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1 Tuesday, 23 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 9.00 a.m.

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

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

13 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar. This
14 is Tuesday, June 23rd, 2009, and I would like to greet Mr. Praljak, and
15 Mr. Pusic, Mr. Petkovic, Mr. Stojic. I greet all our counsels as well as
16 their associates working with them. I welcome also Mr. Stringer and his
17 associates as well as everyone helping us in the courtroom.

18 I will now finish with my questions today.

19 WITNESS: SLOBODAN PRALJAK [Resumed]

20 [Witness answered through interpreter]

21 Questioned by the Court: [Continued]

22 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we are now going

23 to deal with a new topic, a topic that was raised in your pre-trial
24 brief. I believe it's an essential element. You said that you believed
25 that for crimes committed by independent groups, the responsibility of

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1 the HVO cannot be engaged and you said that there were rebel groups that
2 were introducing themselves as being freedom fighters but who were
3 actually combatting on their own and who did not submit to any military
4 command.

5 So according to you, you're saying that they were fighters who
6 obeyed no one. They were rogue fighters and obeyed only themselves; and
7 if crimes were committed, they are the ones liable. It is not the HVO
8 that should be blamed for these crimes. Could you please develop this
9 and give us some examples.

10 A. It is correct, Your Honour, Judge Antonetti. The HVO is an
11 organisation, and if you were to say that the HVO committed the crimes, as
12 is often done, that would imply that there is a crime in the chain of
13 command, that somebody issued an oral or written order for that, that there
14 was a thought or a permission or a tacit permission for something to be
15 committed, and there was none of that in the HVO at any level. However,
16 unfortunately in wartime situation, in particular if you have a war like
17 this one - I don't want to now repeat what I've already said - there are
18 individuals and groups who will commit what is called violations of laws
19 and customs of war against these individuals or groups of persons.

20 Now, as far as I know, everybody, including myself at the head,

21 tried to determine, to identify those individuals and groups, and to
22 investigate them, prosecute them, a number of indictments were handed
23 down, a certain number of them ended up in prison, I don't know how many
24 but a sizeable portion of them. So I maintain what I have been
25 maintaining all the time. The HVO as a military organisation that starts

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1 with Mate Boban and then goes down through me and so on, never, ever
2 ordered, permitted or facilitated by thought or by act or by omission any
3 kind of act or event that would be contrary to the laws and customs of
4 war. Unfortunately, I mustn't now go beyond our topic because His Honour
5 Judge Trechsel will object. But it is the practice in human society, in
6 particular in wartime, that there are crimes, there are individuals who
7 then may form some groups who are out of control, and they commit
8 impermissible acts. That's what I have to say about that.

9 JUDGE ANTONETTI: [Interpretation] You are also saying that they
10 were -- it was a great disorder, and because of that it was impossible to
11 set up and maintain firm discipline and to exert effective control on the
12 troops. If I understood you correctly, you seem to say that because of
13 the chaos it was impossible for you to maintain discipline and to
14 maintain effective control over the troops.

15 A. Societies differ, all societies all over the world differ
16 precisely in the degree of organisation they have reached, the extent to
17 which all the structures in a structure, the executive branch of the
18 government, the judiciary, and the overall organisation, all those

19 elements that make up a society, so hundreds and hundreds of
20 substructures in the society. Unfortunately, I'm straying away from the
21 topic or I'm expanding on it, but even in those societies the quantity of
22 individuals who commit crimes is not small in wartime, and in particular
23 when the conditions give rise to a complete collapse of a state.

24 So when you have an aggression, elements of a civil war and
25 elements of a religious war which started appearing at one point. So

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1 when the entire state organisation has collapsed, the judiciary, the
2 administration, the hope, electricity, water, telephone, railway lines,
3 transportation networks, so dozens and dozens of substructures and so on,
4 it has been proven scientifically - and I don't know how many
5 examples - that in such situations the number of people who go through
6 what we call moral decompensation is going to increase.

7 To be quite frank, Your Honours, as a person who dealt with
8 social psychology and wars, I expected that things would be even worse.
9 We focused on -- our efforts clearly and logically, and this effort was
10 immense. We focused it on reducing the quantity -- well, it would be
11 illusory to expect and nobody has managed to do that ever anywhere to
12 achieve a point where this would not happen at all. That's simply the
13 way it is, and for all these reasons -- well, apart from the territory
14 you have to have the government in a state to control it and that means
15 civilisational structures.

16 In Bosnia and Herzegovina in 1992, it no longer existed. And

17 then there is total chaos in economy, in politics, and also in -- on the
18 level of social psychology, the number of desperate people, the number of
19 people who would lose their compass is likely to be greater than in a
20 society that is functioning normally, and this is precisely what
21 happened. So our efforts did not yield fruit at all times, but I still
22 stand by what I said before, those were the greatest possible efforts at
23 every point in time.

24 JUDGE ANTONETTI: [Interpretation] General Praljak, to finish on
25 this issue you said, I quote:

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1 "The HVO was not an army per se. You have to consider that the
2 HVO was only a force that was made up of volunteer fighters whether or
3 not had no other choice than defending their own society against the
4 invader."

5 So you seem to say here that the military branch of the HVO was
6 not a real army, it was just a collection of volunteers who had -- who
7 came to defend their society against the invader. So if I follow you
8 correctly, we could almost think these were just civilians that were
9 supplied with arms but that had not been trained, that were not -- that
10 did not benefit from any discipline and that did not have any leadership
11 either. This is what seems to be what you say in your pre-trial brief.
12 What can you say about all this?

13 A. Well, Your Honour, Your Honours, this is for the most part true.
14 I did a comparative analysis. On the left-hand side of the paper I would

15 put down things that characterise an organised army, a structured army,
16 what are the elements in a structured -- well-structured army, the
17 American army, the French army, and so on. And on the right-hand side, I
18 would note down the elements that the HVO had. And this comparative
19 analysis was unfortunately such that we can say that the HVO had -- was
20 the embryo of what we considered to be a normal, well-structured army.

21 So if we look at it, they were armed, most of them had purchased
22 their own weapons, they wear uniforms, so there are units and there are
23 some elements of an army. But all the other key elements such as, for
24 instance, the training, the control from the lowest level - this is
25 particularly important - the platoon leaders, the squad leaders,

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1 sergeants, which are the backbone of the US army, and then system of
2 punishment that is in place and then the redundancy that the other armies
3 have. So if one element is not good, if one person is not good, you can
4 replace that person with another person who had gone through positive
5 selection, who had undergone training, and we didn't have that, we didn't
6 have replacements. These were people who had signed up.

7 JUDGE PRANDLER: Mr. Praljak, I'm sorry to interrupt you but I
8 believe that it is indeed a very important question which was originally
9 raised by President Antonetti about the very nature of the army. You
10 alleged that that army, HVO, was an army of volunteers, and therefore, no
11 major elements of a professional army were present in their behaviour.

12 On the other hand, as far as I recall, the situation was that

13 you, I mean HVO and the government, has always referred to the existing
14 laws and the regulations which you, in a way, inherited from the former
15 Yugoslav republics and you also applied those laws and rules. For
16 example, you yourself mentioned once that you were for the -- for
17 drafting the students from the universities because, according to your
18 view, they had to undertake military army obligation, et cetera, and even
19 you drafted at the same time Muslim and Bosniak citizens because of the
20 existing rules of compulsory military service which also belonged to the
21 TO, et cetera, Territorial Defence at that time.

22 So my question is that are you sure that the army should -- in
23 your view, was a kind of volunteers and those who only -- if they wanted
24 to fight, then they went; if they didn't want to fight, they remained at
25 home? Or it was really a structure of a well-organised structure of

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1 military force which actually fought probably about -- for two years at
2 least during those events, events of the conflict? So it is my question.

3 A. Your Honour, Judge Prandler, I'm trying -- well, we cannot
4 simplify things to go below the threshold of comprehensibility. There
5 were laws, but the essence of the laws is in the ability to implement
6 them, how to implement a law. Laws were inherited, and the simplest
7 thing is to just copy them and say, These are the laws, and now you face
8 the task of implementing the laws.

9 And here is something that is true. Everybody from the area,
10 we're now talking about Herceg-Bosna, everybody could have left the

11 territory of Bosnia and Herzegovina, or Herceg-Bosna, and go to a third
12 country without you being able to punish that person in any way or to
13 bring them back or to punish them indeed. If that is the case, and that
14 indeed was the case, then those who were left behind, who remained there,
15 remained there voluntarily according to my definition.

16 And now this group is divided into two subgroups as follows:
17 Those who joined the units completely voluntarily and those that you had
18 to call-up, those that were drafted. And those that you called up, they
19 could either respond or not respond. And the military police went
20 looking for them, sometimes the whole unit would refuse to go and man the
21 positions, we've seen examples of that, for a variety of reasons. And
22 then you would have to talk to this unit. And if you talked to the
23 troops as if it were a parliament, Please, go, you have to understand the
24 situation, then this is not the elements of an army that we're talking
25 about here.

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1 So I gave you a precise picture: A, they could have gone; B,
2 they were those who volunteered to join the army; and there was the third
3 group that remained in the territory of Bosnia and Herzegovina but
4 refused to respond to the call-up. And if you have three people who
5 refuse to respond to the call-up, you can perhaps go looking for them at
6 their residences; but if 200 people refuse, then you don't have any
7 effective method to bring in 200 people, because it's enough for them to
8 go another house in a village and you can no longer find them.

9 JUDGE PRANDLER: Thank you, Mr. Praljak. That's fine.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, you also state
11 that you contest -- you dispute the existence of an international
12 conflict so I'm not going to go into the legal problems regarding this.
13 That will be written in your counsel's final submissions.

14 However, regarding overall control and the -- what can you say
15 about overall control regarding -- at your level, what can you say about
16 this?

17 A. Well, let me skip -- skip the legal element, but international
18 armed conflict probably begins with the state declaring war on another
19 state. But let us now stick to the relationship between Croatia and
20 Bosnia and Herzegovina.

21 Croatia recognised Bosnia and Herzegovina. It had its
22 ambassador. Bosnia and Herzegovina had sent its ambassador to Zagreb.
23 It held the sessions of its government in Zagreb. It had its military
24 missions in Croatia. The Croatian army did not go to fight in Bosnia and
25 Herzegovina. They were just volunteers.

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1 On the other hand, Croatia assisted the armed forces of Bosnia
2 and Herzegovina, the BH army and the HVO, to defend themselves against
3 the aggression; and on the other hand, according to some law, Bosnia and
4 Herzegovina, if you consider it to be - well, and this is an absurd
5 situation again - committed aggression against the Republic of Croatia
6 because some forces attacked Croatia from the territory of Bosnia and

7 Herzegovina throughout the war.

8 Your Honours, I maintain my position that, in the former Yugoslavia,
9 the beginning of the war and the way that the war developed was
10 influenced by the ideas of the Serb political leadership, they thought
11 that parts of Yugoslavia belonged to them -- well, I've shown you dozens
12 of times what it looked like and this is aggression. Everything else is
13 just defence, defence to prevent this plan from being implemented, in
14 Croatia and in Bosnia and Herzegovina. And I don't see any international
15 armed conflict between Croatia and Bosnia and Herzegovina.

16 What I see is an effort to defend the Croats -- for Croats to
17 defend themselves against Serbia and, unfortunately, over a period of
18 time and in some parts of Bosnia and Herzegovina against -- to defend
19 themselves against the Army of Bosnia and Herzegovina which thought that
20 they should or could solve some of their problems, particularly because
21 they did not have enough strength and thought to attack the Serbs. Well,
22 His Honour Judge Antonetti has probably already seen the 7th Muslim
23 Brigade, the 17th Muslim Brigade never fought the Serbs to lift the siege
24 of Sarajevo or anywhere else. So I wouldn't agree that there was an
25 international armed conflict in the territory of Bosnia and Herzegovina

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1 as far as Croatia and Bosnia and Herzegovina is concerned.

2 Now, how this would be qualified in the light of the Serb
3 conquests of territory and their desire to create their Greater Serbia,
4 from Karlobag-Karlovac-Virovitica line, well, I leave that to the Judges.

5 Croatia was defending itself, the HVO was defending itself.

6 JUDGE ANTONETTI: [Interpretation] Your pre-trial brief you also
7 deal with the JCE. We have talked about this at length. You discard
8 this notion in general terms. You say that it is based on rumours,
9 innuendos and the wrong interpretation of events or a failed
10 interpretation of events. You dispute the Prosecution's case in a way
11 that I will summarise. This is on page 40 of your pre-trial brief and
12 this is what you say. You say:

13 A faulty interpretation of a number of statements or speeches or
14 papers made by President Tudjman -- according to you these were taken out
15 of context and they could very well be interpreted in different ways.
16 You also mention the alleged project of the creation -- of creating a
17 Banovina. You're also mentioning the historical or political views that
18 Tudjman would allegedly have had. You're also saying that there was a
19 faulty interpretation of the policy adopted by Croatia regarding its
20 nationals living abroad. And you say:

21 It's impossible, very unlikely, that no official document could
22 directly or indirectly back the Prosecution's case, according to which
23 the Republic of Croatia would have had covert intentions regarding
24 Bosnia-Herzegovina or that it would have intervened in this republic for
25 illegal purposes.

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1 In your conclusion you say if what the Prosecution alleges is
2 true, then there should be an official decision by the president, by the

3 parliament, and by the government or by the prime minister or coming from
4 some organisation of the Croatian state, but such a statement or -- such
5 a decision does not exist. So this is what was written in your pre-trial
6 brief. Could you please expand on this.

7 A. Well, I've spoken about that dozens of times before this
8 Tribunal. I am claiming - and this is beyond any doubt, this is
9 indisputable, this claim that I'm making - there is not an inkling of a
10 joint criminal enterprise, not even in an embryonic form. There is no
11 intention, no thought, no idea of any kind of Banovina, which is a
12 replacement for an area or a territory or a municipalities where Croats
13 were in the absolute or relative majority in Bosnia-Herzegovina, for that
14 area to be annexed to the Republic of Croatia. Nobody, ever, anywhere
15 thought of that, talked about it, or did anything.

16 Everything that we have heard in this courtroom from the fact
17 that all international agreements were signed, the referendum, the
18 recognition of Bosnia and Herzegovina, the arming of the BH army, the
19 refugees, the education, the BH army units that were formed in Croatia
20 and then went to Bosnia and Herzegovina to fight from assistance in
21 sports, the wounded, centres that the BH army had in Croatia, in Zagreb,
22 Samobor, Split, so on and so forth. All that is so contrary to the
23 fundamental premise of the joint criminal enterprise that it seems to me
24 as if it would be easier to prove that the joint criminal enterprise
25 doesn't exist than to prove that 1 plus 1 makes 2.

