it's
18 something that is actually taught in armies across the world. These
19 people simply didn't know how to do that, and this was an attempt to
20 bring order to that situation.

21 Q. 3D02584, 02584. That one is similar; right?

22 A. Yes.

23 Q. The date is the 14th of August, 1993.

24 A. Yes. The previous day, I think there was an attack that was
25 launched on Sector South, but there you see Mr. Petkovic and I co-signed

1 this document.

2 One of the things in an army like this is, for example, the
3 Ascension Day on the 15th of August, and then all of the soldiers are
4 trying to get themselves released so that they could go home and spend
5 this day with their families. This was a customary thing, and it applied
6 despite the fact that there was a war on, and they were now serving an
7 army. It's an age-long custom. They felt particularly deprived because
8 they weren't allowed to go back to their homes on that day, so Petkovic
9 here is saying that they can't abandon their positions, that they had
10 responsibility. Military police were blocking all the roads out because
11 the attack had already commenced. It's a document that I co-signed
12 today.

13 JUDGE TRECHSEL: Mr. Praljak, you didn't co-sign it today, did
14 you? How come you say you co-signed it? Where is that signature? Where
15 is it?

16 THE WITNESS: [Interpretation] No, no, I said I would co-sign it
17 today. I consider it to be a normal document. That's what I'm saying, a
18 good document. I didn't say that I co-signed it. I said that I would
19 co-sign it today.

20 JUDGE TRECHSEL: Mr. Praljak, Mr. Praljak, the record says that
21 you said "I co-signed it," and that would be on line 20 of page 21. So I
22 invite our Defences, who are converse with both languages, to carefully
23 control and intervene immediately when they notice that there are
24 discrepancies.

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1 interpreters had interpreted accurately, in a word-perfect manner, what
2 General Praljak said. The meaning behind this, however, is a bit
3 different. When we say "I co-signed this today," that means I agree with
4 it. It's a phrase which must be interpreted in the proper way.

5 THE WITNESS: [Interpretation] Yes, yes.

6 MS. PINTER: [Interpretation] Well, I asked the document -- with
7 previous documents, whether he agreed with documents signed by
8 General Petkovic. When using this phrase, the general actually wanted to
9 recognise the document as his own without necessarily meaning that the
10 formally and physically co-signed it.

11 Q. The 28th of January, 3D01202.

12 A. Yes, that's one of my orders. Alcohol was a large-scale problem,
13 an enormous problem. This is a problem that one comes across in any war
14 in any army. It's a longstanding tradition from World War I, especially
15 to be found in Russian units, even in World War II, when people were
16 given alcohol to consume, before going into battle, in order to boost
17 their bravery.

18 A war is always a situation of exceptional stress, and people are
19 under a lot of strain, abnormal strain. So what do they do? They're off
20 to a pub, and they try to vent their anger and frustration by using
21 alcohol for that purpose.

22 To be perfectly frank, I don't think there was any legal basis
23 for me to pass a document like this. I don't think that I was legally

24 entitled. That was the civilian aspect, obviously. As for everything
25 else, I agree. The situation with the facilities there obviously does

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1 not translate into pressure on the government that might then take a
2 decision, but it certainly exerted pressure on me, because I saw the
3 soldiers there, I saw guns being pulled when people were in a pub, and
4 there was a war going on. So what I'm doing here, in view of that, is
5 that all the pubs were to be shut down across the area. This was
6 something that was very dangerous, and it could no longer be maintained.
7 Everybody was at their wit's end and very exhausted, mentally and
8 physically, and then they went off and had a drink, which made everything
9 even worse.

10 I still agree with this order that I wrote back then, although
11 I'm aware that there was no legal basis for it.

12 Q. You were trying to pick the lesser evil; right?

13 A. Yes, well, you might put it that way.

14 Q. 3D01206.

15 A. This is an IPD document addressed to Veso Vegar. It discusses
16 the situation following the fall of Bugojno. My name is mentioned here
17 in a favourable light, in terms of command. An intervention by
18 General Praljak prevented the fall of Gornji Vakuf. Obviously, no man
19 could manage this on his own, although I was the trigger who made others
20 follow. Likewise, he states that the situation is improving, that the
21 morale is on its way up, and the belief in one's own strength. He also
22 points out that I was a person who contributed to that.

23 I am facing a trial here, I'm being prosecuted, and I'm saying
24 that this is true. Outside of this court, I would never confirm this,
25 lest I should be seen to be boasting. Nevertheless, here I can say, as

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1 the document states, that the situation definitely improved.

2 Q. And why was that?

3 A. Because I was putting in some good work for 24-hour periods.

4 Why? Because I'm certainly not stupid. As Judge Antonetti says, I'm an
5 educated man. I have a good memory. I have the will. I have the energy
6 that it takes. I have the desire. I rolled up my sleeves, and I did
7 some really hard work. As a result, the situation in Central Bosnia kept
8 improving. And this is an example of a situation like that, to the
9 extent that anything like that was possible, the situation being what it
10 was.

11 Q. General, let's just try to deal with that awkward issue of HV
12 Hrvatintic [as interpreted]. There's a reference here to Nikola Pedjo
13 [phoen] in this document from the Hrvoje Vukcic Hrvatintic [as
14 interpreted] Brigade.

15 A. Ms. Nika, Hrvoje Vukcic Hrvatinic, not Hrvatintic.

16 Q. All right, but we know that it's an HV brigade because it's
17 mentioned in documents.

18 A. It's an HVO brigade from Jajce.

19 Q. Can you please explain the circumstances under which 3D0 --

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

21 General Praljak, in this document, it says - I think it's on

22 page 2 in the B/C/S version, page 3 in English - the behaviour of
23 individuals or groups is mentioned, especially in villages surrounding
24 Prozor, in the Prozor municipality. You remember, General Praljak, that
25 a lot of victims came to testify that they had been ill treated by this

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1 famous Kinder Platoon. What did you do at your level?

2 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, in
3 Prozor municipality, there are a total of about 60 villages, 60 villages.
4 Anything that goes on, goes on at night. There's always information
5 circulating to the effect that something happened. I have no such
6 information, because I am fighting. But when I arrived, when I receive
7 information, then what happens is I am seized by desperation because you
8 have no way of responding to that or preventing that from happening in an
9 area like that.

10 Anyone physically capable of carrying a rifle is already
11 somewhere along the front-line, defending. That's one thing. You can go
12 and mingle with those people. You can ask them the stupid question, Who
13 did that? But the obvious answer will be -- the answer to be expected
14 will be, None of us did that.

15 The only thing was this: Apart from the SIS trying to
16 investigate and identify a name, the name of a potential perpetrator, and
17 a procedure is instituted, as in any normal country; but the way I
18 worked, the best way to deal with this was to talk with the various
19 bodies that were around, with the senior citizens, with the commanders,
20 as something that might be termed preemptive action.

21 JUDGE ANTONETTI: [Interpretation] General, I didn't read out the
22 entire paragraph, in the interests of time, but I must tell you that the
23 author of this report, Mr. Petar Kalinic, added something which is very
24 relevant. He said this: The police was not able to prevent this. But
25 he ended it based on the information they, themselves, committed those

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1 acts. So how is it that the military authority, knowing that the police
2 may have caused this criminal behaviour, fails to do anything; does not
3 arrest them, does not arrest all the military policemen involved?

4 Remember, Mr. Praljak, I'm not going to give any names, but we
5 had a witness who told us that this person was taken from prison - I'm
6 not giving you any detail - so the one who wrote this report refers to
7 this type of behaviour, and you were the number one in the military
8 authority. And this military authority is not capable of having law and
9 order prevail in this region. So if you were not able to do so, just say
10 so.

11 THE WITNESS: [Interpretation] The first correction: I was not
12 the number-one man of the military police. Please, let's make that clear
13 once and for all.

14 JUDGE ANTONETTI: [Interpretation] I didn't say that you were the
15 highest ranking in the military. I said you were the highest with
16 military authority.

17 THE WITNESS: [Interpretation] Units, yes, unit. That's the first
18 thing, but look at what he's saying here. There are certain indications.

19 Your Honours, what can I possibly do with these indications?

20 They have information, they have indications to the effect that someone
21 was busy doing something. First of all, it wasn't the military police in
22 its entirety. There is certain indications that certain military
23 policemen were busy doing something or other. The SIS doesn't have
24 proper equipment. The military police doesn't have proper equipment.
25 They don't go there to find out what the name is, and then they're under

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1 an obligation to arrest that person; but say I learn what the person's
2 name is, then I go out and arrest him. But based on what? Indications
3 or indicia? What can I do, based on that? And the indication in this
4 case being here that someone heard something about someone else.

5 Therefore, I assert that it was impossible, regardless of all the
6 effort that went into it, to prevent what was happening in the area at a
7 time like that. No way. I did everything that was within my power to
8 prevent that, but I can't just go out into the street and bring in the
9 first person I come across simply because there are indications.

10 The name is missing. We need a name.

11 There is stuff happening. Well, there is stuff happening in
12 Paris, too, Your Honour; but I'm sure they wouldn't drive you to go and
13 grab the first person in the street and throw them in jail.

14 JUDGE TRECHSEL: It's not helpful to talk about Paris in this
15 context. Why don't you tell us what you did? You said, I made enormous
16 efforts. What did you do with regard to Prozor or Rama?

17 MS. ALABURIC: [Interpretation] Your Honours, if I might just
18 intervene at this point.

19 I think there's a misunderstanding, and I had this same feeling
20 yesterday. I apologise if my intervention is not in order, but I think
21 that the first thing is to answer the question of whether somebody was
22 duty-bound to do something or not, and whether someone, with respect to
23 some issue, had any authority to act.

24 Now, in this specific situation is whether one commander, an HVO
25 commander, can do something, anything, if we're dealing with the military

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1 police, whether that comes within his chain of command, and whether he is
2 responsible for the conduct and behaviour of the military police. And
3 only once we've ascertained that, that is to say, that the military
4 commander is responsible and duty-bound to take action, only then can we
5 question the witness about what he could and could not do and what he
6 actually did do, because otherwise we're going to ask -- keep asking him
7 about topics that are not within his remit. I hope I've contributed to
8 an elucidation to the situation.

9 JUDGE TRECHSEL: I have to comment. You have not really. That
10 was not proper. You have pleaded in between. You have pled, and you
11 have given a lecture on command responsibility to the Chamber, "jura
12 novit curia." You should not have said that, but it has no consequence,
13 of course.

14 Mr. Praljak has just told us, with regard to prohibiting alcohol,
15 that he did things that were not in his competence. Here, a matter was
16 very serious, people are being raped, killed, robbed, but he says, Well,
17 military police, that's not my business. Isn't that so? Isn't that what

18 you tell us?

19 Ms. Pinter, the question was addressed to the witness, and I do
20 not think it's quite proper that you so clearly shake your head and
21 indicate what he should answer.

22 JUDGE ANTONETTI: [Interpretation] Mr. Praljak -- one moment.
23 Mr. Praljak, can you answer the question? In your view, does this come
24 under your responsibility or competence or that of the military police?
25 Could you just tell us?

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1 THE WITNESS: [Interpretation] I'll answer those two questions.

