



Page 42399

1 Thursday, 2 July 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Prlic and Coric not present]

5 [The witness entered court]

6 --- Upon commencing at 9.00 a.m.

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

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

12 JUDGE ANTONETTI: [Interpretation] Thank you, Registrar. This is
13 July 2nd, 2009, and I welcome Mr. Praljak. I greet Mr. Stojic, Pusic,
14 and Petkovic. I welcome everyone from the Defence, as well as everyone
15 from Prosecution, and I greet everyone helping us in this courtroom.

16 Let me first issue an oral decision. It's quite long, and I will
17 read it slowly, because I want it to be well-understood by everyone.

18 Oral decision on the request by the Petkovic Defence to obtain
19 clarifications on time allocation.

20 During the hearing of July 1st, 2009, the Petkovic Defence
21 addressed the Trial Chamber to ask for clarifications regarding the
22 position of the Trial Chamber on the right Defence teams can have to use

23 their own time allocated to present their case in order to cross-examine
24 witnesses.

25 The Trial Chamber reminds the Petkovic Defence of the decisions

Page 42400

1 issued on December 11, 2008, January 12 and 19, 2009, mentioned by the
2 Petkovic Defence, and notably the decision issued on January 19, 2009.

3 In this latter decision, the Trial Chamber first indicated that
4 it had regularly allowed the Defence teams to use their own time
5 allocated to present their case to have additional time used to
6 cross-examine witnesses called by other accused.

7 However, the Trial Chamber added that regarding the specific
8 request, the request for additional time made by the Petkovic Defence was
9 obviously excessive because it greatly changed the hearing schedule of
10 the Stojic Defence and meant, in fact, that the cross-examination of the
11 expert witness would be extended in a way that would be contrary to a
12 fair and expeditious trial.

13 Consequently, when issuing the decisions mentioned above, it was
14 clear that the Trial Chamber was issuing a decision on the request made
15 by the Petkovic Defence in the framework of the cross-examination of the
16 expert witness, Davor Marijan, and only this witness; and that it would
17 not mean that it would ban using the Defence's own time to allocate
18 additional time to cross-examine a witness called by another accused.

19 The Trial Chamber insists on the fact that when it issues
20 decisions regarding time allocation, it is using its discretionary power
21 and its duty to control how a witness is examined in order to make sure

22 that all accused have a fast and fair trial. The Trial Chamber,
23 therefore, challenges any interpretation according to which because a
24 Defence team is asking to use its own time to cross-examine a witness,
25 the Trial Chamber should automatically grant this request. The Trial

Page 42401

1 Chamber recalls that it could only grant such a request if such a request
2 was reasonable and fully grounded.

3 So this is a very long decision, but in a nutshell let me sum it
4 up: In the previous case regarding the expert, the Trial Chamber had
5 decided that providing additional time would change the hearing in an
6 excessive fashion and decided, therefore, not to grant this request, but
7 the decisions will be made on an ad hoc basis. Sometimes it will be
8 possible, and sometimes it won't.

9 The Trial Chamber has a duty to control the examination of
10 witnesses, to make sure that the trial is expeditious.

11 Mrs. Alaburic, this is why the Trial Chamber decided that in the
12 present case with Mr. Praljak you -- if you had wanted additional time,
13 the Trial Chamber saw no problem with it, but they told you that it would
14 be deducted from your own time. As you see, this is fully in line with
15 what had been decided previously, which is why we issued this decision in
16 order to make things crystal clear.

17 Now you have the floor.

18 MS. ALABURIC: [Interpretation] Good morning to you, Your Honours
19 and everybody else in the courtroom. I'm going to say just two sentences
20 by way of explanation for your decision, and I thank you for the prompt

21 decision.

22 JUDGE ANTONETTI: [Interpretation] Stop. Just a minute.

23 Mr. Registrar, my headsets aren't working once, unfortunately,
24 once again.

25 MS. ALABURIC: [Interpretation] As I was saying, all I wanted to

Page 42402

1 say is that the Petkovic Defence is wholly aware of the contents of the
2 decision of the Honourable Trial Chamber of the date mentioned by you,
3 and it is our position -- our position is based on the following parts of
4 that decision: First of all, the observation that our request for using
5 our own time is in complete contradiction with the rules established on
6 the 24th of April, 2008, and that that request, and this is my second
7 point, is contrary to the rights of the accused to an expeditious trial,
8 and those two points are recorded on pages 35157 of the transcript.

9 And as far as my third argument, that is to say that it disrupts
10 the schedule for examination of witnesses, which was the criterion that
11 you mentioned now in your decision, we consider that to the same extent
12 one should respect the schedule of the witness made up by the
13 Praljak Defence team.

14 However, the Petkovic Defence will review your decision, and in
15 conformity with that, we shall decide whether we're going to seek any
16 clarification, challenge it, or whether we're going to take notes of it
17 and continue. So thank you for that. I cannot give you a definite
18 answer at this point in time.

19 Now, with your permission, may I continue my cross-examination

20 now?

21 JUDGE ANTONETTI: [Interpretation] Very well. You can continue
22 later, but personally I'd like to know something. I'd like to get a
23 confirmation, if possible. I'd like to know whether Mr. Petkovic will
24 actually testify, yes or no. If Mr. Petkovic will testify, I will
25 prepare for this testimony. It's a lot of work. It's already a few

Page 42403

1 months before Mr. Praljak testified I had prepared myself. Mr. Praljak
2 will probably finish his testimony during the month of September, and of
3 course I want to get ready for any questions regarding Mr. Petkovic, so
4 I'd like to know whether he will testify or not.

5 MS. ALABURIC: [Interpretation] Your Honour, what I can tell you
6 is how our plans stand now. According to our plans, General Petkovic
7 will, indeed, testify, and he will testify at the end of his Defence
8 case, because we, first of all, want to present in full our theory about
9 this whole case; and then finally we would like to give you the
10 opportunity to question General Petkovic about all the theses that we're
11 going to put forward and all the documents that we consider to be
12 relevant, and all the most contentious documents, which are linked to
13 General Petkovic, which my learned friends of the Prosecution mention in
14 their pre-trial brief, as well as all other documents, which in our
15 opinion are most incriminatory for General Petkovic, we are going to
16 consider them part of our direct examination; and we're going to question
17 and examine General Petkovic about that. And I'm sure you will become
18 involved in the discussion of these documents and that we will provide

19 Judge Antonetti with a chance to ask additional questions, and you will
20 of course have the chance of asking any questions you like, and
21 General Petkovic will be happy to answer them all.

22 So those are our plans as they stand for the moment. I think
23 that they will stay that way, and I hope that General Petkovic's health
24 will be as good as it is now and that we'll be able to present all the
25 theses and points that we consider to be relevant.

Page 42404

1 WITNESS: SLOBODAN PRALJAK [Resumed]

2 [Witness answered through interpreter]

3 Cross-examination by Ms. Alaburic: [Continued]

4 Q. [Interpretation] General Praljak, I'd like to -- well, let me say
5 good morning to you, first of all.

6 A. Good morning.

7 Q. I would like to deal with effective control as efficaciously as
8 possible and look at the 11th element of the 15 that I mentioned that I
9 was going to discuss, and you spoke at length in this courtroom about
10 that. And it is the topic of failure to respond to the mobilisation call
11 and of people voluntarily leaving their units, so let us look at a
12 document that I consider to be highly relevant when discussing that
13 topic. It is still in the first binder, and it is in the fourth group of
14 documents under the title of "Effective control." The document number is
15 4D1655. As I said, 4D1655 is the document number. And it is an order
16 from the defence minister, Bruno Stojic, dated the 11th of October, 1993.
17 The document is titled a "Order," bit, in fact, it is information, and

18 Mr. Bruno Stojic, in fact, tells the military district prosecutor's
19 office and district military courts and the military police
20 administration of the conclusions made by the parliament of the HR HB and
21 the conclusions of the extended government session, expanded government
22 session. And in those conclusions, he highlights this problem. So let
23 us look at point 1 of that order where it says is that:

24 "All district military courts and district military prosecutor's
25 offices shall give priority for the cases related to the failure to

Page 42405

1 respond to the call for general mobilisation and wilful abandonment of
2 military units."

3 At that time, General Praljak, you were the number one man in the
4 Main Staff, so tell us now, please, in your opinion does this document
5 confirm how these two problems that I've just mentioned were discussed by
6 the top-most bodies of government of the CRHB and they considered them to
7 be important problems for the functioning of the army.

8 A. Yes. This was the situation: Unless that problem could be
9 solved, the problem -- the army would have been harmed to such an extent
10 that it would have disintegrated and we would have lost territory. We
11 would have been defeated, and then -- well, those courts should work
12 normally looking for criminals, the perpetrators of crimes, and they
13 wouldn't be able to carry on with their daily business. If you lose the
14 war, you can't carry on with your normal business, because five years on,
15 ten years on, you would have to find the criminals and perpetrators, so
16 this is a priority issue.

17 Q. General, I have not prepared document for you on this topic and
18 I'm sorry about that now, although I used it in cross-examining the
19 Prosecutor's witnesses, but there were calls from certain units sent to
20 higher commands. Let's leave aside the prosecution of criminals after
21 combat operation, because if, at this point in time, we have the fate of
22 our municipality in question, then we don't have time to prosecute
23 criminals. That's what they said. And we'll do that next month once
24 we've finished all the military operations. Did you ever come across
25 thoughts and observations and requests of that kind coming in to you?

Page 42406

1 A. Yes, that's right. Mrs. Alaburic, well, there were fewer and
2 fewer people. People were leaving, and then the people who remained
3 asked you, Well, for how long are we going to stay here? Why us? Why
4 only us? And how will those who were considered as traitors, because of
5 being deserters, how were they going to be prosecuted and punished? So
6 this is a logical question. Why did you escape? You escaped and I
7 stayed on. I remained. So how is he going to be sanctioned and
8 punished, while I'm going to be killed; whereas you're swimming along the
9 Adriatic coast or you're in Zagreb or you're in Munich or wherever; so
10 that was a terrible problem. It was a crucial point. And this impaired
11 the morale of the army and their combat readiness to such an extent that
12 their very existence was questioned.

13 Q. Very well, General, thank you for that answer. Let's move on to
14 the next portion which --

15 JUDGE TRECHSEL: I'm sorry, Ms. Alaburic. I have a question or

16 two questions. I would be interested to know whether this order had any
17 actual effect and whether it proved -- whether it achieved its goal, and
18 I remember vividly Mr. Praljak telling us that it made no sense to put
19 people into prison, and this does not go very well together with what you
20 have just now said, Witness.

21 THE WITNESS: [Interpretation] Well, prosecution -- it's like
22 this: People ask for the impossible, and a lot of this just could not be
23 implemented. People came to me and said, General, we don't want to go to
24 the battlefield. We want to go to Makarska - Makarska is Croatia - to
25 round up all those traitors because they said we're not going to the

Page 42407

1 battle-field until we round up all those deserters who are sunning
2 themselves and swimming in Makarska. And it wasn't possible legally for
3 Croatia to round up these deserters. It just wasn't possible.

4 It was sufficient for any of these people to report to an
5 international organisation and say they didn't want to fight a war, and
6 they would be given amnesty automatically. Then there was a proposal to
7 enact a law to seize their property, confiscate their property, but that
8 wasn't possible legally either. And then what happened was that people
9 would set fire to these people's houses during the night. If you just
10 arrest him and put him in prison, then you achieve nothing once again,
11 and among other things, I asked those who be arrested be sent to the
12 front line because the main thing was to have them fight, not to lie in
13 prison doing nothing; so it was difficult to implement all this. Many of
14 those people were no longer on the territory of Bosnia-Herzegovina. They

15 had already left. Those who remained and did not respond to the call-up,
16 it was difficult to find them because they would sleep away from home.
17 And if you were able to round up someone, you would have to send them to
18 prison, and it was better for them to be in prison rather than to be out
19 in the cold in the wind and rain. So that's an answer to your question,
20 Judge Trechsel.

21 JUDGE TRECHSEL: Thank you.

22 JUDGE MINDUA: [Interpretation] Mrs. Alaburic, I have a question.

23 Mr. Praljak, what you're explaining is quite honourable. You're
24 talking about this theory of generalised chaos. I'm trying to understand
25 your theory on generalised chaos, but I'm having a difficult time

Page 42408

1 understanding how you justify the fact that military courts were not
2 effective. If I've understood you correctly, you said that there were no
3 sanctions at the time, because for you the sanction would be to put
4 failing soldiers or deserters in gaol, but after all, for them it was
5 better to be in gaol than to be fighting.

6 So this problem of sanctions for militaries during wartime is
7 something that has been extensively studied in military law. It's true
8 that any sanction for armed people, people with weapons, must be
9 immediate. It must inspire fear in order to make sure that the military
10 structure operates properly.

11 If you tell us that the sanctions provided for in your military
12 code book inspired no fear whatsoever, then all I can infer is that your
13 prevailing law at the time had not provided for any sanction. If no

14 sanction had been provided for, it means that there was no law, because
15 the law could only exist if you had sanction; otherwise it's morality,
16 religion, common sense, politeness, diplomacy, whatever, but it's not
17 law.

18 So wasn't there a way to envisage any kind of sanction that would
19 be a good deterrent? I don't know what the situation was like on the
20 field, but it all depends on different armies, they all have their
21 solutions. I can mention a few. I know some military criminal codes
22 where the delinquent can be sent to the front. Those who have been
23 convicted and sentenced, they are actually sent to the first line to
24 fight. I know other military criminal codes where it's just a firing
25 squad, you know, that is provided for for anyone that wants to desert.

Page 42409

1 So how can you say that the military were volunteers and that they -- and
2 that they're not submitted to sanctions?

3 The community is giving you weapons, and because of that, you're
4 placed in a very specific position. Otherwise, you might as well go to
5 the beach, you know, rather than bear weapons to defend a community.

6 So what's your take on this?

7 THE WITNESS: [Interpretation] Your Honour, I can confirm
8 everything you've said. You're quite right. However, as far as I know
9 in military jurisdiction of the HZ HB, that was not how it was. So with
10 respect to the quantity of people violating the law, the courts were
11 impotent. You couldn't execute them, that's for sure. They were, first
12 of all, punished. It's not true that they weren't sanctioned and

13 punished. But I was of the opinion that a term in prison, of course for
14 crimes of murder and so on, there was so much theft as you were able to
15 see, there were so many criminal reports filed, you can see the number,
16 and then you can see how many were convicted, how many were convicted in
17 courts. Counsel for Mr. Coric will be talking about things -- those
18 things. But as far as desertion is concerned, in many countries, it's
19 either a term of -- in prison of 20 to 30 years or execution or the
20 person is sent to the front.

21 Unfortunately, as far as I know, here the sanctions could be,
22 let's say, three months in prison or something like that, which is not
23 really punishment. It's a reward to the person. So it was difficult to
24 uncover the culprits. When you did find them, the imposed sentence could
25 be what -- as I've said, and the soldiers propose that their property be

Page 42410

1 seized. Our lawyers said that that's just not possible, that the two
2 have nothing to do with each other. It's apples and pears. So there was
3 no adequate sanction because the number of these deserters was too great.

4 MS. ALABURIC: [Interpretation]

5 Q. General, Praljak, let's try --

6 JUDGE MINDUA: [Interpretation] Thank you.

7 MS. ALABURIC: [Interpretation]

8 Q. General Praljak, let's try and explain something to
9 Their Honours, because it seems that there's a lack of understanding
10 here. Let's take it this way: Could a soldier go to prison, go into
11 prison, because he was being disciplined by his commander or the military

12 court in question, and the alternative could be that he could be put in
13 prison because he was proclaimed responsible for a crime -- for having
14 committed a crime and then be sent to prison on the basis of a court
15 judgement and sentence? These are two quite different situations.

16 A. Yes, you're right, they are two different situations. The
17 commander could punish him for a term in prison for up to 30 days, as far
18 as I know, and that was it. And we didn't have these courts down there
19 to mete out these sentences. There were no disciplinary courts of that
20 nature. There were no judges or staff.

21 Q. If I understood you correctly, in -- while you were examined so
22 far, you said that it wasn't effective to punish people by sending them
23 to prison because that would be tantamount to a reward compared to those
24 who were sent to the front and had to fight and might be killed. I
25 thought you were thinking about disciplinary measures and punishment

Page 42411

1 taken to -- by the commanders without going into the question of military
2 jurisdiction and jurisprudence and so on.

3 A. That's right. I had the problem when faced with a situation of
4 this kind -- well, of course we did discipline and sanction and use
5 the -- meted out the punishment that we could. But you would always
6 think, now, for a month, he's not going to go to the front. So, in fact,
7 by sending him to prison you've -- well, what I wanted to do was to hand
8 him over to his commander and tell the commander, Send him to the front
9 and watch him.