1 JUDGE ANTONETTI: [Interpretation] In support of your case you say
2 that it was Bosnia and Herzegovina that attacked the Republic of Croatia.
3 You said that JNA units supported by the Bosnian Serbs directly or
4 indirectly continued their attack on the Croatian territory from the
5 territory of Republic of Bosnia and Herzegovina; and you added that the
6 Republic of Croatia deployed their troops in Bosnia and Herzegovina in
7 order to defend their own territory, therefore, to support the HVO, the
8 only force capable of blocking the advance of JNA forces and Bosnian
9 Serbs. In support of this you explained in paragraph 77 of your
10 submissions that the Republic of Croatia deployed a new military defence
11 strategy in the southern parts of the coast that goes from Split to
12 Dubrovnik.

13 By way of an example you said that in the summer of 1992, a
14 battalion of the Croatian army with 159 combatants commanded by
15 Mr. Krsticevic took up positions near the town of Citluk in order to
16 prevent JNA units and VRS units to move on to Split. You said that the
17 action yielded fruit and the advance of the JNA was stopped, but then you
18 added something else. You said that at the same time, General Bobetko
19 launched an offensive on Bisce Polje in Bosnia and Herzegovina with one
20 battalion, but unbeknownst to the staff, the Main Staff of the Croatian
21 army without having received its approval. And the battalion's attack
22 failed totally.

23 So I thought over what you had written and I had the impression
24 that you are not challenging the fact that at some point in time the
25 Croatian army entered the Republic of Bosnia and Herzegovina, and you

1 gave two examples, but you said that that was part of a strategy aiming
2 to stop the Serb progression. It was not, if I understand it properly,
3 in order to attack directly the Muslims. Can you give us an explanation
4 on this?

5 A. Yes, Your Honour. This is about the 10th of April, 1992, when a
6 small unit comprising 159 men came to assist, to stop the plans that I
7 have been talking about here, on the basis of books written by generals
8 of the JNA, very clear plans that we were all aware of, so taking Split,
9 taking Zadar, so on and so forth. And those people stay there for maybe
10 a month and a half, for as long as it took for the quality or the
11 staffing in the HVO to improve to a certain extent. That's number one.

12 Secondly, there were no conflicts there. It was an effort to
13 defend the Muslims too, not only Croats. It was a defence against the
14 complete collapse of Bosnia and Herzegovina at the hands of the JNA and
15 Republika Srpska. You have seen all those plans by the Yugoslav People's
16 Army, and I can bring any number of them here if you want. Muslim
17 officers who were in the JNA write about that - well, I've shown you
18 that - what the plans were. And this small unit in April and May, I
19 think up until the beginning of June, it assisted the HVO to defend an
20 axis of advance leading to Split, Makarska and Split. And the only
21 problem -- well, you've seen this from documents, when Franjo Tudjman
22 says, No, no, we're not there to conquer Bosnia and Herzegovina, the area
23 around Dubrovnik.

24 It is your right in a war, if somebody is attacking you and
25 destroying Dubrovnik, as they did, and if they took the area south of

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1 Dubrovnik and they did that from the territory of Bosnia and Herzegovina,
2 then it is an attack and you look at it as a state, but of course only a
3 territory of a state because of course that part is not controlled by
4 anyone from Sarajevo, it's not state. It's a state of the Serbs. I
5 don't know how you want to qualify it legally. But in military terms,
6 somebody's attacking you, killing you, and the law of war stipulates that
7 it is your right to defend yourself and to move into the territory from
8 which your soldiers are being killed. I gave you examples from the
9 Second World War so on and so forth.

10 It is self-explanatory. Croatia did not go into the territory --
11 well, there in the south apart from those small units, it didn't go there
12 ever for any other reason apart from defending itself own territory. And
13 the level of threat can be seen from hundreds and hundreds of hours of
14 materials which will show you the level of destruction, the number of
15 casualties. We're talking about an aggressor who doesn't mind whether
16 this is Bosnia and Herzegovina or Serbia or whatever that's -- that's
17 attacking Croatia in the south, in the north, in the west, wherever you
18 want.

19 JUDGE ANTONETTI: [Interpretation] Finally with regard to the
20 pre-trial brief you filed then, you addressed the following topic. You
21 said that it was the Sarajevo authorities and the BH army's strategies

22 that caused the conflict between Muslims and Croats. And you specified
23 this by saying that the Bosnia and Herzegovina authorities were seeking
24 acceptable solution only, only - I stress the word "only" - for one
25 nation, the Muslims. That's what you wrote. In saying so, you ruled out

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1 that the Croatian interest or the Croats' interest would have been taken
2 into account. And then you said:

3 "When the Sarajevo authorities realised that the territory was
4 going to be divided based on military victories during the peace talks,
5 that's when the BH army attacked," you said, "in order to control
6 territories that had been controlled until then by the HVO."

7 So you lay the responsibility of all that happened at the door of
8 the Sarajevo authorities. You said that the Sarajevo authorities when
9 they realised that the Geneva negotiations were going to look into the
10 matter of the territories of the zones 3, 8, and 10, you said that it was
11 then that the BH army attacked in order to gain as much territory as
12 possible. There was a mistake. I said zones 2 -- there was a mistake,
13 so it's 3, 8, and 10. So that's when they attacked in order to gain as
14 much territory as possible. So you're saying that contrary to the
15 Prosecution case, your case is the attackers, so that's the Sarajevo
16 authorities and the BH army, that had only one aim which was to defend
17 the Muslims' interests and to gain as much territory as possible. Can
18 you expand on this?

19 A. Yes, I'm claiming this. I'm claiming this. I'm claiming this

20 for the following reason. It arises from the claim that Mr. Izetbegovic,
21 or rather, the leadership of the party that he headed from the very
22 beginning, from the moment when he established the Patriotic League which
23 was defined as an organisation that was to defend the Muslim people and
24 the fact was that he had organised a sort of putsch because he would not
25 be removed after two years as envisaged by the constitution. I'm

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1 claiming that never, from the beginning of the war and during the war, he
2 never tabled any proposal about the internal organisation of Bosnia and
3 Herzegovina.

4 I am also claiming here that - and this is based on my
5 conversations with him - that from the historical agreement that he tried
6 to clinch with the Serbs, and he excluded the Croats from the
7 negotiations, and their subsequent position that Croats and Serbs had to
8 be led to bleed and then they would play in the finales, they themselves
9 put it, I'm claiming that he signed international agreements, some he
10 did, some he didn't, but whatever he did at first he changed his opinion
11 subsequently. I'm claiming that he signed Cutileiro's plan only to make
12 the Croats vote in the referendum which would then give him a state that
13 would be portrayed for the benefit of the West in a completely different
14 light from the politics that he pursued.

15 I'm claiming that unfortunately international negotiators
16 adjusted and adapted their own proposals about a possible solution to the
17 war in Bosnia and Herzegovina, to the hitherto taken territories, they

18 gave in to the Serbs, to almost the very end, almost to Srebrenica. And
19 of course when the leadership and Alija Izetbegovic saw that what is
20 taken into account during international negotiations was the fact of the
21 war situation on the ground as it was at that moment, then the Army of
22 Bosnia and Herzegovina in 1993, in the month of April, or rather, the end
23 of March, turned against us in order to take the territory that before
24 that was under the control of either the HVO or jointly the HVO and the
25 BiH army, for example, Konjic. You read Sefer Halilovic's book. He

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1 says, This is the first major offensive that we are launching.

2 Please, Your Honours, if the military of which he said that it
3 counts 250.000 men, from the moment the Serbs attacked in April 1992,
4 only in 1993, in the month of September, launched the first major
5 offensive and that was against the HVO, not having lifted the blockade of
6 Sarajevo, not having launched an offensive towards Gorazde and
7 Srebrenica, not having been engaged in cutting off the corridor; then,
8 I'm claiming that the BiH army attacked the territories where the Croats
9 were either a relative or an absolute majority. In 1993, very clearly
10 and without any shadow of a doubt, I'm claiming this very clearly and the
11 documents prove it and I'm also claiming that we had a hard time
12 defending ourselves and almost did not succeed.

13 I'm also claiming in Central Bosnia, and you have the paper here,
14 in the municipalities of Novi Travnik, Vitez, Busovaca, Kiseljak, and
15 Kresevo, according to the 1991 census had a total of 51.140 inhabitants,

16 and this is contrary to what the Prosecution says. And I'm talking about
17 the part of Central Bosnia and the two enclaves that remained there.

18 Your Honours, if you take into account how many people had
19 already fled during the war, left in one way or another, and if you take
20 this number, 51.140, and if you manage to mobilise an incredible
21 15 per cent, which is a good result, you will end up with a possible
22 7500 soldiers completely cut off from the south of the HVO, which was a
23 hundred kilometres away. How would it have been possible for them to
24 attack two and a half corps of Bosnia and Herzegovina which had about
25 80 or 90.000 troops? The -- some parts of the 1st Corps, the 2nd Corps,

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1 the 3rd Corps. The number of Muslims who had been settled there is close
2 to the number of Croats that lived there according to the 1991 census.

3 We're talking about the spin doctors of this last war who had
4 their own reasons when they wanted to distort the picture of the war.

5 When it comes to the facts and the documents about the facts and the
6 elementary logic of the matter, this does not have any foundation.

7 51.140 people who, by the way, did not reside at the time there because a
8 lot of them had already fled, all they can yield is about 7.000 soldiers,
9 and 7.000 soldiers in Busovaca, Kiseljak cannot attack anybody. All they
10 can try and do is defend themselves. That's all.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, I want to
12 address this. You gave some figures from the 1991 census which you spoke
13 about yesterday. Am I to understand that you mentioned Travnik, Vitez,

14 Busovaca, Kiseljak, Kresevo, and you say that there are some 50.000
15 Croats in those areas. When troops are mobilised, the mobilisation ratio
16 is 15 per cent; therefore, you said that at a stretch, at most, you had
17 7.500 soldiers. These are the HVO forces recruited locally facing them.
18 And then you quote Halilovic's books, among other things, you said that
19 facing them, we have on the other side 90.000 if not 200.000 individuals.
20 If we are to believe Halilovic's figures. And you say how could it be
21 that 7.500 would attack 90.000 or 200.000 other soldiers? This seems to
22 show that it was not the HVO that attacked but the others that did. Is
23 that your demonstration? Is that why you wanted to use the statistics
24 from the census?

25 A. In part this is correct, Your Honour.

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1 JUDGE ANTONETTI: [Interpretation] Go ahead.

2 A. I know that the HVO did not attack. Those are facts. However,
3 since everybody wants to do something with the facts -- so what I'm
4 talking about is the facts. The HVO did not attack. It was the BiH army
5 that was attacking from April 1993, they expelled the people across
6 the -- we have seen all that. But now I'm talking about the logic of the
7 matter, even if we did not have any facts that are available to us.

8 Starting from the logic, the 50.000 inhabitants who do not reside
9 there, their number was lower at the time, half of them were women, and
10 then a few of them were under the age of 17, some were sick, some were
11 over the age of 65, and when your mobilisation is 15 per cent then you

12 achieve your maximum because everybody who is healthy and male between
13 the ages of 18 and 60 is a soldier. And the number you can reach even
14 in such ideal circumstances is 7500.

15 On the other hand, Zenica, the Krajina brigades, you know that,
16 you were the Presiding Judge in a different proceedings. There were
17 several thousands of Mujahedin in that area, the 2nd Corps. If we didn't
18 know anything about orders, if we didn't know anything about what the
19 generals of the BiH army wrote in their books about who attacked whom,
20 but if you just followed your logic, on the other side you have 80.000
21 soldiers, not 200.000 because 250.000 is the total strength of the
22 BiH army, but in that particular air there were 80.000 soldiers of the
23 BiH. So only that logical fact can lead you to ask yourself how would it
24 have been possible for the 8.000 people in the two enclaves logistically
25 separated from the main body?

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1 You remember that in 1992 they wouldn't let them go to defend
2 Jajce, so there was no possible logistics route. It was very difficult
3 to supply them with helicopters. And now somebody proposes a thesis that
4 the 8.000 people in the area attacked 80.000 people in order to expend
5 that territory. This is absurd. Let's put aside the fact that the books
6 written by General Muslimovic, and not Mahmuljan but Alagic, spell it out
7 clearly: I issued an order for an attack on Vares. This is what they
8 write. These are the facts and I'm talking about the logic here.
9 However, both of those are completely opposite to what the Prosecution is

10 alleging in the indictment.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, before we move
12 on to your submissions of April, 140 pages of it and some 50 documents,
13 allow me a brief transition. I studied very carefully the entire
14 testimony you gave in the Naletilic case, that goes back over seven years
15 ago. You testified on the 2nd, 3rd, 4th, and 8th of April, 2002, and you
16 had been cross-examined by Mr. Scott, I believe. I think you are going
17 to be cross-examined now by Mr. Stringer. So I checked that to see
18 whether there was anything that was different from what was written or
19 what we've heard.

20 There's this one minor difference that I noticed and I would like
21 to seek some explanation of you. When you testified in the Naletilic
22 case you said that many acts of war had been wrongly attributed to the
23 HVO forces. Once you claim that the Serbs were the only ones
24 responsible. You mentioned three facts, destruction of bridges on the
25 Neretva river, back then you said that it was -- they were destroyed by

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1 the JNA when the JNA thought that the left bank of the Neretva river was
2 its own. This was page 9.376 of the transcript. Then you said that the
3 destruction of the Old Bridge was caused by the JNA, page 9376 of the
4 transcript as well. And finally you said that the Serbs shelled and
5 burned Mostar, page 9377 of the same transcript.

6 If I understand correctly, part of the events that took place in
7 Mostar or around Mostar in relation to bridges, all that is not caused by

8 the HVO, you say, but by the Serbs. Can you be more specific.

9 A. Your Honours, I was down there at the time. I was in command
10 there, I was the commander. And again, the Serbs had destroyed all the
11 bridges at the moment when they were pushed from Hum, when the right bank
12 of the Neretva was liberated. They reduced their plan and they decided
13 to stay on the left bank of the Neretva. And now, if after the
14 liberation of the right bank of the Neretva, maybe 10 or 15 days after
15 that, we launch an offensive to liberate the left bank of the Neretva,
16 for God's sake, why would us or us together with the Muslims, why would
17 we destroy the bridges? The bridges are destroyed by those who don't
18 want people to cross.

19 The facts are clear. The logic is again clear. They launched a
20 campaign to destroy that city. I was in Mostar. They destroyed the
21 bridges. Only at that time I did not carry out an investigation as to
22 how the Old Bridge was destroyed, not who did it but how it was done.
23 But the fact remains that the Yugoslav People's Army used every passable
24 bridge in Yugoslavia to build explosive in it that could have been
25 detonated from a distance. The explosives could be activated by a

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1 magnet. Every bridge had to be built in the way to leave a space for
2 explosive and for the destruction of the bridge. That was a request of
3 the JNA, and they did that, envisaging an attack from the Warsaw Pact or
4 the NATO.