2 First of all, it was not within my competence. That's number
3 one, but let's leave that aside. That's immaterial.

4 I'd like to ask Judge Trechsel not to put something into my mouth
5 which weren't my actual words. I didn't talk about anybody killed, I
6 didn't say that I wouldn't intervene. You asked me what I did. That's
7 what you asked me.

8 JUDGE TRECHSEL: [Interpretation] Correct.

9 THE WITNESS: [Interpretation] I said that I did everything in my
10 power, and then I went on to list what that everything was.

11 Now, may I just be allowed to answer, finish my answer?

12 What any human being, faced with a situation like that and
13 attacks, can do to protect 60 villages, what? I'd like to know that.
14 And when you come to judge, I'd like to hear what you would have done,
15 Judge Trechsel, in my place, something that would have been effective, so
16 then I could write another five documents about what should be done. I

17 want to know what could have been done. Nobody could have done more than
18 I did, and I don't believe that you would find any human being anywhere
19 in the world who would have been able to do more than I did, given the
20 situation.

21 JUDGE ANTONETTI: [Interpretation] General Praljak, technically
22 speaking, wasn't it possible at your level to impose a curfew? Secondly,
23 since you had your men in the field, you could have arrested all those
24 that were out on the road at the time of the curfew. This was a solution
25 of a technical nature for any commander in his area. This is a purely

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1 technical issue. What do you have to say to this?

2 THE WITNESS: [Interpretation] No, Your Honour, no, that was not
3 possible for a number of reasons. First of all, I did introduce a
4 curfew. Secondly, 60 villages are linked up by road, and to block all
5 that off, well, you would need thousands of people to effect a blockade,
6 working 'round the clock in two shifts. And the military police had to
7 go out into the field because it was an enormous offensive, and we were
8 out-numbered fivefold.

9 And if you remember the document from 1992, where I say that a
10 mixed composition should be set up in the villages, well, the assumption
11 that this was not going on was the agreement between the Croats and
12 Muslims according to which some people should be provided with weapons to
13 defend themselves in the villages, because it was clear to every normal
14 human being that criminals would turn up and killers would turn up who'd
15 try and do something and that the forces that Valentin Coric had, or

16 Slobodan Praljak, were not capable of preventing that from happening.

17 So I actually foresaw what was going to happen. It didn't
18 surprise me. To be quite frank, I expected even worse things to happen,
19 because, quite simply, it was not possible to do anything. You didn't
20 have enough men. There were too many villages, too many roads, and the
21 situation had gone on for too long for the people not to break down. And
22 when I say that we had hundreds of talks and discussions, that I didn't
23 go to pick up the remains of my father who had died, but stayed at the
24 meeting, that is something that you can't do through orders.

25 You think I'm illiterate and couldn't have written five order to

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1 have them removed from the roads, and that I would have taken a pistol
2 up? I could not have done more than I did do, unfortunately.

3 JUDGE ANTONETTI: [Interpretation] General Praljak, we'll change
4 the subject. But by way of a conclusion, should we understand on the
5 basis of your answers, that you were aware of a problem relating to law
6 and order, but that you did not have enough men to face up to this
7 problem? Is that how you would conclude on this?

8 THE WITNESS: [Interpretation] I knew that this would happen a
9 year in advance, one year in advance. In November 1992, I said that this
10 would happen. I told them that this would happen, unless the situation
11 was resolved in the way that I had proposed. I said that we would be
12 impotent, we would be powerless, as they were after the Katrina storm and
13 so on. I was just powerless to prevent these things from happening. I
14 was not able to resolve the situation completely. The situation did

15 improve. Now, that it did not improve further, that was not within an
16 individual's power to achieve, not in mine, and I say that there was
17 nobody better placed than me at that moment.

18 JUDGE ANTONETTI: [Interpretation] Very well. Ms. Pinter.

19 MS. PINTER: [Interpretation] For the record, with respect to
20 Judge Trechsel's remark that I was I was nodding my head, I wasn't
21 nodding my head, but the whole document was about -- the whole discussion
22 was about the document 3D --

23 THE INTERPRETER: The interpreter didn't catch the number.

24 MS. PINTER: [Interpretation] -- where there was no mention of,
25 killings, rapes, setting fire to property, and so on. And

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1 General Praljak's answer referred to that specific document. But far be
2 it for me that I shook my head and denied something or gave signs or
3 anything like that.

4 JUDGE TRECHSEL: Thank you, Ms. Pinter. I absolutely accept your
5 explanation. Of course, we were thinking of witnesses that we have heard
6 some two or three years ago of this area, and they told us about such
7 event. I'm quite aware that it was not in the document. But please go
8 on. I accept -- I accept your explanation.

9 MS. PINTER: [Interpretation] Thank you.

10 Q. General, when you were in the field, in Prozor, for example, in
11 that territory with the soldiers, did you ever order an attack on a
12 village in which there were civilians?

13 A. Oh, come on, Ms. Nika. Please don't ask me that. Come on.

14 These proceedings and this trial isn't at that level.

15 Q. Well, I have to ask. Some questions have to be asked.

16 3D01192 is the next document number. It's one of your documents
17 dated the 31st of August, 1993.

18 A. Yes, that's right. It is my document. I signed it, and I
19 demand -- I can't order, I can't issue an order, but I'm requesting that
20 the head of the Defence Department, Mr. Stojic, and Valentin Coric, to
21 replace this gentleman, recall him, because he left the front-line on
22 several occasions without giving any explanation. He did that of his own
23 volition.

24 Q. Does that relate to Gornji Vakuf, perhaps?

25 A. Yes.

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1 JUDGE TRECHSEL: Ms. Pinter, Mr. Praljak, I would still like to
2 come back to the question that you did not want to be asked. Have you
3 ever attacked a village? Have you ever given an order to attack a
4 village at all?

5 THE WITNESS: [Interpretation] Never, Your Honour Judge Trechsel.
6 I never issued an order to attack civilians or anything to do with
7 civilians, and there's so many documents about that. Of course, I
8 defended --

9 JUDGE TRECHSEL: I did not ask that question. I asked whether
10 you ever gave an order to attack a village. I did not speak of
11 civilians.

12 THE WITNESS: [Interpretation] Well, some positions of the

13 BH Army -- how do you mean "village"? I don't understand your question.
14 How do you mean attack a village? You don't attack a village. You
15 attack positions of the BH Army. Why would I attack a village if there
16 was nobody there, no soldiers, nothing? Then you don't have to attack.
17 You can just go in, enter it. So I don't really see what you mean.

18 JUDGE TRECHSEL: That is not a dichotomy, as we all know very
19 well, Mr. Praljak. Very often, in villages there are positions. And if
20 you attack the positions, how can you be sure there are not also
21 civilians in that village? I even -- I'm not implying that this is
22 automatically in violation of the laws of war. It may even be not a
23 crime. I was just asking about the fact.

24 THE WITNESS: [Interpretation] I attacked BH Army positions. When
25 there was a war between us, then I attacked the positions of the BH Army

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1 in front of a village, in a village, next to a village, anywhere where
2 they were, and that is according to war law.

3 JUDGE TRECHSEL: So you must have taken or -- taken into account
4 and accepted the possibility that there were also civilians? You did not
5 send someone first to evacuate the village, where the enemy positions
6 were, of all civilians?

7 Let me make it clear. You were asked whether you had ever
8 attacked villages where there were civilians. Now, there are two
9 possibilities. One is that you do so on purpose in order to kill
10 civilians, full stop. The other possibility is that you attack a village
11 where there are enemy positions, but possibly or probably also civilians.

12 Then you also attack a village in which there are civilians, although
13 perhaps not unlawfully. So should not your answer to the second
14 eventuality be, yes, that probably, and you may add "unfortunately," may
15 have been the case?

16 THE WITNESS: [Interpretation] That was the case. There's no
17 "unfortunately" about it. The lines were often in front of the first
18 houses. Trenches were dug there. And when you dug at the front-line
19 trenches, there was the possibility of a stray bullet hitting a house, or
20 if you had inflammatory ammunition, that you would set fire to a house.
21 None of that is excluded in this type of situation. But how -- if there
22 happened to be civilians, how am I to evacuate their civilians, if there
23 happen to be any there? Anybody in a war knows that you can't defend
24 yourself and shield yourself by using civilians and that you have to get
25 civilians away from the war zone.

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1 JUDGE TRECHSEL: That was not my question anymore, but I think
2 that we have come a bit more close to what actually happened. Thank you.

3 Excuse me, Ms. Pinter.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, the question
5 put by my colleague is an essential question because it refers to several
6 situations in the indictment. Please answer this question fully, because
7 it is crucial if we are to understand what actually happened. I am not
8 going to quote names of villages. I shall discuss with you a theoretical
9 case. That makes it easier for us to understand.

10 Let's assume that you decide to attack a village because the ABiH

11 is in this village. You know they are there, and for strategic reasons
12 you decide to attack this village. Before attacking the village, you
13 organise a meeting with the officers and those people that are going to
14 launch the attack, and you tell them that they should be very careful
15 when they target military targets and they should not target any civilian
16 targets, and you give them very strict instructions and tell them how
17 they should fire their shots. And once the village has been taken, do
18 you give them instructions beforehand on the fact that when the village
19 is taken and people are taken prisoner, then, as part of the
20 Geneva Conventions, the prisoners of war need to be treated properly, and
21 the civilians, women, children and the elderly, should be set aside,
22 since these are not combatants? Is all of this done before the attack so
23 that all the people taking part in the attack have your instructions and
24 orders in mind, and they know what is permitted and what isn't?

25 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, from

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1 the end of March and April 1992, when I first got in touch with the
2 Geneva **Conventions and the Red Cross in the Croatian Army, and from that**
3 time onwards, I insisted on it every day; not before an attack or after
4 an attack, day after day with all the commanders. That was one of my
5 permanent topics. All the booklets, everything that was done, all the
6 seminars. You will see a document where I deal with the law, and I write
7 to Croatian soldiers that they will be punished and punished to what
8 extent. It was not only before an attack. It was done all the time. It
9 was insisted on all the time. And you saw this footage from Zenica. How

10 they should conduct themselves, not only in a war, but in town, in the
11 street. And when I report this drunken policeman, I'm telling them how
12 things should be from the beginning to the end. Policemen should not be
13 drunk, and least of all, should anyone fire on women and children.

14 So, yes, before every action, it was always drummed into
15 everyone. And this war in Mostar that I claim was waged as if walking on
16 egg shells, we did not want to fire on their positions and their
17 headquarters. It was in the town itself. Every book written on the
18 topic gives me the right to destroy it; yet we didn't do it. And so on
19 and so forth.

20 JUDGE ANTONETTI: [Interpretation] Very well. You're telling us,
21 and this is on the record, that you reminded your soldiers of their
22 obligations all the time. This is what you have said, and it's on the
23 transcript.

24 I'm going to fine-tune my question now. We know -- and I'm not
25 going to quote any names of villages, but I can if you like. We know

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1 that the defence of these villages was a fairly complex system of
2 defence. Inside the villages, there were houses which had been converted
3 into bunkers, or they had built trenches around the villages in which
4 there were the "fighters," in inverted commas.