10 Q. General Praljak, your answer was not wholly recorded in the

11 transcript, so I will repeat the part of the question, so be so kind as
12 to repeat a part of your answer. You have been talking about
13 disciplinary measures, disciplinary punishment. You did not go into the
14 subject of the military judiciary.

15 A. Yes, we had nothing to do with the military judiciary. The
16 moment some proceedings started in any way, we had nothing to do with it,
17 except maybe perhaps for some statements to contribute to the
18 proceedings.

19 Q. When you say "we," General Praljak, are you referring to the
20 Main Staff?

21 A. Yes.

22 Q. I hope that we have clarified this segment.

23 JUDGE ANTONETTI: [Interpretation] General Praljak, another --
24 there's another aspect to this problem. You said that it was difficult
25 to draft a soldier somewhere in Croatia. Others were swimming in

Page 42412

1 Makarska.

2 I was listening to you, and I wondered whether the problem was
3 even more complicated than that. When you were talking about your own
4 case, said that you were a dual national. You're both -- you have both
5 Croatian nationality as well as nationality from Bosnia-Herzegovina. So
6 a person that lived in Bosnia-Herzegovina but who is of Croatian
7 ethnicity and who holds a Croatian passport and who is in Makarska can
8 say that he's a Croatian citizen, that he has no business in the Republic
9 of Bosnia-Herzegovina; but then, in that case, the Republic of Croatia

10 can draft this person as a Croatian citizen if he doesn't do his national
11 service in the forces of the Croatian army, then he could be considered
12 as being a deserter. But if the Republic of Croatia does not draft this
13 person and just tells him, We need you, just volunteer, and he doesn't
14 want to volunteer, then what is the resort left to -- what can the
15 Croatian government resort to?

16 THE WITNESS: [Interpretation] Nothing.

17 JUDGE ANTONETTI: [Interpretation] That's what I thought. It
18 can't do anything. It can, however, force a person to go there. In that
19 case, the Republic of Croatia comes up against the Republic of Bosnia and
20 Herzegovina.

21 THE WITNESS: [Interpretation] That is correct. And huge numbers
22 had dual nationalities. And, Your Honours, as far as I know, nothing
23 could be done about that, nothing.

24 JUDGE ANTONETTI: [Interpretation] All right.

25 THE WITNESS: [Interpretation] To clarify, when the same requests

Page 42413

1 were -- when the same applications were made from Croatia by the
2 government in Sarajevo [as interpreted] for Muslims to be mobilised, and
3 where such requests were made, they would just report to the Red Cross or
4 the organisation, Amnesty International, and there you have it. There
5 was nothing that one could legally do to make them go to war. So the
6 Army of Bosnia and Herzegovina also sent the same request to the
7 government of Croatia for its citizens who had fled to be arrested and
8 returned, but as far as I know, that was impossible to do, and it was

9 never done, in fact.

10 MS. ALABURIC: [Interpretation] There's something wrong with the
11 transcript.

12 MS. PINTER: [Interpretation] Good morning, Vesna. Thank you.
13 Mr. Praljak's response, page 14, line 20. The General did not say it was
14 a request from the Republic of Croatia to Sarajevo but vice versa, that
15 it was a request made to the Republic of Croatia. So can that be
16 rectified.

17 THE WITNESS: [Interpretation] Yes, that is correct. The Army of
18 Bosnia and Herzegovina also had a huge number of lads who had fled who
19 were fit for service and should have served, and it asked the Croatian
20 government the same thing that the HVO requested but without any success,
21 to no avail.

22 MS. ALABURIC: [Interpretation] Thank you, colleague.

23 Q. And in future I shall keep my eyes more on the transcript,
24 General Praljak, than on you.

25 Let's move on to the topic of the Main Staff with -- with all its

Page 42414

1 aspects, including the role of the Main Staff in the Defence Department,
2 i.e., the Ministry of Defence. Let us initially first clarify a number
3 of elements, General Praljak.

4 You told us that you have not read the indictment, but I will ask
5 you anyway whether you are familiar with the fact that the indictment
6 does not contain charges for crimes of attacks on undefended towns and
7 cities and villages, which is a crime from Article 3, paragraph (C) of

8 the Statute. Are you aware of the fact that such charges do not exist in
9 these proceedings?

10 A. No, I don't know. I have not read the indictment throughout. I
11 didn't say that I did not read any part of it. I just stopped at a
12 certain count. I just was not able to read on. It is not that I did not
13 try hard to read it. It is just that I didn't. After a certain point, I
14 failed to understand anything.

15 Q. Actually, General, I was trying to say that there are no charges
16 to the effect that there were some activities organised in military terms
17 that could be justified by legitimate military reasons. There are some
18 other crimes which are similar to it, but this is not disputable. Let us
19 now move on to a document, the first in this set of documents of Main
20 Staff. It is 4D1330. This is an interview of the then president of
21 Croatia, Franjo Tudjman, published in Croatian soldier in April 1992,
22 "Hrvatski Vojnik."

23 General, in the examination-in-chief, you have already presented
24 this interview to us, but a part of the interview which you presented to
25 us was not translated into the English language. That is why I should

Page 42415

1 like you to see this interview now with full translation, and we shall
2 repeat the portion which you read in the direct examination which will be
3 the foundation for our further elaboration.

4 Please look at page 13 of the "Hrvatski Vojnik." In the English
5 version it will be the page marked 4D260978, 0978, and there will be a
6 portion on the following page.

7 General Praljak, I'm going to read it now; namely,

8 President Tudjman says, and I quote:

9 "We received the officer corps of the former JNA on the basis of
10 general programme on the basis of which we are creating the Croatian
11 army, because we knew that 90 per cent of the population of Croatia
12 wanted to participate consciously in the setting up of a Croatian state
13 in all areas, including the military one."

14 Now I'll skip over a part and I'll go on:

15 "Yes, we needed professionals so that we would be able to handle
16 weapons, but we could not just abandon the armed might to cold
17 professionalism. It must be two of that kind of policy that has led to
18 Croatia's independence and that aspires to build Croatia."

19 I shall now again skip a part, and I should like to stress the
20 following: The army's one of the essential elements of state policy, of
21 state independence, and autonomy, and it has to be responsible to that
22 state policy which the people by way of elections -- by way of elections
23 give a vote of confidence to pursue precisely such a state policy, and
24 also I'm skipping another sentence and will go on:

25 "The Main Staff is just a part of the Ministry of Defence for

Page 42416

1 operations and training just like, for example, the IPD information and
2 propaganda service, the military police, the counter-intelligence
3 service, et cetera, exist. They are all component parts of the ministry
4 as a whole. The army cannot only be placed on the professional soldiers.
5 In a democratic system such as we are today building in Croatia, it is

6 the minister of defence who is accountable for the forming of the armed
7 forces on the whole to the government, to the assembly, and to the
8 president of the republic."

9 General Praljak, do you remember that it was precisely these
10 parts that you read out to us when you were examined-in-chief?

11 A. Yes.

12 Q. You told us then, if I remember correctly, that the system was
13 identical -- an identical system as in Croatia was also established in
14 Herceg-Bosna; is that correct?

15 A. Yes.

16 Q. And you also told us then that it was precisely on the basis of
17 this quotation that within the framework of the Ministry of Defence or
18 the Defence Department there existed parallel services, a Main Staff, an
19 IPD, a SIS service, the military police, the health department, et
20 cetera.

21 Did I understand you correctly?

22 A. Yes, that is quite correct. These are all services which serve
23 in a complicated structure such as the army is for that complicated
24 structure to be able to discharge its duty well. Of course,
25 unfortunately, that requires time and resources and wisdom, et cetera,

Page 42417

1 but the worse the situation is, the worse that functions.

2 Q. Please look at the next document now.

3 THE INTERPRETER: Interpreter's comment: Will speakers please
4 not overlap.

5 MS. ALABURIC: [Interpretation]

6 Q. This already has a status of an exhibit. It is 42 -- 412 --
7 4D1280, 4D1280. Now we have the good number. So look at this diagram.
8 It was made strictly in keeping with the decree on the armed forces.
9 Take a look at the structure of the Defence Department. Does this
10 structure correspond to what your knowledge is of the organisational
11 structure of the Defence Department?

12 A. Yes, I'm familiar with this document. This is the composition of
13 it. This is that diagram.

14 Q. Just some clarification regarding logistics in order to avoid any
15 confusion. Logistics within this structure is when the supply,
16 procurement, and production department, which was one sector within the
17 Defence Department; is that not right, Mr. Praljak?

18 A. Well, I don't know that exactly. I can't say, frankly speaking.
19 There was a part which was in charge of the production of weapons. There
20 was a section which was in charge of distribution, the main logistical
21 centre, as it were.

22 Q. That is what I wanted to ask you. In that connection, do you
23 know that the main logistical base until May 1993 was linked to the Main
24 Staff and that formally -- that is formally, and that later it was also
25 formally incorporated into the Defence Department?

Page 42418

1 A. I don't know. I don't know.

2 Q. All right. General, we shall try to deal with the de facto and
3 de jure relationships in the Defence Department. But what we shall try

4 to demonstrate to the -- Their Honours will not be a series of individual
5 decisions. What we wish to show is what was supposed to be done by whom
6 and what was, indeed, done by persons on the basis of plan -- work plans
7 and work reports.

8 Tell me, General, you never worked as a civil servant, but do
9 you, perhaps, know that from the work plans and reports within a state,
10 one can best see what people did and what was in the respective ambits of
11 competence of different individuals; is that logical?

12 A. Yes, it is logical. Whoever appoints someone will be his
13 superior. And, of course, it can be seen by who reports to whom, who is
14 subordinated to whom.

15 Q. The Defence of Mr. Bruno Stojic showed you yesterday a series of
16 documents about how the commanders of individual military units issued
17 orders to their assistants for IPD or for some other sector. I will
18 advance to you the thesis of General Petkovic's Defence, and please tell
19 me whether you agree, General Praljak, namely that the horizontal line
20 between the commanders of a military unit and his assistants [Realtime
21 transcript read in error "assistance"] is something which is not
22 contentious at all and that the commander had a right and obligation to
23 issue orders to his assistants for duties which they were under the
24 obligation to perform.

25 A. Correct.

Page 42419

1 Q. Let us now try on the basis of the summing up of His Honour
2 Judge Trechsel, who recapitulated in a couple of words the essence of the

3 problem that we have been discussing at some length in this courtroom, to
4 see where the top is of the SIS, of the IDP, of the health department,
5 and of the military police?

6 MR. STRINGER: Excuse me, Counsel could I request a clarification
7 for the transcript? I'm looking at line 10 on page 20. Reference to the
8 horizontal line between the commanders of military unit and his
9 assistants, and I think the word -- I think the intended word is
10 assistants, assistant in the plural, rather than assistance. It's a
11 little bit of nuance of the language, but I think it's an important
12 distinction.

13 THE INTERPRETER: Interpreter's comment, it was assistants.

14 MS. ALABURIC: [Interpretation] Thank you, Colleague Stringer.
15 You are quite correct. I was talking about the commander and his
16 assistants, assistants to the commander, his closest associates who were
17 in charge of the different duties, different sectors. Thank you very
18 much, Colleague Stringer.

19 JUDGE TRECHSEL: As we are with the sentence, what, Ms. Alaburic,
20 did you mean when you say "horizontal"?

21 MS. ALABURIC: [Interpretation] Your Honours, if I can just
22 complete this segment, we shall be reverting to the organisational
23 schemes of the Defence Department and its individual parts, and we will
24 be dealing with the horizontal and vertical lines of communication. A
25 horizontal line of communication will be the line within a military unit,

1 and a vertical line will be that which goes towards a superior military

2 channel, and we shall see where it ends at the top.

3 JUDGE TRECHSEL: Thank you. That clarifies, in fact.

4 MS. ALABURIC: [Interpretation]

5 Q. General, let's try to answer a question or, rather, the way
6 Judge Trechsel summed the problem up. I'm very grateful to
7 Judge Trechsel for having done that. And, General Praljak, at your time
8 was the head of the SIS Ivo Lucic or was it you, the commander of the
9 HVO?

10 A. The commander of the SIS and the responsible -- everything that
11 was supposed to be done by the SIS was Mr. Ivo Lucic.

12 Q. Tell me, General, the commander of the military medical services,
13 I would kindly ask the interpreter not to interpret this word as
14 commander. Let us interpret that as the number one man, because that
15 was, indeed, the number one man for medical services. I agree with the
16 number one man or the head of. We're talking about the number one man of
17 the military medical services. Was the number one man of the medical
18 services Dr. Bagaric or you, General Praljak?

19 A. Dr. Bagaric.

20 Q. And now what about the number one man of the IPD sector or the
21 IPD service? Was it Mr. Veso Vegar or you, General Praljak?

22 A. Mr. Veso Vegar.

23 Q. And what about the head of the military police? Was it
24 Mr. Valentin Coric or you, General Praljak?

25 A. Mr. Valentin Coric.

1 Q. If the military police -- or, rather, if one unit of the military
2 police was resubordinated to you, General Praljak, as the commander of
3 the HVO, were you responsible for that resubordinated unit of the
4 military police? Go on, tell us.

5 A. As far as its operative use went, yes, I was in charge of that
6 unit.

7 Q. Let's now look at a diagram which will help us clarify the
8 horizontal and vertical lines. The diagrams are in the fourth small
9 binder that we subsequently added to our lot. This is what it looks
10 like. So actually it is not in the binder itself, and the first diagram
11 that I would like to show you is the diagram for the SIS. 4D1281 is the
12 document number.

13 General Praljak, I hope you found the diagram. We've already
14 seen it in this courtroom. Tell us, please, whether this diagram
15 corresponds to what you know about the organisation of the SIS at the
16 time when you were the HVO commander.

17 A. Yes.

18 Q. If we now try and clarify for the benefit of Their Honours what
19 horizontal lines were, let's start with the operation zone. Would a
20 horizontal line there be the connection between the assistant commander
21 for security with his commander of the operation zone?

22 A. Yes, you're right.

23 Q. Very well. And now let's look at the following document. This
24 is the IPD diagram. 4D1284 is the document number.

25 General Praljak, does this diagram correspond what -- to what you

1 know about the organisation of the IPD service at the time when you were
2 the HVO commander?

3 A. Yes.

4 Q. Let's now look at the diagram representing the medical service.
5 This is 4D1285. Does this diagram correspond to what you know about the
6 organisation of the wartime medical service at the time when you were the
7 HVO commander?

8 A. Yes.

9 Q. Now that we have touched upon the issue of health service, I
10 would like to ask you something as I believe that you still owe an answer
11 to His Honour Judge Trechsel to his very logical observation which was
12 about the detention centre in Prozor, and the observation went as
13 follows: How come that a military commander sent his own doctor to the
14 detention centre and you are saying here, General Praljak, that that
15 commander was not responsible for that detention centre? And I believe
16 that Judge Trechsel's remark was completely founded when he did not see
17 any logic there. Can we try and clarify this lack of logic based on the
18 example of Heliodrom?

19 Tell me, please, whether you know that Heliodrom was a military
20 prison.

21 A. Yes.

22 Q. Do you know that Heliodrom was not under the control of any of
23 the military units of the HVO or the Main Staff?

24 A. Yes.

25 Q. Do you also know that the 3rd Brigade of the HVO was billeted at

Page 42423

1 Heliodrom?

2 A. Yes, I know that.

3 Q. Do you know that on account of the fact that the 3rd Brigade of
4 the HVO was billeted at Heliodrom, it provided logistical support to the
5 military police in that Heliodrom.

6 A. There was no obstacle to that being done since there always
7 problems with logistical support and they had their own mess, their own
8 kitchen. One could issue an order for them to logistically support a
9 prison of that kind.

10 Q. In this courtroom, Dr. Bagaric told us that the Medical Corps of
11 the 3rd Brigade provided health care services to the military prison, and
12 there are documents to that effect. Do you know that a military brigade,
13 which was billeted in a certain area, provided support to detention
14 centre in any terms, in any way necessary, and in any way requested; and
15 does that make any sense at the end of the day?

16 A. I didn't know that, but it does make sense.

17 Q. Now, let's look at the following diagram, which is a diagram
18 representing functional links. 4D1286. Look at the diagram, please.
19 The diagram has not been admitted into evidence. Each of the
20 organisational elements of the Defence Department had a certain direct
21 independent link with the armed forces of the HZ HB. When functional
22 links are presented in this way, would they reflect what you know about
23 the situation as it was on the ground?