5 So over a space of several days, with remote control, they

6 destroyed all the bridges on the Neretva river right before my eyes.
7 According to my information, they had the same explosive on -- at the Old
8 Bridge -- the man who was supposed to activate that was killed and this
9 was published in the Serbian gazette. However, it seems that our
10 crossing was fast and successful and we took them by surprise. It had
11 never occurred to them that we would dare cross the bridge on the Neretva
12 and launch an attack on them on the left bank, I suppose.

13 JUDGE ANTONETTI: [Interpretation] General Praljak, I'll now move
14 to something else, to the 124 pages of your submissions. Of course I
15 will not scrutinise every page of the submission. All together there are
16 399 paragraphs and many of these deal with topics that we already
17 mentioned, but I will pick and choose a number of paragraphs so that you
18 can expand on them.

19 In paragraph 10, and I believe that your counsel will follow this
20 because he has the submissions in writing, you say that the HVO had not
21 been organised as a single military force. You mention the fact that
22 there were also some independent municipal forces or units that the -- so
23 could you tell us exactly what this means.

24 A. I don't know how this is written, but there were no independent
25 municipal forces or units. The HVO was not a single military force where

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1 orders would be carried out without any objections. You've seen that on
2 the example of Livno and many others. Your Honours, there is the
3 so-called binary logic and the answers, the possible answers can be

4 either yes or no. For example, a door is either open or closed, it is
5 raining or it is not; but here there is no black and white.

6 The influence of the municipalities on the units of the HVO, the
7 local unit of the HVO hailing from that municipality was far too big in
8 many municipalities. The influence existed everywhere but it ranged from
9 minor to too big. And this was a huge problem in terms of command, and
10 I've also shown you a plethora of documents which show that some
11 municipalities did not obey. You issued an order and they just ignored
12 it. That's very simple.

13 And secondly, I spoke about the direct disobedience, and also
14 there is a number of little ways around things after which you reach the
15 so-called grey area. Some things are not being done and you can't
16 discover it, you can't get to the bottom of the problem why things are
17 not done.

18 MR. KOVACIC: [Interpretation] Your Honour, if I may. You asked a
19 question with regard to paragraph 10, and Mr. Praljak answered your
20 question in light of the entire relevant time. However, in paragraph 10,
21 that was your starting position, sums up General Praljak's claim that the
22 first attempt to establish a single military command in the HVO date back
23 to April 1992. The General has not been given a time reference and
24 that's why the General covered the whole period in his answer. In the
25 summary the time is divided into two periods, up to 1992 there is

1 nothing, just the municipal units, and this is what the General just

2 said. And after that things started developing and this is what the
3 General was talking about.

4 THE WITNESS: [Interpretation] Your Honours, one more thing. As
5 an extremely viable organism faced with death, the whole story's not
6 linear. The thing breded [as interpreted] all the time. In 1992, after
7 the military successes and so on and so forth, there was some
8 improvement, and then of course everybody expected that the war would
9 end, that a peace agreement would be signed, and this gradually led to
10 some disarray. After the signing of the Washington -- or rather,
11 Vance-Owen Agreement, people were demobilised and the number of troops
12 was reduced. And then a lot of people - and we're talking about the
13 beginning of 1993 - a lot of people went to Germany to their relatives.
14 You know that in every household at least one or two persons worked in
15 Austria or Germany. And the way people thought was, Okay, we have
16 Vance-Owen Plan in place, we are being demobilised. They took their
17 passports and went to stay with their brothers' relatives, everybody is
18 connected in our neck of the woods, and they would never come back.
19 There was a constant fight. On the one hand, you had a state of gradual
20 collapse, and on the other hand, you have people who are trying to stop
21 that avalanche that is threatening you all the time.

22 JUDGE ANTONETTI: [Interpretation] I'll now move to paragraph 13.
23 I believe it's of interest. In paragraph 13 you explained that yourself
24 you gave no oral or written order including attacks of persecutions
25 against civilians. You're saying: I never gave such an order. And then

1 at the end of paragraph 13 you add that all orders made by the HVO dealt
2 only with the JNA and the VRS, and it is only as of June 1993 that these
3 orders were also directed against the ABiH.

4 If I understand you correctly, before June 1993 the only military
5 orders dealt with the JNA or the VRS, it's only after June 1993,
6 seemingly because Muslims had deserted from the units of the HVO, that
7 orders were given and directed against the ABiH. Could you confirm this
8 or give us some additional details?

9 A. Well, this is an explanation that was written by the Defence
10 counsel on the basis of their conversations with me, but these are not --
11 this is not first-hand information. I know that in 1992 and 1993 there
12 was only this immense involvement, on my part, too, to prevent possibly
13 the conflict between the BH army and the HVO. And if the conflict did
14 break out, as it did in Rama and Vakuf, to put a stop to it. And as far
15 as I know, it was only after the 30th of June that the HVO realised that
16 the BH army -- well, it realised that earlier in Konjic and so on, but
17 the attitude was always, Well, this will get solved in some way.

18 But now, in the face of this betrayal, it became clear that it
19 was no longer a case of conflicts that are accidental, so to speak, and
20 engendered by the specific circumstances in a particular town but that
21 this was a clear-cut aggression on the part of the BH army that I have
22 been talking about. And it is then that the orders concerned the BH army
23 and they are of a defensive nature. At least at the time when I was the
24 commander of the Main Staff, apart from some tactical movements, for

25 instance, Rastani, if we didn't take Rastani, then they would have

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1 crushed us on the other bank of the Neretva. So some elevations were
2 taken for tactical reasons, but it was not possible, and there was no
3 wish at any point, there was no plan for an attack anywhere, in Mostar,
4 in Vakuf, in Central Bosnia or anywhere else.

5 JUDGE ANTONETTI: [Interpretation] Okay. Very well. Look at
6 paragraph 15 now. I assume that it is your counsels that wrote these
7 submissions, but I do believe that they wrote -- they wrote -- they were
8 in line with what you believe. In paragraph 15 you say that you do not
9 deny that crimes were committed on the Croatian side. However, as far as
10 you're concerned, you say that these crimes were not explicitly or
11 tacitly ordered by yourself.

12 In the conclusion of this paragraph you say that these crimes
13 just occurred because of the chaos that reigned in the Republic of
14 Bosnia-Herzegovina at the time. Very well. Firstly, but you've already
15 said this anyway, but you do admit that crimes were committed on the
16 Croatian side; right?

17 A. Well, Your Honours, let's clear this thing up. My lawyers are
18 good and I respect them, but between legal wording of something and my
19 way of thinking there can always be a small discrepancy. I'm not an
20 investigator, I'm not a judge, and I'm saying this: The judgements
21 rendered by the judiciary that are final, here at this Tribunal and in
22 courts in Bosnia and Herzegovina, convicted a number of Croats for acts,

23 they were sentenced to years in prison for crimes that they committed.
24 This is -- this proves that there were those crimes. And I am not here
25 to say something that is not my job to say. I heard that things

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1 happened, but I say that there always should be a proper investigation
2 and then you have to go through the whole procedure to a final judgement.
3 And it is only then that we can say that this person, name, full name, an
4 ethnic Croat committed such and such a crime and has been convicted and
5 sentenced for it.

6 I can say this: I did not issue any written or oral orders, but
7 that's not all. In my vicinity the area that I was aware of, that I knew
8 of, or even an assumption that this might be committed, such as my
9 thinking about a situation or the status of a unit and my taking this
10 unit to the mass, so my mental and physical involvement, with all my
11 knowledge, for 20 hours a day it was active, continuously, incessantly,
12 in order to prevent it. To prevent it, and if it happened, to learn of
13 it in this way or another. And in this sense, and you have seen examples
14 of that, I have achieved considerable success in stopping the conflicts,
15 taking people back, punishing them, and to stand up myself, and of course
16 the price -- the possible price for that was my life. I could have been
17 killed.

18 JUDGE ANTONETTI: [Interpretation] Now we will move to
19 paragraph 19. In this paragraph the following is stated: You say that
20 you tried to find a peaceful solution to the conflict, that you tried to

21 play a role in the political process. Something else was added and I was
22 quite interested by it. (redacted)
23 (redacted)
24 (redacted)
25 (redacted)

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1 MR. KOVACIC: Your Honour, this witness is protected by Rule 70.

2 JUDGE ANTONETTI: [Interpretation] I had wondered about this.

3 Well, we will redact.

4 Registrar, please.

5 Mr. Kovacic, was this a confidential submission -- no, it was a
6 public submission but there were some confidential annexes and I thought
7 that the name was public, but you're right to rise to your feet and say
8 that he was protected. We'll redact.

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 JUDGE ANTONETTI: [Interpretation] General Praljak, it's true that

18 my question was quite broad. Could you please be more specific in the

19 answer and tell us exactly which conflict is involved and give us some
20 dates. The paragraph that I quoted is not specific at all and we would
21 all like to have some details, know exactly which conflict is involved
22 and who and what and when.

23 MR. KOVACIC: [Interpretation] Your Honour, I think that we could
24 again have a misunderstanding. Perhaps the best thing would be for you
25 to be more specific about what this is all about, because the point here

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1 is that it was said that Praljak would testify that he worked together
2 with all those who might have played a role in the political process to
3 achieve a peaceful solution, and then the story goes on. So this is just
4 the framework. I will work with everyone or I have -- I worked with
5 everyone, and then we go deeper concerning this small detail. And that
6 is why it was not about any specific conflict or any particular period of
7 time. It was just an approach.

8 THE WITNESS: [Interpretation] I will clarify it, Your Honour. As
9 the assistant minister in Zagreb and later on I contacted -- well, you
10 have seen this from various documents. I contacted ambassadors, military
11 attaches, missions, dozens and dozens of such meetings were held, and I
12 also contacted this gentleman who was the military attache of a great
13 power. And from the time he arrived up until his departure, he could
14 come and see me whenever he felt like, he could ask whatever he wanted.
15 I made it possible for him to go out into the field wherever and whenever
16 he wanted, and that's what he did. So he went to Bosnia and Herzegovina

17 several times touring the positions. The purpose was always the same.

18 Here you have it, here are the facts, this is the truth about us,
19 white is white, grey is grey, black is black. Nobody hid anything before
20 the press or this man, so we were aware --

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 We will move to private session. Mr. Registrar, could we also
7 move to private session.

8 [Private session]

9 (redacted)

10 (redacted)

11 (redacted)

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11 Pages 41838-41839 redacted. Private session.

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24 [Open session]

25 THE REGISTRAR: We're back in open session, Your Honours.

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1 JUDGE ANTONETTI: [Interpretation] We're in open session but it's
2 time for the break. I will ask the Registrar to please call up
3 document P 04260, but we will look at it after the break.

4 20-minute break.

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

6 --- On resuming at 10.51 a.m.

7 JUDGE ANTONETTI: [Interpretation] We're back in session. We have
8 a document that has been called up. In paragraph 23 of your submissions,

9 and also in paragraph 25, we'll see it in a minute, you addressed the
10 issue of forced labour. In paragraph 23 you say that you issued an order
11 that the prisoners be withdrawn who had been put into locations where
12 they should not have been. What is your comment on this document?

13 A. Your Honours, I have no information whatsoever, either written or
14 through my own inspection on the ground. I was on the front lines and I
15 had no information whatsoever about anybody taking prisoners where
16 prisoners don't belong.

17 This document was drafted based on information provided by
18 Zarko Tole, the chief of the Main Staff, who, one day before, on the
19 16th of August, had received some information I suppose, from Bozic or
20 somebody else, I don't know who. According to that information, some
21 people had taken prisoners to work and pursuant to that information or
22 based on that information - and I didn't have any other information to
23 that effect - I issued this order. And I believe that three or four days
24 later, upon my return to Grude, and this thing happened in Rama, I
25 learned this in Rama, so in Grude I issued a blanket order covering all

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1 HVO units and all HVO zones, my order was issued to the zone commanders,
2 telling them that such practice was forbidden, that they shouldn't do it,
3 and I forbade them to take prisoners anywhere, even to -- the work that
4 was admissible, like loading and unloading trucks.

5 And now on to what I said orally to my commanders. It was too
6 harsh and involved very foul language. It wouldn't be good for me to

7 repeat this in the courtroom. When I asked who did that and nobody
8 responded, of course. My question was: Who? Where? When? No answer
9 was provided to those questions.

10 JUDGE ANTONETTI: [Interpretation] Let us move to another document
11 that we have already had because I have a lot of questions about it but I
12 just want to compare it to the previous document. P 06937, please. Here
13 it is. General Praljak, you have the B/C/S text and the English text.
14 In the B/C/S version we can see your name at the bottom. You say about
15 this document that you did not sign it, a document that was signed on the
16 8th of November, 1993, and in paragraph 24 of your submissions you claim
17 that you have never signed this document. Can you confirm this? You've
18 said this already.

19 A. Yes, Your Honour, on the 11th of November -- on the 8th of
20 November I was not in Grude, or rather, in Citluk, I misspoke. Before
21 2230 hours, that's the first thing. And secondly, this is not my
22 signature. Please look at hundreds of other documents that I signed.
23 You will see that I did not sign this document. This is a forgery with
24 an intent behind it that I won't go into, and then this was photocopied
25 subsequently. My signature was copied preceded by "General." You will

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1 see that all my documents that were made at that time are signed with my
2 name and the head of the Main Staff. I would never ever sign something
3 like this. You've seen dozens of my orders, my behaviour, what you will,
4 everything.

5 JUDGE ANTONETTI: [Interpretation] Very well. Let's look at
6 paragraph 33 together, but I'm not going to show you any documents. In
7 paragraph 33 your counsel, but I guess you discussed the issue with your
8 counsel, regarding the transcripts, your counsel said this:

9 "There's no original audio-recording and there's no electronic
10 version thereof. All the transcripts we have they say are texts that
11 were taken from the audio tracks, but we do know whether the text
12 perfectly mirror what is on the audio tracks."

13 Secondly, you say that the transcripts were obtained illegally.
14 You say that President Mesic, who followed President Tudjman, had,
15 according to you, no legal foundation to pass on the transcripts. But
16 you add this and I find this interesting. You said that before the
17 transcripts were sent to the OTP, they were apparently scrutinised by a
18 group of selected journalists or reporters. How do you know that?