5 The problem was that these combatants were oftentimes civilians
6 also. We've heard a number of witnesses testifying to that, and they had
7 to -- these civilians had to go and patrol the trenches when they,
8 themselves, were civilians, and there were ABiH soldiers present. So

9 this was a complex situation. In this kind of situation, let me
10 emphasise that this was an extremely complex situation, did you tell your
11 officers, non-commissioned officers and sergeants, because you said these
12 were the most important men, and I agree with you, did you give them the
13 right instructions? Did you tell them to be very careful about the fact
14 that the civilians and the soldiers could get all mixed up in difficult
15 moments like those? Was this a notion which had been passed on to the
16 soldiers of the HVO?

17 THE WITNESS: [Interpretation] Two things, Your Honour.

18 Civilians are civilians, and this idea was drummed into them. A
19 man with a rifle was a target, and that's what I drummed into them, too.
20 I was there to protect the lives of my troops. My troops didn't have to
21 care whether the person with the gun was a member of the BH Army or not.
22 It was an enemy soldier. The moment you saw that they had a rifle and
23 they're firing on you, they're enemy soldiers. And if they refuse to
24 surrender, they are a target, a regular military target. And I clearly
25 made this distinction for them. So I didn't tell them, Now stop there

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1 and think a while, because that would get them killed. I was a
2 commander, and I had to keep my soldiers safe. So there was a clear
3 distinction: Has a rifle, is an enemy soldier, is a target.

4 JUDGE ANTONETTI: [Interpretation] I shall fine-tune my question a
5 little further.

6 What you have just told us, everyone is able to understand. I
7 assume that before an attack, your officers and sergeants were

8 supervising or controlling the village with all form or any kind of
9 equipment, like binoculars. When you realise that there was the head of
10 a family who was in a trench, and he was clearly an ABiH soldier because
11 he was wearing camouflage uniform, but his wife and children came to
12 bring him milk and things to eat, and this happened all the time, what
13 instructions did you give the 92-millimetre mortars or the tank located
14 on the hill when the fire was shot? Did you tell your men, Only fire
15 when you are quite sure that there are only fighters there, not the wife
16 who brings the bread and the milk or the child that brings a sweet to his
17 or her father ? Did you give them this kind of instructions or did you
18 trust your men in the field entirely?

19 THE WITNESS: [Interpretation] Well, Your Honour, first of all, in
20 the time when I was down there, I was in command. We were defending
21 ourselves, and there were no such situations. At the time, we were not
22 out to conquer anything. If we lost a position, we would try to
23 recapture it. For the most part, we were successful and so on, and we
24 didn't go into villages.

25 But let me tell you this. I would not have allowed a mortar to

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1 fire at the moment when a woman or a child is bringing food or something
2 to somebody, and the situation is clear and the action has not yet
3 started. But if an action has already started, be it their attack on us,
4 or our attack to recapture an elevation, and mortars are in operation,
5 the infantry is doing their job and so on, if a woman is bringing food to
6 somebody, that would not make me change my plan of attack, because at

7 that time in such a situation, she becomes a member of the armed forces.
8 Regardless of the fact that she's just bringing food to them, she is a
9 member of the armed forces. And I would not expose my soldiers to danger
10 and tell them, Stop firing, because then they would get killed, because
11 then a war would be waged in this way. Women would be sent out, the
12 other side would not fire, and then they would get killed.

13 So I would not consider a woman or a child as a target. They
14 could bring food, and they were not to be targeted. But if an action was
15 underway, hypothetically speaking - but I did not encounter this
16 situation, so I'm giving you a hypothetical answer - I would not have
17 stopped the attack just because women bringing food or ammunition, or
18 anything - we don't know what they were bringing - got involved, because
19 they become an integral part of the army, they are troops.

20 JUDGE ANTONETTI: [Interpretation] You are, therefore, telling us
21 that, as far as you are concerned, as soon as an action is underway, if a
22 civilian goes to supply a combatant, then you regard the civilian as part
23 of the armed forces of the enemy armed forces. So this is what you say.
24 It's now on record.

25 THE WITNESS: [Interpretation] Precisely it, yes. And they are

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1 defined in this manner under -- well, not only soldiers, but all those
2 taking part in the action or aiding it are considered as the enemy
3 forces.

4 JUDGE ANTONETTI: [Interpretation] Before the break, which is to
5 be at 4.00, we have another ten minutes, Ms. Pinter.

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

7 Q. General, could you please look at document 3D --

8 A. Well, we've already discussed it --

9 Q. -- 0111.

10 THE INTERPRETER: Interpreters ask the speakers not to overlap.

11 MS. PINTER: [Interpretation]

12 Q. 3D01169. Yes, I've already asked you this question. And I asked
13 you to tell us, why was it necessary for Zarko Tole to write this
14 statement, and what circumstances resulted in this document?

15 A. Well, there was an attack on Mostar launched by the HVO on
16 some -- well, some minor attack in some area, and I received a report
17 about that. And then I asked the chief of the Main Staff, because in our
18 internal organisation of work, he was more in charge of Mostar in the
19 south, I was in charge of Vakuf and Rama, and Petkovic was in charge of
20 the north, Kiseljak and the negotiations.

21 Well, we had this division of labour, and he wrote to me, while I
22 was not aware of the attack, and I did not approve it. So somebody --
23 after all, not every attack is approved by the commander of the
24 Main Staff or his deputy. Every commander in a war knows what his job
25 is. Brigade commanders, operational zone commanders, are in charge of

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1 large-scale actions. Or, rather, large-scale actions have to be approved
2 at the level of the Main Staff, but taking an elevation or improving your
3 tactical position, well, where would we be if one person were to decide
4 on everything? It's simply not how it's done in an army. General Lasic

5 had the right to improve his position in a building, in a street. So I
6 merely asked whether Tole had anything to do with it, and all that, and
7 all of it -- this was more because a couple of people were killed in this
8 action, and it was all pointless and stupid.

9 Q. Now we have a document that was discussed at length yesterday,
10 but here you can see who it was sent to, this order of yours that persons
11 who commit disciplinary infractions would serve their prison sentences in
12 the Dretelj Prison. And it is listed here who received it. I think that
13 you should tell us what area was informed - 3D01213 - and why only in
14 that area?

15 A. Well, because Ante Govorusic, the commander, was relaying my
16 order about where this should be done, and that's P05283.

17 JUDGE TRECHSEL: Just to assist everyone finding the document,
18 instead of 3D02123, as in the record, is it not rather D01213?

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

20 THE WITNESS: [Interpretation] Well, since my order was delivered
21 to all the operational zones and to the presidents of the military
22 disciplinary courts, because this was their job, they had to provide the
23 papers, the documents, about who received what sentence. And this order
24 was relayed, my order was relayed, and this is something that has to be
25 done in the army, to the Operational Zone North-Western Herzegovina. So

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1 this is just for the operational zone. The others had to do that, too,
2 but we have this document only.

3 Q. Precisely. Now I would like to ask you to look at document

4 3D01184. This is the SIS Centre Rama, the weekly report?

5 A. Well, we've already done that. Oh, no.

6 Q. No, this is the 4th of October, 1993. Who received this? It
7 went to the Defence Department, not the Main Staff. What can you tell us
8 about the information contained in this document?

9 A. Well, he's sending this to SIS, because that's what Mr. Markesic
10 is, he's an SIS, and he's submitting this to his superior. And he's
11 talking about what he, as an SIS operative -- well, what he sees; that
12 there are gaps between positions. This is as if nobody knew that, apart
13 from him, that the troops leave their positions before their relief comes
14 in.

15 Now we get to the stupid sentences, stupid sentences, and nobody
16 holds them responsible. First of all, that's not true. Secondly, if a
17 unit leaves its position, to hold it responsible in the way in which
18 these people think, well, you can do that if you have another unit and
19 you put this other unit to man the positions and put the other guys in
20 prison for 20 years. But if you see that these people say that they
21 spent 40 days in a trench, and they say, Well, we can't do it. They
22 can't do it. And now they can be members of an army, but they're first
23 of all human beings. They have glassy eyes. They do not function
24 anymore in any form or shape or under any kind of assumption that is
25 always trying to be introduced here, that they are some kind of iron men,

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1 machines, and these are just structures, Newtonian mechanical structures,
2 and the only way that evil comes about is when the person moving them

3 does it wrongly, and that's not how it is.

4 If you look at the person who has spent 30 days in a trench, you
5 can tell that guy whatever you like. You can issue any kind of orders
6 whatsoever; that man does not respond to anything, and he does not
7 respond in World War II, in World War I. People simply do not respond.
8 You can only fire at them, and that's it, and you will not do that.

9 And then he goes on to say that there is the possibility of an
10 offensive, whereas the offensive was ongoing at the time. So he is
11 dealing with the soldiers and that makes no sense; that a lot of soldiers
12 are being lost. And then again he says, If no major action is taken as
13 soon as possible -- well, this is a man of high morals, but he is not
14 very smart. He's sitting in his office and he's saying, Well, unless
15 something is done as soon as possible -- well, if we don't do anything as
16 soon as possible, anything serious, the war between the Israelis and the
17 Palestinians is going to go on for centuries, and nobody is going to say
18 what we should do. These are just platitudes, stupid platitudes.

19 If, Ms. Nika, we don't do something serious, millions of children
20 will go on dying of hunger, at the time while, for instance, three
21 billion pounds worth of food are being thrown away into the garbage in
22 Great Britain every year.

23 Of course, we have to do something, but I need to be told what we
24 should do, what is it that we should do? Invent better troops, have a
25 better people, and yet we have what we have? Platitudes, platitudes,

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1 platitudes.

2 And then he goes on to say, Well, we will not be able to defend
3 this for long. We managed to defend it in the end. And then he says
4 soldiers from Gornji Vakuf and Rama, it will be difficult to persuade
5 them that Herceg-Bosna is to be defended there. And he says rightly that
6 if they lose their positions, if they go to Croatia, this will be lost.
7 10 percent will perhaps remain --

8 THE INTERPRETER: Interpreter's note, the witness is kindly asked
9 to slow down.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, we shall
11 resume with this document after the break. The tape has run out or is
12 running out. We're going to break for 20 minutes, for the only break
13 today, and then we shall resume until 6.00.

14 --- Recess taken at 4.00 p.m.

15 --- On resuming at 4.22 p.m.

16 JUDGE ANTONETTI: [Interpretation] Two things before I give the
17 floor back to Ms. Pinter.

18 I was mentioning a document earlier this afternoon. I've got the
19 document with me. This is P00592. So that's one thing. You can read
20 Article 27 in it.

21 Secondly, with regard to time, you have used an additional time
22 of one hour and forty-one minutes, because now we have thirty-seven hours
23 and forty-one minutes in all.

24 Please proceed, Ms. Pinter.

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

1 Q. General, we're still at 3D01184. Was there anything else you
2 wished to add about that document?

3 A. The document states that the military police are not doing their
4 job. The civilian police are finding it difficult to get their bearings.
5 Crime is rife, and so is robbery. This is backed by certain people from
6 the police. There might be disruptions to law and order. Catering
7 establishments are opened up all over the place that are not legal.
8 There is a lot of drinking. The HVO decision on curfew is not being
9 complied with, because there was a curfew that applied.