24 A. Yes. They had links. That's correct.

25 Q. When you were talking about parallel chains of command --

Page 42424

1 MS. TOMANOVIC: [Interpretation] Your Honours, I apologise to my
2 learned friend for interrupting. Maybe she should explain the diagram.
3 I'm confused by the line that leads from the administration of the
4 military police via the armed forces. Should we completely ignore the
5 armed forces as if they did not exist? It seems that the military police
6 in commander of the armed forces -- I must admit I'm not very clear.

7 MS. ALABURIC: [Interpretation] Yes, I will gladly do that, and I
8 apologise to my learned friend for not having spotted that and having not
9 done that, although I knew that this may be a cause for confusion. It's
10 very important to see where the line stops. The line stops with the
11 military police, which under Article 137 of the Decree on Armed Forces is
12 an integral component of the armed forces.

13 In other words, the diagram shows that the administration of the
14 military police had direct links with the military police, but I believe
15 that it would have been much simpler to show it in this way than to draw
16 lines on the side. In other words, this diagram does not -- I apologise.
17 Let me just finish my sentence. This diagram does not say that the
18 administration of the military police had anything whatever to do with
19 the HVO or the armed forces of the HVO or, rather, its military units as
20 such.

21 MR. KHAN: Mr. President, Your Honour, I apologise for rising to
22 interrupt my learned friend. The reason I do so is my learned friend has

23 trespassed, in my respectful submission, into the area of testimony. Of
24 course it's open to any party to seek to admit an exhibit, but the
25 explanation of that must come through a witness, rather than through

Page 42425

1 counsel; and, Your Honour, I think what my learned friend did, just now,
2 was to give evidence, and that is completely inappropriate for counsel to
3 do.

4 MS. ALABURIC: [Interpretation] Your Honours, I was responding to
5 a call for explanation by the -- the counsel for Mr. Coric. I believe
6 that her intervention was well in place, and I was also of the opinion
7 that I needed some -- to explain this for the Trial Chamber in order to
8 avoid any confusion.

9 Q. Go on General Praljak.

10 A. I'll try and clarify. I was the assistant minister for IPD in
11 the Croatian army. I had my own chief who was my subordinate, a sort of
12 assistant and a deputy, if you will. And it all went down the line, down
13 to the company level. I appointed all of the men irrespective of where
14 proposals came from. There were different proposals. My service did the
15 screening and vetting. We would sometimes ask for the people to be
16 vetted either by the SIS or the civilian police, if there were
17 indications showing that the person in question was not up to the task.
18 A lot of people were new and unknown to us, but it was me, at the end of
19 the day, or my chief who signed the document on their appointment.

20 My remit was to organise seminars on the topic of the
21 international law. I made sure that there was a military orchestra and

22 that it was ready to play, that there were psychologists and that they be
23 employed -- deployed all over the area to talk to people. I was also in
24 charge of the projects showing the situation in the brigade or in the
25 company. I was the one who had to make sure that people trusted their

Page 42426

1 commanders, that they were satisfied with the food, the orders issued to
2 them. I also needed to find out what the causes of crimes were. I
3 maintained contacts with journalists. I was in charge of the editing and
4 publication of "Hrvatski Vojnik." I was the one who was in charge of
5 explanation the scope of the state and military policies. Whatever was
6 needed in the military, I was the one who organised all that. I received
7 reports. I appointed people. Sometimes I would ask for some brigade
8 commanders to be removed, and with that, I would explain that I had
9 received information that that person was not good, that he was doing
10 things that he should not have been doing. So I'm talking about the
11 vertical structure. I was the organiser. I provided support to a huge
12 department which had dozens of duties.

13 And now, on to a brigade commander or the commander of some other
14 unit. Every such person could approach my man and ask him to help him
15 carry out his duties, the duties that he had. If there was a field
16 mission, he could ask him to join him in a field mission. This was the
17 logical organisation of any well-organised army.

18 MS. NOZICA: [Interpretation] Your Honour, I apologise I was
19 waiting for Mr. Praljak to finish, but I would like to object to a
20 question. On line 25 -- or, rather, on page 25, line 14, my learned

21 friend started this sentence, which she never finished. But she started
22 it in the following way, "When you were talking about the parallel line
23 of command." I just want to remark for the transcript that on several
24 occasions, Mr. Praljak, in this courtroom, when he was talking about the
25 SIS, the health service, and the IPD, he was talking of the parallel

Page 42427

1 control bodies. He never mentioned, as far as I know, a parallel line of
2 command. Maybe I'm not right. Maybe Mr. Praljak wants to change his
3 position. I don't -- I won't object to that. I would like to state that
4 he never used the word "parallel line of command."

5 THE WITNESS: [Interpretation] Mrs. Nozica, in that sense, you are
6 right. If we use the word parallel, that would mean existence at the
7 same level, and here we are not talking about parallel but cross-lined.
8 It is true that the brigade commander did have the right to issue orders
9 to the services.

10 MS. ALABURIC: [Interpretation]

11 Q. General Praljak, hold on. Hold on, please. I don't want to
12 waste any time on Mrs. Nozica's objections. Nevertheless, I need to tell
13 you this or ask you this: Have you not been telling us that the SIS, the
14 military police, the IDP were established as parallel systems to exert
15 political control over the military? Isn't that what you were telling
16 us?

17 A. Yes. They did exist in parallel. They were parallel systems.
18 The IPD was, indeed, a parallel system which had its major tasks, which
19 he was or was not able to carry out. On the one hand, we had what was

20 supposed to be done; and on the other hand, we had those things that
21 were, indeed, done. But the IPD was in service of the army to help it be
22 better.

23 Q. And now I'm going to ask you something that still begs
24 clarification, and it is still a controversial issue. When you were
25 talking about communication between Bagaric, the number one man of the

Page 42428

1 health care service, and Zeljko Siljeg, a commander of the operation
2 zone, you said that Zeljko Siljeg was right and that Dr. Bagaric did not
3 have the -- the authority to issue any orders to military commanders; is
4 that right, General? Let me -- let me guide you through my question.
5 Isn't that what you said?

6 A. Yes, that's true. He did not have the authority to issue
7 military orders to military commanders, but he did have the right to
8 issue orders to his doctor.

9 Q. We'll come to that. There was another case that you mentioned, a
10 communication between Veso Vegar and the assistant of a military unit, an
11 assistant for IPD in that military unit, and you told us that Veso Vegar
12 had the authority to issue orders to the assistant commander for IPD; is
13 that correct?

14 A. Of course, of course.

15 Q. Let's summarise. The number one man of the SIS, the number one
16 man of the health care service, the number one man of the IDP did not
17 have the authority to issue orders to military commanders. However, they
18 did have the authority to issue orders to the assistants of the same

19 military commanders for the respective services; wouldn't that be
20 correct?

21 A. Yes, of course, that's exactly how it was.

22 Q. General, thank you very much. Let's just clarify the part when
23 you were talking about what you did in the IPD service. I'm talking
24 about your position as the assistant minister of the Republic of Croatia
25 for the IDP; is that correct?

Page 42429

1 A. Yes.

2 Q. Very well. Thank you. Now let's look at the next document --

3 JUDGE TRECHSEL: Thank you, Ms. Alaburic. I would still like
4 to -- to ask a question about the relationship between military commander
5 and assistant. Another name for the assistant would be chief of service,
6 of the medical service, of information service, and so forth.

7 Is it not one of the tasks of these specialists, medical, and so
8 forth, to advise the commander. When the commander makes an order for an
9 operation, a bigger order, then in that order are conclude -- included
10 not only the operative ones, the 1st Battalion goes there, the 2nd there,
11 and so forth, but also orders pertaining to the medical service, to
12 logistics, and so forth? And is not one of the main tasks of the
13 assistants to advise the commander so that the commander has the command
14 authority, but the substance is delivered or proposed by the assistants?

15 A. Yes, Your Honour Judge Trechsel, you're quite right. Precisely
16 that. If you want an explanation, I can tell you what that looks like
17 when you're sitting down at a table planning something.

18 JUDGE TRECHSEL: Thank you, Mr. Praljak. I have written many
19 such orders in my life, so I have an experience. Without wishing to pose
20 as an expert, of course, but in my country for -- for a large amount of
21 the citizens, it is an experience that they have. Thank you.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, we understand
23 what you are saying when there is a parallel chain to control the
24 commander of the brigade --

25 THE INTERPRETER: The command of the brigade.

Page 42430

1 JUDGE ANTONETTI: [Interpretation] I understand what you're
2 saying. I understand there's a necessity for control, but, on the other
3 hand, militarily-wise, I really am in the dark. Let me give you an
4 example.

5 Let's assume that a brigade commander is going to conduct a
6 military operation, so he brings together all his assistants, all these
7 officers in order to prepare for the operation, and he says, Tomorrow at
8 6.00, we will attack the enemy, at 6.00 a.m. There will probably be
9 casualties, fatalities, so civilian protection must be able to do its job
10 and pick up the corpses. So the assistant in charge of civilian
11 protection must do what is necessary to make sure that this will be done.

12 Then secondly, to prevent possible looting, he can also order the
13 military police attached to the brigade. He could order the military
14 police to check the behaviour of the soldiers to make sure that they do
15 not carry out any looting of civilian property. So he's giving orders.

16 And then thirdly, he knows that because in this operation there

17 will be casualties, so he needs the help of the medical department. He
18 needs nurses, he needs doctors, and so on. So he will tell his assistant
19 in charge of the medical department, Find me two doctors and four nurses.

20 Then he also needs a logistical support. The operation might
21 continue for a number of days, and there's need for food supplies. So he
22 will ask the assistant in charge of logistics to prepare for the food
23 supplies.

24 Then when he gave all these orders, he can launch the operation,
25 but in your -- in the system -- in your system, at least as I understand

Page 42431

1 it -- let me finish first. Let's say that this operation is extremely
2 well-prepared. So he's also going to ask the IPD to carry out some
3 disinformation among the local population, sending pamphlets and so on.
4 So also needs the help of the IPD. But in the system that you describe,
5 it seems that the IPD, who is in the parallel chain, will go up to the
6 Ministry of Defence to say, The commander of the brigade told me to do
7 this or that. Do you agree with that? The assistant in charge of the
8 medical department will also go all the way back up to the Ministry of
9 Defence to say, I've been asked for four doctors and two -- two doctors
10 and four nurses. Do you agree? Yes or no? And then what can the
11 brigade commander do? Absolutely nothing. So tell me how can all this
12 work? How can this function?

13 A. As to the first part, Judge Antonetti, I do agree with that. You
14 stated that very correctly, but perhaps not the second part.

15 They were prepared, according to that line of theirs, to give the

16 commander what he needed. So you would sit down to a table. You would
17 plan an operation, and you would calculate in the number of wounded, and
18 then the assistant Medical Corps officer would say this will be the first
19 place for pulling out the troops. Here we'll do the selection, deciding
20 who was going to be taken to hospital first, and for that number, they
21 would see what the roads were like, what routes could be taken. They
22 would look at the house where the people would be taken to first. And
23 perhaps he might need one or two cars that he didn't have at the time.

24 Then he has this line of his, and he's -- so this is no longer
25 the job of the commander. It's his job down the vertical chain. He can

Page 42432

1 say, All right. We're planning this in Rama. And he's going to bring in
2 two cars, having received permission from Tomislavgrad or from wherever
3 else. So just like in a modern society, the fire brigade, the
4 firefighters are prepared for any eventuality. They have their
5 structure, they have their commanders, they have their men, but when a
6 fire breaks out, you, as the mayor, ring up the fire brigade and then
7 they do their job, or you ring up the police, and the police does its
8 job. And it's the same structure mirrored in society or the IPD. So I
9 created the structure. I set up the IPD structure to be in the service
10 of the commander, and then the IPD man would say, This unit that you
11 prepared to take action along this axis according to information supplied
12 by my psychologist had too many dead and wounded last time, so to the
13 best of our knowledge it isn't enough -- you don't have enough men to
14 fulfil the task, perhaps you could use another battalion from the brigade

15 and deploy them.

16 So there we have the structures with their organisation, and, to
17 be quite frank, that's what I did, same as logistics. The logistics man
18 would say, I need so much of such a thing and so on, and then the other
19 person would say, We don't have that many shells. We don't have that
20 many bullets. We don't have two BKs combat sets but just one and a half,
21 or whatever, and the commander will decide whether, despite all this, he
22 will go into action or not. So he'll weigh everything up, weigh all the
23 information up, and then decide what he's going to do. Seeing the number
24 of -- the amount of ammunition he has at his disposal, he will look and
25 see whether there are enough vehicles to pull out the wounded, whether

Page 42433

1 his units are ready for combat, and the psychologist will help him there,
2 psychologist from the IPD. Unfortunately, we didn't have them in the HZ
3 apart from the knowledge that he already has. And when he puts this whole
4 picture together he's going to say, Right, we move tomorrow at 6.00 a.m.;
5 or, No, we don't move tomorrow. We're going to wait for two days.

6 JUDGE TRECHSEL: It's for the record.

7 MS. NOZICA: [No interpretation]

8 JUDGE TRECHSEL: My observation is page 33, line 13, where the
9 translation is giving, "Just like in a modern society." And I think what
10 was meant was a modern corporation, or something like that, a modern
11 business. With you agree, Mr. Praljak?

12 THE WITNESS: [Interpretation] Well, to be quite frank, in
13 societies or companies that's how it's organised, as far as I know. And

14 I think I do know.

15 JUDGE TRECHSEL: Yes, thank you.

16 MS. NOZICA: [Interpretation] I apologise. I have something to
17 say with respect to the transcript before it's lost -- well, it's lost
18 now. In line 32 -- page 32, line 24, Mr. Praljak said you're quite right
19 with respect to this first part, Your Honour Judge Antonetti, and with
20 respect to the second part, you said, Mr. Praljak, he should not have
21 come. So did you mean you -- you said he didn't have to ask, he was
22 already preparing or whatever.

23 THE WITNESS: [Interpretation] If he had at his disposal what he
24 was preparing to have, that's all right. But if he was lacking two cars,
25 he would go along his chain and ask them for two cars. It wasn't the

Page 42434

1 brigade commander who could issue an order for those two cars to be sent.
2 So if the IPD needed, say, five people from Zagreb for a specific
3 operation, then he would ask the IPD man on the ground and say that it
4 would be a good idea that in preparing the operation they should have
5 more men, then the IPD would inform me, and I would send them. I mean
6 we're complicating a very simple matter.

7 MS. ALABURIC: [No interpretation]

8 JUDGE ANTONETTI: [Interpretation] We have a question from
9 Judge Mindua. This is a very important topic, which is why we get so
10 many topics from the Judges.

11 JUDGE MINDUA: [Interpretation] Absolutely this topic is
12 essential. Witness, I have a very short question. In this parallel

13 system, as the President of the Trial Chamber said, let's say we have a
14 commander that says he's going to launch an operation tomorrow morning at
15 6.00 a.m. The assistant then in charge of the medical department reports
16 to -- what if he -- what if he tells the commander, No, this is
17 ludicrous. You won't have any doctors. I can't give you any doctors.
18 And the one in charge of the logistics says, I can't do anything, I don't
19 want to do it, I want to go to the beach instead. So what can the
20 commander do in this parallel system, you know, if everybody decides not
21 to agree and not to go along with what the commander is asking for?

22 THE WITNESS: [Interpretation] The commander, at that very same
23 moment, informs his superior officer, if it's a brigade, then the operation
24 zone, the operation zone will inform the Main Staff, and I will inform
25 Mr. Stojic, telling him that his services, the services within his scope,

Page 42435

1 aren't working properly and I want more men. So the commander can't dismiss
2 the man because he didn't appoint him. So no commander in the Croatian Army
3 or the HVO can dismiss the IPD assistant whom I had appointed.

4 However, through the chain, he can come to me and say, Look
5 what's happened. Look what's happening to me. And then the man would
6 leave straight away. He would be sent packing straight away. But that's
7 not what happened. All he could say is, I don't have enough men for this
8 operation, and I need another doctor, for example, and then he's going to
9 go down his chain to ask for two more cars or bandages or whatever his
10 service needs to place at his disposal, that's what it's for. But as far
11 as I know, that's how armies function generally; otherwise, they just

12 don't function.

13 Well, Your Honour Judge Mindua, look at the American army, for
14 instance, a commander or an operation can't issue orders to the air force
15 directly, but he asks the chief of the air force to provide him with so
16 many planes for a given operation, and so on and so forth. And even
17 within the frameworks of the army, for example, the marines within the
18 land army have their own headquarters and command, and it's not the land
19 force commander of America that is in charge. He says, All right, we'll
20 need marines for this operation. So these links and lines in the army is
21 not as simple as one would wish, just one man, and then issuing orders to
22 everyone. He does command an action, but support action, he needs
23 support from meteorologists, the weather men, and so on, what the
24 weather's going to be like, the tides when it comes to disembarking in
25 Normandy, and so on and so forth. Hundreds of services are involved.