19 A. The first, the second, and the third are all correct. It is true
20 and it is correct that there is no original, there is no audio-tape.
21 There is -- and I claim, at least as far as I'm concerned, what an
22 audio-tape shows is not really loyal to the original that happened
23 because there are no gestures, there is no intonation. I've already
24 spoken about that, and that's why even when you speak to a journalist, if
25 he -- the text that he's going to publish is not sent to you for

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1 authorisation, that text will be a distorted image of what you actually
2 said. Only when the author intervenes in the text that was transcribed

3 from an audio-tape will be the only thing that reflects your thought with
4 a degree of fidelity that is desired. And this not what happened here.

5 Second of all, it is true that the current president of the
6 Republic of Croatia allowed the journalists to go in and transcripts were
7 arbitrarily distributed among the journalists, and this is a public --
8 public knowledge.

9 And thirdly, the approval for such documents to be disseminated,
10 and after all, they represent a -- state property and can have a bearing
11 on the protection of national interests. There is no single legal
12 document at any level which would approve the dissemination of such
13 documents in the way they were: A, provided to the journalists; and B,
14 in the way they were provided to this Tribunal; and C, I personally did
15 not find anything bad in the transcripts, on the contrary. As you're
16 reading one and all transcripts, not omitting anything, not taking
17 anything out of context, you will see that Croatian policy was clear,
18 principled, and that shows the hardship that the leadership of Croatia
19 had to go through in order to remain principled with regard to both
20 Croatian Bosnia at the times when political stances were changed so
21 often.

22 JUDGE ANTONETTI: [Interpretation] Let's move to paragraph 56.
23 There won't be any need for documents. We've already addressed
24 paragraph 56 but I'm going to be more specific now. It is about crimes
25 committed on the ground, as you say, by gangs, groups of unidentified

1 individuals who demolished houses because of the ethnic origin of their
2 owners. And you said there were criminal activities and you mentioned
3 Kinder Vod and Garavi. Who is Garavi, according to you?

4 A. I believe that my counsel has overexplained and went beyond what
5 I know. It was clear that an employee of the SIS in Rama was saying that
6 some things that were happening during the night, according to his
7 information, this was down to some members of the Kinder Vod. There was
8 also some information originating from the SIS that some members of the
9 Garavi unit from Bugojno, that some members -- but please, we could never
10 find any names. Which members? The information was always "some
11 members." But what members? What proof? What evidence? What
12 information? Why was somebody arrested and handed over to the military
13 investigator?

14 In other words, there was general information on the one hand,
15 and based on that general information what could a commander do? I
16 scheduled meetings. I asked them to reveal who those people were. I
17 implored them, I threatened them, and so on and so forth. But the story
18 ended with that information that somebody did something somewhere to
19 somebody else.

20 And what needs to be said at this point is this: The number of
21 torched -- Croatian houses torched by Croats in Rama is very large. And
22 the number of Croats who were killed in Ljubuski by other Croats is much
23 higher than the number of Muslims who were killed at the same time, and
24 this was only revealed subsequently. And this is like in any other
25 society. For example, in America there is statistical information

1 according to which so many millions of some people, but that's not
2 information. You have to find out the names. And in this case here,
3 this information was tantamount to the whole HVO. But it was not the
4 entire HVO, just as it wasn't the entire American army that committed a
5 crime in My Lai. You have to know the names and you have to get by the
6 information.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, if I
8 understand correctly, when houses are torched, they may have been torched
9 by the enemy but also by individuals leaving the premises and torching
10 the houses, and the torching will be put down to the opposing party. Is
11 that when you -- is that what you mean when you say that houses were
12 torched by Croats? But does that imply that Muslim houses may also have
13 been torched by Muslims, Muslims who knew that they were leaving, never
14 to return, and they didn't want their houses to be given to somebody
15 else? That's why they torched them?

16 A. I'll be very precise in my answer, Your Honour. First of all,
17 there were such cases, I'm sure, but I'll tell you what I know. What I
18 know, what I saw with my own two eyes. When -- towards the end of July,
19 I believe it was either on the 30th or the 31st of July, units withdrew
20 from Vakuf when all the 35 or 40 kilometres of the defence line fell.
21 Ten or 15 houses were torched by the Croats themselves, their own houses,
22 before my very eyes. I was watching those people in the evening, because
23 in the evening we managed to restore the lines with the help of my own

24 engagement, and you can read all about that, and actually there were
25 people watching their own houses burning, the ones that they had set fire

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1 to that very morning.

2 I don't like to generalise. I -- I don't really -- I don't like
3 the generalisation of that time. It's easy to say something has happened
4 over there, but who it was, who was involved, and then we hear that we
5 all stand in puzzlement because we hear somebody killed someone in
6 The Hague. Who it was, where and when, how are you going to conduct an
7 investigation based on that information?

8 MR. KOVACIC: [Interpretation] Your Honour, in answer to your
9 previous question, which might not be relevant because the General has
10 answered everything. However, it was recorded as regards your question:

11 [In English] "It is about crimes committed on the ground as you
12 say by gangs, groups of unidentified individuals who demolished houses
13 because of the ethnic origin of their owners."

14 [No interpretation].

15 JUDGE ANTONETTI: Stop.

16 MR. KOVACIC: [In English] ... regardless of the --

17 [Interpretation] I shall repeat if we have the record working
18 properly at the moment. I shall repeat, therefore. In paragraph 56 of
19 the summary that you're quoting in your question, on page 36, line 20,
20 there is an express reference to the following: Regardless of the ethnic
21 affiliation of the owner. So this is the point, the houses are torched

22 regardless, and Praljak has just provided an explanation to that and in
23 your subsequent question you did ask whether houses were torched
24 regardless. And I would like to add something else here. Mr. Praljak
25 may not have answered your question properly because something was not

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1 clear. You say here even in conflict between members of the different
2 HVO units, if you will.

3 THE WITNESS: [Interpretation] Your Honours, if you wish, I can
4 tell you a story about two murders or killings in Ljubusko where Croats
5 killed other Croats, and I'm talking about Croatian soldiers. There was
6 a skirmish about a girl, one insult the other, and one person,
7 distraught, takes a machine-gun and kills the other, and then you have to
8 arrest him, of course. Or rather, in 1994, in Rama there was a conflict
9 between the aforementioned Garavi and a unit from Rama. All hell broke
10 loose. There were two people lying dead on the street, there were
11 wounded, the city was taken from both sides, there were tanks on the
12 streets, and it was an all-out war out there. Two units with dead and
13 wounded on each side --

14 JUDGE TRECHSEL: Mr. Praljak, does any of this figure in the
15 indictment? I think you have not even bothered to read it, but I think
16 this is not the case so it is not really germane to our case.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, let us return
18 to the issue of volunteers with paragraph 62 of your submissions and with
19 P 00670.

20 MR. KOVACIC: [Interpretation] I apologise. Before the General
21 starts answering, Your Honour, Judge Trechsel, I really don't understand
22 your interjection and your comment. The events of this kind were
23 obviously very relevant and they are a recognised type of defence. We
24 know what's in the indictment. Of course there's no reference to the
25 conflict between Garavi and the others, but we're talking about the

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1 defence case. We know what's in the indictment and I am asserting that
2 this is legitimate and relevant defence. You cannot exclude this type of
3 events, you cannot preclude the accused from testifying. He is
4 testifying about something that is not contained in the indictment, but
5 is obviously part of the indictment, i.e., is the accused's relevant
6 response to the indictment.

7 I really can't understand your comment. It may have not -- maybe
8 it wasn't translated properly, maybe you were too fast, the interpreters
9 didn't understand you, but I myself really don't understand you. My
10 learned friend is now reminding me and I thought it wouldn't be
11 important, but I would like to say that this was about the effective
12 control and the possibility to establish effective control. This was
13 what it was all about. So if this is not legitimate defence and this is
14 not a relevant topic of my client's testimony, then I don't know what is.
15 And I apologise and I thank you very much.

16 JUDGE TRECHSEL: Yes, Mr. Kovacic, you will not expect me to
17 start discussing with you now. I am a bit amazed about this lengthy

18 intervention. I do not quite know what procedural weight it has. If you
19 are complaining, then maybe you should do it formally, but I think we
20 should go on.

21 MR. KOVACIC: Yes, Your Honour, I certainly would not discuss,
22 but I have to leave some trace in the record where you said that it is --
23 that it is irrelevant. This is not the indictment, we should not discuss
24 this. This is what is in the transcript, and I merely wanted to preserve
25 the record. Yes, it is relevant and it is now preserved. Thank you,

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1 Your Honour.

2 JUDGE TRECHSEL: I will not leave this uncontested, Mr. Kovacic.
3 I think Mr. Praljak speaks about crimes that were committed among Croats,
4 so what? I mean, it is not surprising. Nothing referring to that kind
5 of crimes is in the indictment and there is no reproach against any of
6 the accused that they did not act to the extent that "normal" crimes were
7 being committed. That's all.

8 JUDGE ANTONETTI: [Interpretation] Registrar, can we go back to
9 the -- the end of the document because we only see the beginning,
10 29th of October, 1992, that's the date. Apparently it's sent to
11 Colonel Blaskic by Mr. Stojic and Mr. Praljak. We can see both names
12 indeed in this document. It's about Jajce and the dispatch of
13 volunteers. The reason why I'm asking you this is because your lawyer in
14 the submission said that 90 per cent of the volunteers were Muslims who
15 had left the Republic of Croatia to become volunteers. Well, I can draw

16 from this the following conclusion -- well, in -- when we speak about
17 volunteers, don't we have Muslims and Croats? But apparently here we
18 have Muslims. That's why I wanted to show this text. There were
19 discussions with the SDA regarding the dispatch of the soldiers. So what
20 do you have to say to this, General Praljak?

21 A. Your Honours, this document and the report that you have that's
22 been admitted, Ante Prkacin's report, he was in charge of the unit, speak
23 about an incredible event, incredible conduct that to me and to us was a
24 very clear sign as to what the SDA in Central Bosnia and the BH army were
25 all about.

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1 Jajce fell into the Serb hands. A unit comes from Croatia, about
2 270 strong, and it comprises 80 per cent Muslims and 20 per cent Croats.
3 And they have volunteered to assist in the defence of Jajce. Mr. Stojic
4 was put in charge of resupplying or equipping this unit in Capljina. If
5 they don't have enough weapons, rifles, ammunition, and so on.

6 So this joint unit with this ethnic composition didn't manage to
7 reach Central Bosnia, Travnik, because the Muslim units and Muslim
8 politicians prevented it from getting there. They spent three days on a
9 bus from Gornji Vakuf to Travnik. They were mistreated, weapons were
10 trained at them, so on and so forth. And I claim that this marked the
11 beginning of an organised preparation on the part of the BH army and some
12 of the people in the SDA leadership for future conquest of Central
13 Bosnia, because how can you trust somebody's good intentions about the

14 joint fight if after the fall of Jajce such a unit
15 is not allowed to pass through to Travnik at any cost?

16 It was a terrible, terrible knowledge, it was quite surprising,
17 and it really reflected the trends in the Muslim military and politics in
18 the time that followed. That's what I'm claiming.

19 JUDGE ANTONETTI: [Interpretation] Let me move to relations
20 between the HVO and the BH army. With paragraph 69 -- we have two
21 documents. It's -- the first is very long, 3D 00418. I'm waiting for it
22 to be displayed before I ask my question. It's going to be a long
23 question but I hope the answer will be brief.

24 This is a report by the tactical group in Konjic, dated the
25 4th of November, 1992, sent to Sefer Halilovic. Look at paragraph 1.

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1 There's mention of Juka Prazina and what he does. In paragraph 4, and
2 that tallies with what we said earlier on about torched houses, it is
3 said that in Prozor allegedly some 80 Muslim houses have been destroyed
4 and burned. In paragraph 5 there is a meeting between the SDA and some
5 Croats, and you are among them. In paragraph 5 the author of the
6 document said that you are obviously ill at ease, that a Joint Command
7 has been suggested. In paragraph 7 you speak about this Joint Command to
8 say that they should be able individuals, not defined by nationality,
9 that they should be in the structure only capable men regardless of
10 whether they are Muslims or Croats.

11 So are you aware of this document?

12 A. Yes.

13 JUDGE ANTONETTI: [Interpretation] Very well. Does this document
14 reflect all the efforts you made when you went to Prozor? We'll see
15 another document about this later, efforts to put an end to whatever may
16 have happened and seek a solution by way of a Joint Command.

17 A. This document does not reflect 10 per cent of my involvement
18 about the conflict in Rama -- well, less than 10 per cent, less than
19 10 per cent. And this what it says about 80 houses, it's exaggeration.
20 It was not the fact that 80 houses had been burnt down -- well, this is
21 immense exaggeration. Less than 10 per cent of the figure listed here.
22 And my involvement was incomparably more extensive, greater, and in
23 general greater than what is stated here.

24 JUDGE ANTONETTI: [Interpretation] Let's look at the second
25 document which complements the first. 3D 00391. No, it's not a map.

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1 MR. KOVACIC: [Interpretation] It's 391 in the record and I
2 believe that you wanted 291.

3 JUDGE ANTONETTI: [Interpretation] Indeed, 3D 00391 -- I'm sorry,
4 291, sorry, 291.

5 Here it is. It is a report dated 8th of December on your arrival
6 in Prozor.

7 [Trial Chamber and Registrar confer]

8 JUDGE ANTONETTI: [Interpretation] This is a document under seal
9 so it's not going to be broadcast outside this courtroom. You ordered

10 the release of a group of prisoners, including the BH army commander who
11 had been taken prisoner. You must have looked at the document. Can you
12 confirm that as soon as you arrived you issued orders to have all the
13 people who had been arrested released?

14 A. Yes. And many other things that this document is, well, too
15 short to deal with all of them. But if -- at that time I had dozens of
16 meetings in Konjic, Jablanica, in the villages I talked to people, with
17 the friars, with the municipal officials on one side, on the other
18 side --

19 JUDGE ANTONETTI: [Interpretation] General Praljak, try to be
20 brief when you answer my questions because the shorter you are, the more
21 questions I can put to you. With regard to Prozor - this will be my last
22 question - you know the Prosecution case, their case is that Prozor is a
23 very significant event in that it materialises the joint criminal
24 enterprise in October 1992. You challenge the Prosecution case. You
25 were on the spot. You had meetings and you really made a lot of efforts

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1 there. The origin of the conflict in Prozor, what is it due to according
2 to you? Does it arise from local Croats or from local Muslims who may
3 have had an internal conflict, and the conflict would not have been
4 connected to any large-scale plan?

5 A. No general plan -- well, it's not linked with any general plan;
6 and secondly, it was an internal conflict that had been escalating slowly
7 for months. And then when they sat down to talk about schools and so on,

8 at the check-point one or two Croats were killed by the Muslims. And
9 then all hell broke loose. And then I, one of the leaders of the joint
10 criminal enterprise, did all this, and for two and a half months or even
11 three months the situation was quite calm again. So there's no logic to
12 it whatsoever.

