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1 Thursday, 9 July 2009

2 [Open session]

3 [The accused entered court]

4 [The Accused Coric not present]

5 [The witness entered court]

6 --- Upon commencing at 9.01 a.m.

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

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

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

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

14 Today is the 9th of July, 2009. I would like to greet
15 Mr. Praljak, as well as Mr. Pusic, Mr. Petkovic, and Mr. Prlic, as well
16 as Mr. Coric who is not here. I would like to greet counsels, as well as
17 Mr. Stringer and his associates, as well as everyone helping us in the
18 courtroom.

19 I have a short oral decision to read out. It's an oral decision
20 to lift the confidentiality of the order on the appointment of an
21 amicus curiae.

22 The Chamber has noted that during the hearing of the 6th of July,

23 2009, the order on the nomination of an amicus curiae was handed down
24 confidentially by the Chamber on the 3rd of July, 2009. And it was
25 discussed extensively in open session, and this happened upon the request

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1 of the Prlic Defence team. The Prlic Defence team expressed a wish for
2 this debate, regarding this order, to be public and transparent.

3 Therefore, the Trial Chamber feels that there is no more reason
4 for this order on the appointment of an amicus curiae to remain
5 confidential. Therefore, this Trial Chamber hereby decides to lift the
6 confidentiality of the above-mentioned order.

7 Very well. We shall conclude with Mr. Coric's Defence, and I
8 give the floor to Counsel Tomic.

9 WITNESS: SLOBODAN PRALJAK [Resumed]

10 [The witness answered through interpreter]

11 JUDGE ANTONETTI: [Interpretation] Yes. When I said we're now
12 going to conclude, I'm saying, of course, after you've asked your
13 questions, of course.

14 MS. TOMASEGOVIC TOMIC: [Interpretation] Good morning,
15 Your Honours, and everybody else in the courtroom.

16 I threw out some documents after looking at them last night and
17 yesterday's proceedings, so I think I'll be able to get through my
18 examination before the end of the first session.

19 I'd just like to say that we don't have any LiveNote today. My
20 colleagues have pointed that out to me. So we have the same technical

21 problem that we had yesterday. As far as I'm concerned, I can continue,
22 but I don't know how the Chamber feels, and everybody else in the
23 courtroom. We can, of course, follow the proceedings on our other
24 screens, so I don't think that presents too much of a problem.

25 JUDGE ANTONETTI: [Interpretation] Yes, indeed, we can look at the

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1 proceedings on the main screen, so I don't think that there is any
2 problem.

3 Please proceed.

4 Cross-examination by Ms. Tomasegovic Tomic: [Continued]

5 MS. TOMASEGOVIC TOMIC: [Interpretation] Ms. Pinter has just told
6 me to check and see if the witness can follow the transcript on his
7 screen.

8 THE WITNESS: [Interpretation] Yes.

9 MS. TOMASEGOVIC TOMIC: [Interpretation] He says he can.

10 Now, before I start off today, I'd just like to ask to -- well,
11 Mr. Coric asked me to convey his greetings to everyone here in the
12 courtroom, and especially to the honourable Trial Chamber, and he is
13 grateful for the messages sent out to him from this courtroom, from all
14 of you.

15 Q. Mr. Praljak, let's continue where we left off yesterday and move
16 on to document P04496, which is a document signed by the deputy commander
17 for security of the 1st HVO Brigade, Zara Pavlovic.

18 THE INTERPRETER: The interpreters note that we are not getting

19 the documents on e-court. Thank you.

20 MS. TOMASEGOVIC TOMIC: [Interpretation]

21 Q. It is sent to Brigadier Tole, and the date of the document is the
22 25th of August, 1993. I'd just like to read out the first paragraph of
23 this document, which reads as follows:

24 "The system which has not been elaborated about the ways,
25 priorities, and whether or not to release prisoners from prison, has been

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1 solved at the level of the OZ of South-East Herzegovina, nor the
2 ministry. So the procedure, priorities, and the question as to whether
3 there is -- et cetera, has not been resolved [as interpreted]. Because
4 of the lack of instructions, we were forced to take our own decisions at
5 the level of local HVO Presidencies and Brigade Commands."

6 THE INTERPRETER: Interpreter's correction: Has not been solved,
7 the problem has not been solved.

8 MS. TOMASEGOVIC TOMIC: [Interpretation]

9 Q. Now, Mr. Praljak, did you know this situation?

10 A. Not wholly. I wasn't fully informed with the situation, for the
11 simple reason that I was engaged with the business of war.

12 Q. All right, Mr. Praljak. Now let's move on to the next document,
13 which is 5D02184.

14 This is another document of the 1st HVO Brigade, the Knez Domagoj
15 Brigade, and the date is the 6th of August, 1993. The subject is a
16 request for release from detention for Mirsad Baljic, and we see at the

17 bottom there that the request was put in by the chief of HOS and that it
18 was approved -- that by the head of VOS, V-O-S, and that it was approved
19 by Nedeljko Obradovic and agreed to by Zara Pavlovic. Now, Mr. Praljak,
20 did you know about this method of releasing detainees, as is set out in
21 this document?

22 A. Well, I can't say that Nedeljko Obradovic approves this release.
23 If there's a request, it's being requested, so he then cannot then order
24 this person to be released from prison. So somebody can be released from
25 prison, but I think that this is something that is requested by

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1 Nedeljko Obradovic. But I don't know whether that's correct.

2 Q. Well, it says who submitted the request, who agreed to the
3 request, and who approved the request, but I understand that this is the
4 first time you see this document and you have every right to your own
5 interpretation of it.

6 Now, before we move on to the next document, I'd like to ask you,
7 Mr. Praljak, whether you know that Mr. Boko Previsic was the warden of
8 Gabela.

9 JUDGE ANTONETTI: [Interpretation] General Praljak, the document
10 that has been submitted to you by the Defence is a very important
11 document. I would say that it's of the utmost importance, and therefore
12 it should be looked at in depth.

13 We have a detained person. We don't know which entity is
14 detaining this person, so this person is in detention. What I would like

15 to know is whether this person is in detention because there's an
16 investigation under the auspices of the investigating judge or the
17 military prosecutor. Or is he in detention because the civil authorities
18 are interested in what he's done? Or is he in detention because there's
19 no ground for him being detained? So this is the first problem that we
20 will have to solve.

21 What do we have before us? We have a document which could lead
22 us to believe, and I'm using a conditional form of speech here, that
23 following this document, Mr. Mirsad Baljic will automatically be released
24 from detention. Why? Well, because a request has been submitted by the
25 head of the Military Intelligence Service, the VOS, so it seems that the

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1 request is coming from the Military Intelligence Service. This request
2 has been accepted by the SIS, because it says that it's been agreed upon,
3 and it's been approved by Colonel Obradovic. So it's a request that has
4 been submitted, agreed, and approved.

5 However, will this be enough for this person to be released from
6 detention, because this can be sent to the entity or the authority which
7 decided upon his detention from the outset, namely, either the judge or
8 the prosecutor, or a civil entity. So there are a whole series of
9 questions, Mr. Praljak.

10 You actually replied by stating that you were not aware of the
11 situation, and then you voiced some reservations, saying that he may not
12 be released after all. So I think that you should really develop your

13 answer.

14 THE WITNESS: [Interpretation] The explanation of my understanding
15 of this is very simple.

16 Nedjeljko Obradovic, without any reservations that he has the
17 right to release Mirsad Baljic from prison, he would have issued an order
18 to that effect and stated, I hereby order that, et cetera, that such and
19 such a man for those reasons be released from detention, prison, or
20 whatever. Here, he's just the co-signatory and is approving what is
21 stated above in the request submitted by the head of VOS and with which
22 Zara Pavlovic agrees, and he is asking -- requesting that the man be
23 released from prison. That's how I understand this document.

24 So this document, to my mind, is not sufficient to have
25 Mirsad Baljic automatically released from prison. All it does is state

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1 that these three men, for reasons of the fact that this one was -- man
2 was engaged in Knez Domagoj Brigade, Company, whatever, that that is
3 sufficient reason -- that is to say, he occupied a relatively high post
4 in the HVO and that that was sufficient reason for him to be released
5 from detention, or prison, or whatever. That is my understanding of this
6 document.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, in a document
8 there is another signature at the top. It says "Zara P." What does it
9 say below the signature in your own language on the B/C/S document?

10 THE WITNESS: [Interpretation] If I am reading this properly, it

11 says: "Determine the blame, the guilt -- establish the guilt," that is
12 to say, establish whether he's guilty or not.

13 JUDGE ANTONETTI: [Interpretation] Okay. So someone has added
14 that one had to still define the guilt. And who is Zara P.; do you know?
15 Zara P.

16 THE WITNESS: [Interpretation] Well, I don't know. It's neither
17 one of the three persons who signed at the bottom. It says: "Zara P. to
18 establish the guilt," whether there is guilt or there isn't.

19 JUDGE ANTONETTI: [Interpretation] We can start assuming things,
20 and I was wondering whether the document had not been sent to somebody
21 else, like the military prosecutor, or a judge, or the police, and
22 another authority would have added this. You don't know, I guess, and I
23 don't know either.

24 THE WITNESS: [Interpretation] No. The request is a request,
25 per se, as it stands, and the request for release from prison has been

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1 sent to someone, asking that this man be released. That's my
2 interpretation. I don't know to whom. But had one of these three
3 individuals had the right to do that, then he would have written an order
4 and said, I hereby order, or he would have issued an oral order and said,
5 Listen here, release the man.

6 JUDGE ANTONETTI: [Interpretation] It is unfortunate that this
7 happens in open session. I think that we should move to private session.

8 Registrar, could you please move in private session. Thank you.

9

[Private session]

10 (redacted)

11 (redacted)

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11 [Open session]

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

13 Thank you.

14 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honours, I could not

15 react on time because of the confusion with the microphones, but we could

16 please go back into private session for a moment, because I would like to

17 say something about this document and the protected witness who testified

18 earlier.

19 [Private session]

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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11 Pages 42808-42812 redacted. Private session.

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16 (redacted)

17 [Open session]

18 THE REGISTRAR: Your Honours, we're now in open session. Thank
19 you.

20 MS. TOMASEGOVIC TOMIC: [Interpretation] To follow up on what

21 Ms. Alaburic has said, I would just like to remind the Court that

22 yesterday we looked at some documents, orders from

23 Mr. Nedjeljko Obradovic, about the disarming and arrest of Muslims in the

24 HVO ranks.

25 And now I would like to go back to the document that we looked at

1 before this one. That's P04496, one document before this one.

2 Q. Mr. Praljak, you've just told us that you don't know how a
3 military commander could be in a position to make a decision to release
4 somebody from prison when he did not have the right to do so and it was
5 not stipulated by the rules. Let me read what I've just read from this
6 document, where it says:

7 "The lack of elaboration in the system governing the ways,
8 priorities, and the question whether to release somebody from prison or
9 not, has not been solved at the level of the South-East Herzegovina
10 Operational Zone or at the level of the ministry. Because the
11 instructions have not been dealt with, we have been forced to make
12 decisions ourselves at the level of local HVO Presidencies and the
13 brigade commands."