Page 42436

1 When you throw flyers on German territory. It's not a service that
2 Eisenhower was in charge of. He asked them to prepare things like that
3 for him.

4 MS. ALABURIC: [Interpretation] Thank you very much.

5 JUDGE TRECHSEL: This answer doesn't satisfy me or not convince
6 me, Mr. Praljak. The examples given by my colleague are examples, I
7 would say, of gross refusal to obey an order. And I think a person like
8 that ought immediately to be arrested and put into disciplinary arrest,
9 because you cannot operate -- when you plan an operation as a commander
10 for, let's say tomorrow morning 6.00, it would be something simple

11 because it's a short time, you cannot first go up to complain with -- to
12 the general -- to the chief of the General Staff who will then talk to
13 the minister. How is that going to work in military situations, in a
14 situation of war? I think that's absolutely absurd. I -- some
15 commanders would shoot an assistant who, in this way, wants to sabotage
16 an operation. I -- I don't think that can really work.

17 How it's done then, that's the matter of the assistants, but when
18 the commander decides there will be an operation, he may have discussed
19 it before, is it possible, can it be done? But if he decides, he has the
20 responsibility, and then everyone must go along. Otherwise, it won't
21 work.

22 JUDGE ANTONETTI: [Interpretation] General Praljak, while we're
23 talking, this morning there's an all-out attack being launched -- just a
24 minute. You're saying nothing. Does this mean that you have nothing to
25 comment regarding the question my fellow Judge told me -- you? Do you

Page 42437

1 have any answer?

2 THE WITNESS: [Interpretation] Your Honour, you started speaking
3 straight away, but I was waiting to see what you were going to say.

4 Now, Judge Trechsel, first of all we were talking about
5 preparations for action, and they refused and so on. It never happened.
6 Well, what you were talking about never actually happened, well, to
7 arrest. I don't know. Everybody would react. I would, of course, have
8 beaten him, to be quite frank, but it couldn't have happened in the first
9 place. What should I tell you? What do you want me to say?

10 JUDGE TRECHSEL: Thank you.

11 THE WITNESS: [Interpretation] In armies, 99 per cent of things
12 that happen in an organised army has -- all the problems have been solved
13 hundreds of years ago or dozens of years ago. You can't have soldiers
14 saying, I don't want to take part in an action, if the action is just
15 about to begin or is under way.

16 JUDGE TRECHSEL: Thank you. Thank you. The -- we are in
17 agreement for once. Thank you.

18 JUDGE ANTONETTI: [Interpretation] General Praljak, as I was
19 telling you, just as we're talking, today there's a major US offensive in
20 Afghanistan with more than 4.000 marines sent in the framework of an
21 all-out attack. And in this kind of operation, of course logistics, as
22 well as the IPD and their medical department is managed by the commander
23 in charge of the operation. It's difficult to imagine that in such an
24 operation the medical department will be calling Washington to say, The
25 commander wants to do this. Can we go along with him? Yes or no? It's

Page 42438

1 absolutely impossible to imagine this. The system that you're describing
2 and we can understand seems to be totally impossible to implement
3 militarily wise.

4 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour, you
5 are not right there on that score. He doesn't have to call Washington,
6 because he's prepared everything beforehand, but, nonetheless, the
7 logistics man prepared his part of the job. And if you read it
8 carefully, you will see that logistics very often bought some bad flack

9 jacks because someone stole some money for better ones or the helmets
10 weren't of the proper quality or they didn't have the right kind of
11 uniform for sand and sandy conditions, but anyway, the ammunition
12 situation has been prepared. Everybody has prepared, whether well or
13 not. But the commander then commands with what has been prepared, and
14 when an action starts, for example, the offensive of Germans here at the
15 beginning of World War I, for example, the commanders, Rommel, Manstein,
16 Guderian. They went ahead with the first tanks.

17 Now, in the rear behind them, you had their assistants who
18 calculated and said, right, they passed -- they've traversed a
19 70-kilometre route today, so we have to send them that much food. The
20 tanks have used up so much ammunition, so they need more. We need to
21 send more fuel, and so on and so forth. So all this was prepared along
22 different chains, and that was the case even then. Rommel did not report
23 to his headquarters, the headquarters behind him in the rear for a month;
24 whereas everything was functioning probably, because then, and later on,
25 the whole action was prepared. Those who produce and manufacture know

Page 42439

1 how much an army needs. They know how many planes the army is going to
2 need. So he doesn't have to refer back to others if the action was
3 well-prepared, if he was well-prepared. And that's what happens in
4 armies, not only this army but in armies generally.

5 JUDGE ANTONETTI: [Interpretation] Very well. So you answer by
6 saying that each assistant prepares everything. So there is no need to
7 refer to the Defence Department. It is important that you tell us this.

8 It's time for the break now. We shall have a 20-minute break.

9 --- Recess taken at 10.32 a.m.

10 --- On resuming at 10.54 a.m.

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

12 Mrs. Alaburic.

13 MS. ALABURIC: [Interpretation]

14 Q. General Praljak, it seems to me that His Honour Judge Antonetti
15 has somewhat simplified, thereby mistakenly summed up your answer. So in
16 order to avoid any -- anything remaining unclear, I should like to ask
17 you to try and to sum things up together. If I understood your statement
18 correctly, what you said was that in the case of the preparation of
19 simpler military operations where nothing major or significantly
20 different is expected, the Medical Corps of the brigade will be prepared
21 to offer health support to such an action, and that, therefore, it will
22 not have to address, according to its line of specialisation, to these --
23 it will not have to address the sector of health of the Ministry of
24 Health -- of Defence. But if a major operation is in question, if heavy
25 casualties and wounded are expected for which the Medical Corps of the

Page 42440

1 brigade is not prepared and that the expect -- it is expected that a
2 larger number of vehicles will be required, a larger number of surgical
3 teams, for instance, in that case, for such needs, the assistant
4 commander of the brigade for the Medical Corps will address Dr. Bagaric,
5 as man number one of the war health department, and he shall ask for
6 assistance in preparing in major operation. Is that the gist of your

7 response?

8 A. Yes.

9 Q. Very well.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, I don't agree
11 with what Mrs. Alaburic has just said when she said that I had
12 erroneously summed up your answer. If I had erroneously summed of your
13 answer, you would have reacted straight away.

14 When I said that in this dual chain which existed at the time,
15 which you -- in which you told us that the brigade commander, after
16 having heard various people, you told us that it was -- it wasn't
17 necessary for the assistants to refer to the Defence Department if they
18 were able to meet the needs put forward by the brigade commander. That
19 is your position, isn't it? If that's not your position, please let me
20 know. I had rather you tell me than your counsel, than Mrs. Alaburic.

21 THE WITNESS: [Interpretation] I personally did not think that you
22 misinterpreted me, but probably Mrs. Alaburic did.

23 It is very simple, in fact. The brigade commander actually makes
24 an estimation of the possible casualties, of the dead and wounded, and
25 then his assistant says to him, Okay. I have sufficiently organised

Page 42441

1 things. As far as I'm concerned, you can proceed with the action; or he
2 can tell me, I want a 24-hour delay because I need more people, more
3 vehicles, more bandages, et cetera; or, I have to see whether they have
4 two surgical teams in the third echelon, because if you're expecting to
5 have 40 wounded men, then what I know exists there will not suffice. So

6 it is a simple matter, in fact.

7 JUDGE ANTONETTI: [Interpretation] Yes, I've understood that.

8 JUDGE TRECHSEL: If I may just fill in a step, which I think got
9 perhaps lost. There is to contradiction of what -- what Mr. Praljak has
10 said and what Mrs. Alaburic has said, but the example of Ms. Alaburic
11 refers to the level of the operation zone. If it is on the brigade
12 level, then the medical chief of service at the brigade will first
13 address the operational zone to see whether they can assist him, and only
14 if that does not work then the chief on the operational zone level will
15 go to the ministry; is that correct?

16 THE WITNESS: [Interpretation] That is correct, Your Honour
17 Judge Trechsel. That depends on the level of the operation. If the
18 operational zone can provide it all then he doesn't go any further. Why
19 should he?

20 JUDGE TRECHSEL: Absolutely. Thank you. And we have not
21 forgotten what you have told us about jumping the line of command
22 sometimes, because that may happen, but in principle, I think this is
23 quite clear now. Thank you.

24 THE WITNESS: [Interpretation] You're welcome.

25 MS. ALABURIC: [Interpretation]

Page 42442

1 Q. General Praljak, we endeavour to be very precise and very fair.
2 In connection with His Honour Judge Trechsel's question, the commander of
3 the operation zone would not apply to the minister but to the assistant
4 minister for health; is that not right?

5 A. Of course. Why should he do that job with the minister?

6 JUDGE TRECHSEL: Actually, I may have misspoken. Not the
7 commander would contact him but that the chief -- the assistant of the
8 commander would contact his superior, the assistants of the minister.

9 THE INTERPRETER: Interpreters --

10 MS. ALABURIC: [Interpretation]

11 Q. General Praljak, it was just as Judge Trechsel said.

12 A. Yes.

13 Q. As far as the minister of defence is concerned, it is of no -- it
14 doesn't make any difference whether someone would address Bagaric or you
15 as the commander of the HVO, because the minister of defence is the
16 superior of both Bagaric and you, yourself, as far as health is
17 concerned; is that not correct?

18 A. Bagaric, he's Bagaric's superior that's for sure, but the
19 minister of defence is not superior to me in operational tasks.

20 Q. General Praljak, that is why I'm asking you about the subject of
21 health. I'm not asking you about the commanding of military operations.
22 What I'm asking you about is everything that concerns the topic of
23 health.

24 A. Correctly -- correct as far -- it is the minister who manages all
25 health affairs through his assistant.

Page 42443

1 Q. I'm not going to waste my time on this topic. Let's go to the
2 next document, which is 4D1464. We're still in the first binder. That
3 is the annual plan of work of the Ministry of Defence for the year 1994,

4 but we shall look at it in order to see whether certain services also
5 dealt with the same things during your period.

6 The Croatian text, the e-court page is 4D270553. So it is
7 4D270553. And in the English text 566. These are only the last figures.

8 That, for you, General, is page 3 of this document. It is stated
9 that the task of the security sector is to supervise and control the work
10 of administration centres and assistant commanders of SIS in HVO units
11 and to undertake measures to promote their work. It emanates from this
12 provision that the sector of security of the Department of Defence - and
13 I correct myself - of the Ministry of Defence, supervises the work of the
14 assistant commanders of SIS in the HVO units.

15 Is that precisely this vertical line that leads to the sector of
16 security from the individual HVO units where SIS issues are concerned?

17 A. Yes.

18 Q. Let us go to the next page, the political activities sector. In
19 the English text, it is e-court page -- just the last numbers, 569, and
20 in the Croatian text it is 554.

21 General, for you it is the end of page 4. It says: "Sector for
22 political activity":

23 "Integrating all levels of the service for political activity
24 into a single system of subordination and coordination of the political
25 administration of the Ministry of Defence of the HR HB, and developing an

Page 42444

1 operative system for relaying information from the administration to
2 individuals in the unit."

3 Is this that vertical chain of communication, vertical line of
4 communication concerning the IPD duties that we have been discussing so
5 far, General? Was it like that in your time?

6 A. It was supposed to be like that. It should have been.

7 Q. Please now go to chapter 7, the "Main Staff." It stems from this
8 document. The page in English is 576 and 558 in Croatian. It is your
9 page 8, General.

10 It stems from this document thus, that the Main Staff is part of
11 the Ministry of Defence, and the Ministry of Defence adopts plans of work
12 for the Main Staff as well.

13 Was that the case?

14 A. It should have been.

15 Q. We do not have the time to read this passage, but you have seen
16 the document, I expect. There is no -- not a single reference in this
17 document to the effect that the Main Staff would perform any duties from
18 the ambit of the SIS, of the military police, of the health sector, the
19 military judiciary, or the -- or criminal prosecution.

20 Tell me, during your time, these were not duties within the
21 competence of the Main Staff?

22 A. Yes, these were not duties within the ambit of the Main Staff.

23 Q. Let us now look at the next document which, Your Honours, is in
24 the small binder. It is P4699, a work report, for the first half of
25 1993.

1 It is not your period, but let's look at what service did what.

2 Of course we shall also deal with the Defence Department.

3 General, look at page 4 of your document. In e-court, English
4 text E-773. It states that the report of the Main Staff of the HVO is
5 not a component part of this report because of secrecy and can be read in
6 the office of the president of the HVO.

7 This is something that we dealt with during the Defence case of
8 Jadranko Prlic, but let us focus on what we are interest in.

9 On page 18, General, we are dealing with SIS, S-I-S. In the
10 English text, this is the ERN which ends in 781. The SIS administration
11 on page 18, third paragraph. I quote:

12 "The service has registered a series of crimes, of thefts,
13 smuggling, armed robberies, murders, rapes, stealing of motor vehicles
14 and other committed by the members of the HVO, both military persons as
15 well as civilians, both in the area of Central Bosnia as well as in
16 Mostar and other municipalities."

17 What I've said now, General Praljak, is consistent with what you
18 have been telling us to the effect that the SIS was involved in the
19 detection of the perpetrators of criminal offences and the undertaking of
20 measures to put the perpetrators of crimes on trial; is that correct?

21 A. That was one of the fundamental duties of the SIS.

22 Q. The next part of the report has to do with the military police on
23 which I do not wish to dwell on this occasion, but I just wish to draw
24 attention to the fact that it is recorded that there is a sector for
25 crime suppression -- a section for crime suppression and also information

1 about the criminal complaints filed. Is that so, General, that this was
2 a duty of the military police?

3 A. Yes, this was one of the duties of the military police.

4 Q. Very well. Let us now look at the moral development sector.
5 That's page 18 of the English sector -- of the English text and page 27
6 of the Croatian text. It is stated here that still there are vacancies
7 in brigades and in some military districts which are forcing -- according
8 to establishment, have not been filled.

9 JUDGE TRECHSEL: I'm sorry --

10 THE INTERPRETER: Could the interpreters have the relevant page
11 on e-court, please? It would help.

12 JUDGE TRECHSEL: I'm sorry, it is actually page 12, not 11, and
13 782, not 781 that you have quoted.

14 You have summed this up by saying that SIS was involved. I quote
15 from line 16, page 46, "In the detection and of the perpetrators of
16 criminal offences." But what is stated here is only that they registered
17 the crimes. That is no detection of the perpetrators. Where does it say
18 that SIS detected perpetrators?

19 THE WITNESS: [Interpretation] In the next sentence.

20 MS. ALABURIC: [Interpretation] Your Honours, the word
21 "registered" is in quotation marks. If they know that those offences
22 were committed by members of HVO, both civilians and military --

23 JUDGE TRECHSEL: I see it. It's very vague and general. It's
24 not very specific. But then this is also a report, which, I think, one
25 could expect to be much more specific, but it doesn't give any

1 statistics, for instance, so-and-so many crimes registered, so-and-so
2 many perpetrators identified, so-and-so many brought to justice, and so
3 forth. It's just -- the informative content is light, I think.

4 MS. ALABURIC: [Interpretation] Your Honour, this report is what
5 it is. The reports are usually very short because the service is a
6 secret service. I can't add anything to the reports. I'm only
7 interested in the report as such, and I wanted us to see what service was
8 doing what, and that was my only objective at this moment. Let's go --

9 JUDGE TRECHSEL: I understood that, and I would not be understood
10 as inviting you to add to the report or take away in any way.

11 MS. ALABURIC: [Interpretation] I must admit that for a moment I
12 felt guilty for not having been able to provide you with a more detail --
13 a more detailed report.

14 Q. In this report, it is stated that some places within the sector
15 for morale in the brigades and other units are -- have not been filled
16 up. Does this mean, General, that officials of the IPD and the brigades
17 are part of the IPD service?

18 A. Yes.

19 Q. Let's now look at page 28, which is page 18 in English, if my
20 notes are correct. At the very bottom of that page, General, it is
21 stated that the sector for IPD, active participation in a meeting with
22 IPD personnel in the army district of North-West Herzegovina, which was
23 held in Rama on 17th June, and which assessed the degree of combat morale
24 and priority tasks of the IPD in individual units.

Page 42448

1 end of my question.

2 A meeting ... held on 17 June in Rama at which participants
3 assessed the degree of combat morale and the priority task of the IPD in
4 individual units."

5 Does this correspond to what you knew and what you have told us
6 about your work in Croatia to the effect that the sector of the Ministry
7 of Defence for IPD prioritised the tasks of the IPD in units and
8 coordinated their work?

9 A. One of the principal tasks was the assessment of combat morale
10 and taking measures aimed at boosting that morale.