13 JUDGE ANTONETTI: [Interpretation] General Praljak, if the trigger
14 was the murder of one or two Croats by Muslims, you had met with the SDA,
15 with all the Muslim politicians, why did you not agree with them to have
16 the culprit arrested, transferred to the police for the culprits to be
17 tried? Why was that not done?

18 A. Well, Your Honour, I tried to arrange it. That's what I
19 demanded, that's what I demanded, so I went one step further from trying
20 to arrange it. On the one hand I demanded that all the items be
21 returned, that all -- all the people on our side who had committed theft
22 should return the stuff they had stolen, and we managed to do that to a
23 great extent, for people to return, and for this man who had killed those
24 other people to be captured and this was done.

25 But I am saying that unfortunately in the Muslim policy, in the

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1 heads of -- in their heads, they started to get this idea that in Central
2 Bosnia they were -- or in Bosnia and Herzegovina they were what Serbs
3 were in -- had been in Yugoslavia, and that is the basic thought that
4 motivated them. And when somebody told them, No, no, wait a second, you
5 can't do that. We have equal rights, then they felt themselves to be

6 under some kind of threat. So they lost the elections in Rama and there
7 was a 50/50 division of the government, but they wanted the language to
8 be called Serbo-Croat because that's what they wanted. And then it
9 angered the Croats and then by increments this all escalated until there
10 was a trigger that cut this curve of negative energy, as I call it,
11 short.

12 JUDGE TRECHSEL: Mr. Praljak, perhaps you can help me with
13 something that I consider a problem with this document because it starts
14 off by saying:

15 "... General Praljak arrives in Prozor on 30 December 1992 ..."

16 But then as you read on, a lot of events were mentioned, I
17 thought that was also in the Prozor municipality, going back to
18 1st December 1992. Is it a mistake? Did you arrive on 30 November
19 rather than 30 December?

20 A. Yes, Your Honour, Judge Trechsel. That's correct. I didn't
21 arrive on the 13th [as interpreted] of December. I think it was a
22 mistake, a typo. I think I may have arrived a day or two earlier, but I
23 think that I may have arrived -- well, in things of that sort -- well,
24 those are the mistakes that happened. Unfortunately, somebody's typing
25 it up and they didn't really look that closely and carefully.

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1 JUDGE TRECHSEL: Thank you.

2 JUDGE ANTONETTI: [Interpretation] Very well. Now I want to take
3 a look at the next document, 3D 00419. It is a document issued by you,

4 dated November 6, and you are placing check-points with the HVO and the
5 ABiH. We've already seen this document but it might illustrate what you
6 told us regarding your -- the efforts you made to try and find a solution
7 to the problems in Prozor. The document is on the screen. I'm sure you
8 know it well.

9 A. Yes.

10 JUDGE ANTONETTI: [Interpretation] What can you tell us about this
11 document?

12 A. I can say, Your Honours, that, to my mind, this was supposed to
13 be the foundation for the relationship between the HVO and the BH army
14 before a Joint Command was set up -- well, it's all spelled out here.
15 There should be joint check-points, there should be parity, that village
16 guards should be set up, that's important. Nobody wanted to understand
17 that, even on their side.

18 Well, in wartime you know that there would be people who would
19 want to commit crimes -- well, we're not fools. I'm an educated person.
20 I know what's going to happen, and that's why I suggested that we should
21 do it together. And in those villages and hamlets, there are a legion of
22 them in that area, those people have to set up a system to protect
23 themselves because it's impossible for the army or the police or the SIS
24 to control it. It's simply impossible.

25 But I stand behind this document in its entirety, and I think

1 that it was a clear proposal on the part of the HVO, myself, and all of

2 us indeed. And I spent months and months of my time on the establishment
3 of the Joint Command, and not only myself, but unfortunately the
4 instruction on the part of Halilovic, Muslimovic, and all the others --
5 or rather, they were obstructing us and they did not see us as having
6 equal rights. As far as they were concerned, we were not equal. For
7 them we were the Ustasha, we were a people that did not enjoy the same
8 right to Bosnia and Herzegovina as they did. That -- that's what was in
9 their heads, and that is the cause why we failed. And then of course
10 when you get down to the nitty-gritty, there are thousands of ways to
11 obstruct it.

12 JUDGE ANTONETTI: [Interpretation] We will now take a look at a
13 map, 3D 00543, this is the map mentioned in paragraph 74. Let's have it
14 on the screen, please. It shows the deployment of forces on
15 January 12, 1993. In blue -- if we could have colour, in blue we will
16 have the positions of the HVO; and in green, the positions controlled by
17 the ABiH.

18 General Praljak, I'm sure you remembered this map?

19 A. Yes.

20 JUDGE ANTONETTI: [Interpretation] This map is mentioned in your
21 defence case, but what is the purpose of mentioning this map? What is it
22 trying to demonstrate?

23 A. This is to prove that the BH army in Gornji Vakuf took all the
24 dominant heights and completely blocked the passage through Vakuf,
25 rendering it impossible for the brigade commander to get to his

1 headquarters without UNPROFOR assistance. So the BH army put Vakuf and
2 the HVO under its control, fully. This was, in fact, a creeping
3 aggression that lasted for months and this map or a similar map was shown
4 to the English major who was in that area and I asked him whether I
5 marked this correctly and if he had any objections that he could correct
6 the map, but he signed it. It was an act of aggression on the part of
7 the BH army against the HVO. Your Honours, to the left here, some
8 10 kilometres, there are lines facing the Serbs.

9 JUDGE ANTONETTI: [Interpretation] I'll give the floor to my
10 fellow Judge in a minute, but I'd like to finish this. The positions we
11 see in green are the units of the ABiH and so they were on the
12 elevations. And according to you, this shows that they intended -- that
13 they probably intended to launch an offensive at one point in time,
14 otherwise there would have been no point in having these positions. And
15 this means also to the HVO was in a difficult position given its
16 position. Is this the military lesson that we should draw from this map?

17 A. Yes.

18 JUDGE TRECHSEL: Just a technical question, Mr. Praljak. Can you
19 indicate the time, the date, or the period to which this map applies?

20 A. It's -- well, it says here down there -- it's the
21 12th of January, 1992, one day after the conflicts broke out. So this is
22 the day after the conflict started.

23 JUDGE TRECHSEL: Thank you --

24 A. Sorry, yes, 1993, I'm sorry, yes. I apologise.

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1 MR. STRINGER: Excuse me, Mr. President, while we're on that
2 question of time-frame, could I request a clarification for at least one
3 part of the map as well while it's on the screen in front of us. And I'm
4 looking farther to the south of Gornji Vakuf at the green wavy line that
5 ends with the arrow pointing at the Makljen ridge or the Makljen feature.
6 And then to the right of that line are the words "Neretvica." And I
7 just -- could I ask if we could clarify whether that's a reference to the
8 subsequent operation that the witness has talked about, the
9 Operation Neretva, that happened at a later time. Thank you.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, could you
11 please answer.

12 A. No, no. This is a map that shows the situation as it was on the
13 12th of January and the operations that followed. Neretvica is a brigade
14 of the BH army which received an order - and this order has been admitted
15 into evidence in this trial - to head towards Makljen and to take it.
16 The Prosecution has this order, so does the Trial Chamber, and if we have
17 the time we can go through all the orders from that period. So the
18 Neretvica Brigade of the BH army received an order to reach the Makljen,
19 to cut off Prozor, to take Prozor, and then the operation was to
20 continue. BH army documents show that even the cease-fire that we signed
21 was violated by them and that they wanted the events to unfold in such a
22 way that we were completely cut off in Vakuf and to prepare for an attack

23 on Prozor.

24 MR. STRINGER: I apologise again, Mr. President, if I could just
25 ask for one follow-up clarification. There are no blue HVO positions

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1 indicated on the Makljen feature. And is the witness testifying that the
2 HVO was not holding the Makljen feature at that time? I may be missing
3 it, but I don't see any HVO positions indicated in the area of Makljen
4 ridge. So if he could clarify that, I would appreciate that.

5 JUDGE ANTONETTI: [Interpretation] Yes, General Praljak, why is
6 there this arrow pointing towards the Makljen ridge when there is no
7 presence of HVO in Makljen?

8 A. The HVO was at Makljen, but it's not marked.

9 JUDGE ANTONETTI: [Interpretation] There were soldiers in Makljen?

10 A. No, not soldiers. There was a check-point, a police check-point,
11 at Makljen. There was no need for the troops to be stationed at Makljen,
12 but cutting Makljen off and taking this check-point in effect would have
13 caused the whole situation in Prozor to fall through. So had the
14 Neretvica Brigade managed to do that, the military situation would have
15 been very bleak.

16 JUDGE ANTONETTI: [Interpretation] Fine. General Praljak, I will
17 not show you any documents for paragraph 95 and 99. But this deals with
18 Mostar. You say that after July 24th, 1993, you were very rarely in
19 Mostar because the headquarters were in Citluk at the time. Therefore,
20 you had no direct knowledge about events in Mostar in 1993, that you were

21 never informed about any alleged crimes that would have been committed in
22 Mostar. This is what's written in paragraph 95. Can you confirm this?

23 A. Yes, I confirm this. I inspected some positions once during that
24 time. However, since I knew that without taking Vakuf and Rama the
25 Mostar offensive would probably fall through, I believe that our position

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1 in Mostar was such that it would become critical only if we lost Vakuf
2 and Prozor, which both Mr. Petkovic and I knew as well as Mr. Tole,
3 that's why I focused on the areas of Prozor and Vakuf. Having said that
4 I would like to say that on the 15th of August and then in the fighting
5 in Vrde when they tried to break through, of course I was engaged there
6 as well, and when they made an attempt in the direction of south, I would
7 come for a day or two. It's very difficult to go back in time and
8 reconstruct exactly what was going on. But as for this information, I
9 did not have any such information. I only had military reports. That's
10 all I had.

11 JUDGE ANTONETTI: [Interpretation] Regarding Mostar, on
12 paragraph 99 it says that on May 11th, at a check-point, there was a
13 problem with a soldier from the SpaBat who had been wounded and that you
14 actually intervened at that time. Do you remember this?

15 A. Yes.

16 JUDGE ANTONETTI: [Interpretation] Your counsels say that at that
17 time you had no formal authority over the HVO.

18 A. Well, that is correct, of course, none whatsoever.

19 JUDGE ANTONETTI: [Interpretation] On paragraph 101, this is an
20 important date for you, June 30th, 1993, you say that there was a mutiny
21 of Muslim soldiers within the HVO units. Could you -- didn't your
22 intelligence people -- hadn't they told you about the possibility of this
23 mutiny? You couldn't have -- weren't you expecting it?

24 A. Your Honour, I did not have any duties and -- in the HVO at the
25 time. On that particular date I was a foot soldier in Boksevica and I've

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1 already described this very well. Maybe up to the 10th of July, 1993,
2 that was the case. I don't know what they were supposed to have and how
3 much they had. I learned this from Mr. Siljeg. And this was not only in
4 Mostar and Stolac, that was also in Livno in part, and so on and so
5 forth. As a foot soldier on the front line in Boksevica, but
6 irrespective of having been a soldier and for later having been the
7 commander for the liberation of Boksevica by Mr. Petkovic, my influence
8 on the people who remained there was significant. I was a soldier, but
9 when I said that I am not leaving Boksevica, they were exhausted and
10 frustrated but they stayed with me. One has to spell things out very
11 precisely is what I'm saying.

12 JUDGE ANTONETTI: [Interpretation] Paragraph 105 there is mention
13 of the siege of Mostar. There is a dispute on the siege of Mostar. In
14 this submission it seems to say that there was no siege of Mostar because
15 eastern Mostar was controlled by the ABiH, there was communication, and
16 even though there were no first-class roads or even highways they could

17 still use smaller roads. You even say that there was a passage adjacent
18 to the Bijela bridge north from Mostar.

19 So first let's talk about the term "siege." When you mention the
20 siege of Mostar, some people get the impression that it's like Stalingrad
21 or Vukovar. As far as you're concerned, was this a siege in the military
22 sense of the word or was it just a problematic situation that was not a
23 siege per se? It seems to be what you develop in paragraph 107.

24 A. Mostar was never under siege in either military or in any other
25 terms. Communication between Mostar and Jablanica via the road route

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1 across the Bijela bridge existed and could be used and the BH army did
2 that until the moment they themselves, probably afraid that the
3 population would flee, they themselves destroyed it by demolishing the
4 second line in October 1993, and the first one had already been
5 destroyed. And even then they could take the round-about way or some
6 other way. There were all sorts of ways.

7 Your Honours, in military terms, the HVO was from the north to
8 the south, mostly along the Neretva River, a little bit here, a little
9 bit there, the western part of Mostar was under the BiH army and the HVO
10 was on the opposite side. How could one speak about the siege of Mostar,
11 especially given the fact that you saw General Drekovic's documents and
12 you could see that with the Serbs, they no longer had a proper defence
13 line. They had guards and patrols from the south of Mostar all the way
14 up to Konjic. What siege? It really doesn't make any sense at all.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, on
16 paragraph 110 your counsels, probably under your control, develop a
17 theory. They say that the ABiH had its artillery position extremely
18 close to the military hospital, which is what you told us during the
19 cross-examination of a number of witnesses. Then it says also that the
20 command post of the 4th Corps of the ABiH and the command post of the
21 1st Brigade were in eastern Mostar, whereas before May 9th they were
22 located in Mostar west, that there was a mixture of military and
23 civilian, that military camouflage dress was in common use, that many
24 people wore it, civilians sometimes could wear it, vice versa, that
25 civilians were frequently armed. And as a conclusion, in paragraph 110,

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1 it says that it was absolutely impossible to distinguish potential
2 targets.

3 What can you say about this and can you give us any additional
4 information?

5 A. Your Honours, you've seen documents issued by the Spanish
6 Battalion, at least ten of them. In these documents they are warning the
7 BiH army to remove mortars away from the hospital. They did that
8 purposefully, not only near the hospital, but on the road by the houses,
9 between the houses in Mostar. They kept cannons there, the red arrows as
10 well, mortars, anti-aircraft guns, and they opened fire from all of
11 those. That's what I had to say by way -- one.

12 Second of all, one corps had its command, the brigades have their

13 commands, the battalions have their commands, companies have their
14 commands. Your Honours, we're talking about at least 50 or 60 commands
15 that were all military targets and they were all housed in Mostar among
16 the buildings. In the main street of the eastern part of Mostar, the
17 Marsal Tito street housed the command of the 4th Corps, the command of
18 the military police, and so on and so forth. This was done
19 intentionally. Despite all that, you saw information about 520 soldiers
20 who were killed in 1993 on the side of the BiH army, General Drekovic
21 wrote about that. If there was non-selective and excessive firing on
22 Mostar, the number of civilians, the dead civilians, would have been at
23 least two or three times higher than the number of fallen soldiers. You
24 saw that the Prosecutor heard a lady who spoke about that, and this
25 corroborates my claim that the number of killed civilians was negligible.