14 The document is signed by the very same gentleman, Zara Pavlovic,
15 whom we saw in the next document. So, Mr. Praljak, am I right when I say
16 that it says here, and it is quite apparent from this document, that the
17 instructions, the rules, did not really exist, and that Mr. Zara Pavlovic
18 himself says that decisions had to be taken independently at the level of
19 the local HVO Presidencies and the brigade commands?

20 A. That's what it reads in the preamble, because the instructions
21 have not been issued or done. But then if you read on in this document,
22 Zara Pavlovic himself says that this was discussed several times and that
23 the leadership was informed about it through the Security Service and
24 through Commander Colonel Obradovic. So, in other words, if this was
25 discussed several times and if the top was kept informed about it, the

1 question remains why the top, the leadership, failed to deal with the
2 problem.

3 Well, obviously nothing was done to solve it, and this is the
4 result. Nobody knew what to do in such cases, how to proceed.

5 Q. Mr. Praljak, let me go to 5D021984 [as interpreted], and let me
6 put to you a scenario. This is how I think this document came about.
7 Well, this is my scenario, and you can tell me whether I'm right or
8 wrong. But I think that this document clearly shows that the request was
9 submitted by the VOS chief. The VOS chief submitted this request to his
10 superior, and you told us yesterday that this was Mr. Nedjeljko
11 Obradovic, and that's quite logical.

12 After Mr. Nedjeljko Obradovic received the request from the VOS
13 chief, he wrote -- it's a handwritten note, and we can see that the
14 initials correspond with the full signature that we can see at the bottom
15 of this document, as His Honour Judge Trechsel indicated. He wrote that
16 Zara Pavlovic should establish the guilt. And after Mr. Zara Pavlovic
17 did that, he put his signature under the words "Agreed," because if he
18 had not done so, he would not have affixed his signature and indicated
19 his agreement. And after Mr. Zara Pavlovic agreed to the request,
20 Colonel Nedjeljko Obradovic approved the release.

21 So does that sound logical to you?

22 A. Not really, madam. Nedjeljko Obradovic would have dealt with
23 this by writing up an order within the brigade, with his closest

24 associates, I'm not sure he would have gone through this procedure. He
25 would have established this and would simply have issued an order to

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1 release this man. That's my opinion, that's my position. I've now put
2 it forward. We know what your position is, so we can go no further than
3 that.

4 Q. That is quite right, Mr. Praljak. Let us simply move on. The
5 number is 5D02184, page 17, line 4. That is the correct number.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, legally, this
7 might be a bit more complex than what Counsel Tomic just said.

8 I agree with the fact that the circulation of this request by the
9 VOS goes to Obradovic, and then Obradovic asks himself a question and is
10 asking the chief of SIS to give his advice, which is why there's this
11 mention of Zara P. And then the head of the SIS agrees and says, Yes.
12 Very well.

13 But what has been approved? Is it the request, or is it the
14 release? If you approve a request, it does not necessarily mean that
15 Obradovic suddenly is empowered to release him. He may be in favour and
16 approve the request, but that might mean that he just approves the fact
17 that another entity will rule on this.

18 I'm saying that this is a very essential document, and I do have
19 a good reason for that. Because either the brigade commander is
20 empowered -- has the sovereign power to release whoever he wants to
21 released, and since the brigade commander is subordinated to you, it

22 means that you are liable; or the brigade commander just approves a
23 request made within his unit, but this, of course, gives rise to other
24 problems, and this proves that, as is your case, there could be a
25 parallel chain of command between the brigade commander and the SIS.

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1 Because in any line of command it's quite difficult to understand that
2 there would be anyone who would have to make a written request for the
3 higher subordinate, whereas Obradovic, the commander, could have resolved
4 the problem himself, just saying, Just release him, without any paperwork
5 involved.

6 You see, there is a lot of questions here that have to be solved.
7 And the counsel is asking questions to you in order to know whether
8 you're not the one liable in the end, behind all this, which is why I'm
9 asking the following question: As commander of the HVO in August of that
10 year, did you have the power to release anyone detained in a jail,
11 whether this person be on provisional detention or whether he be actually
12 sentenced?

13 THE WITNESS: [Interpretation] I did not have that power, nor did
14 that power exist at all within the HVO, even assuming that this power was
15 actually exercised by a commander. It never reached me, not in terms of
16 learning about it, and certainly not in terms of approving anything like
17 that, never, and maybe not even then.

18 Nevertheless, the first document, and allow me to say something
19 about it, Your Honour, now that you've asked, the previous document

20 claims that this remains unresolved. There were still some doubts about
21 it. The one thing that I would like to draw your attention to, in the
22 last paragraph, is that Zara Pavlovic says, I quote:

23 "As for prisoners in this area, where there are the greatest
24 number of them, this has been discussed a number of times and the
25 leadership was informed, be it through the Security Service, be it

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1 through the commander, himself, Colonel Nedjeljko Obradovic."

2 The proposal by the Security Service is to swiftly deal with the
3 prisoner issue in the area. Therefore, it is quite obvious that the
4 chief of the Main Staff had learned about some problems that had
5 occurred, and he wanted more information on this submitted. I was,
6 unfortunately -- that is the man who requested information.

7 Your Honours, both in peace and wartime, there are problems, and
8 there are two different ways to approach the problem. There is always a
9 structure in place. Nevertheless, there are two problems. One is to
10 meet the problem face on and try to deal with it. The other is, try to
11 get away from the problem and work your way around the problem by piling
12 up paperwork. These two are different in spirit. One is to actively
13 pursue a problem in order to come to grips with it, and the other idea is
14 to create a smoke-screen of paperwork in order to endlessly keep shifting
15 responsibility. That is what I'm trying to tell you.

16 What is at stake here is this: The very problem at the heart of
17 this was never solved within or among the assistants -- security

18 assistants of the Defence Department, simply because there was a fierce
19 personal clash, aversion, you might say, between Valentin Coric and
20 Ivo Lucic. This affected the following: The military police was
21 supposed to be supporting the Security Service because the
22 Security Service, as the name implies, was in charge of security in the
23 military component. Nevertheless, neither at the administration level or
24 the operative level, or indeed the brigade level, no order was received
25 by the security sector for the military police creating a chasm, an

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1 enormous one. You have an intelligence officer who comes by some
2 information. Nevertheless, his order for the military police to act on
3 it was not recognised. And that's why brigade commanders had to jump in
4 and save the day, so that was what actually happened.

5 The Security Service, as in any country, the agents and the
6 ordinary policemen have to work together. Unfortunately, there was this
7 problem in the HVO, and it was never dealt with. Attempts to escape from
8 this problem left the commanders in the area in this thankless situation
9 of facing the problem by bypassing the entire system. Bypassing an
10 entire system is never a good way to deal with something. You solve
11 something while something else remains unsolved. So there are two
12 different types of approach here. One is to meet a problem head on.

13 I have no intention of wasting your time. Nevertheless, during
14 the cross I will explain exactly what happened.

15 If you have a strong army, such as the French Army at the

16 beginning of World War II, everything was working perfectly.
17 Nevertheless, one was trying to escape the problem, and that's why the
18 glorious army and glorious soldiers were defeated in a month's time,
19 because they refused to meet the problem head on. They were sitting
20 pretty somewhere 500 kilometres away from the front-line. The paperwork
21 was fine, the procedure was fine. Nevertheless, within a single month
22 the war was lost.

23 This organisation was dead because its spirit was inert. That is
24 what I'm trying to tell you. I was a general. I could easily have
25 afforded to sit somewhere far away at a table with a huge white

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1 tablecloth and try to pile up paperwork. Nevertheless, I would be on my
2 way to Rama, although I had a two-star general there. My own commander,
3 Siljeg, must go to the front-line if I tell him so, if a line had been
4 taken by the enemy. That is how I lost two commanders from the command,
5 itself. You need to take an active approach in the middle of a war.
6 Problems crop up. You've got to come to grips with them.

7 Regrettably, because of the entire system in which these people
8 were living, there was a lot of paperwork being produced, responsibility
9 shifted to and fro. Nevertheless, I will be addressing this question
10 more thoroughly during my cross.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, in a nutshell,
12 if I understand you correctly, at the level of the Knez Domagoj Brigade,
13 Colonel Obradovic suddenly finds out that there is a number of people

14 detained. He also finds out that, legally, the situation is very
15 complex. He then reports this to his hierarchy, and his top hierarchy
16 provides him with no solution. So on the field, as a brigade commander,
17 he has to solve the situation, he has to find a solution regarding, for
18 example, the release of this first-class captain called Mirsad Baljic.
19 In a nutshell, is this the situation we had there?

20 THE WITNESS: [Interpretation] We need to define the word
21 "superior." In this case, it's not his operation's own commander, nor
22 indeed anyone from the Main Staff. He is asking whoever in prison, based
23 on the fact that he needed a captain who was a good captain, back in his
24 unit. It reads here Zara Pavlovic checked him, let him go. That's my
25 explanation.

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1 JUDGE ANTONETTI: [Interpretation] A slight correction to the
2 transcript. On page 17, line 4, the number of the document is not
3 5D02194, but 5D02184.

4 Mr. Kovacic.

5 MR. KOVACIC: [Previous translation continues]... the transcript.
6 Maybe it would be also good to mark that Mr. Praljak, in previous
7 response, when he cited a second paragraph on the second page, it was
8 referenced to document P4496, because in the meantime the previous
9 document was on the screen, so we don't know actually what is that.
10 Thank you.

11 JUDGE TRECHSEL: As we look at it thoroughly, I have a perhaps

12 last question on document 5D02184.

13 The signatures of these three gentlemen have on top of it each
14 time a different word. For Pavlovic, it is "Saglasan", which I think is
15 correctly translated by "d'accord", as one would say in French.
16 "Odobrava" is the word above the signature of Obradovic, which again,
17 I think, approved -- thought to be good would be a correct
18 interpretation.

19 Now, it seems to be your view that both Pavlovic and Obradovic
20 only give advice and do not decide. Why, then, the difference between
21 "Saglasan" and "Odobrava"? I would not understand. Would they be the
22 same, or do you say they are the same here?

23 THE WITNESS: [Interpretation] No. It's quite simple, really,
24 Judge Trechsel. There was someone's appointment. There was a broad
25 spectrum of those who could make proposals or nominate. A request for

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1 release from prison was submitted by the VOS chief. Zara Pavlovic was in
2 agreement with this or concurred with this. The VOS chief within the
3 brigade has no power to do that. It is simply not within his power to
4 approve a document like this. That kind of a document for release from
5 prison is approved by Nedjeljko Obradovic. There is one person
6 submitting this document, another person looks into the possible guilt of
7 the man in question, and then someone else from the brigade approves for
8 this request to be passed along to whoever was in charge of that, in
9 purely procedural terms, a prosecutor, a judge, for that person to be

10 released. They submitted a request saying that this person was
11 blameless, as far as the brigade was concerned. But they could have
12 said, He was fine for you in the brigade, but there was something else
13 that he had done. So they could have had information indicating
14 something different. But the procedure itself and the progress of this
15 document is quite logical.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, if we assume
17 that this Mirsad Baljic was not placed in detention by a judge, by a
18 military judge, nor by a civilian judge, or is not under investigation,
19 that he's illegally in detention, any brigade commander noting that
20 someone has been illegally jailed, is this person able to put an end to
21 this illegal detention?