11 Q. Let's skip the rest of the report, and, for the first time in
12 this courtroom, we're going to deal with something that the Ministry of
13 the Interior was doing or, rather, the department for the interior. This
14 is on page 33 of the Croatian version, and on page 21 of the English
15 version. It is stated here about the police department: The police was
16 dealing with the state of peace and order, and towards the end of the
17 first paragraph they -- it is stated that they established that there was
18 an increased rate of all sorts of criminal behaviour, theft, violence,
19 and let me not go on reading any further.

20 This whole chapter refers to the cases in which public law and
21 order were violated and impaired, and on that occasion, I would like to
22 ask you, General, is this what I was saying at the beginning of my
23 cross-examination, and that was that other services were primarily

24 dealing with the maintenance of public law and order, primarily the
25 Ministry of the Interior within the scope of its limitations as they were

Page 42449

1 at the moment?

2 A. That was the task of the Ministry of the Interior. And only if
3 the person involved was an armed person in military uniform, it was their
4 duty to call the military police.

5 Q. Let's now repeat or sum up. If we are to apply the model of
6 defence of America, on the ground of America, then the example of the
7 American occupation of Afghanistan and Iraq are not very good because the
8 American authorities are far from the military command. And this would
9 not illustrate well the problems that you encountered on the ground.
10 This was the defence of Bosnia and Herzegovina, on the ground of Bosnia
11 and Herzegovina; wasn't that correct?

12 A. Yes. And to the extent possible, the services had to function.

13 Q. Let's now look at the part of the report that speaks about the
14 judiciary. This is on page 47 of the Croatian version, and the 30th page
15 in the English version, wherein it is stated:

16 "In the territory of Herceg-Bosnia, military district courts
17 were established as well as the military district prosecutor's offices.
18 The connection of these bodies with the justice department is evident
19 through the professional supervision and decisions, and they are in
20 financial and organisational terms with the Defence Department. The
21 connection of these bodies with the justice department is evident through
22 the professional supervision and decision on appeals against military

23 court rulings handled by the higher courts, that duality is used here
24 where it says that this duality will most probably be removed by the new
25 courts of law act. I know that you have not been dealing with the issue

Page 42450

1 of military -- of the military judiciary but does this reflect your
2 knowledge about the functioning of the military judiciary system?

3 A. Yes, this does reflect what I knew, but for the sake of the
4 truth, we have to say two things here: The first thing, something that
5 I'm very familiar with, is the fact that the Ministry of Defence or,
6 rather, the Defence Department was burdened with many more things that
7 would have been more normal, the refugees, the order, everybody came to
8 that ministry because they saw that as a way to deal with things, because
9 other ministries were less efficient than the Ministry of Defence. When
10 you are efficient, then it has its counter-effects.

11 Second of all, Your Honours, in all these documents one thing has
12 to be highlighted: There was no single structure within the HVO,
13 starting with the Main Staff, the Ministry of Defence, the SIS, and so on
14 and so forth that hides anything in their reports. These are not made-up
15 data. We are talking about crimes, killing, very clearly. We are
16 talking about theft, and we are describing the situation as it was. Ubi
17 et orbi, representing to everybody including this Trial Chamber, and we
18 say this is the way the cookie crumbles. Nothing can be hidden and
19 nothing is hidden, indeed. I believe that this should have been said.
20 It's very important to say that even when there's reference to the
21 ethnical cleansing of Mostar, this goes beyond the scope of your topic,

22 but it what to be said, it had to be highlighted.

23 Q. I agree with you, General Praljak. I'm going to try and prove
24 this, that the Ministry of Defence was so heavily burdened with all sorts
25 of things, without being properly equipped to carry out all of its

Page 42451

1 duties, which left it unable to meet its duties properly given the
2 objective circumstances that were against it. General, I'm now going to
3 skip a few documents, and I'm now going to talk about criminal
4 prosecution. I'm going to be talking about three documents --

5 JUDGE ANTONETTI: [Interpretation] Before looking at other
6 documents, my first question on this work report pertaining to the first
7 six months of 1993.

8 General Praljak, at the time had you been made aware of this
9 report which was officially adopted on the 7th of August, 1993?

10 THE WITNESS: [Interpretation] No, I wasn't aware of that, but to
11 be honest -- no, I wasn't aware of that.

12 JUDGE ANTONETTI: [Interpretation] This report on page 16 in the
13 English version, penultimate paragraph, the prisoners are mentioned.
14 Since you said a while ago that nothing was hidden, I established a link
15 with your sentence and what this paragraph states.

16 On reading this paragraph, we can see that it says that there are
17 4.000 prisoners that have been taken prisoner, that several hundred are
18 members of the Serb army, and that others are members of the ABiH. So we
19 know that there are Serbian and ABiH prisoners.

20 It also states that large number of prisoners are being given

21 various tasks which leads to a number of escapes, and there is a
22 complaint here. Perhaps there is an insufficient number of military
23 policemen to deal with the problem. It says that prisoners are being
24 questioned by SIS people as part of their investigations. The prison
25 wardens are appointed and so on. So there is nothing more to say about

Page 42452

1 this, but a conclusion, which a reasonable trier of fact could reach, is
2 this: This report does state that the prisoners are the subject of
3 investigations, and if investigations are conducted, theoretically
4 speaking this comes under the responsibility of the Prosecutor or the
5 investigating judge. Whether we're talking about civilian or military
6 body, this would depend on each case.

7 As the commander of the HVO, what is your position on this? Were
8 some prisoners not the subject of investigations? What would be their
9 status in instances like these?

10 THE WITNESS: [Interpretation] Your Honour, I can't answer your
11 question. This had nothing to do with what I was doing. This had
12 nothing whatsoever to do with what the battle-field looked like at the
13 time.

14 JUDGE ANTONETTI: [Interpretation] All right.

15 MS. ALABURIC: [Interpretation]

16 Q. General Praljak, let's talk about criminal prosecution. I
17 believe that the Trial Chamber has not -- has not had enough explanation
18 or proper explanation about this segment. You will find the documents in
19 a special binder. The first one is P309. It's already an exhibit.

20 This is a binding order issued -- or a mandatory directive by the
21 head of the Defence Department on the application of current regulations
22 and possible pronouncement of penal sanctions for acts committed against
23 the armed forces of the HZ HB. This is a mandatory directive on the
24 application of current regulations and possible pronouncement of penal
25 sanctions for acts committed against the armed forces of the HZ HB.

Page 42453

1 This mandatory directive is in keeping with the report on work
2 and indicates that the military judiciary, in certain aspects, was
3 connected with the Defence Department, and as a result of that, the head
4 of the dense -- Defence Department issued this mandatory directive. Tell
5 me, were you familiar with this mandatory directive which was published
6 in the "Official Gazette" of Herceg-Bosna in September 1992, or did you
7 not see it at the time because you were not there?

8 A. No, I didn't see this. I know that this was copied from the
9 penal code. And if I remember it well, it was published for people to
10 know. I don't know much about the judiciary, but I know that people had
11 to be aware of possible punishment that might ensue from some actions.

12 Q. Very well, General. And now let's look at 4D1317. The
13 Honourable Judge Antonetti also prepared the same document when he
14 examined you, but he did not have the time to show it to you. So far we
15 only --

16 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic, I don't entitle
17 you to say this. You are saying that I haven't had time to examine the
18 document. What do you know about it? Why are you saying this?

19 MS. ALABURIC: [Interpretation] Your Honour, I never said that.
20 It would never occur it me to say that. I said that you did not put your
21 questions about this document, but, rather, you put your questions about
22 the criminal prosecution on the basis of Article 27, of the Decree on
23 Military District Prosecutor's Office, and that's why we have still not
24 been given the complete picture of -- of who was supposed to do what in
25 terms of criminal prosecution in Herceg-Bosnia.

Page 42454

1 Q. Let's look at the Decree from the Law on Criminal Procedure,
2 Article 148 thereof --

3 JUDGE TRECHSEL: I'm sorry. Mr. Praljak, do you have any
4 explanation for the existence of this mandatory directive. It seems to
5 take over articles from the military code. So does it have any proper
6 normative value or is it just a recall? And if it's just a recall, how
7 come it takes the form of a decree?

8 THE WITNESS: [Interpretation] Of course it wasn't binding.
9 Mr. Stojic was not the one who prescribed laws, but you will see later on
10 from a document that Mrs. Alaburic incorporated among his documents. In
11 Croatia, I wrote a lengthy letter that should have been distributed among
12 the entire Croatian army, simply to demonstrate to people what punishment
13 ensued from what acts. And I believe that Mr. Stojic's intention was the
14 same, to tell people what awaits them, and you will see this later if
15 Mrs. Alaburic shows how I did it in Croatia. We had to show people how
16 much sentence they will be given if they commit a certain crime. This
17 was just a -- tell people so that they can't say they didn't know. The

18 state, albeit, being in a state of disarray, but things had to be done in
19 the way they should have been done.

20 He says under the law, for such violations or offences, you have
21 to be punished. I don't see any other sense to this mandatory directive.

22 JUDGE TRECHSEL: Thank you.

23 JUDGE ANTONETTI: [Interpretation] Judge Mindua has a question.

24 JUDGE MINDUA: [Interpretation] Mr. Praljak, do you believe that
25 this recall was useful? We know that when you -- you already told us

Page 42455

1 that going to gaol was seen as a rest more than anything. It was better
2 to go to gaol than going to the front to fight.

3 THE WITNESS: [Interpretation] Your Honour Judge Mindua, a month
4 or two in prison, yes; but ten years in prison for a heavy offence, ten
5 years is not comparable with that for somebody who killed somebody or who
6 inflicted an aggravated bodily harm. That's why people had to be aware
7 of what awaited them if they offended. If one does something, one
8 assumes that an instruction they issue, a seminar they organise, will
9 bear results, and I claim that it, indeed, did bear results, but we will
10 never know that for sure. History's just one and only. It is what it
11 is. We cannot repeat it. We can only assume that certain actions bear
12 results, and we proceed in that manner.

13 I claim that results were visible, but things happened still, but
14 that was simply part of that war, and it normally is part of any society,
15 something that happens in every society, unfortunately.

16 JUDGE MINDUA: [Interpretation] Therefore, you state that crimes

17 were committed, but people were -- perpetrators were actually tried,
18 convicted, sentenced for gaol sentences, long gaol sentences. Is that
19 what you're stating?

20 THE WITNESS: [Interpretation] I confirm that crimes were
21 committed and that perpetrators were sentenced and convicted. That did
22 happen. Anything else beyond that would be speculation on my part.

23 There was a considerable number of those. Well, if you compare
24 it to some other -- to what's happening in the suburbs of Rio de Janeiro,
25 for example. I don't know whether that would be a large number then, but

Page 42456

1 quite a few people were convicted of crimes, a large number.

2 JUDGE MINDUA: [Interpretation] Thank you.

3 MS. ALABURIC: [Interpretation]

4 Q. General Praljak, unless I'm very much mistaken, the Prlic Defence
5 showed numerous documents about how people were prosecuted and convicted
6 and sentences meted out, how the military courts worked, criminal reports
7 filed, legal proceedings taken, and so on and so forth; you remember us
8 discussing that in this courtroom?

9 A. Yes and, Mrs. Alaburic, let me state again, I don't know anybody
10 down it there from Utic [phoen] or Coric, or whoever, Stojic. I don't
11 know a single one who did not do a lot of work and put in a lot of effort
12 to improve the situation. I can't name a single person who did not do
13 that or anybody who tried to hide anything.

14 Q. Just one more explanation, because it seemed to me that we had
15 cleared this up during the last session, but then Judges --

16 Judge Mindua's question just now has shown me that we haven't clarified
17 it fully.

18 When you talked about prison, that you could -- that could be
19 conceived as a rest or a reward, you spoke about disciplinary sanctions
20 and prison in that regard, and a prison term of just a few days, not
21 criminal proceedings, criminal action, and doing time on the basis of a
22 criminal judgement.

23 A. That's right. I didn't have anything to do with the courts. I
24 just said what the -- the kind of punishment that commanders could mete
25 out and that was a maximum of 30 days, I believe.

Page 42457

1 Q. All right. Let's go back now, General, to the document we were
2 discussing. 4D1317 was the number, and you've told us everything already
3 which I consider to be relevant, but we'll try and summarise that now.

4 From Article 148 of the Law Governing Criminal Procedure, which
5 was a Yugoslav war, which applied to -- and in all the republics of the
6 former Yugoslavia, to all state organs, and they were duty-bound to
7 report crimes which are prosecuted ex officio. And along with the
8 criminal report, they were also duty-bound to provide proof and evidence
9 and to take steps to safeguard the traces of any crime that had been
10 committed and objects with which or with the help of which a crime was
11 committed and other evidence.

12 So, General, that was an obligation on the part of all state and
13 government organs.

14 A. And the citizens, too.

15 Q. Well, it was a little different where citizens were concerned, so
16 let's leave that aside for the moment. Anyway, it was the responsibility
17 of all state organs, including the Ministry of Defence, to act
18 accordingly, to file a criminal report, to ensure that the evidence was
19 kept safe and any objects involved, and so on and so forth, as is set out
20 in this article, Article 148.

21 Were you acquainted with that article governing criminal charges
22 or crimes?

23 A. Yes.

24 Q. Now, this obligation and duty in the Decree on Military Courts in
25 Herceg-Bosna, in the district courts, was more fully elaborated for

Page 42458

1 commanders of military units and military institutions.

2 Now, General, you told us that according to your understanding,
3 this provision related to situations when the perpetrator of a crime was
4 known; is that right? Did I understand you correctly?

5 A. Yes, you did understand me correctly, and this refers to when the
6 perpetrator is apprehended, or to use your term, "in flagrante," red
7 handed.

8 Q. Now, I'm going to ask you a number of questions, along those
9 lines to show Their Honours that what you say and claim is quite correct.
10 And according to that provision, the commander of a military unit is
11 duty-bound to take all necessary measures to -- to ensure that the
12 perpetrator of a crime does not abscond or go into hiding.

13 A. Yes, correct.

14 Q. For a commander to be able to take those steps, would the
15 military commander have to know, first of all, who the perpetrator of a
16 crime was?

17 A. Well, of course. He has to have him in his hands.

18 Q. Yes, precisely. That's right. He has to have him in his hands,
19 because otherwise he cannot prevent him from going into hiding or
20 escaping; right?

21 A. Right.

22 Q. Fine. Let's move on. A military commander is also duty-bound to
23 preserve the evidence and traces of a crime, which includes objects that
24 can be used in evidence, as supporting evidence.

25 Now, from that position, I would conclude logically that the

Page 42459

1 traces of a crime and the objects involved must be in the location where
2 the military commander is himself or somebody who can do that in his
3 stead and in his name. Would that be logical?

4 A. Yes. If somebody from his unit apprehended the perpetrator of a
5 crime, then they would have to secure that person, ensure that he does
6 not abscond. And if it's a brigade, then they would send two or three
7 military policemen or soldiers, if there were no military policemen
8 available, to secure the site with all the objects used, if there was a
9 rifle involved or whatever.

10 Q. General, generally speaking, let's look at the situation in
11 Stupni Do. A crime had been committed. Eight days afterwards -- well,
12 it wasn't eight. It was a little more, but for our working hypothesis,

13 let's say ten days later, the area of Stupni Do came under the control of
14 the BH Army, and the BH Army is in conflict with the HVO.

15 Tell us now, please, in such a situation, the military commander
16 of the HVO, can he fulfil his had duties and obligation of preserving the
17 traces of a criminal act and the objects involved if they are still on
18 the territory of Stupni Do?

19 A. Mrs. Alaburic, from what I have heard in this courtroom, the HVO,
20 on the afternoon of the 23rd, left Stupni Do, and two days later, the
21 Canadian Battalion and the investigative part of the Canadian Battalion
22 took over all these acts, secured the site, counted the number of dead,
23 and let's say there were a 150 of them there with all the journalists and
24 everything else. As of that point in time, the HVO no longer had any
25 control over that territory.

Page 42460

1 Q. General, you seem to have answered me -- answered my question in
2 a roundabout way. Now, there's one more obligation that the commander is
3 duty-bound to do and that is to collect all the information which could
4 be of use to moving criminal proceedings, to initiate criminal
5 proceedings. I think that this is self-evident, but if you need to add
6 any comments please do so. You are nodding your head in the -- hand in
7 the negative and saying you don't have any comments. So we can move on
8 to another situation described in Article 151 of the Law Governing
9 Criminal Procedure, and that's on the following page of this particular
10 document, if we may turn to that now. And it shows the situation when
11 there is reasonable doubt that a crime has been committed. And here we

12 have enumerated seven basic duties that the organs of internal affairs
13 or, rather, the police, have to fulfil. I'm going to enumerate them, and
14 we'll comment. The first is to find the perpetrator of the crime.