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1 I claim that on my order and on the order of my commanders there
2 was a minimal number of responses to their shelling and when we did that
3 it was selective. We never targeted or hit the hospital because I never
4 allowed my artillery men to target their mortars which were placed there
5 strategically and intentionally hoping that we would miss and that we
6 would target and hit the hospital, and then the whole world would talk
7 about the criminal HVO. None of the things contained in here are
8 correct. I'm telling you the facts and I'm giving you the figures which
9 are correct.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, in

11 paragraph 125 you say that you were never informed of any incident coming
12 from sniping. At least that's what's written in paragraph 125. Now,
13 you're under oath and you were telling us that when you were a general
14 commanding the HVO, from January [as interpreted] to November, you were
15 never informed of any sniping with possible consequences, people being
16 killed or wounded.

17 A. I was never informed about that, and I contest the thesis that
18 sharp-shooters killed people. Based on what was shown to this
19 Trial Chamber, this is not correct. Every case has to be proven.

20 JUDGE ANTONETTI: [Interpretation] Let's see a document we've
21 already seen, 3D 1469 just a technical question on the document. This is
22 a letter you sent to Mr. Tudjman regarding the destruction of the Old
23 Bridge, 14th of October, 1997 --

24 THE INTERPRETER: The interpreter is not sure of the year.

25 JUDGE ANTONETTI: [Interpretation] We know this letter, he didn't

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1 want to see you, that's why you wrote to him, and then you said, But
2 please, ask Miroslav Tudjman, ask Rebic and Lucic to answer the questions
3 that follow, and then you name the questions. We know, because you told
4 us, that Miroslav is his father's son and he was in charge of the HIS.
5 As to Markica Rebic, who was he?

6 A. At that time he was the head of the SIS of the Croatian army.
7 Whereas Mr. Lucic was the head of the SIS of the HVO. I don't know
8 whether that was at the same time; however, at the time when the Old

9 Bridge was destroyed, they were in those respective positions.

10 JUDGE ANTONETTI: [Interpretation] So you thought that these three
11 individuals had all the necessary information?

12 A. I believe that it was their duty to continue the investigation as
13 to what had happened. I don't know whether they had information or not.
14 I knew that the investigation had started and was halted and that from
15 then on nobody seems to -- seemed to have cared that every week my name
16 comes up in a newspaper in connection with the Old Bridge. And in vein
17 of the Goebbels doctrine, this became a notorious fact. Here you can see
18 that I don't entitle this letter as: Dear Mr. President. I was outraged
19 and then I say, Sincerely, and I don't sign myself as General. I sign
20 myself as a professor, and I don't even greet him, and I don't even share
21 my thoughts of love and respect with him. I just say, Sincerely, Praljak,
22 professor, not "General." I was angry. By that time what was in play was
23 something that exists in the world today, which is broadcasting a piece
24 of false information for 30 times and then it becomes the truth, and then
25 all of a sudden, you have an act of classical information fascism in play.

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1 JUDGE ANTONETTI: [Interpretation] Let's look at the consequences
2 for displaced people, paragraph 144, and two documents: 1D 01198, that's
3 the first document. You say that there were displaced people from Stolac
4 that caused many problems in Capljina and that all this created tensions.
5 In support of this we have two documents that we're going to have a look
6 at. The first document is a text by Mr. Markovic, the HVO president in

7 Stolac, regarding the rights and obligations of refugees. Why did you
8 mention this document?

9 A. I have no clue. I would not refer to this document. This was
10 past my time. Maybe Mr. Kovacic can answer, and if you allow me, I have
11 to go and spend a penny on a -- I would never quote this document. It
12 has nothing whatsoever to do with me.

13 JUDGE ANTONETTI: [Interpretation] Oh, yes, I see. Go ahead.
14 Wait a minute. There's an emergency. We'll wait for you.

15 In the meantime, Mr. Kovacic, can you tell us why this document
16 was mentioned?

17 MR. KOVACIC: [Interpretation] Your Honours, as you can see, this
18 is just a list of all the evidence as aide-memoire, as something that
19 helps everybody read. This is not evidence. This is just the
20 expectation from a testimony. This is a group of documents which deals
21 with the topic or, in other words, confirms the assertion presented in
22 paragraph 144. And as far as I can remember, I'm not in a position to
23 check, all it boils down to is the beginning of May 1992, and it seems to
24 me that some of the documents have already been used on General Praljak's
25 direct. They were on our list and all of these documents cover the year

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1 1992. The entire topic is in 1992.

2 JUDGE ANTONETTI: [Interpretation] Until Mr. Praljak is back in
3 court, let's call up the second document, P 00492.

4 MR. KOVACIC: [Interpretation] Your Honour, whilst you're asking

5 General Praljak a question, maybe you could be more precise about the
6 time because he has no way of orientating himself in the summary. That
7 will help him to find his bearings in the summary and answer your
8 question.

9 JUDGE ANTONETTI: [Interpretation] Yes. General Praljak,
10 regarding the displaced persons in Stolac who caused problems in
11 Capljina, what is the time-frame, according to you, because you see a
12 document, you don't know this document, but we see the date of December
13 1992 in this document.

14 A. This document I have -- I can't talk about December 1992 in
15 Capljina because I was in Central Bosnia at that time if I were there at
16 all.

17 MR. KOVACIC: [Interpretation] Your Honour, I don't know where
18 does this confusion come from, but the document by that number bears the
19 date 16 September 1992.

20 THE WITNESS: [Interpretation] Well, that's a totally different
21 kettle of fish.

22 JUDGE ANTONETTI: [Interpretation] Yes, I said there were two
23 documents. The first document is of December 1992 by the HVO president
24 in Stolac. The second document, which is bound to be a problem for
25 Mr. Stringer because there is no translation into English but one in

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1 French, and the date is 16th of December, 1992. So as to the latter
2 document, no need for a translation. It is by the Bregava Stolac

3 Brigade. So the period is the 16th of September, 1992, before the
4 December 1992 text, and Commander Pizovic is the author of the document.
5 He says that the brigade was created on the 25th of August by decision of
6 the Main Staff of the armed forces of Bosnia and Herzegovina, that it
7 received 300 volunteers who have received theoretical and practical
8 training. And they say that they can have a company of 120 men with
9 infantry weaponry.

10 So this is a military document, Mr. Praljak. What is the meaning
11 of this document for Stolac and Capljina?

12 A. This means that the theory of joint criminal enterprise does not
13 exist. Why would anybody who wanted to cleanse Stolac ethnically, after
14 we returned it in the month of June 1992, why would anybody allow a
15 brigade to be established there? And as for the training, Mr. Pizovic
16 and his men conducted that training in western Herzegovina and partly on
17 the coast in Croatia after the date when we transported all the refugees
18 from Stolac, Muslims, and I was involved in that. And if you can
19 remember my question put to the witness when I asked him whether
20 everybody enjoyed the same rights, Muslims and Croats, and he said yes.

21 That army was armed, the people returned and he is now informing
22 the 1st Brigade of the HVO, the 1st Herzegovina Brigade Capljina, the
23 command, he says to the HVO, Here you go. I have that many, give me an
24 area that I am going to defend from now. And that brigade eventually
25 grew to a thousand men with the weapons that we provided them with, and

1 so on and so forth, and so on and so forth.

2 JUDGE ANTONETTI: [Interpretation] Let's go to possibly the most
3 important document, P 09811. We have examined it already, but let's --
4 there are good reasons to have another look at it. You mentioned the
5 document in paragraph 154 of your submissions. Your case is that you
6 have never written the document and that you never said "show no mercy."

7 Let's have a look at the document together. We can see that it
8 was drafted by the duty operational officer, by Zorinko Bosnjak. It
9 comes from the Ban Josip Zelovic [phoen] Brigade in Kiseljak, the date
10 being the 24th of October, 1993. It is sent to the Bobovac Brigade. We
11 can also see that there is another addressee, namely Ivica Rajic. You
12 can see his name, can't you.

13 So oddly enough with regard to the font it's not in the same
14 colour as what is above, namely Vares. Normally we should have the same
15 font. One may even wonder whether the last part was not added on later.
16 Look at contents of the document, please. It regards information on
17 sending of the request to the XY side. The PS part is important. So I
18 read this and it seems that at some point in time you said that no mercy
19 should be shown towards anybody.

20 Now, how do you read this document personally? Let me be very
21 clear, Mr. Praljak. Any reasonable Judge, upon reading the document,
22 could say, Well, General Praljak tells Rajic that one should show no
23 mercy. So you can see the conclusion that can be drawn. What can you
24 say to that?

25 A. Well, the thing is very simple. I didn't write anything to Rajic

1 or the Bobovac Brigade or anybody there. I did not issue orders to them,
2 to no Rajic or Bobovac Brigade ever. I wrote to General Petkovic, the
3 original document, after I had received multiple reports about disorder
4 in Vares, smuggling, Harah's adverse situation, there were five, seven,
5 even more reports. It was then that I wrote General Petkovic and I wrote
6 to him -- Petkovic, I'm not issuing him orders. I'm writing Petkovic and
7 then the text, Put the situation in Vares in order without any mercy. In
8 our terms that means - I would kindly ask the interpreters to be very
9 precise - "impartially." You have to be impartial. To hell with all the
10 relatives, brothers, sisters, neighbours, to hell with them, do it
11 without mercy. That was the sense of the word.

12 You know, Your Honours, you have to understand that the previous
13 system relied on family and local ties. It was scratch my back, I'll
14 scratch yours; however, the second part of the sentence says this and I
15 quote almost: Find good people. Once you have dealt with the thieves,
16 criminals, and ignoramuses without any mercy, then find people who are up
17 to the times and up to the task; the times are the times of war and the
18 task is to defend ourselves. And -- but Petkovic understood my letter
19 the way it is spelled out. I meant find Croats.

20 I'm not talking about showing no mercy towards the Muslims. I'm
21 talking about the Muslims and -- about the Croats and their structure,
22 and any reasonable trier of facts would understand this the way it was
23 written. And I wrote this paper in 1993 when the situation in Stupni Do

24 was already over and when some idiots over there thought that they could
25 use this as if I had instructed them, then that would be a lie.

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1 However, I trust that the Judges before me are reasonable triers
2 of facts and that they will understand. Who I sent the document to, what
3 happened before that, when I sent the document, and what the sense and
4 the meaning of the document is. They had to know the documents that
5 preceded the situation over there, they had to read the first sentence,
6 the second sentence, and they had to understand that it arises very
7 clearly from the second sentence, that that sentence deals with putting
8 the situation in order among the Croats themselves. I can say as much
9 about the whole situation and now I don't have to say a word more. I
10 really place a lot of trust in the common sense of the Judges here before
11 me.

12 JUDGE ANTONETTI: [Interpretation] We're going to have the break
13 soon, but before the break let's have a look at two documents related to
14 paragraph 167 about Joint Command. The first document is P 01198.

15 I must tell you, Mr. Praljak, that I did not quite understand why
16 this document was being mentioned. It comes from the Ante Starcevic
17 Brigade in Gornji Vakuf and it is sent to the IPD in Mostar on the
18 18th of January, 1993. What is the point in mentioning this document in
19 your submissions?

20 A. Well, it didn't matter to me. This document is not important to
21 me. It's the discretionary judgement or assessment on the part of my

22 lawyers.

23 JUDGE ANTONETTI: [Interpretation] Very well. Let's move to
24 P 01324. We've seen it already. It is the 22nd Session of the
25 Croatian Council of Defence, 27th of January, 1993. It was a meeting

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1 with Mr. Zubak, Tomic, Soljic, et cetera. You did not attend the
2 meeting. We see the agenda and the various decrees that are to be
3 adopted. Why did you mention this document in relation to paragraph 167
4 to show the Joint Command of the BiH army and the HVO?

5 A. The logic is entirely unclear, but Mrs. Nika is here so
6 perhaps --

7 MS. PINTER: [Interpretation] I think that there is a technical
8 error here. The footnotes got mixed up and that is the problem and we
9 didn't check that but -- yes, the topic doesn't fit. We did have the
10 topic "Praljak calms the situation down," but it was not in this folder,
11 paragraph 167 of our summary pertained to -- well, it says here on the
12 Joint Command, that's what you said. The general headline of that -- the
13 title of that chapter was "Praljak calms the situation down." So this is
14 a technical problem and I take my part of the blame for not checking it.

15 JUDGE ANTONETTI: [Interpretation] Very well. Let's have a break
16 and I'll ask the Registrar to call-up after the break 3D 03519. We'll
17 see this document after the break. I don't know whether I will be able
18 to finish everything today because I still have quite a lot.

19 --- Recess taken at 12.22 p.m.

20

--- On resuming at 12.43 p.m.

21

JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you have a

22

document by Mr. Pasalic, 14th of November, 1992, several days after the

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Prozor events obviously. This documents admits that they may be BH army

24

and HVO units together, jointly. What do you have to say to this?

25

A. I made efforts at the time while I was there for the BH army

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units and the HVO units to take some joint actions so that they developed

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this feeling that they are a single army defending Bosnia and

3

Herzegovina. One of the things that I arranged with them was for a

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position of the Republika Srpska army further up from Konjic, in the

5

village of Bijela, this was the position which threatened Konjic in

6

particular, to push them back or to take it, to liberate it, whatever

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term you want to use.

8

With the BH army and the HVO commanders I personally undertook a

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reconnaissance mission twice. On one occasion it was a reconnaissance in

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force which means that there was an exchange of fire with the

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Republika Srpska army troops. And we agreed that we should carry out

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this action jointly and they had to prepare everything on my instructions

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and in accordance with the agreement, but we have to be really very

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precise here.

15

There were quite a few people among the Muslims and BH army ranks

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who wanted to cooperate, but as time went by, this number decreased and

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they were pilloried. They were accused of collaborating with the HVO.

18 It was tantamount to you, for instance, being accused of collaborating
19 with Nazi Germany. Since the operation at Komar, near Travnik, fell
20 through, they played me for a fool, they cheated me. And when I got down
21 there to carry out this action, the BH army decided not to participate.
22 I never found out who issued the order for them not to participate in
23 this action with us.

24 JUDGE ANTONETTI: [Interpretation] Paragraph 171 and a document,
25 3D 00484. It has to do with relations between the HVO and the HOS. It

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1 is a very long document. It is signed by Ante Prkacin, HOS unit
2 commander. That's what you say in paragraph 171. Last-but-one paragraph
3 there.