22 THE WITNESS: [Interpretation] No, you can't say illegally jailed.
23 There is someone there who is in charge of determining the legality of
24 detention. He can say, We've got nothing on this man, let him know.
25 They could submit evidence in relation to brigade, to the extent that he

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1 was blameless in the brigade. Nevertheless, it wasn't for
2 Nedjeljko Obradovic, at any rate, to determine anyone's guilt. He could,
3 for example, gather intelligence indicating that the man had done nothing
4 wrong in the brigade. If you've got nothing else on him, let him go.
5 You are keeping him detained with no particular evidence to show for it.

6 JUDGE ANTONETTI: [Interpretation] General Praljak, I would like
7 to know whether you agree with me regarding the following: When someone

8 is in jail, this person must automatically be jailed with some kind of --
9 according to some kind of order.

10 THE WITNESS: [Interpretation] In a jail, yes, but not in a remand
11 facility. I am, in part, familiar with this situation. You can remand
12 someone in custody if there is a well-founded suspicion. If you arrest a
13 number of people, for example, on the 30th of June there was that
14 enormous act of betrayal, HVO men being killed and so on and so forth,
15 you can remand in custody a number of HVO Muslims because there is a
16 suspicion that they might try to kill you. It is then that the SIS start
17 their investigations as to whether the people in question were guilty of
18 anything or not.

19 JUDGE ANTONETTI: [Interpretation] General Praljak, with this
20 theory of thinking that someone is suspected of being guilty, you could
21 have everyone in detention. I had a very clear question. I was saying
22 that when someone is detained, you must need to have a committal order or
23 detention order, and I insist on that, because you needed to have some
24 suspicion to issue a committal order or a detention order. And with this
25 theory, you could actually have in detention an elderly person, a child,

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1 a civilian person, anyone.

2 THE WITNESS: [Interpretation] Well, Your Honours, I'm in
3 detention because there's suspicion that I was involved in a JCE.
4 Somebody had those suspicions about me.

5 JUDGE ANTONETTI: [Interpretation] General Praljak, one can be in

6 prison because there were allegations that were part of an indictment,
7 but it's not enough. There was a committal order, which was the arrest
8 warrant, and I'm in a very good position to say that because I signed
9 this arrest warrant. So if you are in detention at the moment, it is
10 because there is what we call a committal order, which was, in your case,
11 the arrest warrant. And if I'm asking you if there was a committal
12 order, I wanted to know whether at that time, when Colonel Obradovic had
13 jurisdiction or competence for that, I was wondering whether someone was
14 issuing an order to allow the detention. Or was that a verbal order by
15 saying, This person is suspected of something, so they will be sent to a
16 detention unit, and there was no committal order? Do you see the
17 difference?

18 THE WITNESS: [Interpretation] I see the difference,
19 Your Honour -- or, rather, I do see the difference, Your Honour, but I'm
20 thinking hypothetically because I didn't take part in that, so I can only
21 speak hypothetically. And hypothetically speaking, the HVO, on the 30th
22 of June, saw that within its ranks, there was treason, betrayal, and that
23 people -- and people were killed in a -- as a betrayal.

24 Now, as of that point in time, in my view, it was permissible to
25 disarm potential members of this traitor structure and to place them in

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1 detention, since there were a lot of them, and it was a question of
2 minutes, hours, because the HVO was disrupted from inside, with 26
3 killed, and a whole series of others -- well, anyway, at that point in

4 time, to my mind, and I'm speaking about my own personal view, it was
5 permissible to place these individuals in detention, or isolation, or
6 whatever it's called. And then they can be convicted of belonging to a
7 treacherous structure, structure betrayal, and then legal proceedings can
8 be taken against them. And if they are found not guilty, they can be
9 released.

10 But at that particular point in time, when you're faced with
11 treason and when you have, in the rear, a whole series of groups killing
12 people, and you disarm them at a certain point, but you don't have proof
13 and evidence of them actually having been the perpetrators, until such a
14 time, until you collect this evidence and proof - well, I don't know what
15 this is like in legal terms - but no army, no commander on earth would
16 allow these people to go ahead and kill your own men.

17 You can explain to me what the legal background is, but I would
18 have acted the same way had I been in that situation, because it is the
19 first duty of a commander to protect his men. So if you have members of
20 your organisation, who were members of your organisation until just a
21 while ago, massacring your own men, what would you do?

22 JUDGE ANTONETTI: [Interpretation] That is clear, and you have
23 explained it at length. You explained what happened from the 30th of
24 June; namely, that the HVO was faced with a situation whereby soldiers
25 from the HVO had deserted or were traitors, and the answer was to detain

1 them. Very well.

2 Yes, Counsel Alaburic.

3 MS. ALABURIC: [Interpretation] Your Honour, since you are
4 discussing a topic which, in the opinion of General Petkovic's Defence
5 team, is of the utmost importance, I'd just like to draw your attention:
6 It wasn't about the Muslim soldiers of the HVO who had deserted, they did
7 not leave the HVO units; they betrayed their fellow soldiers within the
8 HVO and joined up with the BH Army and then actively took part in the
9 fighting against the HVO, just to have no misunderstanding over the
10 concept of desertion.

11 THE WITNESS: [Interpretation] Ms. Alaburic, I came later, but now
12 I know about this. They neither deserted, nor did they join up; they
13 killed. They killed in North Camp, they killed 26 people in the
14 surroundings of Capljina, they killed -- they massacred five or six of my
15 men who were taking food. What are we talking about here? It's high
16 treason, high treason with the papers we saw. They were preparing this
17 for months in advance, because Pasalic [as interpreted] says, Link up
18 with our men in the HVO.

19 Now, had this been the French Army, well, they would have shot
20 them within the space of three days. They would have been executed
21 without further adieu.

22 Here, they were detained, and of course what followed, followed.

23 JUDGE ANTONETTI: [Interpretation] We'll stop there, because the
24 counsel for Mr. Petkovic will have ample time later on to ask for
25 testimony. So we will proceed with Counsel Tomic.

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

2 Q. Now, Mr. Praljak, I'm going to follow on from what we just heard
3 in the courtroom here, and please tell me this: To the best of your
4 knowledge, is it true and correct that most of the individuals who
5 happened to be in Dretelj were precisely disarmed members of the HVO of
6 Muslim ethnicity?

7 A. I don't know, madam, I don't know.

8 Q. Now my second question. His Honour, the Presiding Judge,
9 Judge Antonetti, on page 22 of the transcript, put a hypothesis to you
10 that Colonel Obradovic suddenly learnt about the fact that there was --
11 there were a number of people down there who had been detained. Tell me
12 now, please, Mr. Praljak, how did Colonel Obradovic -- would it be
13 logical that Colonel Obradovic learnt about this suddenly, when he was
14 precisely the man who issued the order to disarm these people and detain
15 them, incarcerate them, at least the ones that Ms. Alaburic referred to,
16 that is to say, the members of the HVO who were of Muslim ethnicity, whom
17 he considered to be a security threat along the lines of what you were
18 describing? Is it logical that then he learnt about this suddenly, or is
19 it more probable that he knew about this from the very beginning, at
20 least the approximate number of people that were over there?

21 If you don't know, just say and we'll move on.

22 A. Yes, we'll move on, but let me just say the following:
23 Everything that I have said are my own hypotheses, my logical thinking,
24 and I'm telling you how I understand the situation. I learnt about many

25 of these events later on. They had taken place before I arrived, and

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1 when I arrived I was thrown into a war that lasted for two months, so I
2 didn't have this kind of information. But what you're saying is logical.
3 There you have it, that's my answer, with the caveat that I made.

4 Q. Mr. Praljak, precisely because you said before what you said now,
5 that you didn't know about it then, but you learnt about it later, is my
6 reason for cross-examining you and asking you, each and every time,
7 whether you knew or did not know, so that we can see whether it was
8 information you actually had dating back to those times or whether it was
9 a hypothetical on your part.

10 Now let's look at P03883, the next document, please. This is a
11 request put in by Warden Tomo Sakota. It is sent to Colonel Nedjeljko
12 Obradovic, and the request reads as follows."

13 On behalf of the Military Police Administration,
14 Mr. Valentin Coric, and following the personal intervention of
15 Mr. Vico Vukojevic, with kindly request that you release from detention
16 in the Dretelj Barracks the following person ..."

17 I don't need to read it to the end. Tell me now, please,
18 Mr. Praljak, since you've just told us that you did not have any
19 knowledge from that time, does it follow logically from this document
20 that Mr. Coric could not have personally issued orders to the prison
21 warden, Tomo Sakota, telling him to release anybody from prison, from
22 detention, but rather it was only Colonel Nedjeljko Obradovic who could

23 have ensured the release of someone from prison?

24 A. From this document, it follows that Valentin Coric could not have
25 released anyone, that's correct, but that that be requested of

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1 Tomo Sakota. And I saw a document here --

2 Q. And who does Tomo Sakota ask and request that of?

3 A. Well, as far as I'm concerned, this document is completely
4 nonsensical.

5 Q. That's not what I'm asking you, Mr. Praljak. Will you please
6 answer my question. We can see who Tomo Sakota is asking -- is putting
7 in a request for the person to be released from prison. We can all read
8 it. It's a brief document.

9 A. Well, go on and read it, then.

10 Q. Well, you read to whom it is addressed. What does it say? To --

11 A. It says: "Military police, Capljina, to Colonel
12 Nedjeljko Obradovic" or "for Colonel Nedjeljko Obradovic," that's what it
13 says at the top of the document.

14 JUDGE PRANDLER: How many times should I tell you - and the
15 President and Judge Trechsel - that you have to slow down. Is it
16 impossible to listen to us?

17 Thank you, and I hope that you may finally do whatever you have
18 to do, both of you.

19 THE WITNESS: [Interpretation] I really do apologise,
20 Judge Prandler, I do.

21 MS. TOMASEGOVIC TOMIC: [Interpretation]

22 Q. Mr. Praljak, before we diverged from the topic at hand, I asked
23 you whether you know that Mr. Boko Previsic was the warden of Gabela?

24 A. While I was down there, I did not know of a single name of any
25 warden of any prison or detention centre or anything else, and that

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1 includes Boko Previsic. I didn't know about him, either.

2 Q. The name "Gabela" was not recorded, and I asked about
3 Boko Previsic and Tomo Sakota, as it says in the transcript.

4 Now, Mr. Praljak, did you subsequently learn that Mr. Boko,
5 B-o-k-o, Previsic was the warden after the time that you were in the
6 HZ-HB?

7 A. Many years later, I learned that Boko Previsic was the warden of
8 the prison in Gabela. From the newspapers, that's where I learned that.

9 Q. Tell me, please, Mr. Praljak, did you know then or did you learn
10 later that Mr. Boko, B-o-k-o, Previsic was a member of the 1st Knez
11 Domagoj Brigade?