10 Nevertheless, Ms. Pinter, this is something that is written by an
11 officer of the SIS, the official body in charge of saying who it is that
12 is doing all these things, in charge of naming names, in charge of
13 specifying the offences. This is lip service typical of the sort of
14 society in which we lived. Some people did some something somewhere. It
15 reads "individuals from the military police." Yes, but which
16 individuals? They are duty-bound to track them down, and they are
17 duty-bound to bring these people in and to initiate proceedings against
18 these people. It's their duty, yet they write this, they dispatch this
19 to their own administration here, Look, see, I'm not doing my job. I'm
20 saying anything. This was a very honourable human being. And it's not
21 that this person wasn't trained. I can't believe this person couldn't do
22 it or didn't know how to do it, but this is blah-blah-blah. That's all
23 it is. And here he says, Set up a military police that will be able to
24 carry out all the other orders. Setting up, what exactly does he mean?
25 Are we supposed to give birth to new babies who would then immediately

1 become military policemen? Should we bring them in from Switzerland,
2 from the United States, or what? This was precisely what was so often
3 the case, Let's write up something to indicate that something wasn't
4 working right, and then we'll dispatch this document to someone or other,
5 and then this someone - and we don't know who exactly - should probably
6 do something about this and deal with the situation in some way or
7 another. Start criminal proceedings against those who contributed and
8 are contributed against those again.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, you are
10 challenging the contents of this document. We don't know Mr. Markesic.
11 He did not testify; therefore, we don't know him. However, upon reading
12 this document, are you -- as you have just done with great care, and so
13 have the Judges, one notes that the author is turning to his authorities
14 to say that there is a real situation that has to be tackled at political
15 and military levels. He then added that criminal prosecution had to be
16 done. He mentioned the issue of deserters, and very relevantly, he said
17 that there must be cooperation with the Republic of Croatia. **Therefore,**
18 he's opening a series of avenues that are obviously far beyond his level
19 of responsibility, asking his superiors to follow all this up. And you
20 realise that, but you didn't say so. There is a first part, as you
21 noticed, related to crimes committed in Uzdol, where statements were
22 taken, as is mentioned in the first part of this document. But besides
23 Uzdol, this man talks about other situations.

24 You are challenging this. I am interested in knowing who were

25 the addressees were of this document.

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1 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, I'm
2 not challenging anything. I know about all of this, in part. Yes, what
3 I'm talking about is the --

4 JUDGE ANTONETTI: [Interpretation] That's not what I'm interested
5 in, General. I want you to tell me who this document was to be sent to.

6 THE WITNESS: [Interpretation] He sent this to his own
7 administration, the SIS Administration alone, his own superiors up the
8 chain of command.

9 JUDGE ANTONETTI: [Interpretation] Who is his superior?

10 THE WITNESS: [Interpretation] Ivo Lucic.

11 JUDGE ANTONETTI: [Interpretation] And above Ivo Lucic, whom do we
12 find?

13 THE WITNESS: [Interpretation] Ivo Lucic is a department [as
14 interpreted] of the Defence Department of the Croatian Community of
15 Herceg-Bosna or, rather, the Croatian Republic of Herceg-Bosna; a
16 department within the Department of the Republic of the HZ-HB, the
17 Croatian Community of Herceg-Bosna.

18 JUDGE ANTONETTI: [Interpretation] And who is the head of the
19 Defence Department?

20 THE WITNESS: [Interpretation] Mr. Stojic.

21 JUDGE ANTONETTI: [Interpretation] Very well. Ms. Pinter.

22 JUDGE TRECHSEL: May we also look at the last paragraph on the
23 last page, "SIS Centre activity plan." It seems, in a way, that

24 Mr. Markesic gives the same answers as you have given, in that he says,
25 We're only in the process of building up, we have no personnel, we have

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1 only one car, and so forth. Would you comment on that?

2 THE WITNESS: [Interpretation] I know Mr. Markesic. He is a
3 highly-moral individual who concealed nothing. He truthfully reported on
4 the situation in his own area. I talked to him once or twice about
5 matters such as these. And whenever he said something like this, I would
6 get quite upset -- maybe not upset, but desperate.

7 I would say, In God's name, Markesic, who? You can't say
8 "certain individuals." Who? Name a name, for God's sake. Or when he
9 says, Work on improving the soldiers' accommodation, where, where is this
10 accommodation to be? Where do you put them up? We'd all like that, but
11 where's the money? Where are the barracks, the compounds, so that we
12 could improve their accommodation? It sounds like a nice thing.
13 Everybody's got a wish list, but that's easy. Everybody can enumerate
14 all the problems, from Pakistan onwards. Everybody knows what the
15 problems are. I knew what the problems were, too. But how do you solve
16 a problem?

17 He says it himself: I don't have enough manpower. I don't have
18 the equipment. I can't do that. That's fine. You can't do that, that's
19 fine. Is he to blame that he can't do it? Well, then, okay, he is to
20 blame, and I'm to blame that I can't do more than I can, but I can't. I
21 spent 20 hours a day working. That's what I did. I couldn't do any more
22 than that, and someone comes along and opens up a catering establishment,

23 pours alcohol to all these people. How difficult is that, in a situation
24 like that, to name names? The staff commander, hopping across the entire
25 area to track people down. I don't know.

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1 Let's move on.

2 JUDGE TRECHSEL: Thank you.

3 MS. PINTER: [Interpretation]

4 Q. When you issued that decision banning alcohol, who was supposed
5 to be implementing that decision?

6 A. Civilians. You see, no one had sufficient manpower to see an
7 order like that implemented; the military police along the front-line,
8 the civilian police, who barely existed and had just set up there. It
9 has to be an overall effort, the municipal president, each individual.
10 No one must be left out. You can't impose a structural measure like
11 this, because this is not an ordered society that we are looking at.
12 When you have an order like this, you expect each single individual in
13 their right state of mind, those who tried to reason, at least, but most
14 of them just shied away from this, saying, Let the law deal with that,
15 the military police, Stojic or whoever. Let Markesic deal with that.
16 But he couldn't. He wasn't able to deal with that because he would have
17 required 15 men, at the very least. And he didn't have those 15 men;
18 that simple.

19 Q. Very well. Can we now please go to 3D01173. The 8th of October,
20 1993, Commander Ante Pavlovic?

21 A. Yes. I used some of our acquaintances to get Mr. Pavlovic to take

22 over the Rama Brigade. The situation improved greatly as soon as he
23 arrived. He was living in Croatia, but was a native of Rama. He was
24 involved in the war from the very beginning. He was an exceptionally
25 brave fighter, and so on and so forth. Nevertheless, he did stay for a

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1 while, eventually. We managed to get him to postpone his resignation.

2 But if you look at the document, you see that everyone wanted to
3 be involved in the brigade; the people from the village of Jurici, Glib,
4 Jaklici, and Uzdol. They're all meddling. They are accusing him of
5 unevenly distributing his orders to commanders.

6 There were clashes between the military police and the Rama
7 Brigade, because the people from the Rama Brigade were saying that the
8 military police were all criminals and thieves. He knows, as I do, that
9 there are certain individuals like that, but you can't just label all of
10 the military police as thieves. There were brilliant fighters among
11 those people, and he states that as well. He says he left his family
12 behind in Zagreb, and that he was now fed up, something to that effect,
13 and that now he would like to go back. He says that, There will be a
14 report that we'll be submitting to the SIS. And who undermined the work
15 of this brigade. Because there were people appearing all the time for
16 all sorts of reasons. There were quarrels in the village between groups,
17 and they were undermining the whole system. He was a splendid lad, and
18 what he achieved was -- raised the level of organisation in that brigade
19 considerably. But he is complaining about the -- the -- all the same

20 matters that we were all complaining about at the time. The situation
21 being what it was, all of our resources were not sufficient. All of our
22 work was not sufficient in order to improve things to a degree that was
23 for some reason was expected. Obviously, I had my expectations, too, and
24 I worked towards that end. Too many things. I was trying to achieve too
25 many things, probably, and one of them is described here really well.

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1 Q. This document was not submitted to the Main Staff; right?

2 A. No, that would not have been required. It went straight to the
3 operation zone. It wasn't the Main Staff that would have been the place
4 to gather all these documents. There were many operation zone
5 commanders, but he submitted to the Presidency of the HVO, the
6 politicians, all those that he was seeking assistance from. He was
7 seeking assistance from these people, from the politicians. There were
8 some minor political -- petty political games or rifts, quarrels between
9 villages. And what one needed was assistance from the politicians in
10 order to relieve him from all these stories that he was dealing with.

11 Q. What about the report on those who tried to undermine the
12 brigade, something that was to be submitted to the SIS? Was that perhaps
13 the place where such references were to be included?

14 A. Yes.

15 Q. Thank you. And now 3D0079 --

16 JUDGE ANTONETTI: [Interpretation] General Praljak, this report
17 shows that in Rama or, say, Prozor, there was a situation that called for
18 measures to be taken. Indeed, it is said that there are individuals with

19 very recent Mercedes cars, that there is a lot of petrol around, whilst
20 the soldiers have nothing. And those who seem to get rich are members of
21 the military police. I think this is worthy of an investigation, isn't
22 it? My question is, therefore, very straightforward. Were the members
23 of the military police in Rama and Prozor ever arrested?

24 THE WITNESS: [Interpretation] I was there in 1994, involved in an
25 incident where people were arrested. I was involved in that, too, and

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1 managed to persuade some people to give themselves up of their own free
2 will and be taken to prison, in order to then be prosecuted. As to this,
3 to be perfectly frank, I don't know. It certainly was forwarded to the
4 military police.

5 Nevertheless, even he doesn't really say who these people were.
6 It wasn't just men from the military police, Your Honour. There was a
7 lot of smuggling, and the amount increased as the war wore on. You had
8 to get two trucks full of cigarettes across the entire territory . The
9 profit would amount to millions of marks. Smuggling was a burning issue. We
10 didn't touch upon that here because that is another story. But these
11 items were expensive at the time, and the smuggling business started
12 blooming in a number of different ways. And this led to further
13 confusion among soldiers, because if they were receiving any salary at
14 all, it would, as a rule, not be more than 100, 120 marks; and yet they
15 witnessed people around them turn rich over night. And then what
16 happened was clashes between units that were very difficult to allay.

17 JUDGE ANTONETTI: [Interpretation] So my question was very

18 specific, and you answered that there were people arrested in 1994. Very

19 well, thank you.

20 Please proceed, Ms. Pinter.

21 THE WITNESS: [Interpretation] I don't know. I know about 1994

22 because I was there; but this period, I don't know.

23 MS. PINTER: [Interpretation]

24 Q. General, can we please move on to 3D00793. The date is the 7th

25 of November, 1993. The document has been exhibited. I will,

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1 nevertheless, ask you to explain why this letter was written and under

2 what circumstances.

3 A. Indeed, this document came about at a meeting that was held and

4 that I had scheduled, a meeting that I had scheduled. I asked for that

5 meeting to be held. That was the last day of my time in the area. A

6 meeting took place the second-last day, the second-last day, the 7th, at

7 1800 hours or 1900 hours. All of the commanders attended across the

8 units, all of the relevant commanders, brigade commanders, operational

9 zone commanders. All the names are here, all of them. The meeting was

10 held because of everything that we have been discussing; the disarray,

11 the smuggling, all of that. And all of the commanders were aware of the

12 same thing.