15 A. Correct.

16 Q. So, General, you said if the perpetrator of a criminal act was
17 unknown, then some other provisions are applied and that work is done by
18 the SIS and the police. Is that what you told us?

19 A. Correct.

20 Q. I'm staying with the same document. That's the document I
21 refer -- I'm referring to. Let's go on with the duties and tasks. The
22 second task and duty is that the perpetrator of a crime or accomplice
23 should be prevented from escaping and going into hiding. So the organs
24 of the interior have to take action there; is that right, General?

25 A. Yes.

Page 42461

1 Q. Third duty is this: That all the traces of a crime be uncovered
2 and preserved, as well as objects that may be used in evidence.

3 A. That's logical.

4 Q. Now, the word "uncover," the word "uncover," is it logical to
5 assume that we are dealing with investigation into the event to collect
6 evidence for prosecution; right?

7 A. Yes.

8 Q. I don't think I need to explain in any greater detail this
9 provision to the Judges. I think it's something that is common
10 knowledge, because it's similar in every country, but let us just mention

11 that you could gather information from citizens. You could conduct a
12 search of flats, vehicles and all the other actions resorted to for the
13 process of evidence collection.

14 Now, let's see, General. Why did you say that this work,
15 these -- this job, in military matters, should be perform by the SIS and
16 the military police?

17 In Article 25, on the provision governing district military
18 courts, it says that the work and authorisation stipulated by the law on
19 criminal proceedings, instead of the organs of the interior, are
20 performed by authorised persons of the security organs of the armed
21 forces. And the provision on the armed forces of the Croatian Community
22 of Herceg-Bosna in Article 137, which is document P588, states that they
23 are the security and information service. And in the last section, it
24 goes on to say that the military police is authorised and has the
25 obligation of taking action linked to crimes within the armed forces.

Page 42462

1 Now, did you say that all that business, that is to say the
2 investigation process, that that was up to the SIS and the military
3 police; is that what you said?

4 A. Yes.

5 MS. ALABURIC: [Interpretation] Could I know how much more time I
6 have, please, Your Honours?

7 JUDGE ANTONETTI: [Interpretation] Registrar, how much time?

8 MS. ALABURIC: [Interpretation] It seems that an hour and
9 15 minutes, according to the calculations of my associate.

10 Q. Well, while we're waiting, General, let me say that I wanted to
11 discuss the Main Staff with you, its establishment, services, and so on.
12 So just briefly, let's go through some of these documents, and most of
13 them are exhibits already.

14 JUDGE ANTONETTI: [Interpretation] The Registrar is telling me
15 that so far you've used up 3 hours and 39 minutes, 3 hours and 40
16 minutes, to round it off. You had an extra 45 minutes, so theoretically,
17 you still have an hour and six minutes.

18 MS. ALABURIC: [Interpretation] Thank you, Your Honour. Yes, I'll
19 do my best to get through my examination quickly.

20 Q. General, let's move on and let's look at the Main Staff, and the
21 next document is from the second binder. It is P502. [No
22 interpretation]

23 MR. STRINGER: Excuse me, counsel. I don't know that we've been
24 getting interpretation in English for the last few sentences. Am I
25 wrong?

Page 42463

1 THE INTERPRETER: Can you hear the English now?

2 MR. STRINGER: Yes.

3 MS. ALABURIC: [Interpretation]

4 Q. Yes. Let me repeat what I was saying. After quoting the number,
5 P502, I said that it was a document about the provisional
6 establishment of the Main Staff, which, in September 1992, was passed by
7 the head of the Defence Department. And according to that document, the
8 Main Staff was supposed to have 107 members. And with respect to the

9 posts and functions that are elaborated in detail here, it appears that
10 in the Main Staff, there was nobody who would be in charge of SIS affairs
11 and military police affairs, and health, and at the IPD.

12 Is that really how it was, General Praljak

13 A. Yes. Half of the Main Staff was not filled.

14 Q. We shall come to that eventually. I should now like to talk
15 about the SIS. If I understood your questions correctly, in the
16 cross-examination of Mr. Ivan Bandic, who was a Defence witness for Bruno
17 Stojic, you actually disputed the contention of the Defence of Bruno
18 Stojic to the effect that in the first half of -- in the second half of
19 1993, when you were there, there was an official in charge of SIS in the
20 Main Staff. Did I understand your question correctly?

21 A. Yes, that is correct. I didn't know of the existence of that
22 person. That is one thing. And secondly, I had never agreed to any
23 appointment of his. Thirdly, I was not informed of his appointment.
24 Fourthly, Mr. Bandic, to my question whether he had ever had a meeting
25 with me and my assistants, he replied that he had not. So my question

Page 42464

1 whether he had sent me any reports at any time, he replied that he had
2 not. And actually, I only saw him when he was leaving.

3 Q. Very well. I don't know what you mean "leaving."

4 A. On the 9th of November.

5 Q. So you mean when you were leaving.

6 A. Yes, when I was leaving.

7 Q. General, you told that Ivica Lucic was the first man of the SIS

8 of Herceg-Bosna; is that correct?

9 A. Yes.

10 Q. Do you know that Ivica Lucic wrote articles about the security
11 and intelligence services of both the former Yugoslavia, Croatia, and
12 Herceg-Bosna?

13 A. Yes. Actually, his Ph.D. thesis was on that subject.

14 Q. Look at 4D1311. Tell me, have you ever read this article by
15 Mr. Ivica Lucic before?

16 A. Yes, most of it.

17 Q. I should like to draw your attention to just one segment, which
18 I'm interested in at this point, and that is on page 9 of the Croatian
19 text and on page 2 of the English text. So man number one in SIS says
20 that there were no SIS service officials at all in the Main Staff of the
21 HVO. Namely, he's claiming the same thing that you claim,
22 General Praljak. Is that true?

23 A. It is correct. There were no SIS officials there at all.

24 Q. Fine. Let us now -- no. Let me ask you one thing first.

25 Something remains unclear. When colleague Nozica was showing you the

Page 42465

1 documents signed by Mr. Ciro Grubisic, this is document 2D338, and
2 Ciro Grubisic signed that document as head of the political
3 administration of the Main Staff, I think. And you said that you didn't
4 know that he had ever been appointed to the Main Staff. Am I
5 interpreting your words properly, General Praljak?

6 A. Yes. I haven't -- I have no idea. I don't know that he ever did

7 anything in the Main Staff.

8 Q. Was there any political administration in the Main Staff?

9 A. No.

10 Q. Tell me, is it possible for this situation to have been that
11 Mr. Tole, the Chief of the Main Staff, had actually brought Mr. Grubisic
12 and that he worked there for a few days without ever having been
13 appointed to the post which he signed and his signatures; is that
14 possible?

15 A. Yes, such a situation could have been possible.

16 Q. Let us now look at the actual structure of the Main Staff.
17 General Praljak, it is my intention for us to show Their Honours,
18 especially His Honour Judge Antonetti, how it was that the Main Staff, in
19 fact, functioned, because I have understood from the numerous questions
20 posed by His Honour Judge Antonetti that he believes the Main Staff of
21 the HVO to have been a group of top educated and schooled generals and
22 other officials who were receiving numerous reports from the ground
23 analysing the situation, pouring over maps, and on the basis of their
24 analyses of the situation adopted decisions as to their further course of
25 action. Such a perception of the Main Staff is logical, and I personally

Page 42466

1 have the same perception of the General Staff.

2 A. I do not think that this was the way His Honour Judge Antonetti
3 perceives the Main Staff.

4 Q. All right. I shall be asking you questions, which I believe to
5 be relevant, on the basis of what are my conclusions is desirable for

6 Their Honours to know, but let us proceed.

7 MR. KHAN: Your Honours, once again, I'm sorry to rise. But it's
8 very transparent from the face of the question that once again my learned
9 friend is interposing her own views as to the nature of the case. I
10 think cross-examination, it's not that difficult. The question can
11 simply be posed. The conclusions, of course, are for Your Honours to
12 draw, but what counsel may or may not think is clear or is not clear is
13 really hardly the point. I would simply encourage my learned friend,
14 with the greatest of respect, to simply phrase the questions and put
15 those questions to the witnesses.

16 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic, put your
17 question and refrain from providing us with your own interpretation. And
18 whether the answer provided by the witness suits you or doesn't, then you
19 can ask an additional question, if you wish. I have understood that what
20 you wanted to highlight was the issue of the Main Staff, whether they
21 were competent or not, and then address the question without providing us
22 with your own view on it.

23 MS. ALABURIC: [Interpretation] Your Honours, I thank you for your
24 instructions. I should just like to say to my learn colleague Mr. Khan
25 that there is no need to defend His Honour Judge Antonetti from me, and

Page 42467

1 my comment had not so much to do with the essence of the question, which
2 I am to put, but with the reasons why I'm going to put those questions.
3 My first question --

4 MR. KHAN: Your Honour, I do apologise. I do apologise.

5 Your Honour, I wasn't raising -- I wouldn't ever be so presumptuous to
6 think that any member of the Bench requires my inartful assistance or
7 defence. I rose as a matter of form. It's the second time I have felt
8 the need to rise today, and on both occasions, it has been focussed, in
9 my respectful submission, on the same malady which is inflicting the
10 questions put by my learned friend. It is the intermingling of questions
11 which are proper and comment which is not. That's the reason I stood up.
12 My learned friend put it very blatantly in her question what her views
13 are. The views of counsel are irrelevant. Not only that, they are
14 inadmissible, and that is the reason I stood up, not to defend the honour
15 or to defend any member of the Bench. Far be it from me to presume such
16 a role. I do not.

17 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic, put your
18 questions and remain from making any personal comments and then things
19 will run smoothly. Mr. Khan is quite right, and I would like to thank
20 him. I don't need counsel to defend me, and I don't need to defend
21 myself.

22 MS. ALABURIC: [No interpretation]

23 JUDGE ANTONETTI: [Interpretation] One moment. Mr. Praljak would
24 like to leave the courtroom for a few moments.

25 [The witness stands down]

Page 42468

1 JUDGE ANTONETTI: [Interpretation] Yes, Ms. Alaburic.

2 MS. ALABURIC: [Interpretation] Can I seize this opportunity to
3 reply. I do not believe Mr. Khan is right. I apologise for

4 misinterpreting his intervention, and I must admit that I did not
5 understand as actually coaching me in the sense of what questions should
6 be posed during the cross-examination. If Mr. Khan wanted to teach me a
7 lesson about the kind of question I should put, I thank him very much. I
8 believe that that is not necessary. And if he had any different
9 objections to my question, he could have raised that as a substantive
10 objection to my question. So I did not advance any theses of mine. I
11 just simply wanted to say why in continuing I shall be dealing with so
12 prosaic, apparently prosaic a question as is the number of people who
13 worked in the Main Staff --

14 JUDGE ANTONETTI: [Interpretation] Mrs. Alaburic, technically
15 speaking, you wanted to highlight the fact that according to you and
16 according to Mr. Petkovic, since you should provide us with his point of
17 view, that the Main Staff was not exceedingly competent. Before reaching
18 this conclusion, you put a question to Mr. Praljak, and you asked him to
19 describe to us about how the Main Staff operated, and he will say, There
20 were a few officers, and you add, These officers were trained or were
21 they not trained? And he will say, No they were not good. And then you
22 say, Can one, therefore, conclude that the Main Staff was not extremely
23 competent, and he can say, Yes, I can draw that conclusion. And that's
24 it. You do it the other way round. You give the conclusion first and
25 then you put your question.

Page 42469

1 [The witness takes the stand]

2 MS. ALABURIC: [Interpretation] Your Honours, it was not at all my

3 intention to dwell on competence at this moment.

4 JUDGE ANTONETTI: [Interpretation] Let's resume.

5 MS. ALABURIC: [Interpretation]

6 Q. General, let's look at document 2D1352, and let us look at the
7 last page in this document. This is a payroll of the Main Staff for
8 November 1992, and this list shows us that on this payroll there are 20
9 men; is that correct, General Praljak?

10 A. Yes.

11 Q. Tell us, is it correct that Brigadier Milivoj Petkovic is not
12 among the 20 but is indicated separately, although he is the head,
13 because he received his salary from the Ministry of Defence of the
14 Republic of Croatia?

15 A. Yes, that is correct.

16 Q. Tell us, General, was this the period when the officials who have
17 come from the Croatian army to assist the Army of Bosnia-Herzegovina
18 received their salaries in the same way? Who came as volunteers, whom
19 you referred to before as coming to support both components in
20 Bosnia-Herzegovina?

21 A. That is correct.

22 Q. Tell it us, General, according to the information that you have,
23 is it true that in the Main Staff of the HVO, towards the end of 1992
24 there were between 20 and 25 people?

25 A. Yes, according to the information that I have, that is correct.

1 Q. Tell us, was anyone among them including Milivoj Petkovic -- did

2 anyone among them have the rank of general?

3 A. No.

4 Q. No. We'll deal with that at the end. I wanted to talk about the
5 conditions of work, but let us now look at the number a few months later.

6 Take a look at the next document, P1683, namely. That is the
7 manning of the Main Staff in March 1993. We have 33 persons there, and
8 we also have two officers of the Croatian army working on a temporary
9 basis in the Main Staff. So that would make a total of 35 men. Does
10 that correspond to what you know about the number of people who worked in
11 the Main Staff at that time?

12 A. Yes.

13 Q. Let us explain, General. When we say 20 -- 35 people, these
14 include drivers, secretary, typist. All the auxiliary staff, in other
15 words; is that correct?

16 A. Yes.

17 Q. During that period, according to the signature, Mr. Petkovic was
18 not yet a general.

19 A. Yes.

20 Q. Did anyone else in this list have the rank of general?

21 A. No.

22 Q. Let us now look at the next document --

23 JUDGE ANTONETTI: [Interpretation] General Praljak, in the
24 document we have before us, 32 people are mentioned. That is right.
25 Turn the page, please. I believe I've put the question already. This

1 this goes back a few months, perhaps even a few years. We can see that
2 two officers from the Croatian army are mentioned, Miro Prce and
3 Josip Speranza. What are these two officers doing there, those two
4 officers from the Croatian army? Are they on an internship? Are they
5 being trained? This part of military cooperation? What are they doing
6 there.

7 A. I asked for Miro Prce to enlist, to report as a volunteer, to
8 help Petkovic to actually deal with organisational establishment matters.
9 So he simply came as a volunteer down there, just as I had taken those
10 several volunteers to Central Bosnia to help us organise the
11 establishment books, the brigades, et cetera, in the same way I asked him
12 to go down there and he remained down there and became an HVO officers.

13 As for this other person, frankly speaking, Speranza, I don't
14 know.

15 JUDGE ANTONETTI: [Interpretation] My last question, a
16 straightforward one. You have studied the foreign armies and each day
17 you demonstrate that you are knowledgeable on these matters. The other
18 armies, did they have the same amount of men, or did you have a very
19 small number of soldiers?

20 THE WITNESS: [Interpretation] In foreign armies of such numbers
21 there would be at least several hundred -- many in the Main Staff, at the
22 very least.

23 MS. ALABURIC: [Interpretation]

24 Q. General Praljak, the next document is P0 -- P907. This is a
25 report for the year 1992, prepared by Milivoj Petkovic, and I should like

1 us to focus on it in somewhat more detail.

2 Let us look, first and foremost, what is said under bullet 3. It
3 is stated there:

4 "HVO forces organised themselves during combat operations
5 throughout the area of the HZ HB."

6 If I am not mistaken, this would corroborate your contention that
7 there was no peacetime army that would shift to wartime conditions but
8 that the army was, indeed, created in war conditions.

9 Could we look at it that way, General, or can we interpret --
10 should we interpret it in a different way?

11 A. No. The army actually reared, created its own self. It was not
12 created by somebody else. It was created from within, on a voluntary
13 basis, and in different ways.

14 Q. Let us look at the next --

15 JUDGE TRECHSEL: Excuse me. A preliminary technical question.
16 This report purports to cover the period from 14 April 1992, to
17 31st December 1992, but it seems to be dated from the 15th December. Is
18 this a matter of prophecy, part of it, or how -- how is this to be
19 understood?

20 MS. ALABURIC: [Interpretation] Your Honour, I would kindly ask
21 you to look at the Croatian text, and you will see that the dates were
22 corrected by hand. This is a Prosecutor's document, and the translation
23 is very correct, very good. You will see that the last date of that
24 period is 15 December. And this was crossed out and somebody added, in

25 their own handwriting, 31st December 1992. You will find this also in

Page 42473

1 the English translation of this text. Therefore, the author did report
2 up to the 15th of December, but the subsequent handwritten intervention
3 applies to the entire year 1992, but I don't think that -- this goes
4 against the gist of the document, which, for that matter, is already in
5 evidence.