12 A. At the time he was prison warden, or before that? But I didn't
13 know either, the former or the latter.

14 Q. Did you learn about it later?

15 A. No.

16 Q. Now let's take a look at document P06729, P06729. It's already
17 an exhibit, and let's turn to page 3 in both versions, both in Croatian
18 and English. It is a report sent on the 18th of November, 1993, to

19 Colonel Biskic. For the Trial Chamber, Colonel Biskic explained about
20 the circumstances under which this document was drafted. And it's after
21 your time, Mr. Praljak. On page 3 of that document, underneath the
22 title, "Command and control system in the shelter and security measures,"
23 the warden is -- the head of the prison of war shelter is Bosko Previsic,
24 member of the 1st Brigade of Knez Domagoj from Capljina, and his deputy
25 is Nikola Andron, member of the same unit.

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1 Tell me, please, Mr. Praljak, whether you subsequently learnt
2 that in Bosnia-Herzegovina, legal proceedings were taken against
3 Mr. Boko Previsic, who was a fugitive at the time, and that this other
4 man, Nikola Andron, was convicted for the events in Gabela during 1993.
5 Are you aware of that? Do you know about that? And that in the
6 judgement it was established what it says here, that both of them were
7 members of the 1st Knez Domagoj Brigade?

8 A. I know of both facts from the newspapers. The only thing I don't
9 know about is the judgement, that it says -- well, I don't have the
10 judgement, of course. So the question remains who appointed them, who
11 appointed them to that function and post, and I assume that that is
12 something that is contained in the judgement as well.

13 Q. I'd now like to move on to the last document, which is P0373, at
14 least the last document linked to this area, this subject matter. It is
15 a document from the Stjepan Radic Ljubuski Brigade.

16 THE INTERPRETER: Could counsel please speak into the microphone

17 and switch her other microphone on. Thank you.

18 MS. TOMASEGOVIC TOMIC: [Interpretation] P0373 is the document
19 number, P03793, 3793.

20 Q. The document is from the Stjepan Radic Brigade. It is signed by
21 the head of the brigade, Stanko Primorac, and the SIS of the brigade,
22 Petar Majic. And I'd like to read a brief extract from this document,
23 which reads as follows, the beginning of the document, in actual fact:

24 "Due to the use of prisoners by unauthorised organs and in order
25 to prevent such use, I hereby issue the following order:

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1 "Any use of prisoners without the approval of a SIS brigade or
2 brigade commander (chief) is strictly forbidden."

3 Now, Mr. Praljak, the document is dated the 29th of July, 1993.
4 Did you know about this?

5 A. No.

6 Q. Mr. Praljak, I'm going to put my final question to you on this
7 area. I started out my examination about prisons, as I said at the
8 beginning, because you told us that the army had nothing to do with the
9 prisons. From the documents that we looked at yesterday and today, it is
10 obvious that the army did, indeed, have links and something to do with
11 the prison. Now, you said that you had never seen those documents before
12 and that you didn't know about those documents. After they've been shown
13 to you now, do you still maintain by what you said earlier on and the
14 explanations given? You don't have to expound your answers again. We

15 have heard all your explanations. Just tell me whether you stand by what
16 you've already said.

17 A. I wholly stand by what I said, when I said that the army had
18 nothing to do with the prisons.

19 Q. Fine.

20 A. May I be allowed to give the second part of my answer? Nothing
21 to do with the prisons, except for the fact that it had to cover for
22 other people's lack of performing their duties.

23 MS. TOMASEGOVIC TOMIC: [Interpretation] Mr. Praljak, I didn't
24 think I'd receive a different answer from you, but as it's ten minutes to
25 the break and I'm moving on to another area, may we take the break now,

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1 have an early break, Your Honours?

2 JUDGE ANTONETTI: [Interpretation] Very well. We're going to have
3 a break of 20 minutes now.

4 --- Recess taken at 10.19 a.m.

5 --- On resuming at 10.45 a.m.

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

7 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you very much,
8 Your Honour.

9 Q. Mr. Praljak, now I would like to show you a document. I believe
10 that you have already seen it, because it's been exhibited. It's P04262,
11 the first or second document after the one we've dealt with just now.

12 Have you found it? This is a document that is signed by

13 Mr. Petkovic, on behalf of the Main Staff. The document is dated the
14 17th of August, 1993. It was sent to all the operational zones, and it
15 is also stated here that this should be delivered to the brigades. The
16 title is "Brigade Military Police," the command authority, and it reads
17 as follows:

18 "It has often been an occurrence for the commanders to go
19 directly to the chief of the military police when the brigade military
20 police is not being efficient. I hereby warn all that the brigade
21 military police is under the direct command of the brigade commanders.
22 It is located in the brigade establishment and has the same status as
23 other brigade units:"

24 Item 2:

25 "The personnel selection is done exclusively from the ranks of

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1 the troops of the brigade, and it is the right of the commander to remove
2 or replace all military officers."

3 Item number 3:

4 "Only professional assistance can be sought from the military
5 police chief."

6 Item number 4:

7 "All problems in the brigade police are your problems, and you
8 should deal with them through the command system."

9 Now, Mr. Praljak, regarding this document, I have three questions
10 for you. The first question is whether you were aware of this document.

11 The second question is whether this document is in line with the
12 structure or establishment of the military police. And the third
13 question is whether you agree with General Petkovic.

14 A. As for your first question, I say that I knew about this
15 document. The second question, well, this does not correspond with the
16 establishment of the military police. And as for your third question, I
17 was not in agreement with General Petkovic. I had a very heated debate
18 with General Petkovic regarding this document, because he had made a
19 mistake. He should not have issued a warning of this kind, or an order,
20 but General Petkovic then went on to explain to me that there were
21 clashes between the brigade military police and the military police
22 battalions, and that the military police simply was not efficient and
23 that it caused a great deal of problems for the brigade commanders, and
24 that the problem was not dealt with by the chief of the military police,
25 and he had to bypass the system and issue this order to solve the

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1 problem. I didn't agree with the order, but I did not cancel it after I
2 received this explanation from General Petkovic.

3 Q. Mr. Praljak, now I would like us to look at our next document. I
4 have to say that I don't agree with you, that this was not in line with
5 the establishment, but let's leave that for later.

6 Now I would like us to look at P04413. That's our next document.
7 This is a document issued by the deputy commander, Ante Govorusic. Can
8 you tell me, since the document does not clearly indicate, what was he

9 deputy commander of, because we can see the Command of the North-West
10 Herzegovina Operational Zone up there in the heading. Does that mean
11 that he was deputy commander in that command?

12 A. Yes.

13 Q. Well, I will not be reading this document, because it's a copy of
14 a document that we have already seen, a document drafted by
15 General Petkovic. Could you just read it to yourself slowly, and I will
16 just say that it is clearly visible from the document that this was --
17 this document was sent to the brigades and units, including the
18 Military Police Battalion, that are deployed in the area of the
19 North-West Herzegovina Operational Zone and that this document was issued
20 five days after General Praljak issued his -- General Petkovic issued his
21 order, so it was sent down the chain of command.

22 So, Mr. Praljak, do you agree with me that this document is, in
23 fact, an order or a warning that is sent down the chain of command and
24 was originally issued by General Petkovic, so it is now issued to
25 lower-ranking units?

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1 A. Yes, that is correct.

2 Q. Let us now look at P00990. It's our next document.

3 And while we're waiting for the document to come up on our
4 screens, let me just remind you that General Petkovic, under item 4 of
5 his -- or, rather, item 2 of his warning, said that the personnel
6 selection for the military police in the brigade -- that the personnel

7 should be selected from the ranks of the brigade and that it was the
8 right of the brigade commander to remove from office any military
9 policemen.

10 In this document that has already been exhibited, too, we read as
11 follows:

12 "Pursuant to --" or, rather: "In order to improve the structure
13 within the brigade, and at the personal initiative of the coordinator of
14 the HVO Main Staff, Srecko Herceg, and with my approval, I hereby order
15 as follows:

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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1 (redacted)

2 (redacted)

3 (redacted)

4 MS. TOMASEGOVIC TOMIC: [Interpretation] Could you please stop

5 there.

6 Could we please go into private session.

7 JUDGE ANTONETTI: [Interpretation] Please move to private session.

8 JUDGE TRECHSEL: May I just, in between, ask a question. Can
9 you -- can we be informed about the date of this document. I wonder
10 whether the figure that we find on top of the left side gives an
11 indication. It could mean that it is a document from November 1993, but
12 it's not quite clear.

13 [Private session]

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

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11 Page 42838 redacted. Private session.

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1 (redacted)
2 (redacted)
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16 (redacted)
17 (redacted)
18 (redacted)
19 (redacted)

20 [Open session]

21 THE REGISTRAR: Your Honours, we're back in open session. Thank
22 you.

23 MS. TOMASEGOVIC TOMIC: [Interpretation]

24 Q. So Ms. Pinter asked you the following, General Praljak:

25 [In English] "Did you receive military police reports regularly?"

1 [Interpretation] And you answer:

2 [In English] "No, no, we did not receive military police reports
3 regularly."

4 [Interpretation] Now, tell me, do you recall having said that?

5 A. Yes.

6 Q. First of all, tell me, who do you mean when you say "we"?

7 A. Myself. I did not receive any reports from the military police.

8 Q. Well, then tell me whether you know if the military units and the
9 Main Staff received any reports from the military police.

10 A. I don't know.

11 Q. Well, since you don't know, I will not dwell on this topic. It
12 makes no sense for me to show you any documents. And if you've just told
13 me that you don't know, it doesn't serve any purpose for me to acquaint
14 you with them now.

15 But let me now skip a total of six documents, and let us move to
16 document P05030.

17 Let me just note, for the benefit of the Trial Chamber and you,
18 General, that this document, P05030, is virtually identical to the
19 document that follows, P05366, the only difference being that the second
20 document bears the stamp of the Defence Department, so indicating that it
21 was actually received by the Defence Department.

22 Let me read from the first one, because the copy is better, so
23 P05030. It is your document. The date is the 14th of September, 1993.

24 The document's title is "Order on Resubordination," and it is sent to the
25 Main Staff, the South-East Herzegovina Operational Zone, military police

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1 units, and then in brackets "Valentin Coric," and to all brigades of the
2 North-West Herzegovina Operational Zone. And you say, in your document:

3 "In order to ensure successful command and control, and to build
4 up and organise units, I hereby order:"

5 I will only read item 5 because it concerns the military police:

6 "The military police units that have former members of the
7 Mijat Tomic Battalion in their ranks should delete them from their
8 personnel lists. They should not return their equipment and should be
9 sent to Doljani under escort. All former members of the Mijat Tomic
10 Battalion who are not part of the HVO units should be brought into
11 custody and sent to Doljani."

12 And then in item 6, you say:

13 "All commanders of the brigades in units that are under the staff
14 and the commander of the military police units, shall be responsible for
15 the implementation of this order."

16 So I have a couple of questions regarding this document. First
17 of all, the commander of the military police units, are you referring to
18 Mr. Valentin Coric here, because he is among the addressees?