13 The overall situation, in terms of war, in terms of the social

14 situation, the mood that prevailed, the structural situation, the

15 municipal situation, was getting out of hand and causing a lot of chaos.

16 The commanders were no longer able to deal with this. Because of the

17 fact that they were aware of that, aware of the fact of the sheer amount
18 of trouble being caused by all this chaos, lack of structure, smuggling,
19 drunkenness, they wrote a letter to President Mate Boban, the Parliament
20 of the Republic of Croatia, **the Government, and the Main Staff.** Those of
21 us writing this letter knew exactly what it was about; in order to be
22 able to win or, as I say, not be defeated. And then they go on to state
23 some things.

24 JUDGE ANTONETTI: [Interpretation] Let's cut to the chase. There
25 is one essential point in this document. It is item 6. It is the very,

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1 very fundamental part. I'm going to read it out slowly:

2 "Establish one and only command line."

3 Why is this stated? Does this mean that there were several lines
4 of command? I mean, when you read a document, you have to really go to
5 the core of the matter, and this is really the essential part of the
6 document. This is in your interests, in the interests of the
7 Prosecution, in everybody's interests; so what does this mean?

8 THE WITNESS: [Interpretation] That, Your Honour, means,
9 Judge Antonetti, that there wasn't only my line of command, but as you
10 were able to see in the individual municipality structures, those orders
11 were just not respected. And commanders which wouldn't respect the line,
12 had their support in the municipal structures and you couldn't do
13 anything to them.

14 JUDGE ANTONETTI: [Interpretation] General Praljak, I am not
15 satisfied with your answer because you organise a meeting with all the

16 commanders of these men. This is a high-level meeting, and there is a
17 problem with the line of command. That's what is being said is. This is
18 very important. The officers placed under your command, did they
19 question your command, did they state that they reported to another chain
20 of command which was different from yours, or was that chain of command
21 that reported to the municipalities? You are under oath here. Please
22 say exactly why this was one of the conclusions that was drawn at the
23 meeting. In my mind, this is an essential conclusion. What was the
24 issue discussed?

25 THE WITNESS: [Interpretation] Well, Judge, it was said that in

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1 implementing certain orders, that they were meddling -- that various
2 other structures were interfering in the work of the army, as you saw a
3 moment ago with that one from Rama, that man Pavlovic from Rama; that
4 quite simply some villages and some disputes dictated what his military
5 structure in the brigade would look like, and he was powerless to do
6 anything.

7 So, among other things here, the civilian authority is asked to
8 be subjected to the government of the republic and not have each and
9 every municipality waging their own policies, and some commanders over
10 there said -- gave examples about how they would stand up to -- well,
11 it's not something you put down on paper in black and white. It was
12 lobbying, Don't go up to that line, don't listen to them, you're going to
13 get killed there, so on and so forth.

14 And then you would have them refuse to carry out orders, just

15 like the example of the person I asked to be replaced; he just ups and
16 goes, leaves the territory, and I don't know who was in charge of him;
17 although at that point in time he was subordinated to me in the
18 operational sense. He had to be up at the line, defence line. So my
19 answer is very clear.

20 Now, all the games that were being played were not made public,
21 and then people wouldn't say, I'm not going to allow that. But this was
22 all under hand. There were all these underhand games being played out
23 behind the scenes.

24 JUDGE ANTONETTI: [Interpretation] I shall very quickly find you
25 in my question. You issued an order to one of the commanders who is

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1 attending the meeting - I won't quote anyone in particular - to, for
2 instance, attack a village held by the ABiH. So your order is very
3 clear. There is a single chain of command.

4 At that moment, the commander who you're giving the order to will
5 go and see the president of the municipality to tell him, Well,
6 General Praljak has given me this order. What do you think of it?
7 Should I go and attack? Should I not attack? What should I do? Does
8 the commander of the unit provide any feedback and say, Well, I was given
9 the order, but I cannot carry it out because the president of the
10 municipality said this and that? And so what happens, your order gets
11 lost. Were you ever confronted with this kind of situation on the
12 ground?

13 THE WITNESS: [Interpretation] In the way in which you've just put

14 it, Judge Antonetti, no. But in another way, take the example of Livno -
15 and I've repeated this three times already - he's not going to write, I
16 won't allow you to, or, I've been given another warning. And the brigade
17 commanders would listen, but it's not -- it's the battalion commanders
18 that aren't listening, and it's all under-hand. Nobody's going to say,
19 Refuse to obey Praljak's orders, what do we care about what he says. But
20 they go 'round lobbying, and then a battalion says, I don't want to go.

21 And you saw a document where that man Vucica arrived in Vakuf,
22 said that I and Filipovic were saying stupid things and sending him to
23 certain death, and he goes home and reports to his battalion. He refuses
24 to obey orders. So somebody was in charge of him in another way, not by
25 issuing a chit, a piece of paper saying, Don't obey Praljak. It's a very

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1 under-hand game, behind the scenes. And then I can't do anything to him,
2 because telephones start working, who appointed him, and, If you replace
3 him, we're not going to fight, and things like that. Everything was far
4 more subtle, but there was not one single chain of command, not one
5 command line.

6 Yes, I will try to speak slower.

7 JUDGE TRECHSEL: Mr. Praljak, looking at this document and
8 bearing in mind your comments on roughly similar previous documents, I
9 wonder whether this is not just another example of blah-blah-blah: Good
10 intentions put cheaply on paper. What were the consequences? What
11 happened? Did that have any effect?

12 THE WITNESS: [Interpretation] Well, we enumerated here and said

13 that the government was meeting all the time, they were holding meetings
14 all the time; Friday, Saturday, Sunday. That was immaterial. The
15 government worked eight hours a day, and I have nothing against that.
16 And some people on Saturday and Sunday would go to the seaside to bathe,
17 to swim in the sea, for instance.

18 Now, furthermore, President Boban quite simply -- and it's stated
19 quite simply here; to abolish the municipality staffs which had rallied
20 together an enormous quantity of divergent, and I think Prlic had a lot
21 of problems with it. That is to say, people who had their separate
22 political interests and every other kind of interest. And it was my
23 proposal -- our proposal, my proposal, that Boban should abolish that
24 because we had a war on, and that he should appoint a commissioner of the
25 government, Dr. Jadranko Prlic, in every municipality; and to say to

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1 them, This is war. I'm going to suspend all this wheeling-dealing, and
2 I'm appointing one man, and he's going to be responsible.

3 And you say that point 6 is the material point, but I say that
4 the key point is point 2.

5 JUDGE TRECHSEL: Mr. Praljak, you are now commenting on this
6 text. My question is a different one. What happened, actually? Was
7 this done? Were the commissioners instituted? Were the command lines
8 secured as one, and so forth?

9 THE WITNESS: [Interpretation] Judge Trechsel, as I've said this
10 is the 7th of September [as interpreted], in the morning. So I can't
11 answer that question, and I can't comment on this text, because the text,

12 after a discussion, was compiled and written with my vital participation
13 in it. And the key point was point 2 for further developments.

14 MS. PINTER: [Interpretation]

15 Q. General, what year was that?

16 JUDGE TRECHSEL: Excuse me. Thank you. It actually confirms,
17 more or less, for our purposes. What we see here is a piece of paper
18 with nice plans and intentions, full stop.

19 By the way, it was the 7th of November, not September, as was
20 stated in the transcript on page -- on line 11.

21 Excuse me, Ms. Pinter, but I wanted to finish this, please.

22 JUDGE ANTONETTI: [Interpretation] My colleague also drew my
23 attention to point 2. One of the essential items was item 6, but item 2
24 may be of interest also. Clearly, you seem to be asking that a commissar
25 be appointed in each municipality to do away with staff municipalities,

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1 so to speak. There are crisis staffs and war staffs in each
2 municipality.

3 Over these last three years, I have felt - this is a feeling I
4 have had and not a conviction - that the local rulers played a
5 considerable role. Let me take the case of Mr. Topic in Mostar. If your
6 second proposal had been carried out in Mostar, does this mean that
7 Mr. Topic would have no role to play anymore? In that case, it is a
8 commissar of the government that would be playing this role. So this is
9 my question: Since you exercised command, did you have the feeling that
10 the local elected officials, when the Croatian Community of Herceg-Bosna

11 was created in Grude, did -- were you under the impression that these
12 people were very powerful people?

13 THE WITNESS: [Interpretation] Yes, yes. They had some money from
14 abroad coming in. Well, some municipalities more, others less, so they
15 could influence the army through salaries. They were powerful, but that
16 was untenable. You couldn't work like that anymore. So these are
17 demands. They're not requests. They're precise demands, demands of the
18 government, telling it how it should function, what to do to reorganise.
19 And along the lines of what I've been saying all the time. You had to
20 change the political and social structure, because otherwise you couldn't
21 improve army establishment because the foundations were bad. You would
22 build this building and then the Tower of Babel **would fall down because**
23 the construction, the ground work wasn't good. You had to put everything
24 on firmer ground, firmer foundations. So you didn't know who was doing
25 all this. Everybody would say, It wasn't me, it was him, and so on.

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1 And it was just a fishing expedition, or you could see that it
2 was -- that it wasn't working properly. Whereas if you knew that it was
3 one man, then you would know who that man was, and if something went
4 wrong, then Mate Boban could replace that person; whereas he had 10 or 15
5 people in every municipality who represented the powers that be, and each
6 one of them would employ somebody from his own family and wouldn't want
7 to send them to the front. So they'd employ them in the Customs officers
8 or wherever just to prevent them from going to the front-lines, and this
9 would give rise to rebellion.

10 You would have 60 or 70 guys saying, Look at what they're doing
11 over there? Are we going to go to war for that kind of thing, whereas I
12 have to go and fight and defend the country for 120 German marks? Well,
13 I'm not going to do that. They say, No, we're not going to do that.

14 So the problem was far greater, and we have set out precisely
15 where the problem lay in these points here.

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

17 Just a note for the transcript. The time after this meeting on
18 the 7th of November, Witness Biskic testified about that. And through
19 his evidence and documents on the 6th of March, 2007, and through his
20 evidence, you could see whether there were any results after this.

21 Q. General, now I would like you to look at 3D01175. It's a
22 document dated the 8th of November, 1993, from Uskoplje, Pero Pilic.
23 It's a report to the Main Staff, to the sector for I don't know what --
24 Tomislavgrad.

25 A. Well, all the documents, Ms. Pinter, are like peas in a pod here.

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1 We've already a talked about that. Well, he says in Zrinski, the lack of
2 manpower has reached a critical point. People are leaving the line the
3 way they see fit. The morale is low. They -- as if they don't care for
4 anything. Fatigue results in total numbness, and the result -- this is
5 the result of the fact that they have spent only four or five days out of
6 the previous month out of the trenches. I would like all of us here in
7 the trial to -- participating in this trial to spend at least two nights
8 in a trench in the winter-time at really low temperatures, and we would

9 all be able to understand this problem so much better. To spend 30 days
10 in a trench would break the stoutest fellow. And they no longer care
11 whether they're alive or dead, where they're going, what's happening.
12 Soldiers are human beings, human beings, and these are not people who
13 were trained to be tough. They were farmers, they raised cattle, they
14 were locksmiths, and so on, metalworkers.