6 JUDGE TRECHSEL: Thank you. The enigma is not solved.

7 MS. ALABURIC: [Interpretation] Your Honour Judge Trechsel, I
8 would like to tell you whose handwriting this is and whose intervention
9 this is, but I don't know it. This is a Prosecutor's document. Maybe my
10 learned friends from the Prosecution may shed some light or maybe
11 General Praljak has the answer. Could this be deducted from the
12 Chamber's time?

13 THE WITNESS: [Interpretation] Whoever intervened, whoever
14 corrected, did not do much harm. Nothing changed within the 15 days, as
15 far as the report goes.

16 MS. ALABURIC: [Interpretation]

17 Q. Very well, General. Let's continue dealing with bullet 3 which
18 speaks about the manning, and it says that in the Main Staff the strength
19 is 30 per cent, that the command of the South-East Herzegovina OZ is
20 95 per cent strength, that the two operative zones are up to 60 per cent
21 of their strength, whereas the OZ Posavina, is up to 40 per cent of its
22 strength.

23 As far as you know, General Praljak, throughout the war in the

24 territory of Herceg-Bosna, was the situation more or less the same, which
25 means that the commands of the operation zone and the commands of the

Page 42474

1 brigades were much more -- much better manned than the Main Staff itself?

2 A. Yes. However, Mrs. Alaburic, this status of replenishment is
3 based on the establishment which is very, very, austere and compared to
4 any modern army, it is already two times less than it should be in
5 comparison with the number of troops.

6 Q. General, we will come to the part of the document that speaks
7 about that. Can you now look at page 3. There's a list of brigades,
8 which were established toward the end of 1992, and after that, there is a
9 summary which says the total number of men in all the HVO units is
10 45.000, and in the professional army units, there are a total of 855 men.

11 My question to you, General, is this: Wouldn't that be exactly
12 what you answered in -- to Judge Antonetti's question when he asked you
13 how many men you had and how much of that were professional soldiers?

14 A. Yes. This corresponds to what I remember about the situation --
15 or, rather, about what I knew about the situation at the time.

16 Q. Now let's look at bullet point 4 in the same document where it is
17 stated that there were problems with planning and mobilisation, and it is
18 stated that in the territory of HZ HB, there is a very few Croat officers
19 and non-commissioned officers from the former army:

20 "The number of trained reserve officers and NCOs is also
21 unsatisfactory. The defence of this territory and the command of units,
22 in most cases, rests on 'ordinary men' who have no military knowledge but

23 are devoted to the ideas of the HZ HB officers of the Croatian army have
24 given great help."

25 General wouldn't that be a summary of what you had tried to tell

Page 42475

1 us about the -- the education and training of the HVO army?

2 A. Correct. As far as the great help on the part of the HV army, it
3 was not that great. There was some help and we appreciated it, but it
4 was not at that great.

5 Q. Let us now look at the conclusion, because I believe that this
6 conclusion is very significant in light of the intentions of the HVO. It
7 says here:

8 "The HVO forces, despite many problems and difficulties, are
9 managing to hold under their control 70 per cent of the free territory in
10 the territory of Bosnia-Herzegovina."

11 It seems that I have misspoken. It says, "the free area in
12 Bosnia and Herzegovina." It stems from this sentence -- or, rather, what
13 could we conclude, based on this sentence, as to what the HVO is
14 defending?

15 A. Bosnia and Herzegovina.

16 Q. Could you please tell us the 70 per cent of the free territory,
17 what territory is that?

18 A. The territory that was not occupied by the Republika Srpska army.
19 At that time, we held 70 per cent of the non-occupied territory. We
20 managed to defend it, and BiH army managed to defend the remaining 30 per
21 cent of that territory, and later on we were chased out of the territory

22 in question.

23 Q. When you say you were chased out, who do you mean? Who chased
24 you out?

25 A. It was the BiH army.

Page 42476

1 Q. Very well. Now let's look at the following sentence.

2 Milivoj Petkovic says:

3 "By having created its armed forces in the territories of the
4 HZ HB, the Croatian people managed to defend itself and large -- largest
5 part of Muslims." Could you please provide your own comment?

6 A. Yes, I can.

7 Q. Go on then.

8 A. The HVO put up resistance against Republika Srpska and at that
9 time, there were no nationalist thoughts. Croats defended both
10 themselves and Muslims in an equal way. Their permanent desire was a
11 desire for cooperation, and we've said everything else. There's nothing
12 to add to that.

13 Q. Very well, General. I'm now going to skip a few documents.

14 However, I would like to --

15 JUDGE ANTONETTI: [Interpretation] General Praljak, I'm going to
16 try and solve the mystery over the date. Look at the document in B/C/S.
17 The document has seemingly been signed by Mr. Petkovic. Initially, this
18 document bore a number. As you can see, a new number was put on the
19 document since two extra paragraphs were added on, five and six, which
20 means that the document now contains seven paragraphs. We have a feeling

21 that there was an initial text. Somebody reviewed the document and
22 modified the document in question. I'll get back to this later. Perhaps
23 Mr. Petkovic signed it, and then he realised that it wasn't right, and he
24 made corrections, which is possible, or somebody else modified the text.

25 Now, what is more interesting is the corrections made. This text

Page 42477

1 was send to the head of the Defence Department and then it was crossed
2 out. Immediately above, you have two asterisks with mention two things.
3 Seemingly, it stated training of new recruits and personnel. Do these
4 two asterisks coincide with the paragraphs 5 and 6 that are empty? I
5 don't know. But even better, the text has been corrected and two things
6 have been crossed out. I'd like to mention to you what has been crossed
7 out.

8 A, "helped by the forces of the Croatian army." This has been
9 crossed out. And further down it says, "Forces of the HVO and a
10 battalion from the Croatian army." What has been crossed out is, "And a
11 battalion from the Croatian army." Can you see this?

12 Is it possible that the person who signed the document read it
13 over again and crossed this out or was this done in a different manner?
14 This is a technical question I have for you.

15 The mere fact that there is a correction here would explain why
16 the date is the 31st of December, 1992, after the document has been
17 corrected. The person, therefore, feels that the document would then
18 include the two extra paragraphs. This is just an assumption I'm making,
19 which is what it's worth. This is why, perhaps, the state figure is on

20 the document, the 31st of December, 1992.

21 THE WITNESS: [Interpretation] Your Honours, Petkovic is there.

22 He will answer these questions. The only thing I have to say is this:

23 There is no dispute that a battalion of the Croatian army that I already

24 mentioned, about 159 or 160 men strong, participated in April 1992 to

25 fill up a gap in the line through which the Yugoslav People's Army could

Page 42478

1 pass. There's no dispute about the fact that those people assisted in

2 the liberation of the right bank of the Neretva River, and I believe

3 that, at the time in question, they were no longer there. I believe that

4 sometime in early summer or late summer, they left.

5 And the second sentence that has been crossed out. I'd like to

6 say that there's no dispute about the fact that the HVO, as it was

7 liberating the southern part of Croatia, also assisted with the

8 liberation of Stolac. I'm talking about the part that from Metkovic.

9 There's no dispute about anything here. However, Mr. Petkovic will be

10 much better suited to answer your questions because this is his document,

11 but the things that I've just told you now are the things that I'm aware

12 of, and I've already spoken about those things in very precise terms. I

13 spoke about the role, the time, the place, everything in very precise

14 terms.

15 JUDGE ANTONETTI: [Interpretation] My last question, which is much

16 more important than what is been deleted or issues relating to a date.

17 This particular document states that there were 45.000 men in the units

18 of the HVO. You have told us, and we've seen the documents pertaining to

19 that, that the HVO, the way it was set up, may not have been ideal, given
20 that some men had deserted and that there was a lack of military spirit
21 within these units. However, it states that 857 members are part of the
22 professional units of the army, 85 officers and so on.

23 Technically speaking, it seems that the HVO had a professional
24 army amounting to a thousand people maximum, and the other men are people
25 who had been drafted. Was the HVO not, true to fact, an army which

Page 42479

1 comprised a thousand very well-trained professional soldiers and the
2 other men were, perhaps, people that were not so well-trained? What do
3 you think of this?

4 THE WITNESS: [Interpretation] The 855 men were separate. They
5 were the best from the existing units. They were separated from the
6 units, and they were not in the same place. They were subdivided into
7 five or six groups of which one was in Bosnia, one in Livno, one in
8 Capljina. They were extracted from the troops. I'm talking about the
9 Bruno Busic Unit. I would say that in any one place they had about 80 to
10 a hundred men. Even at that unit was not complete. It was broken up
11 across the territory. But they were at one's disposal around the clock.
12 Once they completed their task or a mission, they did not go home. They
13 were at one's disposal around the clock. If they were not engaged, then
14 they were billeted in a military facility. And you could mobilise them,
15 and immediately they could react. This saved you sending call-up papers,
16 gathering men who would take time to be mobilised. It was a unit, and
17 there were too few of them anyway.

18 JUDGE ANTONETTI: [Interpretation] I think it's time for a break.

19 We'll have a 20-minute break, and then we'll have an hour left.

20 --- Recess taken at 12.31 p.m.

21 --- On resuming at 1.01 p.m.

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

23 I think I understood that Mr. Kovacic wanted to take the floor at the

24 very end of the session. How long will you need, Mr. Kovacic?

25 MR. KOVACIC: [Interpretation] Thank you very much, Your Honour.

Page 42480

1 Although I did ask to be allowed time at the end of the day, but I can do
2 it now. I would like to remind the Trial Chamber that General Praljak's
3 Defence, before the cross-examination, informed the Trial Chamber that we
4 had voluntarily given up on our contacts with the accused in order to
5 contribute to the credibility of his testimony. However, we wish to pay
6 a visit to the accused very briefly, but we will still adhere by the
7 restriction imposed upon us. We would like to talk to him about the
8 technical preparations of our case once he finishes his testimony. I'm
9 talking about some technical issues and calendar issues, because as you
10 know, in two weeks we go on recess, and we have to submit some
11 information to the other parts -- parties in the proceedings and the
12 Trial Chamber before the 1st of August, which imposes some limitations on
13 us, and we have to agree on some things.

14 I would like to inform everybody that we will be talking to our
15 client tomorrow, but our conversation will not deal with any issues
16 pertaining to the cross-examination.

17 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, you know that the
18 Trial Chamber has issued decisions on this matter. During this phase the
19 Trial Chamber allows for contacts between the accused and his counsel;
20 but the Trial Chamber reminds the counsel that there is a code of ethics
21 and that he's not supposed to pressure his client into testifying in a
22 certain fashion. You know all this anyway. And you're telling us anyway
23 that you will only mention calendar issues.

24 Very well. You kept us abreast of what you were going to do.
25 Thank you. You didn't have to do this, so thank you for volunteering

Page 42481

1 this information.

2 Mrs. Alaburic, you have the floor.

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

4 Q. General Praljak, let me just tell you how we're going to proceed
5 for the next 45 or 50 minutes that I still have left. I would like to
6 finish with the Main Staff and the disciplinary procedures, and then I
7 would like to move on to some documents that pertain to you directly, and
8 then depending on the time I have left after that, I would like to deal
9 with some documents, which means that I will not have any more time to
10 deal with any of the topics in a systematic way.

11 In the set of documents that you have before you, can we look at
12 document P293, which is the rule -- book of rules on military discipline.
13 The document is already in evidence. General, could you please look at
14 Article 67 thereof.

15 In article speaks about the persons who issued decisions on

16 sending somebody to military disciplinary court. It's either the
17 commander of the armed forces or the commander of the operations zone. I
18 would kindly ask you and everybody else to retain this article in their
19 memory, because I'm going to try and compare it with the book of rules on
20 the military discipline of the Republic of Croatia. Could you please
21 look at 4D1346 now, 1346, which is the book of rules on disciplinary --
22 military discipline of the Republic of Croatia, and could you please look
23 at Article 69 thereof.

24 If we compare the two rules of military discipline. We will see
25 that they are almost identical. The wording of the rules is almost

Page 42482

1 identical; isn't that the case General? Could you establish that while
2 you were reading it?

3 A. Yes, it's correct, with the caveat, that there's no air force and
4 navy.

5 Q. Can we now look at Article 69, according to which in the Republic
6 of Croatia the decision to bring the offender before the military
7 disciplinary court shall be issued by, under one, the Chief of the Main
8 Staff, and, under 2, the commander of the operative zone.

9 If we go back to the previous Article 67 in the Herceg-Bosnian
10 document, we will encounter the following situation: What in Croatia is
11 the Chief of the Main Staff and what he could do there. I'm talking
12 about Article 67 in the regulation on the military discipline of
13 Herceg-Bosnia. And I shall repeat the entire sentence, because I cannot
14 do it by simply correcting the transcript. If we compare Article 69 in

15 the Croatian regulation, I have to word my question. If we compare
16 Article 69 in the Croatian regulation with Article 67 in the regulation
17 of Herceg-Bosnia, it seems that what the Chief of the Main Staff could do
18 in the Croatian army -- the transcript is frozen on our screen. Now we
19 have it. Very well. So what the Chief of the Main Staff could do in the
20 Croatian army is not what the Chief of Staff could do in the HVO. Tell
21 me, general, as you compared these two regulations, is one all right to
22 reach such a conclusion?

23 A. Yes, in the HVO, it was the commander of the armed forces who did
24 that.

25 Q. Can we now go on to 4D --

Page 42483

1 JUDGE TRECHSEL: Just a small question. I may be completely
2 wrong. I seem to recall, Mr. Praljak, that you had said that you did not
3 have time and the possibilities of setting up a disciplinary court in the
4 HVO. Am I wrong in that?

5 THE WITNESS: [Interpretation] Not me. That wasn't my duty.
6 These courts, military disciplinary courts within the HVO were not
7 established.

8 JUDGE TRECHSEL: Thank you. That's what I thought. So I find
9 this a bit abstract as a question.

10 MS. ALABURIC: [Interpretation] Judge Trechsel, my next question
11 relates to military disciplinary courts.

12 Q. Now, General Praljak, look at document 4D1331, which is a
13 decision by Dr. Franjo Tudjman, dated the 14th of November, 1991, on the

14 establishment of military disciplinary courts in the Croatian army. Now,
15 tell us, please, General, did you know that in the Croatian army military
16 disciplinary courts were established and functioned?

17 A. Yes.

18 Q. Tell us, please, General Praljak, in Herceg-Bosna, the
19 President Mate Boban, did he ever make a similar decision on the
20 establishment of military disciplinary courts?

21 A. To the best of my knowledge, no, he did not.

22 Q. Thank you. And that completes that topic. I'm going to move on
23 to another area now, General. Documents from the last part of binder 3,
24 and the title of that section is "Other Documents." The first of these
25 is a document numbered 3D3316. It's an information about the frequency

Page 42484

1 of crimes committed by members of the Croatian army, which you,
2 General Praljak, as assistant to the Croatian minister of defence, passed
3 on the 1st of October, 1992.

4 Tell us, please, General, is this a document that you referred to
5 several times during the examination-in-chief and a moment ago when you
6 mentioned prosecution?

7 A. Yes.

8 JUDGE TRECHSEL: Ms. Alaburic, did you mean P01336?

9 MS. ALABURIC: [Interpretation] No, Your Honour. The number is
10 correct. It's all fine. But I'm now going to deal with the documents in
11 binder 3, in the last section, the last section of binder 3, at the very
12 end of the third binder. So the first document in that last section.

13 JUDGE TRECHSEL: [B/C/S spoken]

14 MS. ALABURIC: [Interpretation] Judge Trechsel, your B/H/S is
15 improving from one day to the next.

16 JUDGE TRECHSEL: You mean from one year to the next,
17 Madam Alaburic.

18 MS. ALABURIC: [Interpretation] Since we're going to be around
19 together for at least another year, I think we'll all be speaking the
20 language.

21 Q. General Praljak, I read this information of yours, but I'd like
22 to hear from you. As the assistant defence minister, what to your mind
23 was the most important thing in this report, but please be as brief as
24 possible.

25 A. Well, it's very simple. This was sent out to all the operative

Page 42485

1 zones, and the IPD services, to the Croatian navy, and air force defence,
2 right down to the IPDs in the companies. It's a long text, but anyway,
3 what was happening with crimes? Crimes were being committed. And one of
4 my duties was to -- for this information to reach each and every soldier,
5 to tell them what it's about. So in a way this is my ID card, my
6 personal ID card, and I state, under number 1 that the Croatian army was
7 victorious in the war, and that for the first time, the possibility of --
8 was able to set up its own democratic state. And I quote: The first and
9 basic condition for the existence and activities of a country like that
10 is the rule of law, is that there be the rule of law, and because of
11 that, nobody, not even the present or previous HVO [as interpreted]

12 members, can go unpunished if they violate the country's laws and
13 regulations.