19 A. Yes.

20 Q. Do you remember this document, are you aware of it? Was this
21 order carried out?

22 A. It's my document. I know about it. I wrote it or, rather, I
23 signed it. It was written following my order. I don't know this was
24 fully carried out, but I tried to see to it that it was.

25 Q. Mr. Praljak, let's move on to the next document, 3D00798. I'm

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1 skipping the one document between the two.

2 A. Do you perhaps need an explanation as to why this order was
3 written?

4 Q. No, thank you. It's irrelevant. 3D00798.

5 A. Perhaps Your Honours might permit me to explain what is going on
6 here.

7 Q. Mr. Praljak, perhaps on re-direct your own counsel can return to
8 it. Meanwhile, 3D00798, please.

9 You were shown this document in-chief. This is about the Jeleni
10 unit.

11 A. Yes.

12 Q. And then you order here -- you issue an order here, and in
13 paragraph 3 of the order you say:

14 "Paragraph number 2 of this order shall be regulated by UVP HVO.
15 The paragraph number 1 shall be executed by the command of the KB Brigade
16 by the Brigade VP. I request to be notified in writing concerning the
17 execution of this order."

18 In paragraph 2, we see what the task was of the Military Police
19 Administration of the HVO. It was for the Jeleni unit to be withdrawn

20 from the HR-HB. Do you remember this document? You spoke about it. It
21 is not my intention to dwell on it, just to check whether you remember,
22 it's an introductory document.

23 A. Yes.

24 Q. And now P05411, that's the next document.

25 This is an order by the commander of the 5th Military Police

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1 Battalion, Mr. Ivan Ancic. It reads:

2 "Pursuant to an order from the HVO Main Staff, I hereby issue the
3 following order:"

4 In the order itself, he repeats your own request which you put
5 forward in your own order; am I right?

6 A. Yes, you're right.

7 Q. Mr. Praljak, unless I'm mistaken, and if I remember correctly,
8 while testifying in-chief you said that based on your recollection, the
9 order was carried out and the unit was withdrawn from the HR-HB
10 territory.

11 A. That's correct.

12 Q. Mr. Praljak, I'm done with this topic. I only have a single
13 question remaining that I wish to ask you, and show you two documents
14 along with that.

15 Mr. Praljak, you have told us a number of times about the
16 military police commander, Mr. Zdenko Andabak, and problems that --

17 MR. STRINGER: I apologise to counsel for the interruption.

18 Mr. President, just with respect to the last document, which is
19 P05411, as counsel indicated, I think in the original language version,
20 anyway, there apparently are the words:

21 "Pursuant to an order from the HVO Main Staff, I issue the
22 following order:"

23 And I was looking, and it does not appear to me that those words
24 are found in the English translation, and I wonder if we could clarify
25 that. Thank you.

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1 MS. TOMASEGOVIC TOMIC: [Interpretation] That's right. I
2 sincerely thank my learned friend for drawing my attention to this, given
3 that I had failed to notice this myself. Thank you.

4 Q. If I may just go back to what I said a moment ago, Mr. Praljak,
5 you remember saying on several occasions something about the problems you
6 were facing with Military Police Commander Zdenko Andabak. We don't need
7 to go through the whole thing again, because you've told us a great deal.
8 Do you remember that or not? That's my question.

9 A. Yes, I do remember, but I don't think I've said a great deal, and
10 I certainly didn't finish saying what I had to say.

11 Q. That doesn't, in itself, matter. You said the essence of that
12 particular problem was he was not obeying orders, as to what orders and
13 what nature of orders he wasn't obeying, that doesn't matter right now.

14 A. No. The fact of the matter was he deserted. He escaped from the
15 positions that he was supposed to be holding.

16 Q. Mr. Praljak, you did mention another Mr. Andabak in relation to
17 the Convicts Battalion, but that gentleman's name was Ivan Andabak, as
18 opposed to this one; right?

19 A. Yes.

20 Q. Mr. Praljak, do you know what became of Zdenko Andabak later on,
21 after the war was over?

22 A. No, I don't.

23 Q. Can we please go to the last two documents in this binder. We
24 can skip the penultimate document and go straight to the last one, the
25 final document, which is the last one of any relevance. This document

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1 was produced by the BH Defence Ministry, dated the 19th of September,
2 2006. The number is 5D05084. It's entitled "Order." It is signed by
3 Minister Nikola Radovanovic. 5D050 -- 5D, 5D, not P.

4 The document reads:

5 "Order: To establish rank in the Armed Forces of Bosnia and
6 Herzegovina."

7 Mr. Zdenko Andabak, a duty in the joint command of the former
8 federation army, the Training Centre Command, he is awarded the rank of
9 colonel, as we see further down. The time spent holding this rank is
10 calculated as starting on the 30th of May, 1994.

11 Mr. Praljak, did you know that the self-same Mr. Andabak that
12 you -- that had given you all that grief finally ended his career as a
13 colonel in the armed forces of Bosnia and Herzegovina, working in the

14 Training Centre Command?

15 A. I didn't know that, and I consider that to be an exceptionally
16 regrettable fact.

17 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Mr. Praljak.

18 Your Honours, thank you. This completes my cross-examination.

19 There is one thing that I still owe Your Honours, which I'm about
20 to make good. On day 2 of my cross-examination, I referred to something,
21 Mr. Praljak using the expression "in flagrante." I'm not going back to
22 the entire topic, but I couldn't give you the page numbers in which that
23 occurred, which I will now. The transcript reference is 42458, lines 2
24 through 7.

25 Thank you very much, Your Honours.

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1 JUDGE ANTONETTI: [Interpretation] Thank you, Ms. Tomic.

2 Mr. Ibrisimovic.

3 MR. IBRISIMOVIC: [Interpretation] Thank you, Mr. President.

4 To be quite honest, it's been 35 days of Mr. Praljak testifying.

5 It's difficult to raise any issues at all without repeating ourselves. I
6 did hint yesterday, in the light of his answers to your questions on the
7 16th of June this year, that we would not be asking any questions of
8 General Praljak.

9 Thank you very much.

10 THE WITNESS: [Interpretation] Thank you.

11 JUDGE ANTONETTI: [Interpretation] General Praljak, I have a

12 question. I thought Mr. Pusic's counsel would put this question to you,
13 but I'll put it to you.

14 We know that on the field, the HVO and the ABiH made prisoners.
15 In a war, any conflict, there are always prisoners, unfortunately. We
16 know that on the HVO side, there was an office, and that on the ABiH
17 side, there was also an office. So during the conflict, there were many
18 exchanges of prisoners.

19 When you were on the field, either de facto or de jure, did you,
20 yourself, ever have to take part in these negotiations, quote/unquote,
21 "to exchange prisoners," or did you never have anything to do with this?

22 THE WITNESS: I never had anything to do with that. I never had
23 an opportunity to discuss any exchange of prisoners at all.

24 JUDGE ANTONETTI: [Interpretation] Which is why Mr. Pusic's
25 counsel put no questions to you.

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1 Very well. Mr. Stringer, are you ready?

2 MR. STRINGER: Yes, Mr. President. And greetings to you and
3 Your Honours, Counsel, every one else.

4 Yes, we're ready to begin. We have some binders we can
5 distribute and start straight away.

6 JUDGE ANTONETTI: [Interpretation] Very well. Before starting, I
7 would like to tell General Praljak that we are about to embark on the
8 Prosecution's cross-examination. The Prosecutor is doing his job, just
9 like everyone else. And the OTP, they have the burden of proof. So any

10 cross-examination made by the OTP is an examination where questions can
11 be leading. The Prosecution is going to put forth its case, of course,
12 and there can be some very difficult questions, very delicate questions.
13 You might not be very pleased with the kind of questions put to you.

14 Now to make sure that we don't run into problem, we tell you,
15 once again, what the instructions are. Please stay cool. Please listen
16 to the question. Take your time before answering. Even if you don't
17 like the question, you must answer, even if you don't like the question,
18 because these answers will be scrutinised by the Judges when they'll have
19 to pour over the thousands and thousands of pages in the transcript.
20 This is no secret here, you know, but you know that Judges look at the
21 questions and they also look at the answer. If the answer seems to have
22 been made when the witness was very heated up or something, the Judges
23 will look at it even more.

24 Up until now, you've answered very properly all questions, even
25 when they were delicate questions, as we've just seen. So I'm just

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1 repeating my instructions because you must understand that the OTP is
2 just doing its job, has no biases. It is there to -- it has the burden
3 of proof, it's on them. They have the onus. This onus is on them, so
4 they have to do their job. I'm sure you understand this very well.

5 Ms. Alaburic, what did you have to say?

6 MS. ALABURIC: [Interpretation] Your Honours, thanks for giving me
7 the floor.

8 I was convinced that I could use some time while Mr. Stringer is
9 preparing for his cross. I do have to say something that I believe to be
10 part of my professional commitment and something that is in the best
11 interests of my client.

12 The way in which other Defenses were allowed, during the
13 cross-examination of General Praljak, to extend their cross-examination
14 by using the time allotted to those Defence teams for their Defence cases
15 confirms that we are going back to the rule indicating that each Defence
16 has the right to dispose of its own time and to decide how much of its
17 own time it will use to hear a particular witness.

18 Along these same lines, I would like to again draw your attention
19 to Judge Antonetti's words on page 2 of today's transcript. I quote:

20 "We shall complete this once you have finished asking questions."

21 This sentence, without a doubt, meant that Mr. Coric's counsel
22 had as much time as she pleased at her disposal. Your Honours -- Your
23 Honours --

24 JUDGE ANTONETTI: [Interpretation] No, I would not want you to
25 waste any time. I'm not allowing what you're saying.

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1 Let me tell you what happened, exactly, this morning. I took the
2 floor to give the floor to Mr. Coric's counsel, and my fellow Judge next
3 to me told me that there might have been an ambiguity, hinting that the
4 counsel might have finished. So I took the floor once again to tell
5 Counsel Tomic that she still had time -- she still had time, according to

6 the time that was allotted to her in the first place. So she continued,
7 and each time she was putting questions, time was deducted. And the
8 Registrar is now going to give us what additional time she has used up.
9 This is all we said.

10 We issued a decision saying that she would be allotted 45 minutes
11 extra on top of the four hours, and we said everything that was beyond
12 four hours and 45 minutes would be deducted from her total time. This is
13 all we said. So please don't interpret our words. We were just telling
14 her that maybe she might have thought that she was finished, but she
15 wasn't really finished, because she had to continue with what had been
16 said yesterday.

17 I know you take every advantage, you know, to raise this question
18 of time again and again over, but I'm just cutting you off because I
19 don't want you to waste any time.

20 MS. ALABURIC: [Interpretation] Your Honour, that was precisely my
21 understanding of your words, precisely my understanding, and that's
22 exactly what I'm trying to say. We are back to this rule that a Defence
23 may use the time allotted to it for its own Defence case to extend its
24 time examining another Defence's witness. That was the overall rule that
25 applied throughout the Prlic Defence case. There is no problem with

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1 that. All the other Defence teams understood the same thing. It never
2 for a moment crossed my mind to oppose the idea that my learned friend,
3 Dijana Tomasegovic Tomic, should be given a chance to defend her client

4 in the best way, but I'm trying to point out here is the following fact:
5 During the Stojic Defence, a different rule applied. The Petkovic
6 Defence believes that the Stojic Defence was privileged in relation to
7 the Prlic Defence and the Praljak Defence.