15 Q. Thank you, General. We've done -- we're done with this file.
16 We've agreed that we would -- do you want a document?

17 A. No. Where is the report, the report that I have? Well, it's in
18 another --

19 Q. It's in the next binder, and that's documents by way of
20 explanation, documents to explain.

21 But before we move on to this binder, you said that you wanted to
22 show the video from Prozor when you talked about the man who came to
23 demand money from the president of the municipality. The number for the
24 video, 3114. The transcript has been handed to everyone.

25 [Video-clip played]

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1 THE INTERPRETER: [Voiceover] "Praljak, give me the money. The
2 money, give me the money.

3 "Wait, wait, tell me. What money?

4 "They burnt my house down. Give me the money.

5 "Wait, wait, wait. Tell me, who burnt your house down?

6 "You know very well who that was. Give me the money. Fill it
7 up.

8 "Okay, let us agree. Easy there. Calm yourself down. We will
9 find a solution. Now let me hear about it. Who burnt your house down,
10 who?

11 "You know damn well who.

12 "Here's the thing, you want the money, the money. Well, I'm not
13 giving you the money. I'm not giving you the money. I will not give you
14 the money. Take him away. Take him away. Get out."

15 MS. PINTER: [Interpretation]

16 Q. General, did this actually happen?

17 A. Yes; not just once. That's what it looks like. We're talking
18 about things from a great height, at some rarified heights, and this does
19 not -- that's not what it looks like.

20 Q. For the record, this man came into your office with a gun and
21 asked for money for his house that had been burnt down?

22 A. Well, yeah. He first went to the brigade commander. Jozic had a
23 breakdown after that. That was the fifth or sixth case of that kind. He
24 left for Germany. He had a breakdown, and, of course, he had it, a break
25 down. He never came back.

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1 JUDGE PRANDLER: I'm sorry, Ms. Pinter. I would only like to ask
2 Mr. Praljak how it happened, when that person came in, you had already
3 there a television team, because it was anyway taken either by television
4 or by other kind of -- other person, if he had this -- any way to be
5 already prepared to take it. Thank you.

6 THE WITNESS: [Interpretation] Your Honour Judge Prandler, this

7 was not taken by a TV crew that was there. But based on the documents
8 that are here, a report about this event and witness testimony that has
9 been submitted to this Trial Chamber, well, I filmed -- I made a film, a
10 feature film, of this event. It is a realistic depiction, a reenactment
11 of the actual events. So this is not an authentic -- this is not
12 authentic footage. This was done afterwards, but in a documentary
13 manner. It's like the previous video from Travnik that we have.

14 JUDGE PRANDLER: I see it. Thank you.

15 MR. STRINGER: I apologise, Your Honour.

16 Mr. President, the transcript indicates -- well, could we get the
17 exhibit number for this last piece of video because I think the number in
18 the transcript is not correct. We want to be sure to object to the
19 correct exhibit when the time comes.

20 MS. PINTER: [Interpretation] 3D03114. The transcript pertains to
21 Rama 1993. It says "Transcript number 1."

22 Q. General, now we are at the set of the documents that we entitled
23 "Documents to Explain," including three presidential minutes from the
24 office of the president. So I would like you to go first to document
25 P00147. The minutes have already been exhibited, and I would like you to

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1 go to page 01863800. It is page 23 of 37 in the

2 translated version. That's for the benefit of the Chamber and the

3 Prosecution.

4 A. Well, this transcript mostly deals with the Croatian Army in

5 April 1993. For the most part, it pertains to an attack in Baranja and

6 the responsibility of the commander who was later removed from his post.
7 And at that page, when the president gave me the floor -- well, this just
8 gives you an idea about my frame of mind, the way I was thinking, that
9 this mistake by the commander was a major mistake, because before that
10 they were all in President Tudjman's office, and they had been prohibited
11 from engaging in any kind of offensive action. And this was no tactical
12 action, such as you have in a war. It was an action that was not to be
13 taken.

14 And then I go on to say that there was a problem with
15 responsibility, and I say that every successful army has to remove
16 commanders if they do not do their job properly. And in order to see
17 whether they do their jobs properly, I say that an analysis of the
18 actions should be done, because a lot of time has passed already, and an
19 analysis of an action that resulted in failure, with a great number of
20 casualties couldn't perhaps be done while the fighting was going on. You
21 had to wait until the cease-fire in January 1993, but after that it had
22 to be done.

23 I know about this action that was taken by 102 Brigade. They
24 crossed the River Kupa. It was close to where I was. A lot of people
25 were killed because the commanders of battalions and companies at lower

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1 levels remained at one bank, and they sent the troops to cross to the
2 other bank, and that was inadmissible. And I say that it is not that
3 heads should roll, or anything of the sort, but this is not something
4 that should be brushed under the carpet. Those people who didn't do their

5 job well secured certain positions for themselves in the HV and this is not
6 good because it affects the combat readiness of the Croatian Army.

7 when the troops see that the commanders remained at their posts after
8 such a botched action, they will not follow them into action tomorrow,
9 because people know very well -- the troops know the quality of their
10 commanders. And if it's a commander who will stay behind the lines, 10
11 kilometres behind the lines, and since I had been in Herzegovina before
12 that, Mr. Nikolic, who was the commander at the time of all of that, he
13 was totally inept, he didn't know. And as I said, you could learn more
14 from the radio about what the fighting was and what it looked like than
15 from that man. He didn't know anything. Fortunately, he was replaced,
16 and then after a while General Petkovic was appointed there. So that
17 would be it.

18 Q. General, well, a suggestion from my colleague. The action was in
19 Bosnia and Herzegovina or in the Republic of Croatia?

20 A. Well, in the Republic of Croatia. **We're talking about the**
21 **Croatian Army.**

22 Q. Well, the transcript does not reflect that.

23 A. And, well, they say that the commission was set up, and
24 General Bobetko was in the commission, so was General Spegelj and myself,
25 and we did this job; and General Gorinsek was replaced because he was not

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1 doing his job properly. This was not how things were to be done.

2 At page -- at page 01363810 -- 01363810, and Ms. Pinter, you
3 could perhaps say -- give us the English reference --

4 Q. Well, this will be a bit difficult. 137 -- 3237, I'm sorry. No,
5 yeah, it's my mistake. I didn't prepare the English.

6 Okay, you go on, and I'll find it in the document.

7 A. Yes. I'm just talking about what I said here. Well, there was a
8 lot of talk about this action because there were a lot of casualties.
9 And it was my demand that a press release be issued about what happened,
10 who made the mistake, and who was replaced. So -- and I say here, and I
11 quote:

12 "So a press release, which would be loud and clear, would do away
13 with all the rumours that surround this," and so on and so forth, "for
14 the commanders to know that they are not to do this kind of thing.

15 Q. That they should not do --

16 A. That they should not do this kind of thing, so that there should
17 be a press release.

18 Q. And the page is 32 of 37, that's in the English language, or --

19 THE INTERPRETER: Interpreter's note, could the counsel please
20 slow down when reading numbers.

21 MS. PINTER: [Interpretation] IT0186-3779 to 0186-3815. The page
22 is 32 out of 37.

23 THE WITNESS: [Interpretation] Well, as regards this document,
24 well, everything is in there. President Tudjman clearly indicated that
25 his decision was already made and that the commission could only

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1 recommend the sentence that is to be expected or the punishment that is
2 to be expected. And then there was a debate about whether he should

3 appear in public or not. He had already spoken out in the media. And it
4 was decided that he should not speak to the media from that time onwards.
5 And I said that he should not have spoken in the media as he had. As a
6 general of the Croatian Army, he should have sought approval from his
7 chief of Main Staff, and that was General Tus, for any public
8 appearances. And people thought that they could do whatever they want,
9 present their political views, that Serbs should be attacked in this way
10 or in that way, and that was one of the reasons why I demanded that
11 Gorinsek should be removed from office.

12 Q. The next document is P00466. It's also been exhibited. These
13 are the minutes from a meeting held on the 11th of November -- 11th of
14 September, 1992. These are the minutes that are mentioned in the
15 indictment. This is the National Defence Council meeting, and,
16 General -- P00466. Could you please go to ERN page 0186-2960.
17 0186-2960. The English version is page 50 of 64, because the ERN numbers
18 are all the same.

19 And at that page and the page that follows, there is discussion,
20 and now I would like you to tell us something about the meeting.

21 A. Well, Ms. Pinter, I am opposed to removing -- well, this is an
22 important meeting where a number of things were discussed. So as a
23 professional, as a professional director, I can do anything you want from
24 quotes. So this meeting has gone on for a certain period of time and
25 important topics are discussed. I will not be making references to exact

1 pages, but I will tell you, as a participant, what was discussed.

2 So it's a document. The president of the state is talking about
3 how the combat disposition should be such that it could be deployed in
4 peacetime. And then he says that there would be some resistance to the
5 implementation of the UNPROFOR mandate, of course, on the part of the
6 local Serbs, and that there would be some resistance to the Croatian
7 constitutional order in that area. And then he talks to the interior
8 minister about problems with the HOS that existed in Zagreb. And he's
9 angry because this has not been resolved fully. They are walking around
10 Croatia **with their weapons.**

11 Then President Franjo Tudjman asks himself how is it possible
12 that in a state that has a rule of law, that somebody from the HOS is in
13 a position to sign some documents where a politician, a member of a
14 political party, claims that he is the Commander-In-Chief of an armed
15 force. This person was also a member of the Parliament. He was elected
16 into the Parliament. But this had to have been dealt much more firmly,
17 and in the end it was.

18 President Tudjman says that there is no need to fool ourselves,
19 because the foreign intelligence services will continue working against
20 the Croatian state and that one should not be naive there; that the
21 position of the Republic of Croatia **has improved greatly.** He mentions
22 that there have been some changes in the French policy, but that the
23 military component will definitely be of interest to the intelligence
24 services. Then he goes on to say -- goes on to speak about the military
25 council. Well, Minister Susak says that half of the military council

1 went out into the field.

2 I talk about the defence industry here at the beginning that
3 exists in Bosnia and Herzegovina, in Herzegovina, **and that somebody**
4 should be appointed the coordinator, who would -- a coordinator between
5 Croatia **and Bosnia-Herzegovina, who would act as a mediator.**

6 Then I speak about this major problem, and the problem is this:
7 When the Croatian Army was being demobilised, it was being cut down to
8 50.000 people, and a lot of people had to be demobilised to reach that --
9 to reach that number of people. That was the demand made by the
10 president of the state, and many people who were demobilised had their
11 own weapons. And because they were in dire straits financially, they
12 sold those weapons, and, in most cases, they sold those weapons to
13 members of the BH Army. There were soldiers, Muslims, who at that time
14 were buying weapons, and this resulted in the black market. There was no
15 control.

16 Then he talks about the serious problem of how to obtain weapons,
17 whether it should be done through the Defence Ministry. Minister Susak
18 says that an agency should be set up, that all Western countries have
19 something of the sort.

20 General Imra Agotic says that in Mostar, in Sokol, there is
21 the -- of course, the repair and maintenance facility for aircraft and
22 that Libya **wanted to repair some of its planes there, do the maintenance**
23 **there. And then Libya also wanted us to work on some of their vessels**
24 because those vessels were actually made by Yugoslav shipyards in Tito's

25 times.