14 In point 2, I go on to say that regardless of all the merits that
15 someone might have and the personal sacrifices they might have made,
16 nobody, and I quote, nobody gained the right and privilege to avoid
17 punishment for a crime or for that punishment and sentence to be
18 mitigated and, let alone, be forgotten altogether.

19 And then I go on to explain in great detail the length and
20 breadth of it all, the laws. You see, Judge Trechsel, I did deal with
21 laws. And I say --

22 MR. STRINGER: [Previous translation continues] ... I think
23 there's a correction or clarification in the transcript that needs to be
24 made. On line 13, it says HVO, and I think since we're referring to a
25 Croatian army document, it's probably is meant to be HV.

Page 42486

1 MS. ALABURIC: [Interpretation] Thank you, Mr. Stringer. I just
2 have one additional question. In line 6, on that same page, it was
3 recorded that you said that -- you say my duties. When you say "my
4 duties," you mean your duties as assistant defence minister for IPD;
5 isn't that right?

6 A. Yes.

7 Q. Now take a look at the next document --

8 A. Just a moment, please. You must understand one thing, and it is
9 this: We have a list of the number of suicides, for example, committed,
10 people shot in -- in certain situations, some people committed crimes

11 others killed themselves, and there were very many suicides just for your
12 information.

13 JUDGE ANTONETTI: [Interpretation] General Praljak, this is an
14 interesting document. There are a number of things, but legally it seems
15 that it raises a problem. You're talking about the situation of soldiers
16 of the Croatian army who were demobilised and then committed crimes, but
17 if they've been demobilised then they've become civilians; and if they're
18 civilians, this must come under the jurisdiction of civilian courts. So
19 what did you mean exactly there, demobilised but they're still soldiers?

20 THE WITNESS: [Interpretation] No, no, no. This has to do with
21 soldiers, but if they commit a crime while in the army, then they are --
22 that crime and an investigation and so on will catch them up even when
23 they cease to be Croatian army soldiers. The fact that they were brave
24 soldiers, brave Croatian soldiers, will not be taken into account.

25 MR. KOVACIC: [Interpretation] Just a correction to the transcript

Page 42487

1 once again and we can have Mr. Praljak's explanation. Page 86, line 10.
2 General Praljak said that in certain situations, some people committed --
3 it's one line down. We had numerous suicides, for example, people shot
4 in certain situations. It says people shoot in -- shot in. To -- this
5 was the -- it's the same -- they -- it's the same word. When the word
6 "pucati" is used, what does General Praljak mean in shoot?

7 THE WITNESS: [Interpretation] I mean the decompensation of that
8 person. They lost it.

9 THE INTERPRETER: In colloquial terms, interpreter's note.

10 MS. ALABURIC: [Interpretation]

11 Q. General Praljak let's look at the next document, 3D3260. It's a
12 letter which Franjo Tudjman in January 1991 sent to the American
13 President George Bush.

14 A. George Bush, Sr.

15 Q. Yes, senior. And in my opinion what is important here is what it
16 says in the fourth paragraph about respect for internal borders and
17 expectations of support from the United States of America. And we come
18 back to the question of internal borders.

19 When we speak about internal borders, we mean the borders of the
20 republics of the former Yugoslavia; isn't that right, General?

21 A. Yes. This letter is one of a series of pieces of evidence from
22 Dr. Franjo Tudjman in an attempt by writing this letter, once again, to
23 explain what policies Croatia pursued and to indicate the capacity that
24 could befall the country if, and he's asking the president of the
25 United States to send a message, a message from the USA could have

Page 42488

1 prevented a catastrophe. Unfortunately, this letter just was not taken
2 up.

3 Q. Now, this document was prepared by your Defence, so I assume that
4 you are acquainted with its contents and already know about them. Now,
5 let's look at the next document which is 3D272. 3D272. And this is
6 important for understanding the intentions of Herceg-Bosna.

7 It's a document from Mate Boban, from April 1992, and I'm going
8 to give you a short summary of it because we don't have time to go into

9 it in any great detail. In paragraph 4, Mate Boban says that there --
10 that there is a great war machine, a Serb army war machine that fell upon
11 Croat and Muslim territories of Herceg-Bosna, and that was a quotation,
12 on the Croatian and Muslim areas of Herceg-Bosna. And then he goes to
13 enumerate the individual towns that were hit, that were attacked.

14 And then further down he speaks of the destruction of Dubrovnik
15 and Zadar and also mentions the destruction of the old oriental
16 inner city in Sarajevo which was called Bascarsija. And it was further
17 stated that this was one of the rare urban entities and architectural
18 entities of Islamic art, examples of that in Europe.

19 And then further down it goes on to speak of the dangers that
20 this presents to the Croatian and Muslim people, and it goes on to say
21 that the two ethnicities are dying out. And then he addresses the
22 Croatian and Muslim people in Bosnia-Herzegovina, and he talks about
23 that.

24 Now, General Praljak, from all that, can we conclude that in
25 April 1992, for the president of Herceg-Bosna, there was no dilemma, no

Page 42489

1 doubt at all that the Muslims and Croats of Bosnia-Herzegovina were, in
2 fact, equally under threat from the Army of Republika Srpska and that
3 their interests, with respect to the Army of Republika Srpska and the
4 aggression that they were exposed to, are indubitably common ones.

5 Can you give us a different explanation, or how do you understand
6 this document, this letter, particularly in light of the Prosecutor's
7 case about the JCE?

8 A. Well, how do you want me to explain it and interpret it? Not
9 only that year but right up until an all-out open aggression by the
10 BH Army, that is to say when killings started, when expulsion started,
11 this was the policy and politics of the HZ HB and Mate Boban and all of
12 us, in actual fact. There was joint criminal enterprise. Not only was
13 there no joint criminal enterprise, but the situation was quite the
14 reverse. It was all the way round.

15 Q. General Praljak, now let's look at the documents in the first
16 binder, at the very beginning of the first binder. I think these
17 documents in part relate to the Prosecutor's case about the joint
18 criminal enterprise. The first document in this set is 4D1342, and it is
19 a document about the parliamentary elections for the Republic of Croatia
20 in 1990, and I just wanted to document for Their Honours this area. If
21 we turn to page 3 of this document, and the number is 7, and the Judges
22 could also take a look at the Croatian document, because not all the
23 names have been translated. But anyway, here, General Praljak, we can
24 see that on behalf of the Coalition of National Agreement, you were the
25 counter-candidate in the same electoral unit to Franjo Tudjman, who was

Page 42490

1 the HDZ candidate.

2 A. Correct.

3 Q. Tell us now, please, were those the elections that you mentioned
4 earlier on as having been held in 1990?

5 A. Yes.

6 Q. Now also us look at the next document. It is 4D1339. And this

7 is a document about the programme and principles of the Coalition of
8 National Agreement to which your party belonged, the HDS.

9 A. Correct.

10 Q. Now, when asked by Judge Antonetti about the political programmes
11 and political parties, you replied and said that the Coalition of
12 National Agreement, and no other political party in Croatia in those
13 1990s, had in its programme any ideas about changing the borders of the
14 republics.

15 A. Not in their wildest dreams.

16 Q. Well, let's demonstrate that to Their Honours, and look at
17 point 1. There Croatia is mentioned and its right to self-determination,
18 its right to secession, and to joining up with other nations.

19 Now, this right to self-determination, is that the right that you
20 were asked about by the Judges pursuant to the Constitution of Yugoslavia
21 and Bosnia-Herzegovina? Was that something that was guaranteed under the
22 Constitution in the former Yugoslavia?

23 A. Yes.

24 Q. Let's look for comparative purposes points 2 and 3.

25 A. Madam, point 1, the last sentence there: "...this right shall be

Page 42491

1 enjoyed by other republics as well as sovereign states."

2 Q. Right. Now, tell me, General, under the Yugoslav political
3 system and Constitution of 1974, there was absolutely no doubt that the
4 republics were states and that they were united into a common country
5 which was Yugoslavia, and that was verified and set out in the

6 Constitution in that way. Can you confirm that that was so?

7 A. Yes.

8 Q. When we talk about the right to self-determination, the way it
9 was perceived from the angle Croatian political parties, it was always
10 indubitably the right of the republics of the former Yugoslavia to exit
11 Yugoslavia.

12 A. Indubitably so. In all the programmes of all the parties. I
13 also participated in the drafting of this document and the source
14 documents of the HDZ, the initial resolution of the HDZ, et cetera.

15 Q. This set of documents also contains a record of the hearing of
16 Dr. Smilja Avramov, in the case against Slobodan Milosevic before this
17 court, who explained how the Serbian academic scientific elite perceived
18 the right to self-determination, but regrettably we shall have no time to
19 deal with that in more detail, but the document is D -- 4D1453. So
20 4D1453 is the document where you can obtain additional information.

21 General, what I feel is very important in the political
22 principles of the Coalition of National Agreement is to explain -- is to
23 compare items 2 and item 3. Item 2 refers to Croats outside Croatia but
24 in the republics of the former Yugoslavia; and item 3 refers to Croats
25 abroad.

Page 42492

1 Let us now read item 2 carefully. It emanates from this item
2 that it is indubitable that the Croats in the neighbouring republics in
3 the former Yugoslavia should be citizens loyal to the republic in which,
4 as a sovereign state, they live as its citizens.

5 A. That is correct.

6 Q. Was this ever in dispute as a concept or as a political idea in
7 the Republic of Croatia?

8 A. No, never. As you can see, he enjoys the fundamental rights to a
9 national culture and a language to national ethnic identity but may not,
10 may not, and should not call in question his civic loyalty to the
11 republic in which he lives as a citizen, in which, as a sovereign state,
12 he lives as a citizen.

13 Q. In this same binder, in the section which I called "Petkovic,"
14 and that is section number -- number 7. In fact, it is the second
15 binder. It would have to be the second binder, if it is number 7. I
16 apologise. Yes, it is binder 2. I would like to show you some documents
17 which I also consider to be extremely important for properly
18 understanding the relationship between the civilian and the military
19 authorities of Herceg-Bosna and to what the Army of Bosnia and
20 Herzegovina -- the Muslim population.

21 Look at document 2D1295. That is an order for defence.

22 MS. ALABURIC: [Interpretation] Can I ask the Usher to assist
23 General Praljak to find these documents. It is topic number 7 in binder
24 number two. Title number 7, second section in the second binder. I
25 apologise for this mix-up, and I apologise for not being able to follow

Page 42493

1 the prepared schedule, the prepared sequence.

2 Q. Anyway, General, you can see on the screen what I'm going to ask
3 you about. This is a defence order for the so-called Operation Bura,

4 which was drawn up in the Main Staff of the HVO and signed and adopted by
5 Brigadier Milivoj Petkovic.

6 Tell us, General, do you know this document?

7 A. Yes.

8 Q. If we read the definition of the enemy as defined in this
9 document, we can conclude that the enemy is the army of the
10 Republika Srpska; is that so, General?

11 A. Yes, definitely.

12 Q. If under item 3 we analyse who were the neighbours of the HVO at
13 that particular point in time, we shall see that they were the Croatian
14 army partly and the Army of Bosnia and Herzegovina on the other hand; is
15 that correct, General?

16 A. Yes. The South Croatian army on the Croatian border.

17 Q. If we look at item 5, we can see that it refers to the
18 Mostar Brigade, which with a part of its forces is holding the
19 previously-defended positions and is placing a part of its forces at the
20 disposal of the 3rd Brigade of the HVO.

21 My question, Mr. Praljak, is this: What army -- what army is the
22 Mostar Brigade?

23 A. That is the Army of Bosnia and Herzegovina, Madam Alaburic. This
24 was a joint action of the HVO and the Army of Bosnia and Herzegovina.

25 Q. I actually wanted to point to that collectivity of action. Now I

Page 42494

1 wish to draw attention to other documents, 4D1700, so 4D1700. That is
2 also a defence order of the operations zone of Central Bosnia, issued by

3 Tihomir Blaskic, approved by Milivoj Petkovic. Regrettably, the document
4 does not bear a date, but I believe that we can conclude on the basis of
5 the context that it is 1992.

6 A. Yes.

7 Q. If you have read this document, tell us, General, is it 1992?

8 A. Yes.

9 Q. Tell me, given the situation on the ground, was this order
10 prepared after the fall of Jajce?

11 A. Yes.

12 Q. Did you get in touch with Mr. Blaskic regarding the preparation
13 of this order and then analysis of the situation on the ground?

14 A. Yes.

15 JUDGE PRANDLER: Excuse me. Please, Mr. Praljak, do not answer
16 immediately yes. Wait two minutes, please. Thank you.

17 MS. ALABURIC: [Interpretation]

18 Q. General Praljak, item 5 refers to the tasks of the individual
19 units. I have tried to go through all these items, and if I saw
20 correctly, all these items actually define the task in coordination, in
21 concerted action with the forces of the Army of Bosnia-Herzegovina. In
22 other words, it refers to the joint actions of the HVO and the Army of
23 Bosnia-Herzegovina. So it refers to coordinated, concerted action.

24 General, was it really planned thus, and was it really
25 implemented thus?

1 A. Yes.

2 Q. Let us now move on to the next document 4D475. This is it an
3 active defence order from February 1993, adopted in that year by
4 Miljenko Lasic, the commander of the South-East Herzegovina operations
5 zone.

6 Let us look first and foremost at the definition of the enemy.
7 It refers to the Hercegovina Corps, and to make a long story short, if
8 you have read the document, can you tell us, it was the Army of the
9 Republika Srpska that was defined as the enemy; is that correct?

10 A. The Army of the Republika Srpska was defined as the enemy. The
11 Army of Bosnia and Herzegovina was a friendly army, the same army as the
12 HVO. They were jointly fighting against the joint enemy, and that is the
13 sense of this document, and there is nothing to be added to that.

14 Q. You had seen this document before, I assume, and you are familiar
15 with it?

16 A. Yes. Oh, I apologise. Yes.

17 Q. Fine. General Praljak, I will now ask you -- actually, I have
18 prepared a series of documents about Mostar dealing with the
19 establishment of a line of disengagement about the conflict on the 9th of
20 May and the situation on the 30th of June, but as my time is expiring, I
21 will ask you a number of questions which are legally of exceptional
22 significance for us, and they concern the shelling of East Mostar.

23 Please, although you have already spoken about this, I should
24 like to ask you to give us precise explanations, to tell us very
25 precisely whether the HVO, in shelling -- in firing shells, was it under

1 the obligation to target exclusively specifically-chosen military
2 targets?

3 A. The HVO only and exclusively responded to attacks by the Army of
4 Bosnia and Herzegovina, and the number of even thus fired shells was the
5 minimum of minimums from a military standpoint. Selectivity was total.
6 Even those military targets in Mostar which it was permitted to target,
7 were not targeted, precisely because they were among civilian areas.

8 Q. I can conclude on the basis of this answer that at the time of
9 what is referred to as the shelling of Eastern Mostar, the Army of Bosnia
10 and Herzegovina was taking military activities against the HVO on the
11 right bank of Mostar; is that correct?

12 A. Incessantly during the period whilst I was commander and also
13 before that.

14 Q. General --

15 JUDGE ANTONETTI: [Interpretation] One moment, Mrs. Alaburic. We
16 will have to stop, because the Popovic case is taking place in this
17 courtroom. I don't like it when people overstep their time, and when it
18 happens to me, I complain about it. So you will have ten minutes left,
19 which means that between now and Monday, you will be able to review your
20 most salient questions rather than doing things in a hurried manner.

21 Once you have finished, I believe it's Mr. Coric's counsel who
22 will take the floor; is that right?

23 MS. TOMASEGOVIC TOMIC: [Interpretation] Yes, it is our turn,
24 Your Honours, after colleague Alaburic.

25 JUDGE ANTONETTI: [Interpretation] Very well.

1 MS. ALABURIC: [Interpretation] Your Honours, I thank you, and we
2 will continue on Monday.

3 THE WITNESS: [Interpretation] Thank you all.

4 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you will have the
5 end of the week to have a rest. It must be exhausting for you since you
6 have been answering all these questions without fail. In the few minutes
7 that we have --

8 THE WITNESS: [Interpretation] [Previous translation
9 continues] ... this morning. You did say good morning to all the others,
10 but you left me out.

11 JUDGE ANTONETTI: [Interpretation] You are so present in my mind
12 that I must have forgotten.

13 Very well. I wish you all a pleasant afternoon. See you on
14 Monday.

15 --- Whereupon the hearing adjourned at 1.45 p.m.,
16 to be reconvened on Monday, the 6th day
17 of July, 2009, at 2.15 p.m.

18

19

20

21

22

23

24