8 Another thing that I believe to be of paramount importance:

9 Given the fact that the Petkovic Defence was prevented from using its own
10 time in this same way to extend the examination of certain Stojic Defence
11 witnesses, I would like to say that in this way, my client was denied the
12 right to a fair trial and equal treatment in this trial. We have also
13 been denied the right to use our own time and choose our own way of
14 examining witnesses. I'm talking about the only witness on the
15 establishment and functioning of the Defence Department to be heard in
16 this courtroom, the only expert -- the only high-ranking official in the
17 Defence Ministry, the deputy minister, and the only high-ranking SIS
18 official to appear, Mr. Babic.

19 I consider it my duty to get this on the record and to be
20 publicly declared. We have no intention of doing anything about this.
21 We do, however, believe that the Petkovic Defence has been denied, to a
22 large extent, the chance to use the appearance of appropriate witnesses
23 to clarify all these points.

24 Thank you very much.

25 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honours, I was the

1 first to stand up, if I may just speak before Ms. Nozica.

2 Just in order to avoid any misunderstanding, my name was
3 mentioned here.

4 During the examination of General Praljak, the Trial Chamber was
5 consistently applying the same criteria. I was given a chance to use up
6 my own time, and so was Ms. Alaburic. I think she agrees with the fact
7 that that was, indeed, the case, in relation to the testimony of
8 General Praljak; yes, I did emphasise that, just in order to avoid any
9 insinuations that I was somehow being favoured, in terms of how I was
10 using up my time, as opposed to the treatment that Ms. Alaburic got.

11 Thank you very much.

12 MS. NOZICA: [Interpretation] Your Honours, just a single
13 sentence, please.

14 This is the second time we see this happening about this theory
15 being bandied about, the privileged position of the Stojic Defence. I
16 would like to ask my learned friend just to put an end to this story. If
17 she believes there's something that's relevant and that needs raising,
18 she can launch a complaint, a formal one, file a motion, or anything like
19 that, whatever she wishes to do. I fail to see that the Stojic Defence
20 was privileged in any way. We were all in this courtroom throughout my
21 Defence case, and I think we're all aware of the fact all too well.
22 There was no privilege involved.

23 Thank you very much.

24 JUDGE ANTONETTI: [Interpretation] As far as counsel is concerned,
25 you have used an additional 58 minutes, so this will be deducted from

1 your total time.

2 I will give the floor to Mr. Stringer, but for those who have
3 forgotten, it is the Chamber that will decide on the way witnesses are
4 being examined, and they can use their discretionary power to give more
5 time or to allot more time for the one or the other. This is part of the
6 Rules.

7 Mr. Praljak, you wanted to say something, and then I will give
8 the floor to Mr. Stringer.

9 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour, I
10 have understood your instructions and guide-lines, I understand them very
11 well, and I state, once again, that there is no question which I consider
12 is difficult to answer and that I cannot answer if I show the will.

13 Now, let me just say that there are simple questions with yes or
14 no answers, then there are other questions that require more explanation.
15 Unfortunately, sometimes I feel that the question has been put in such a
16 way that if you answer it in simple terms, you would paint the wrong
17 picture, but that's what comes from this procedure. And, anyway, having
18 felt that you have a broad subject to deal with and are asked a very
19 narrow question calling for a yes-or-no answer, in fact, means that it
20 can be taken as my agreeing with things I don't agree, and it is only
21 then when I resist and feel that if I give a simple answer, that it would
22 be the truth that suffered. So that's what I wanted to say, and may I be
23 allowed to leave?

24 JUDGE ANTONETTI: [Interpretation] Yes, go ahead. It seems to be

25 an emergency. Go ahead.

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1 [The witness stands down]

2 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

3 MR. STRINGER: Well, my witness has left the courtroom,
4 Mr. President, so I don't have anything to say at the moment.

5 JUDGE ANTONETTI: [Interpretation] Very well. I thought that you
6 wanted to take the floor on the time allocation issue. Apparently not.

7 MR. STRINGER: No. I think, just for the record, to make it
8 clear that Ms. Alaburic did have the possibility to use her own time if
9 she wanted to extend her cross-examination of General Praljak, and that
10 she elected not to do that. So just -- I know that she's talking about
11 other witnesses and past practices, but just so the record's clear, she
12 used the four hours she was entitled to. In addition, she got an
13 additional 45 minutes. That was all accounted as cross-examination time,
14 and she elected not to do what counsel for Mr. Coric did. So just so the
15 record is clear, she's made a decision not to use her own time in respect
16 of this particular cross-examination.

17 MS. ALABURIC: [Interpretation] Your Honour, since I didn't speak
18 about my right to use my own time at all to extend the cross-examination
19 of General Praljak, because it is not contentious that I had that right,
20 I was accorded that right, just as the other Defence counsel were
21 accorded those rights, but what I do find contentious is that this was at
22 my own initiative -- at their own initiative that the Trial Chamber

23 offered this, whereas I was never offered it for any witness of the
24 Stojic Defence.

25 And I would just like to remind you of what requests we lodged.

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1 We wrote our requests during the night so that the Trial Chamber could
2 see all our arguments before they come into court the next morning, and
3 that after that I was not allowed to use my own time.

4 So I'm just complaining and objecting and saying that all Defence
5 teams should have equal rights to examine witnesses. That's all.

6 [The witness takes the stand]

7 JUDGE ANTONETTI: [Interpretation] Very well.

8 Mr. Stringer, you have the floor.

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

10 Cross-examination by Mr. Stringer:

11 Q. Good morning, General.

12 A. Good morning. Shall I address you as "Mr. Prosecutor" or how
13 would you wish me to address --

14 Q. However you wish.

15 A. -- or use your surname?

16 Q. General, I want to take you back to the very beginning of your
17 testimony on the 4th of May, 2009, and specifically I want to ask you:
18 Do you recall testifying and telling the Chamber that -- and I'll just
19 read from the transcript, page 39504:

20 "I was discharged from the Yugoslav Army as unable to serve. I

21 had problems with my leg and other problems. I underwent several
22 operations because of many accidents that happened to me. I fell a
23 number of times."

24 And then continuing on a different part of the transcript, on
25 page 39541, answering a question that came from His Honour

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1 Judge Antonetti, you indicated that you were discharged from the Yugoslav
2 People's Army after three months because you had a leg injury, an ankle
3 injury, that you had had a childhood accident involving a cart, and
4 that's why you didn't spend more than three months in the JNA.

5 Do you remember that testimony on the 4th of May and the 5th of
6 May, which was the day that you answered Judge Antonetti's question?

7 A. Yes, I do remember my answer. I don't remember the date on which
8 I gave it, but I believe what you're telling me.

9 Q. Now, isn't it actually true, General, that you only served in the
10 JNA for three months and you were discharged because you were a
11 malingerer, that is, you faked having a mental illness, and it's on that
12 basis that you were discharged from the JNA?

13 A. I never suffered from a mental illness. I am mentally healthy.

14 Q. My question is whether you got out of the JNA by faking mental
15 illness. Your discharge from the JNA wasn't based on any leg injury. It
16 was, in fact, based upon your being a malingerer, someone who faked
17 mental illness, as a way of getting out of the JNA; isn't that true?

18 A. That is not fully correct. I was very restricted and limited in

19 the JNA, because I was on the operating table seven times during my life
20 because of various fractures, I was that kind of child, and they wanted
21 to amputate my right leg during childhood. And I have a slight limp on
22 my right leg because I'm missing some bones. It is true that I was
23 somewhat nervous with respect to doing service in the Yugoslav People's
24 Army, and it is true that I emphasised part of that nervousness and that,
25 among other things, that is to say, because of my leg situation when I

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1 arrived in the army.

2 Q. Let me take you to the first document, then, that's in the binder
3 in front of you, P10943, which is an interview published in "Globus" on
4 the 17th of April, 1997. This is an interview that you gave "Globus" and
5 was published in April of 1997. Do you recall giving this interview,
6 General? If you look through, you'll see pictures of yourself as part of
7 the publication.

8 A. Yes, I do remember giving that interview.

9 Q. And if you look, this is on page 4 of the English, and in the
10 original language version - we've given you a blown-up copy there - I'm
11 looking at the section under the title called "An Ideological Convert."
12 Let me just read out the words -- your words as reflected in this
13 article. You're asked about your army service, and you said:

14 "I got out of the army as incompetent. The idea was risky.
15 Neurosis nuclearis [phoen] or nucleic neurosis, it is a form of disease
16 when you become nervous, even when there is no impulse of neurosis."

17 I'm skipping down a line. You said:

18 "I started preparations for avoiding the army service half a year
19 before my departure for the JNA. I made a script; I was reading the
20 professional literature; I talked to the doctors;" et cetera.

21 And you started describing the various things that you did in
22 order to show them that you had a mental illness. You say that you got
23 involved in an altercation with a Siptar, which I take to mean an
24 Albanian person. You talk about an incident where you broke a chair.
25 You say you spent weeks in observation. And then I'm in the middle of

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1 page 5 now. You say:

2 "The male nurse knew immediately that I was a malingerer."

3 So, again, General, when you told His Honour Judge Antonetti that
4 you were discharged from the JNA because you had a leg injury, that
5 wasn't true, was it? The fact is, as you've said here, you got out of
6 the JNA by being a malingerer?

7 A. I state once again that I was released from the hospital with a
8 diagnosis where my leg is mentioned. It is true that I added to my
9 nervousness, and if you like, I did not want to serve in the JNA. I
10 could have malingered on any subject, and had I been able to do that, I
11 would have. I would have tricked the Yugoslav People's Army in a worse
12 way than this to avoid doing my military service. But it's not true that
13 I was not nervous, so I'm giving you a precise answer. There's no doubt
14 that I would have used every opportunity to leave the army, to leave that

15 army, but my diagnosis was established medically and it also mentions my
16 leg, because I didn't have to do guard duty or do much foot-walking and
17 so on.

18 Q. So do you deny what's reported here, the words attributed to you?
19 Do you deny telling this reporter -- do you deny the words attributed to
20 you in this article when you said, I was a malingerer?

21 A. No, I don't deny having said that to the journalist, but I added
22 all this malingerer bit so as not to leave the impression -- and so as
23 not to say that there were, in fact, problems.

24 Q. All right. So, in other words, you said something that was
25 untrue to the journalist in order to make a better story? Is that a

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1 better way of putting it?

2 A. No, I didn't say it was untrue. I just added a bit. So I told
3 the truth, but not the whole truth.

4 Q. Very well. Now, I just want to go a little bit deeper into this
5 article. And if you continue turning the pages of the "Globus" article,
6 General, you're going to see an old photograph of you and some of your
7 childhood class-mates that I thought was worth bringing to everyone's
8 attention.

9 It's on the last page of the original language version, and I'm
10 looking at page 11 of the translation, although, Mr. President, the
11 photo, of course, is not in the translation.