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1 And there was also a big problem because at that time people who
2 were expelled from UNPA zones were exerting a lot of pressure on the
3 government and the president. There was peace for quite some time, but
4 they wanted to go back to their homes, and they were ready to use force
5 to do it. There were tens of thousands of people who wanted to do that.
6 It was a major political problem. So there was this discussion about
7 what would happen if they moved, if they start to advance. And I claim
8 that if they headed into Posavina, that the Krajina army would fire on
9 them.

10 And then at one point I say that unfortunately the situation in
11 the Croatian Army is not good for a number of reasons and that this plan
12 for the return of people, without any prior preparations, would result in
13 a major bloodbath.

14 Dr. Franjo Tudjman is forever hoping that the situation -- well,
15 that the Serbs would have to forego the war, fighting. He says that they
16 would have to calm the situation down to avoid the escalation. He saw
17 the Vance-Owen report where, well, everybody's hoping. And then he goes
18 on to say, Okay, we never did stupid things, and we will not do stupid
19 things now. We will not let people go there without organising things.

20 Then the president says that -- he tells us how much Croatia
21 earmarked for its armed forces, and he says that when the next agreement
22 will be reached with UNPROFOR, he will demand that the road through
23 Okucani should be opened, that's Croatia, that the Maslenica Bridge

24 should be opened. That's again Croatia. It's important, well, to clear
25 up the situation in Bosnia, and he's hoping that the Serbs have no other

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1 solution but to forego aggression. He has information to the effect that
2 the climate is changing in the talks.

3 Dr. Jure Radic, who was his Chief of Staff, speaks about the
4 decision of the working group in Geneva, and he says that the London
5 Conference is considering the whole situation, the whole crisis in the
6 former Yugoslavia. And he says, explicitly, the neighbouring countries
7 involved in all this, that's Bosnia and Herzegovina, and he says that a
8 working group for Bosnia and Herzegovina has been charged with working on
9 the cessation of hostilities and the constitutional solution for Bosnia
10 and Herzegovina.

11 And now we can, yes, move -- well, there is always talk -- he
12 goes on to say that Croatia demands that direct or indirect aid be curbed
13 to neighbouring countries. And Dr. Radic says that the United Nations,
14 pursuant to a decision of the London Conference, should establish their
15 observers between Bosnia and Herzegovina; well, he says Bosnia and Serbia
16 and on the Bosnian-Montenegrin border, to have international control of
17 the borders, and that heavy weapons would be deployed, or placed, as it
18 was thought, under the control. It was the eleventh hour for the war to
19 be stopped, under the control of the United Nations.

20 Dr. Tadjman talks about the fact that Croatia is facing a very
21 delicate situation. If they stick to the letter of the law on those

22 resolutions, Croatia **should withdraw all aid to** Bosnia and Herzegovina.
23 He says "by intervention," but when he says "intervention," he means
24 assistance, the heavy weapons, the volunteers as well, in order to thus
25 stop the possibility. He says this is a delicate situation, and this is

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1 about the cooperation of Bosnia and Herzegovina and the HVO along
2 Croatia's borders. **And he says that this is a delicate situation between**
3 the Croatian leadership and the Bosnian leadership. Because
4 Mr. Izetbegovic, following the London **meeting, visited him in** Zagreb,
5 saying he wanted to press on with the war. Therefore, Izetbegovic and
6 Silajdzic were not considering a cessation at all, yet they were
7 expecting to receive further supplies from Croatia and through Croatia.

8 He then goes on to mention the fact that a plane from Iran
9 landed, carrying some medicines, but a lot of weapons too. I know about
10 that. I was involved, personally. The president says that he informed
11 the UN about this, and UNPROFOR as well, and the US government. He's
12 also conscious of the fact that the intelligence services knew
13 everything --

14 MR. STRINGER: Excuse me, Mr. President. The transcript is in
15 evidence, and I think we're just wasting time having the general
16 paraphrase what's being said by the various participants. He's not
17 adding anything, so we're just really wasting time.

18 MS. PINTER: [Interpretation] I wouldn't agree. I don't think
19 this is a waste of time, simply because the transcript was part of the

20 indictment to incriminate General Praljak. He was at this meeting, and
21 it is claimed that his words at the meeting contributed to certain claims
22 made in the indictment.

23 This is a meeting attended by General Praljak. The fact that
24 this is an exhibit does not mean that it shouldn't be evaluated. It is
25 yet to be evaluated and its probative value established. In order to be

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1 able to do that, you have to hear General Praljak, who attended that
2 meeting, and who has to explain the words that he uttered.

3 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, it is right to say
4 that this document is part and parcel of the pre-trial brief, since it is
5 quoted, and I had every intention of using it when I put my questions.

6 On the other hand, Mr. Stringer is right to say that this
7 document has already been admitted. It would be better, rather than
8 Mr. Praljak read the document, which we are familiar with, that you put
9 questions to him on the essential questions you wish to demonstrate.

10 THE WITNESS: [Interpretation] If the document is admitted, as far
11 as I am concerned, there is nothing relevant here. As far as I'm
12 concerned, at the meeting, I spoke about the problem of refugees, Muslims
13 expelled by the Serbs, who were now settling in areas where, prior to the
14 outbreak of the aggression, there were equal amounts of both Croats and
15 Muslims. My proposal at the time was this, and I haven't changed my
16 proposal to this very day: I knew it was fictitious, and that it would
17 come to nothing, but I just wanted to send the buzz around so everyone
18 starting thinking about it. I was saying that the refugees in Croatia,

19 both Croats and Muslims, because Croatia - in my understanding of
20 international law - was a party to the war. And being a party to the
21 war, Croatia was in no position to receive refugees. Refugees were to be
22 received by countries that were neighbours to the conflict.

23 My proposal at the time was that all the refugees be sent to
24 Western Europe. Why? Because I was claiming at the time, and I still
25 am, as a matter of fact, that whenever one is trying to come to grips

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1 with a problem, you're having a hard time, no one else understands, no
2 one else cares. Had the refugees been sent to Germany, France, or
3 England in numbers that would have exerted pressure on their respective
4 governments, it is my belief that the assistance to our efforts to
5 resolve the conflict in Croatia, Bosnia and Herzegovina would have been
6 much greater.

7 Unfortunately, I know full well that this was not do-able. It
8 was just a theory that I had, a fiction, if you like.

9 If I'd been able to see it implemented at the time, I would have
10 taken every step necessary, though, simply because had that been the
11 case, people would have seen the light much sooner. They would have
12 realised what this was all about, and they would have realised the high
13 cost entailed. They would have started worry about their own finances.
14 The reaction would have been different, and the war would not have gone
15 on until 1995. This way, all the casualties, and dead, and the wounded
16 were nothing more than dead figures on a piece of paper. The refugees

17 were but a figure on paper. Everything is just a figure on paper.

18 Every now and then something happens that takes on a symbolic
19 value; the explosion at the Markale market in Sarajevo, little Irma on
20 her way to London, **as well as the refugees.**

21 JUDGE ANTONETTI: [Interpretation] Mr. Stringer is right in saying
22 that we shouldn't waste our time.

23 In this document, I shall get back to it at a later stage, I
24 wanted to tell you this -- well, finish and then I will tell you
25 something.

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1 THE WITNESS: [Interpretation] I'm done with this document,
2 Your Honour. I expect questions from the Prosecutor and from you.

3 JUDGE ANTONETTI: [Interpretation] I have just one question, but I
4 will get back to this later.

5 On the English version, on page 56 and following pages, at one
6 point the Banovina is mentioned, and Croatia and Bosnia and Herzegovina
7 are mentioned. There is a dialogue between you two, between Tudjman and
8 Susak. And Tudjman makes it clear that nothing should be done and nobody
9 should move. And you say on page 57 of the English version:

10 "No, Mr. President, believe me, the attacks have been stopped."

11 And Susak follows up on this by saying, "Nothing in the Banovina,
12 not even one metre."

13 So clearly there is no question of doing anything whatsoever for
14 the Banovina. This could be of interest, if we are discussing the joint
15 criminal enterprise.

16 Do you remember ever having discussed this during this defence
17 council meeting? Prominent figures were presented and attended this
18 meeting. Mr. Mesic was there. He was then in capacity as the president
19 of the Parliament. There were all those people that have been quoted in
20 the indictment as having taken part in the joint criminal enterprise.
21 Some other people are not mentioned, but well-known names, like that of
22 General Cermak and you, figure in this document also. And you play an
23 important part, since you take the floor on several occasions.

24 Now, as far as this particular issue is concerned, the Banovina,
25 can you tell us what Tudjman's position on that was on that day, what

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1 Susak's position was, and what your position was?

2 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, the
3 situation is crystal clear in that respect.

4 The Banovina means nothing here. It is no more than a
5 geographical notion related to Eastern Herzegovina. The Banovina, as far
6 as that's concerned, if we set aside Croatia, because the Banovina
7 belongs to Croatia **too, was set up to counteract the power of the king in**
8 **the Kingdom of Yugoslavia, in various -- with a Croatian majority.**

9 Franjo Tadjman is saying here, Defend that area in Bosnia **and**
10 **Herzegovina in which the Croats and the Muslims, too, were a majority.**
11 And, Praljak, don't move on Nevesinje and Trebinje because the Serbs are
12 there. General Bobetko then goes on to say, But if we don't go in just
13 ever so slightly, into Bosnia-Herzegovina, we shall never liberate

14 Croatia South and Prevlaka. And then Tudjman says, We'll take that back

15 when there is peace. Please don't go in there.

16 The Banovina here has no legal or constitutional meaning. What
17 is going on here is Tudjman is saying, Don't launch any attacks when
18 peace is here. We shall resolve the whole thing. And then I said, We
19 won't, we won't. President, don't worry. And then we laughed a little
20 and all that.

21 At this point in time, we are in Stolac, and we stopped right
22 there. It's about the president saying, Don't move further from there.
23 Don't launch a defence war. We defended all the areas from
24 Republika Srpska and from the JNA, the Muslim and Croat majority areas,
25 and stop right there.

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1 These are the facts of the matter, and that's as clear as a
2 spring day.

3 JUDGE ANTONETTI: [Interpretation] I'll ask this question: When
4 you say, and these are your own words, "No, Mr. President, believe me,
5 the attacks have been stopped," when you say this, you are saying this to
6 reassure Mr. Tudjman, who a few moments before, according to the English
7 document I have, that he is not concerned by conquering Bosnia. But when
8 you say that the attacks have been stopped, what attacks are you actually
9 alluding to?

10 THE WITNESS: [Interpretation] The HVO, Your Honour, near Stolac.
11 I was there, and I spoke about that. But then General Tus says, One
12 cannot defend Dalmatia if you're not across the border. We're talking

13 about this damn belt that I'm talking about.

14 MS. PINTER: [Interpretation]

15 Q. From whom?

16 A. From the Army of Republika Srpska. There are no clashes with the
17 Muslims there.

18 Q. All right, all right. Let's take it easy.

19 A. Franjo Tudjman says, We shall not take anything in Bosnia. You
20 won't cross the border with the Croatian Army at all. And what we're
21 looking at here is the HVO. Will the HVO go beyond Stolac at all towards
22 Nevesinje and Trebinje, further into Bosnia-Herzegovina's territory? And
23 then he says, Don't fight anymore. We shall take back Prevlaka when
24 peace is back. That's what it says.