4 Show us the end of the document, Registrar, please.

5 In this last-but-one paragraph he seems to say that he can assist
6 Mr. Blaskic, Mr. Kordic, and he says: "We can take 40 of my men and
7 40 domestic fighters."

8 First question: Do you know this document?

9 A. Yes, I was down there at the time. This document, Your Honour,
10 pertains to the document that we discussed a little while ago, the one
11 that was signed by Bruno Stojic and myself about sending the 240 or
12 50 people - well, I don't know how many of them, 80 per cent of them were
13 Muslims and they were led by Ante Prkacin, and Alija Izetbegovic publicly
14 recognised him as a general of the BH army so he was -- well, this is
15 what happened.

16 This is an exhaustive report indicating that this man leading a
17 group with 80 per cent Muslims was not allowed to get into Central
18 Bosnia. He managed to break through with a smaller group and I worked
19 together with him. I think I appointed him to the command at one point,
20 the command that was charged with attempts to re-take Jajce, but this was
21 illusory in military terms. It could never come to nothing, especially
22 because on the BH army side there was no desire -- well, apart from these
23 guys -- not the entire BH army, Lendo sabotaged everything; but Leko, a
24 Muslim for Turbe, fought really valiantly, not only he, but there were
25 some other smaller Muslim units that were requesting my assistance and so

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1 on.

2 JUDGE ANTONETTI: [Interpretation] General Praljak, your counsel
3 in paragraph entitled "Specific Documents," it is paragraph 183, says
4 that you yourself, Mr. Praljak, wanted to deal with 33 documents. I
5 examined the documents. They can be perused very quickly, provided your
6 comments are very short, but if your counsel wrote this down, he must
7 have done this at your request. This is paragraph 183 and I want to be
8 totally exhaustive. I want to deal with all facets of your defence case.
9 We are going to look at the documents, therefore, but please be short in
10 your comments so that we can proceed swiftly.

11 First document, P 02526, 26th of May, 1993, a document sent by
12 Petkovic to the Ljubuski Brigade. You are mentioned in the document
13 under 2. Why is this document important?

14 A. I don't know why this is important, the 26th of May -- well,
15 that's the date when probably there was some fighting with the BH army
16 because at that time it had already started, skirmishes had already
17 started. I was probably up there -- well, I don't know why this is
18 relevant.

19 JUDGE ANTONETTI: [Interpretation] Second document, P 02781.
20 Commander Ivica Lucic is sending this document to Colonel Siljeg
21 following a conversation with General Praljak, with Petkovic, and
22 Bruno Stojic on the 14th of June in Mostar in which they had asked to
23 send a tank crew to Prozor. What are your reflections on this document?

24 A. [Previous translation continues]... military document and it's a
25 weird sentence. "Understand," that's what Milivoj Petkovic is saying.

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1 Imagine a military document where it says: Please understand that Prozor
2 and Gornji Vakuf are under threat. Well, the attacks are being launched
3 by the BH army and the tank is being requested, it was probably being
4 repaired, and that's why Stojic had to be asked about it, perhaps.

5 JUDGE ANTONETTI: [Interpretation] Next document, I think it is
6 interesting, P 03912. This is an oral order you issued on the
7 3rd of August, 1993. You have it in your own language. Snipers must be
8 sent. There are members of the snipers squad of the 2nd HVO Brigade in
9 Mostar.

10 Mr. Praljak, for any reasonable trier of fact this document shows
11 that there are four individuals who are members of a sniper squad in

12 Mostar, and it seems that these individuals are to go somewhere and they
13 should report to General Praljak. So how do you interpret this document?

14 A. Well, it's proper from the military point of view. There are
15 snipers in every army. They have sniper rifles. I can't remember at
16 this point in time, but I don't deny that I would have issued an order of
17 this kind if I needed four men. So there is no reason for me to
18 challenge this order, an order of this kind.

19 JUDGE ANTONETTI: [Interpretation] Next document, P 03971. The
20 date is 5th of August, 1993, sent by the Prozor Rama Brigade. This
21 document is sent to the HVO president in Prozor. It is about the issue
22 of recruits or conscripts from 16 to 60 years of age. How do you
23 interpret this document?

24 A. This is a document signed by member of the SIS, and he hereby
25 notifies the HVO Presidency and the brigade command that they have

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1 complied with somebody's order, an order from somebody higher up. Now,
2 who that is, who was higher up and what the order was that they complied
3 with, you can see it here. I don't know who the higher up -- the person
4 higher up was who issued this order, but you should ask the chief of the
5 SIS who ordered this. I have nothing to do with this.

6 JUDGE ANTONETTI: [Interpretation] Next document, P 05355. It is
7 a document by Zlatko Ferencevic. He seems to be the commander of the
8 3132 military post and he's sending this to the operational zone in the
9 north-western part of Herceg-Bosna. He says that there was reinforcement

10 with 350 soldiers, which seems to imply the involvement of the Republic
11 of Croatia in Bosnia and Herzegovina. What is your take on this?

12 A. I don't know what this man wrote. I have never seen this
13 document in my life and these soldiers never reached this territory,
14 never, ever. I don't know how come that this is written here, what the
15 origin of this whole story is, well, I don't know that at all.

16 JUDGE ANTONETTI: [Interpretation] Let's move on to the next
17 document, P 07034. This is by Mr. Siljeg, a document sent of the
18 24th of December, 1993. You were no longer in your position, but your
19 name is mentioned in the document.

20 A. Yes. Well, it's quite obvious that Anton Juric, who I know, who
21 fought in Vukovar, and in 1992 he was with me down there in Capljina,
22 Mostar, and so on, a great officer, a great fighter, and I managed to
23 talk him into staying there. But this is not an oral order -- well,
24 Siljeg, you know, it's a -- the request, a plea, and he remained down
25 there and he performed this function and now it's just a certificate

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1 issued for the purposes of the Croatian army to the effect Praljak kept
2 him here, so when you're checking of his whereabouts you can prove that
3 he acted there as a volunteer. He had been a volunteer in 1992, he
4 fought in Vukovar and he managed to break through, and there was another
5 guy Brekalo, and they were born, both of them, in the territory of Bosnia
6 and Herzegovina.

7 JUDGE ANTONETTI: [Interpretation] You might shed some light on a

8 document that I personally did not understand very well. It is P 01194,
9 under seal. So it is not to be broadcast. It is about the Alpha-Bravo
10 Operation. Mention is made of Halilovic and Petkovic. There's also the
11 issue of the ultimatum. The situation in Mostar and the situation in
12 Jablanica. Why is this document important for your defence case and were
13 you made aware of this document? Was it shown to you by your lawyers?

14 A. Well, I have seen this document earlier. It makes no sense.
15 It's the 17th or the 18th of the January. What is the date of this
16 document? What -- January, the 17th? Well, they simply received it from
17 the BH army. They got this story about the ultimatum. There was no
18 ultimatum. There was a demand in Gornji Vakuf for them to withdraw from
19 the heights that they had taken. That was the position of the HVO. You
20 could call it a demand, you could call it an ultimatum. And there was no
21 other ultimatum. There was an order of Alija Izetbegovic and his defence
22 minister Rajic.

23 JUDGE ANTONETTI: [Interpretation] You are telling us that this
24 document of an international character mentions an ultimatum but there
25 was no such thing as an ultimatum.

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1 A. No -- well, these are just rumours. We heard it and so on.
2 There's a huge pile of those documents which are, to be quite honest, are
3 completely worthless and -- well, for the most part they simply relayed
4 the positions of the BH army without checking the veracity of their
5 claims.

6 JUDGE ANTONETTI: [Interpretation] P 01330. This is an
7 SIS report, 27th of January, 1993, handwritten report it is, speaking
8 about Gornji Vakuf, about torched houses, and it also says that the
9 HVO military police is responsible. What do you have to say to this
10 document?

11 A. Nothing. If the SIS received the report, under the law which was
12 in force at the time it has to act on the report, carry out an
13 investigation, and bring in persons who did that and hand them over to
14 the public prosecutor, or rather, the military prosecutor and the court
15 to be prosecuted. That was their duty. It was their fundamental duty.

16 JUDGE ANTONETTI: [Interpretation] Next document mentioned by you,
17 P 05330. You have to compare this document with other documents about
18 detainees taken out of Heliodrom to -- for them to work outside. So we
19 have a pre-printed form and names and dates just put in. This is a
20 document of the 23rd of September, 1993, when you were HVO commander. We
21 see that there are 30 detainees that left Heliodrom. Do you have any
22 comment?

23 MR. KOVACIC: [Interpretation] Your Honour, if you are following
24 the summary, then P 05530 is the next document, and the record shows that
25 you asked for 5330 and that's the document we have on our screen. And in

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1 the summary it's not 5330 but 5530. So if you're following the list, I
2 believe you are --

3 JUDGE ANTONETTI: [Interpretation] Absolutely. Well, perchance we

4 have this, but it was a good coincidence because now we have a document
5 5330, whilst in the list we had another document. But never mind this
6 mistake.

7 Mr. Praljak, this document shows that the 2nd Battalion of the
8 2nd Brigade took out 30 detainees on the 23rd of September, 1993. Did
9 you know it or not?

10 A. I was not aware of a single case, Your Honours, not a single
11 case. This never went further than this instance.

12 JUDGE ANTONETTI: [Interpretation] We might proceed more quickly
13 with the next document because we've seen it already P 00147.

14 6th of April, 1992, a meeting was held in Zagreb with you, Susak, and
15 Munivrana, and you spoke after Mr. Lucic. We have spoken about it
16 already. You might not -- do you have any special comment on the
17 document, because we've seen it already?

18 A. No, no, it's the 6th -- sorry? Well, I've talked about it. I
19 don't have anything to add.

20 JUDGE ANTONETTI: [Interpretation] Fine. Yes. You spoke about
21 it. Next document, P 00466. You have spoken about this document dated
22 11th of September, 1992, Susak, Radic, Agotic, Lucic, and Tudjman are the
23 attendees together with you. Manolic also attended the meeting and you
24 spoke about the military industry. If you do not mind we can move onto
25 another document because we've seen this one already.

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1 A. I don't have anything to add but to say it's not Lucic but it's

2 Lucic, it's not the same person as Ivo Lucic. These are two different
3 people.

4 JUDGE ANTONETTI: [Interpretation] Very well. Next document,
5 P 00524, we've seen it already, 26th of September, National Defence
6 Council. Mr. Mesic was there, you, Mr. Susak also. You spoke on several
7 occasions during the meeting.

8 A. I don't have anything to add.

9 JUDGE ANTONETTI: [Interpretation] Very well. We now have an
10 order, P 01202, 18th of June, 1993 -- January, 1993. The situation in
11 Gornji Vakuf is mentioned here and this is an order by you. Can you see?
12 You issued the order?

13 A. Yes.

14 JUDGE ANTONETTI: [Interpretation] Do you have any comment?

15 A. No, I don't. Five MGs -- well, it's totally regular. It's --
16 you can see it in films. All the Western armies have it. I don't have
17 anything to add to this, so five MGLs -- no, I -- Your Honour, I didn't
18 sign this document, just to make it clear. I said, Okay, fine, use my
19 authority and we'll ask for those three pieces to be returned by Kralj
20 Tomislav Brigade, but somebody else signed it.

21 JUDGE ANTONETTI: [Interpretation] It's not your signature but
22 somebody signed for you. Next document, P 01350, document by the
23 military police of the 29th of January, 1993. It is a lengthy document
24 that we have seen already and you answered several questions in Ljubuski
25 during a meeting that started at 6.00 p.m. I suppose you have nothing to

1 add to what has been said already?

2 A. No.

3 JUDGE ANTONETTI: [Interpretation] Next document, P 01852. It is
4 a document about Travnik, 12th of April, 1993.

5 A. I know this document, or rather, I have seen it before. They
6 want me to come back because while I was there, the situation was much,
7 much better than it was in my absence in terms of discipline, order,
8 military structure, and so on.

9 JUDGE ANTONETTI: [Interpretation] It seems as though the flags
10 were burned by the BH army police. This is said in paragraph four.

11 A. Yes. The BH army at that time had already started with an open
12 number of provocations in Travnik which would lead to -- well, what it
13 actually led to.

14 JUDGE ANTONETTI: [Interpretation] You will note, General Praljak,
15 that in this document there is presence of the Mujahedin in Travnik and
16 you showed us a video of this. Do you confirm this?

17 A. Yes.

18 JUDGE ANTONETTI: [Interpretation] Let's move now to the next
19 document, P 02043. This is a document from Mr. Pasalic, April 23rd,
20 1993. It is a protest sent to UNPROFOR and seemingly also to the
21 European Union.

22 A. Yes.

23 JUDGE ANTONETTI: [Interpretation] You know this document?

24 A. Yes.

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1 It seems that everything that is occurring is blamed on you.

2 A. He's a low-lying liar, God rest his soul. A couple of days prior
3 to that, he had coffee with me, he walked around East Mostar, and after I
4 prevented 30 of his men starting shooting in western Mostar, may God rest
5 his soul, but he is a terrible liar and a scoundrel. He knew this quite
6 well because he walked up and down East Mostar with me in order to avoid
7 conflicts.

8 This is all politics. This is how politics is created, in bad
9 faith, false politics. He drank coffee with me, he -- we had agreement
10 with the SDA so that all of us politicians and everybody else would go
11 out in the streets, so that people would be assured that there would be
12 no conflict, and then he turns around and writes this. He's a scoundrel.

13 JUDGE ANTONETTI: [Interpretation] Next document, P 02280. You
14 issued this document. It is sent to Colonel Siljeg. We don't know the
15 date exactly. Maybe you could help us with that.

16 A. I won't be able to assist you with this document because this is
17 not my document, and I'm saying this for the umpteenth time and I will
18 repeat it now. This is not my handwriting, this is not my signature,
19 this is not my style, and this is not my document.

20 JUDGE ANTONETTI: [Interpretation] Very well. We've already seen
21 this document anyway.

22 Next document, P 03682. This is also a document that we have

23 already seen so we will be brief. It's when you take your post again in
24 July you write to Mr. Tudjman asking for reinforcement.

25 A. Yes, this is my document. I signed it. I asked exactly what is

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1 written in this document, I asked for that, and I received nothing. And
2 I repeated this again on the 5th of November in Split when I was
3 explaining that I was leaving and how things need to be arranged after
4 that. I spoke once again about two battalions which is proof enough that
5 I had not received this or anything else later on, to my knowledge.
6 Croatian army didn't come. Some volunteers came. And once again, this
7 is evidence that had I had the brigades of the Croatian army I wouldn't
8 have asked for these miserable battalions. You know what these
9 battalions were like.

10 JUDGE ANTONETTI: [Interpretation] Next document, P 03821. This
11 comes from the 4th Battalion, Petar Kresimir, July 30th, 1993, six days
12 after you took up your post. This is a report and you're mentioned in
13 the first paragraph. And then at the end of the document the Paraga is
14 mentioned, the extreme Muslim. Do you know this document and what
15 purpose does it serve in your defence case?