12 This article, General, it has a photograph from your childhood in

13 Siroki Brijeg, and in this photograph we see you together with

14 Mr. Gojko Susak. Do you see that on the screen?

15 A. Yes.

16 Q. And this, of course, is the same Gojko Susak who was then to go
17 on and serve as the minister of defence for the Republic of Croatia;
18 correct?

19 A. Correct.

20 Q. So based on the fact, General, that you have virtually no
21 military experience in the JNA, and that you had served in the Croatian
22 Army for only a short time before being elevated to the National Security
23 Council of the Republic of Croatia and to the rank of general in the
24 Croatian Army, what really -- what we can conclude from that is that your
25 very rapid ascension within the Croatian military hierarchy is based upon

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1 a personal connection you had with the defence minister of Croatia,
2 Mr. Susak, as opposed to based on any professional experience and
3 qualifications you may have possessed.

4 A. Had I had any ambitions like that, Mr. Prosecutor, I would have
5 become the minister of defence of the Republic of Croatia, not
6 Gojko Susak.

7 Secondly, I'm highly educated in military matters, and I can tell
8 you a lot more than other generals could. I am highly educated in many
9 matters. And in that respect, my promotion and advancement was no
10 quicker than it would otherwise have been normally, given the wartime

11 conditions, because I have a great deal of knowledge. And I can prove
12 that in a hundred different ways.

13 And I was in love with this little girl on the right here all the
14 time. Mirna, her name was.

15 Q. Your counsel can come back to that in re-direct, if they wish.
16 I'm going to pass over that.

17 General, I want to take you now to your testimony on the 23rd of
18 June in this courtroom. And to start with, I'd ask if the -- I think you
19 have it in your binder, but I'd ask if the technical people could put the
20 map up on the screen.

21 A. Could you show this photograph taken at the seaside just to see
22 the level of nutrition of people in Herzegovina of this time? Show this
23 photograph of my friend and me. Thank you, yes.

24 Q. General, your counsel can come back to that one as well.

25 I'd like to move on. As I indicated, I want to talk to you about

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1 something you said on the 23rd of June and the map that you brought to
2 court, 3D00543.

3 If we could put 3D00543 in e-court.

4 General, you have it in your binder. It's in the binders that
5 have been distributed as well. And just to remind you, General, this is
6 the map that you testified you made showing the respective positions of
7 the HVO and the ABiH in the Prozor-Gornji Vakuf area on the 12th of
8 January, 1993.

9 Do you recall this map?

10 A. Yes.

11 Q. And on the 23rd of June, you testified that this was to prove
12 that the BH Army in Gornji Vakuf took all the dominant heights,
13 completely blocked the passage through Vakuf, rendering it impossible for
14 the brigade commander to get to his headquarters. And you might recall,
15 General, that I actually intervened and asked you to clarify what the
16 green arrow toward the middle of the page was, which indicated the
17 Neretvica Brigade. Do you recall when I intervened because it was
18 pointed out -- or you were asked specifically why no HVO units were
19 indicated as being present on the Makljen Ridge. Do you remember that
20 intervention that I made?

21 A. Yes, I do remember something along those lines.

22 Q. So, again, just for starters, the fact that this map doesn't show
23 any HVO presence on Makljen on the 12th of January, 1993, makes the map
24 erroneous, doesn't it? The map is not correct, in that it omits HVO
25 presence at the Makljen Ridge; would you agree with me on that?

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1 A. No.

2 Q. Well, is that because as you told Judge Antonetti, on the 23rd of
3 June, page 41860 of the transcript, who specifically asked you --

4 Judge Antonetti said:

5 "Yes, General, why is it this arrow pointing to Makljen Ridge,"

6 he's referring to the Neretvica arrow, "when there is no presence of HVO

7 in Makljen?"

8 And you said:

9 "The HVO was at Makljen, but it's not marked."

10 And then Judge Antonetti said:

11 "There were soldiers in Makljen?"

12 And you answered:

13 "No, not soldiers. There was a check-point, a police
14 check-point, at Makljen. There was no need for these troops to be
15 stationed at Makljen, but cutting Makljen off and taking this check-point
16 would --" I'm sorry, "... taking this check-point in effect would have
17 caused the whole situation in Prozor to fall through."

18 So what you said in response to Judge Antonetti's question on
19 this was that there was, in fact, a check-point, a police check-point, at
20 Makljen. Do you recall that testimony?

21 A. Yes, I do remember that. At the top of Makljen, there was a
22 police check-point at the ridge.

23 Q. Now, in fact, there was not only a police check-point, but there
24 were big guns, artillery of the HVO, that it used in this very same
25 period in connection with the Gornji Vakuf operation; isn't that true?

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1 A. Whether during the operation, the artillery was brought in, I
2 don't know that, but there was no artillery up at Makljen. There was no
3 need for that, and it wasn't a good position for it. There was no -- it
4 wouldn't have served a purpose.

5 Q. Can you take a look at the next document, please, P01107.
6 P01107. General, this is an order from your -- well, from Commander
7 Colonel Siljeg, dated 12th of January, the same date as your map, and
8 it's an order. He refers in paragraph 1 to the attack forces of the
9 operative zone, ordering them to route the enemy forces, the BH Army,
10 with the objective of taking control of towns and roads and preventing
11 the enemy from threatening the Croatian population in Bugojno and
12 Gornji Vakuf.

13 And if you turn to item 3 in this document, page 3 of the
14 English, paragraph 3 pertains to the use of the artillery. And then
15 item 3.4, if you look at that paragraph, General, you'll see at the end
16 that Colonel Siljeg is referring to -- I'll just read the sentence:

17 "Firing position for the T-130 in the Ometala area for the VBR on
18 Makljenja and for the PAT and tanks in Prozor."

19 Just so we know, General, what is the VBR that is referred to
20 here? Isn't that a multiple rocket-launcher?

21 A. That's correct, a multiple-barrel rocket-launcher which is placed either
22 on a truck or is pulled by a truck. And as it says here, quite correctly,
23 this is preparation for an operation. So the VBR will be brought to Makljen,
24 and PATs, tanks to Rama. So he's not even bringing it into combat yet,
25 rather, he is taking it to Prozor. So regardless of the fact that I arrived

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1 up there on the 16th, the information that I received was correct, and this
2 testifies to it. So these are preparations for an operation, and the VBR

3 will be brought up to Makljen on a truck or pulled by a truck.

4 Q. Very well. So to the extent that your map and your testimony
5 indicates there was not or would not have been a multiple rocket-launcher
6 position on Makljen on or after the 12th of January, that's incorrect;
7 would you agree with me?

8 A. He goes on to say here that it should be -- a VBR should be
9 brought into Makljen and tanks into Rama. Now, whether that was the case
10 on the 12th, that's debatable. I stand by what I said. It might be
11 wrong with respect to a matter of hours or whatever.

12 Q. Can we then go to the next document, P01162. This is a report of
13 Colonel Siljeg dated 16 January, so this is four days later.

14 Now, on page 2 of the English, at the top, he says:

15 "We began more intense operations on all enemy movements and
16 regrouping."

17 And then skipping down a few lines, he mentions Rama Brigade
18 forces, and he makes reference to 107-millimetre multiple rocket-launcher
19 on Makljen, 120-millimetre mortar from Mount Makljen, and a T-55 battle
20 tank from Makljen. And so, again, General, to the extent your map
21 indicates that there was no HVO presence at Makljen on the 12th of
22 January, isn't that misleading, because, in fact, the HVO had multiple
23 big guns on that feature that it used during the Gornji Vakuf operation?

24 A. On the 16th of January, obviously, yes, because that's when the
25 operation started, but the main feature up on Makljen, which is a hill,

1 is called "Crni Vrh," it's the Crni Vrh feature, 1033. And Siljeg says
2 Crni Vrh has been taken control of, which means that the BH Army forces
3 from the main feature at Crni Vrh were in control of Makljen. And the
4 HVO, before the start, only had a point up there or, rather, a police
5 check-point; whereas once the operation was launched, then that's normal,
6 bringing these in. And that's how Crni Vrh was taken, obviously. That's
7 what it says here.

8 Q. The next document is P01183. This is from Commander Siljeg on
9 the 18th of January, where he says, and I'm looking at the second line of
10 the text, he says:

11 "We hereby inform you that given that this morning we have
12 launched an attack on Gornji Vakuf from the direction of Makljen, there
13 is heavy fighting going on over there ..."

14 So again, General, to the extent that your map and your testimony
15 indicated that there was no HVO position or military presence at Makljen
16 during this period of time, that's not correct, is it?

17 A. No, it's quite the reverse; what I said is completely correct.
18 Because if the BH Army, and the previous document said that, was not in
19 control of Crni Vrh, Makljen, why, then, was fierce fighting going on
20 there? If the HVO previously controlled Makljen and Crni Vrh, then there
21 would not be fierce fighting going on there. So what I said, my
22 statement is correct, and it's correct that the HVO was not up at
23 Makljen, which is a hill, the main feature, but that it was taken over by
24 the BH Army, and that's why the operation started, because it had its
25 positions up there, and it had complete control of the HVO.

1 JUDGE ANTONETTI: [Interpretation] General Praljak, I remember
2 having asked this question, and at the time I wanted to ask you some
3 questions on Makljen because we had heard about it.

4 Why is it that on this map -- and in fact it would have been
5 useful for you to tell us that the position of the HVO and BiH were there
6 at a specific date, you should have pointed out the day, but I would like
7 to know why you did not mark this map and stated that the HVO was there
8 after Crni Vrh was taken. It's the hill that is above Makljen. Why did
9 you not mention it? Is that because the map has been drafted or has been
10 drawn after the events?

11 THE WITNESS: [Interpretation] First of all, Judge Antonetti,
12 Your Honour, the map was drawn up on the basis of documents subsequently,
13 the documents that I had in the Detention Unit, and on the basis of
14 consultations. Secondly, the map was confirmed by a major of the British
15 Army. And, thirdly, you would have to draw a new map for every single
16 day. Well, not only day; military maps change from one hour to the next.
17 So this is the initial starting position for which I claimed, on the
18 basis of talks I had and so on, that the cause of the beginning of the
19 HVO action was to pull out of an encirclement. That was the initial
20 point.

21 Now, later on, subsequently, the fact that VBRs were brought in
22 and tanks, you have to follow the situation from one hour to the next,
23 and you ought to bring in Siljeg to tell you how the situation evolved

24 over the days.

25 JUDGE ANTONETTI: [Interpretation] General, in military terms, if

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1 I understand you correctly, in Makljen the HVO was controlling traffic,
2 there were check-points, and on the next hill in Crni Vrh there was the
3 presence of the ABiH, and you attacked this position and actually
4 captured it. Is this what happened, militarily-wise, after which, of
5 course, you controlled Makljen as well as the other elevation that had
6 been previously held by the ABiH?

7 THE WITNESS: [Interpretation] Yes, it did happen, yes.

8 JUDGE ANTONETTI: [Interpretation] Very well. This is what the
9 document says, orders that this elevation at 1.300 metres was captured.