25 And then I say, All right, that's it. If we do anything, in the

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1 military sense, about Prevlaka, without Nevesinje or Trebinje, nothing
2 can be done. And the president replies by saying, Yes, that is clear to
3 me. But then he also says that Prevlaka shall be ours when peace is
4 back. That's what I wrote down. He says, Listen, let's be realistic.
5 We just barely avoided having sanctions imposed on us by the world and
6 the Islamic countries. If we and those who are the aggressors in Bosnia,
7 taking territory in Bosnia -- all right, there you have it, that's the
8 problem that -- that's the --

9 JUDGE ANTONETTI: [Interpretation] General Praljak, this part of
10 the text is important. Any reasonable trier of fact would have this
11 question. On that day, was there something of a hidden agenda between

12 you two? People were saying things and nobody believes it, or was there
13 actually -- what happened at the time, or was there no question for a
14 second of invading Bosnia and Herzegovina?

15 If Mr. Mesic had come, had he been a neutral participant, we
16 would have put the question to him. We are putting the question to you
17 now, because you are a witness.

18 What we can see in this document, this is a conversation between
19 several people. All these people are high-ranking people. What all
20 these people are saying is: Does this match reality or not?

21 THE WITNESS: [Interpretation] Fully, Your Honour, fully. We
22 pulled important positions in that country. How on earth would we end up
23 telling lies to each other in a closed meeting like this behind closed
24 doors? This was a perfectly sincere, outspoken conversation. But you
25 must know, no country in the world with a document like this ever sees

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1 the light of day because of the nature of these meetings. There's no
2 single country in the world that would ever accede a document like that
3 to anyone, for at least 50 years after the fact. Therefore, what is
4 there to conceal?

5 JUDGE ANTONETTI: [Interpretation] There is another presidential
6 transcript. I can't give you the number now because I had not intended
7 to ask you this question. But just to compare things, I am now led to
8 tell you this: At some point in time, Tudjman explains to the people
9 taking part in the meeting that there are public and secret agreements
10 with Izetbegovic.

11 And he said this: I quote from memory, but you can trust me on
12 this, There is going to be a union or republics in a form of a
13 confederation, that's what he says, and then he adds this: Abdic, the
14 famous Fikret Abdic, is going to make sure that he's going to secede so
15 that the territory he has be incorporated into Croatia. So that is what
16 Tudjman says. What do you think of this? What do you have to say to
17 this?

18 THE WITNESS: [Interpretation] But the territory under Abdic's
19 control was meant for the Serbs. Tudjman had been hoping that Abdic --
20 this thing about this being annexed by Croatia, I simply can't bring
21 myself to believe that. It may be something that someone wrote at the
22 time, but you're about to see something.

23 JUDGE ANTONETTI: [Interpretation] I'll show the document. I can
24 guarantee that Tudjman said this.

25 THE WITNESS: [Interpretation] That's what's written, that he said

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1 it, but I'm always adamant all these jokes that we were exchanging, let's
2 move on, let's not move on, one thing that was clear is that we would not
3 be moving on. There is no irony. If you look at this written on a piece
4 of paper, you can't see the tone, you can't see the general atmosphere.
5 Errors are possible, too.

6 Your Honour Judge Antonetti, I ran against President Tudjman at
7 the first presidential election in Croatia, and I had been with him for a
8 long time. It never even crossed Tudjman's mind that he would be
9 reaching for any part of territory that was outside Croatia's borders,

10 unless the Americans so decided and all the other great powers.

11 In the next transcript, you will see when he starts saying, You
12 don't understand what Eagleburger is saying, and you don't understand
13 this, and you don't understand that --

14 JUDGE ANTONETTI: [Interpretation] Let me stop you, since we have
15 little time left. But you said something important, and I had not quite
16 thought of it.

17 This territory controlled by Fikret Abdic, based on what you say,
18 was occupied by the Serbs. Is this territory part of the
19 Republika Srpska today?

20 THE WITNESS: [Interpretation] The best part, yes. There was a
21 part that wasn't, and there was a part that was.

22 JUDGE ANTONETTI: [Interpretation] And is there a small part of
23 this territory that is now part of the federation back then of the
24 Republic of Bosnia and Herzegovina?

25 THE WITNESS: [Interpretation] Yes, there was a part like that.

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1 JUDGE ANTONETTI: [Interpretation] And you didn't know at all that
2 at some point in time, in having Mr. Abdic seceding, he would attach
3 himself to Croatia?

4 THE WITNESS: [Interpretation] No, no, I didn't know that. But
5 regardless of the fact that the reference to this may be written
6 somewhere, Your Honour, there were 500 statements by Franjo Tudjman, and
7 500 statements written up. Something may have been there by mistake. He
8 may have misspoken, but he never truly believed or thought that anything

9 like that might happen. We have to be realistic, after all.

10 JUDGE ANTONETTI: [Interpretation] If it was not an error, if it
11 was the truth, what would you say?

12 THE WITNESS: [Interpretation] I would have said what all the
13 international evidence indicates. If the internationally-recognised
14 borders by the UN were to be changed, they could only be changed by
15 agreement between the two interested parties. If Abdic had been granted
16 statehood in his territory, if he had been granted statehood, if the
17 people that he led by his consent and the consent of the Croatian
18 authorities, with the appropriate legal procedure, had opted to join
19 Croatia, I would have gone along with that.

20 Again and again, what I'm saying is this: The only way borders
21 can be changed or altered is by an agreement between the relevant
22 parties, under the UN laws and decisions, and so on and so forth. Our
23 project of Croatia **was not yet completed. How can anyone possibly be**
24 **reaching for another's territory when there is a third of his own**
25 **territory that is still under foreign occupation?**

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1 JUDGE ANTONETTI: [Interpretation] Ms. Pinter, you have another
2 eight minutes.

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

4 Q. Just for the transcript, General, I have to ask you, just to
5 dispel any doubt, because you were speaking too fast. When we spoke
6 about Bihac, part of Bihac became part of Republika Srpska, the Bihac
7 area, not the city itself; right?

8 A. Yes, the best part of the area became part of Republika Srpska.

9 Q. Within Bosnia-Herzegovina?

10 A. Yes.

11 Q. And part of Bihac was --

12 A. Became part of the federation.

13 Q. Bosnia and Herzegovina?

14 A. Yes.

15 Q. We have only little time left. Perhaps we should conclude this

16 document, because the presidential transcripts might take some time.

17 Maybe we should move on to something that we can deal with faster just in

18 order to wrap it up by the close of business today.

19 My colleague is advising me to ask you this: Whose idea was the

20 idea about a confederation between the Republic of Croatia **and** Bosnia **and**

21 Herzegovina?

22 A. I think it was an American idea. It's not that I'm thinking. I

23 actually know, with sure and certain knowledge, that this was something

24 that came from the Americans. It was a demand that they made for a

25 federation to be set up, and then and then this should join Croatia in

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1 the form of confederation.

2 It struck me as entirely unintelligible, because the Republika

3 Srpska would then enter a confederation with Serbia, and then Serbia

4 would be in a confederation with Croatia. **It simply boggled the mind.**

5 Unless one wanted to allow Republika Srpska to become a part of Serbia,

6 with the two states remaining. But whoever was in charge of constituting
7 the federation of Bosnia and Herzegovina in a confederation with Croatia,
8 the only way for them to survive would have been by carving up Bosnia,
9 Bosnia-Herzegovina, and keep it from existing as a single state.
10 Republika Srpska could only have existed at this time as a part of
11 Serbia, simply because no one could have stopped it becoming a part of a
12 confederation with Serbia. And then within the state of
13 Bosnia-Herzegovina, a federation, which is then a confederation with
14 Croatia, no one ever came up with anything like -- that is something that
15 cannot be. You, after all, are lawyers, and you know that such a thing
16 can never exist. It begs belief.

17 There were other interests concealed behind this, but --

18 Q. I suggest that we now move on to an effective control document,
19 what might have been an effective control document. But it's here
20 because it's an exhibit already. The document number is P05530. The
21 date is the 1st of October, 1993, a field report from the assistant
22 commander of the 1st Motorised something or other, I don't know what the
23 abbreviation stands for, political activity, Mato Prce?

24 A. Yes.

25 Q. All right. Would you just please tell the Chamber why this

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1 document is important, and can you please explain that, what the document
2 is about?

3 A. All right. We've got five minutes left. You can ask away later

4 on, but what this document says is that there were volunteers from the
5 5th Guards Brigade. And it talks about how many of them were killed,
6 what exactly they did, and so on and so forth.

7 What I'm looking at, and what I believe is important to point
8 out, and I think I can manage to do that in the following five minutes:
9 At the end of page 2 of the Croatian document - I'm not sure about the
10 English reference - it says that the column, on its way back into
11 Croatia, was stopped at the toll booth in Karlovac - Karlovac is just
12 south of Zagreb - pursuant to an order of General Slobodan Praljak, an
13 HVO commander. They had been accused of robbing houses in the Uskoplje
14 front. The police inspected the column and found a freezer, a fridge, a
15 TV set, and an oven in a person's vehicle.

16 Q. The page number is 5 in English, 5 out of 6.

17 A. All right. Your Honours, what I'm trying to say is this: The
18 people from that brigade, who, prior to that, had been involved in the
19 fighting from the very start of the aggression against Croatia, were, for
20 the most part, from the Vukovar front. They survived their ordeal there.
21 Their families are either dead or living elsewhere, displaced. They went
22 there as volunteers, in smaller numbers than is normally reported,
23 because there's a lot of dispersion going on all the time, obviously.

24 There was this once I was dealing with Mr. Leko's group. They
25 spent 43 consecutive days in a trench. And I'm now telling all the

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1 lawyers here, the Honourable Chamber, and the OTP, had I reported those
2 people, then I might as well have gone on to report my own father and my

3 own brother. Nothing was ever more difficult for me to do than that. It
4 was the hardest task ever faced. Those people had either purchased these
5 items or whatever. They were displaced. Maybe they took a fridge or
6 something.

7 It is true, it is not the done thing. Nevertheless, having been
8 through all that, the fierce fighting, everything that they contributed
9 after Vukovar, reporting these people and besmirching their reputation,
10 it was heart-rending for me. And I had a splitting headache at the very
11 thought. It was an awful thing to do. Nevertheless, I didn't stop at
12 that. I reported them, and again I would have reported anyone in any
13 situation in which I was aware of anything untoward having happened, but
14 I would rather have faced the choice of reporting my own brother as
15 opposed to these lads here.

16 JUDGE ANTONETTI: [Interpretation] We have to stop now. We have
17 taken due note of what you have said.

18 We're going to resume next week with this binder, because we
19 still have a few documents in it that we haven't seen, and in principle
20 on Monday you should finish your examination-in-chief. And then we'll
21 have a break, at your request, on Tuesday, Wednesday and Thursday. And
22 then we'll be very glad to see Mr. Stringer again on the week after that,
23 and then I'll start with my questions. So this is the schedule for the
24 coming days.

25 Thank you. See you on Monday. The hearing stands adjourned.

2 to be reconvened on Monday, the 8th day of June,
3 2009, at 2.15 p.m.

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