16 A. Well, the significance of this document is quite simple. This is
17 a professional battalion of the HVO that heeded me none whatsoever. So a
18 small-time commander, Vucica, who had I don't know how many soldiers
19 under his command, simply says that I'm a fool who doesn't know what he
20 has in the command. He has one information at his disposal and is

21 providing other information and then he simply listened to that, and once
22 he concluded how many soldiers he under him, he said he wouldn't listen
23 to this fool of Praljak. He went back home and sent a report to his
24 brigade commander. This is what the army is all about, very simply. And
25 if you ask me what I could have done to him, I couldn't do anything. It

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1 would have taken me a month to replace him, to find somebody else instead
2 of him because, of course, he was protected by his people down there.

3 JUDGE ANTONETTI: [Interpretation] Next document, P 06203.
4 P 06203. This is a document of October 28, 1993. You're still at your
5 post. Colonel Siljeg is writing to the head of -- to the chief of
6 defence department health section. We have already seen this document.
7 Do you have any additional comments to make?

8 A. I have no supplemental comments.

9 JUDGE ANTONETTI: [Interpretation] Next document, P 02039. This
10 is a document of April 22nd, 1993, on the situation in Jablanica and
11 Konjic, sent to the Main Staff of HVO in Mostar. This is a traditional
12 report. Any comments on this one?

13 A. None whatsoever. This document was created at the time when I
14 held no office, I have no comments, except that I am familiar quite a bit
15 with what was going on, but it's not up to me to comment on the events.
16 I can if you wish me to, but it was sent to the Main Staff of the HVO in
17 Mostar and at that time it was General Petkovic.

18 JUDGE ANTONETTI: [Interpretation] I have a small problem here,

19 General Praljak. You are listed as being a recipient of this document.

20 Just take a look at the end of the document.

21 Registrar, please, could we scroll down to the last page. There
22 further --

23 A. Yes, yes, I see it. At the time I definitely did not receive
24 this document, but since I was generally about the area at the time,
25 probably somebody wanted me to look at what was actually going on.

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1 JUDGE ANTONETTI: [Interpretation] Next document, P 03957. We
2 have already seen this document. You did not sign it but someone signed
3 it on your behalf. It deals with Kapular and Tole. Any additional
4 comment on this document?

5 A. Kapular was born in a village near Capljina. Zarko Tole was born
6 in a village near Siroki Brijeg. Zarko Tole was a member of the HV -- or
7 rather, he was arrested in 1992 in Bugojno. He was a member of the HVO.
8 He had been betrayed, and then he was taken to Republika Srpska and he
9 spent a year in prison. And then he was in the HV, HV, and here I asked
10 for these two officers to be sent to me. Tole came, Kapular showed up
11 and he was with the volunteers from the 9th -- from the 5th Guards
12 Brigade with about 200 people, 140 infantrymen, and so on.

13 JUDGE ANTONETTI: [Interpretation] The next document is under
14 seal, it is P 04272. It shall not be broadcast. This is a regular
15 report on the events in Mostar, Travnik, Tuzla, humanitarian problems,
16 et cetera. What is the purpose of this document for your Defence?

17 A. I beg your pardon?

18 MR. KOVACIC: [Interpretation] Your Honours, the idea was for the
19 General to see item 3 on page 2. This is why this document was mentioned
20 here, but he cannot see it on the monitor. So second page, item 3.

21 JUDGE ANTONETTI: [Interpretation] Please take a look at bullet
22 point 3. It's on the screen in your own language. It seems that there
23 was a meeting with yourself.

24 A. Yes. This was not conveyed correctly. Partially, yes. He says
25 to defeat Muslims. I cannot defeat Muslims. I can only defend myself

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1 from the ABiH army attack. This is silly. And then that I would block
2 the supply of the humanitarian aid. This was complete nonsense. This
3 had never occurred to me and you could see that this was simply added.

4 As for the water-supply, this is a complete nonsense. I don't
5 know what these people had in their heads. Those places, Vakuf, and so
6 on, could not be blocked, could not be cut off. I don't even know where
7 the water source is. So each town has its own water source that they use
8 for water-supply, for drinking water and so on, so each town does. Rama
9 has its own source, Vakuf has its own. This is complete nonsense. I
10 guess they read this somewhere that the water would be blocked,
11 water-supply in San Francisco or elsewhere. I don't know. This is
12 complete nonsense.

13 It is true that political talks were such that we would give up
14 Tuzla, Zepce, Vares, if an agreement would be reached. They were not

15 part of Croatian territory that had already been agreed, but the Croats
16 were to be protected there just as Muslims were to be protected in an
17 area where the Croats would have majority in democratic voting and
18 nothing else other than that. Naturally this corridor leading to the
19 coast -- what corridor? If they want a joint state -- well, look at how
20 absurd this is. They discuss a joint state and they want a corridor to
21 the coast. Then whose state is it? This means they wanted to take their
22 part and kick us out. A corridor from Paris to the coast through France
23 to some special Frenchmen -- come on.

24 JUDGE ANTONETTI: [Interpretation] Next document, P 04640. This
25 is a document signed by you. It is sent to Mr. Marko Stanic and it's

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1 about Klis. So what's the purpose of this document?

2 A. Because in an organised army one cannot write this immediately,
3 unconditionally, and so on. When an order is written in an army, this
4 implicitly means this is unconditional and so on, and here they add all
5 these words. Afterwards I threatened them, I said that they need to
6 arrest them, to keep them without water and food until I arrived because
7 I wasn't going to carry out this order. There is a document where I say
8 that they need to be shut up and kept without water and food until I
9 arrive.

10 JUDGE ANTONETTI: [Interpretation] Next document should be linked
11 with this one; it's document P 04645. It comes from Bozo Pavlovic. It
12 is sent to the forward command in Citluk, August 31st, 1993. This is

13 about the Klis Independent Battalion. Comments, please?

14 A. Well, they didn't carry out the order, but they say in this
15 document, It has been agreed orally. It's on the 1st of September that
16 they were to take over duties -- well, listen, they're not duties in the
17 army. This language by itself -- what do we mean when we say "army"? I
18 keep repeating that a lot of these guys, a lot of these guys fought
19 bravely and honourably but that there was a lot of this stuff as well,
20 where they say conditionally we have agreed we will take over duties
21 regarding an excursion that we are going to make and so on.

22 JUDGE ANTONETTI: [Interpretation] Next document, P 05188. This
23 is a document you signed. There is no date on it. You say that this is
24 an order from the president of HR-HB. This is sent to all units. What
25 can you say about this document?

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1 A. Nothing. On the basis of the military chain of command, once I
2 received an order from Mate Boban, it was my duty to convey that order to
3 the lower echelons, to the command of operation zones that -- and the
4 brigades they were to receive assistance, and then it says that on the
5 basis of this order, military police and other officials need to receive
6 written instructions, they need to receive specific tasks. And these
7 instructions were to be explained to them. This was another attempt to
8 introduce order, as far as I can remember, and this was an order from
9 Mate Boban. It had to do with ensuring order in the territory, security
10 for convoys, and so on. We should go back to the order.

11 JUDGE ANTONETTI: [Interpretation] Document --

12 MR. STRINGER: I apologise, Your Honour. You indicated that the
13 document doesn't have a date, but I was just looking at the
14 original-language version and so the date was just omitted from the
15 translation. It's 18th of September, 1993.

16 JUDGE ANTONETTI: [Interpretation] Thank you very much,
17 Mr. Stringer. So the date is in the original but not in the translation,
18 September 18, 1993.

19 Do you agree with this, Mr. Praljak ?

20 A. Yes, Your Honours. With 99 per cent certainty. After a secret
21 agreement was signed between Izetbegovic and Tudjman this order came, and
22 at the same time they started an offensive -- actually, they started it
23 several days prior to that. And we were to act as though nothing had
24 happened, as though we were fools.

25 JUDGE ANTONETTI: [Interpretation] Next document, P 05279. This

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1 is a document signed by you, sent to all operational areas, and dealing
2 with the disciplinary detention and prison sentences that could be
3 imposed either by a commander or a person authorised by law, and there is
4 mention of the Dretelj prison. What's your take on this?

5 A. I've already given my comment and I will add this. On the
6 22nd of September, everything I had in my head, all the information I
7 had, are clearly expressed here. It was about the prison. I was sending
8 people to the prison and I said that all the soldiers that had been

9 punished were to be sent to Dretelj. That's what I know about what
10 Dretelj was. And that's because maybe they had a small prison in some
11 town and then they would release the people that were kept there, they
12 were their friends or relatives, you know how it goes. And in order to
13 prevent the soldiers from complaining, soldiers going to the front line
14 who would say, Well, you punished those people and instead of being in
15 prison they are just walking around, I issued this order that they were
16 all to go to Dretelj and they were to be accompanied with papers
17 indicating what they had committed, what kind of a crime, why they were
18 sentenced to a prison term, and so on.

19 JUDGE ANTONETTI: [Interpretation] Next document, P 0724 -- 05724.

20 This is a document from the Republic of Croatia, Osijek Military
21 District, 5th Brigade of the Guards, sent to you.

22 A. Yes.

23 JUDGE ANTONETTI: [Interpretation] Any comments?

24 A. It's correct that from the 5th Guards Brigade, from Vinkovci,
25 there were volunteers fighting in the field under the HVO command. In a

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1 document where I list the units, some 20 of them, it is said that there
2 is 140-something people from that unit and they were infantry men. There
3 was some maybe 30 to 40 additional ones in -- performing other duties,
4 and they were all volunteers. As I have explained, these volunteers are
5 people who earlier on had left the poor areas of Herzegovina and went to
6 fertile lands in Slavonia and so on, but they remained loyal to their old

7 region and this is why they applied to fight as volunteers. So either
8 they were born or their parents were born in the territory of
9 Herzegovina, mostly in the western Herzegovina region.

10 JUDGE ANTONETTI: [Interpretation] Let's look at the next
11 document. It is two orders requisitioning --

12 MR. KOVACIC: [Interpretation] Your Honours, if I may, I don't
13 want to waste time, but this document, P 06442, is a document we included
14 here by error -- yes. At the time we included it based on the old
15 description in e-court, and later on that description was changed and the
16 document itself was changed. Therefore, we're not interested in this
17 document. It was included erroneously on the basis of the then-existing
18 description. When that description was corrected later on, we were not
19 interested in this document any longer.

20 JUDGE ANTONETTI: [Interpretation] Very well, we'll withdraw it,
21 and move to the next one, P 08765. This is an interview given by you and
22 it says: "I'm not responsible." Please don't give us a lengthy comment
23 of this interview. Could you tell us why you wanted to give this
24 interview at that point in time, May 9, 1997.

25 A. Because, Your Honour, we and Nebojsa Taraba, if you read what he

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1 claims here, what he claims, this in his introductory part, it will be
2 clear to you that there existed an all-out campaign and that all of us
3 were exposed to it and there was some -- it was a media campaign of the
4 old regime. And according to them we were all thieves, criminals, and I

5 don't know whatnot. And this text is full of lies. There are some parts
6 that are true, and then the titles and headlines are wrong. They are
7 attributing things to me that I didn't say and all these claims in the
8 beginning are simply shameful. And this campaign against us, this
9 witch-hunt was of such magnitude that to some extent I was happy when I
10 came to face this Court so that finally you could establish what was the
11 source of my guilt because one couldn't take this any longer.

12 It's difficult to be in prison, it's difficult to read an
13 indictment against yourself, but finally give me, show me a document
14 indicating am I and why; and if so why I'm guilty. This situation where
15 everybody can spit at you and write against you anything they want, which
16 is a normal thing in Croatian journalism, and you cannot do anything to
17 that person back is something that is unhealthy for your own mental
18 health and everything else.

19 JUDGE PRANDLER: Mr. Praljak, I would like only to ask you if you
20 have any other article or articles in the Croatian press of that time
21 which in a way substantiate your claim and your position that this very
22 article which we are talking about that is "nisam odgovoran" and was only
23 an exception to the rule and you -- and your behaviour and, of course,
24 the behaviour of the HVO was in general reflected as a positive one in
25 some of the other publications, other articles published in Croatia

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1 during this very time. Thank you.

2 A. Your Honours, Croatian journalists split into the leftists that

3 simply continued those communist slander without any desire to prove
4 anything, so there was one part; and then the other smaller part were
5 people who were trying to uncover some truth. Every week somebody wrote
6 or uttered somewhere that I had knocked down the Old Bridge. Every week
7 some fool had a right to do that. Initially I denied those allegations
8 and then finally I gave up because this was an avalanche aimed against me
9 on a daily basis and I said, Well, give me a single piece of evidence.
10 No, nobody cared about that.

11 JUDGE PRANDLER: Thank you. I believe that your answer shows
12 that you do not have kind of written confirmation or a kind of refusal
13 what is being now contained in that very article. Thank you.

14 JUDGE ANTONETTI: [Interpretation] Very well, Mr. Praljak. I have
15 exactly 12 documents left. We'll see the next one tomorrow. It is
16 P 00742. I'll make sure the Registrar has this one prepared tomorrow
17 when we start the hearing and we shall return to your last document
18 tomorrow. Remind us of it tomorrow, please. At this pace I might be
19 able to finish in 30 or 40 minutes. Who's going to start once I'm done
20 for cross-examination by the Defence teams?

21 Yes, Mr. Praljak?

22 THE WITNESS: [Interpretation] Your Honour, you said that we would
23 cover snipers -- sniper incidents which took place in Mostar during my
24 command so that we can establish with precision - it will only take us 20
25 minutes - what the Prosecution claimed and how it actually looked from

1 the mathematical point of view out in the field.

2 JUDGE ANTONETTI: [Interpretation] Indeed I had told you that I
3 would have questions on the topic. I had prepared a chart. I'll try to
4 be quick when dealing with it. So in 30 or 40 minutes I should be done.
5 But my question is who is going to start tomorrow.

6 Yes, Mr. Karnavas.

7 MR. KARNAVAS: Good afternoon, Mr. President, good afternoon,
8 Your Honours. I will be starting tomorrow and I will be probably asking
9 for a short break after you finish. If you're taking 45 minutes to an
10 hour, it might be convenient; otherwise I'll start right off. Thank you.

11 JUDGE ANTONETTI: [Interpretation] Perfect. So there'll be no
12 waste of time.

13 I wish you all a good afternoon, a good evening. We shall
14 reconvene tomorrow at 9.00.

15 --- Whereupon the hearing adjourned at 1.47 p.m.,
16 to be reconvened on Wednesday, the 24th day of
17 June, 2009, at 9.00 a.m.

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