10 MR. STRINGER: Thank you, Mr. President.

11 JUDGE TRECHSEL: I'll let you go on, because you may be asking
12 the question that I would have asked.

13 MR. STRINGER: I have one more document on this point,
14 Judge Trechsel, and then --

15 JUDGE TRECHSEL: My document -- my question refers to this
16 document.

17 Mr. Stringer has put this to you and then said, Doesn't this show
18 that the Makljen was in possession and held by the HVO with heavy
19 weapons? And you have then answered that this was not so; on the
20 contrary, quite the reverse. Page 66, line 3, following. And you say,
21 line 5:

22 "Then was fierce fighting going on there."

23 And you refer this "there" to Crni Vrh and Makljen.

24 Now, if I look at the text that I have in an English translation,
25 which, of course, may not be correct, I read it differently. In the

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1 text, Colonel Siljeg says:

2 "This morning, we have launched an attack on Gornji Vakuf from
3 the direction of Makljen. There is heavy fighting ongoing over there,
4 and therefore we cannot perform the evacuation."

5 In my reading, "there" does not refer to Makljen, where there is
6 nothing to evacuate, anyway, but to Gornji Vakuf. And so I think it's
7 not at all what you told us, but what Mr. Stringer suggested.

8 THE WITNESS: [Interpretation] No, Your Honour. The evacuation of
9 the wounded was supposed to take place from Bugojno, and it has nothing
10 to do with this. This -- well, Siljeg is writing to the brigade in
11 Bugojno, saying, We cannot -- or, rather, You cannot, because of the
12 fighting, take the wounded which were usually transported to Croatia via
13 that road, you cannot evacuate them. The wounded in Bugojno are the
14 result of the fighting between the BH Army and the HVO, on the one side,
15 and the Serbs. Bugojno is at peace. There's still fighting only the
16 with the Serbs. There are wounded, and they are being taken away. But
17 here the fighting started. There is no military reason -- Serb lines
18 were 20 kilometres. The BH Army did not have any military reason to be
19 on Makljen or Crni Vrh, which is a dominant height. Well, yeah, okay,

20 yes.

21 JUDGE TRECHSEL: That's not the question at all.

22 You pretend that "heavy fighting" refers to Makljen. I read this
23 document as saying that heavy fighting occurred in Gornji Vakuf, which
24 was under attack by the HVO, as Colonel Siljeg says.

25 THE WITNESS: [Interpretation] I don't know what kind of

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1 translation you get. You go to Vakuf from the direction of Makljen, and
2 this is where there is fierce fighting. There's fierce fighting at
3 Makljen. I don't know if the translation is bad or you cannot get the
4 clarity of it all, but there is fighting at Makljen, because the BH Army
5 controls Crni Vrh and everything in Vakuf.

6 And it is important to note here that Siljeg says the greens,
7 that's the term for the Muslims, You in Bugojno should keep calm and try
8 to convince them that nothing should happen.

9 Well, at any rate, I still stand by the map, and the testimony,
10 and everything I said about Gornji Vakuf, and I'm ready to provide
11 additional explanations as you ask questions.

12 MR. KOVACIC: I think it is done with document, but regarding the
13 possibility of wrong or -- yes, wrong and maybe -- wrong translation, and
14 maybe that was the reason of confusion, when you read -- first of all,
15 the translation is unrevised, so it is not yet confirmed, really. And
16 when you read, in second and third line that:

17 "This morning we have launched an attack on Gornji Vakuf from the

18 direction of Makljen, there is heavy fighting ongoing over there ..."

19 I think that more correct translation would be:

20 "We have launched an attack on Gornji Vakuf from the direction of
21 Makljen, where heavy fighting is going on ..."

22 But perhaps somebody should read the entire document in Croatian.
23 So I'm not telling you it's entirely wrong, but it is not very precise,
24 and it might allow different interpretations.

25 JUDGE TRECHSEL: Would you please read the first two sentences on

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1 the -- or the first -- actually, it's one sentence, the first sentence of
2 this order.

3 MR. KOVACIC: In the original document -- Mr. Praljak.

4 JUDGE TRECHSEL: Mr. Praljak.

5 THE WITNESS: [Interpretation] And I quote:

6 "On the basis of your report, in which you demand an evacuation
7 of the wounded from Bugojno, we hereby inform you that since this morning
8 we have been in the throes of an attack on Gornji Vakuf from the
9 direction of Makljen, where there is heavy fighting, and the evacuation
10 cannot be carried out."

11 Full stop.

12 JUDGE TRECHSEL: Thank you. As I see military activities, when
13 you attack point B from point A, then the heavy fighting is on point B.
14 If point A is under heavy attack, which is necessary that there is
15 fighting, you will not start an attack. But I leave it at that. I just

16 want you to know that I do not find your answer convincing, that's all.

17 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, this last
18 document, if we understand the document well, there is a request to
19 evacuate wounded people from Bugojno. And Colonel Siljeg is answering,
20 saying that it is absolutely impossible to proceed for the following
21 reason: Because we have launched an attack on Gornji Vakuf from Makljen.
22 This is what he is answering.

23 Now, if you connect this document with the previous document we
24 saw earlier, when Crni is being captured, if I understand well, before
25 Gornji Vakuf, then there would have been an attack of the other position

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1 held by the ABiH in Crni Vrh, and Gornji Vakuf would have been attacked
2 at a later stage secondly, or were the two attacks simultaneous?

3 THE WITNESS: [Interpretation] All the elevations that were taken
4 by the BH Army were attacked simultaneously, the elevations taken to
5 control the HVO in Gornji Vakuf. So first Crni Vrh, and Crni Vrh is far
6 from Vakuf. It takes a while. One needs to fight for a long time
7 between Crni Vrh and Vakuf.

8 Perhaps my answers are not very convincing, but your military
9 knowledge, Judge Trechsel, is highly debatable.

10 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak,
11 please don't talk about the competence of Judges regarding military
12 matters, because they could prove you wrong.

13 Now, what I would like to say, but it's not in the English

14 version, you said, We attacked Crni first. Is this what happened, you
15 attacked Crni first? In the French interpretation, I heard "we first
16 attacked Crni."

17 THE WITNESS: [Interpretation] Siljeg launched the attack in the
18 direction of Crni Vrh, not from Crni Vrh. You have to take Crni Vrh and
19 then the next elevation, the next elevation, based on the disposition of
20 their units and as the units retreated. It's a war. There's a dynamics
21 of movement. It depends on whether somebody fled, is fighting back, or
22 surrendered to you.

23 Likewise, the dominant heights that the BH Army held in Vakuf
24 were also under attack. The repeater -- well, they had taken everything.
25 The map is crystal clear, the situation. And then as days went by, the

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1 fighting progressed.

2 JUDGE ANTONETTI: [Interpretation] One last question. In terms of
3 military warfare, did the attack start from Makljen? This is what
4 Mr. Stringer was trying to highlight. Did everything start from Makljen?

5 THE WITNESS: [Interpretation] No. It's obvious that there were
6 other attacks before the 18th. Attacks were launched on some other
7 elevations, but this one was launched on the 18th.

8 JUDGE TRECHSEL: Mr. Praljak, will you please look at the
9 preceding document, 1162. I have, of course, only the English version,
10 and there what I would like to refer to is on the second page, but it
11 starts with reference to Mount Crni Vrh. It's the first page in the

12 Croatian document.

13 And two days before the document we have now been talking about,
14 we have this report which says, Mount Crni Vrh was taken, which was an
15 important stronghold. So what makes you tell us that two days later,
16 there is still an attack on Crni Vrh going on? This does not hold water,
17 Mr. Praljak.

18 THE WITNESS: [Interpretation] Your Honour Judge Trechsel,
19 Crni Vrh is about 15 kilometres from Vakuf as the crow flies, and
20 probably there was a counter-attack. And 15 kilometres, well, that's not
21 the only elevation. They have a whole series. Now is starting --

22 JUDGE TRECHSEL: Please spare us your fantasy of, "probably this
23 was or that was" hypothesis. Nothing like that is borne out from the
24 document. But I will give back to Mr. Stringer now.

25 JUDGE ANTONETTI: [Interpretation] Just a minute. Before

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1 Mr. Stringer can actually take the floor, I would like to move to private
2 session because the Trial Chamber has something to announce.

3 Registrar, please.

4 [Private session]

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17 [Open session]

18 THE REGISTRAR: Your Honours, we're back in open session. Thank
19 you.

20 JUDGE ANTONETTI: [Interpretation] Very well, we're in open
21 session.

22 Mr. Praljak, earlier I told you that you were going to have to
23 answer questions, and it's because I knew that you were going to be in
24 the hot seat and you were going to react. Let me tell you that my fellow
25 Judges, myself, everyone asking questions to you, really want to know

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1 what happened. You've seen that sometimes documents are ambiguous,
2 sometimes there are documents that are difficult to understand, which is
3 why we put questions.

4 Here we're talking about military matters, and we're trying to
5 understand what went on. Some might have the same competence as you,

6 some might have less, some might have more, but that's not the problem.
7 We're trying to intelligently understand what is written in all these
8 documents.

9 According to the Prosecution, an attack was launched on
10 Gornji Vakuf, and we're trying to place the forces on the field as they
11 were. Earlier, my fellow Judge was trying to understand how far Makljen
12 was from Gornji Vakuf. We have to know this. You just told us that it's
13 about 15 kilometres away. Very well; if you say so. If the Prosecutor
14 doesn't agree with you, he'll say, No, it's not 15; it's 5, or 10, or
15 whatever. We'll see.

16 But please, stay cool. Keep your cool. This is the very
17 beginning. And we're just talking about Gornji Vakuf.

18 Myself, just like my fellow Judges, like everyone here in this
19 room, is trying to understand whether the HVO attacked, whether the ABiH
20 attacked. Your case, up until now, was that it was the ABiH that
21 attacked first. And now, using the military documents, we're trying to
22 check whether this case holds water or not. Do you understand this?

23 And we need your active participation. We need you to answer the
24 questions. Do you understand this?

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

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1 are a supreme French diplomat, in addition to being a marvellous judge,
2 but that's not what this is all about.

3 First of all, when you come to things like this, the map was kept

4 here for a minute, and then we proceeded to discuss without the map and
5 to get to a solution. If you want to talk about military issues, we
6 should have a big map here, I should be in a position to make markings on
7 the map, we should have five maps, so that -- well, of course, based on
8 the documents, I could then tell you how the situation evolved on the
9 basis of my knowledge.

10 Secondly, without getting embroiled in legal matters, I know full
11 well the depth of my ignorance here, but I know also things that I know.
12 His Honour Judge Trechsel cannot tell me twice and expect me not to
13 respond, and give me his arguments about how a military action proceeded
14 and then to tell me that I'm not telling the truth, that I'm lying, and
15 that this is not in line with the documents. Well, it doesn't work with
16 me. To put it quite simply, it doesn't work.

17 I really have a high regard for Judge Trechsel, and if he were to
18 fall into the river tomorrow, I would leap in and save him, as I have
19 done several times. But when it comes to my principles, my testimony,
20 and my life, there is no compromise, there can be no compromise. I will
21 answer the questions, and I would like to be given two maps here of the
22 area around Gornji Vakuf and to bring back the map that we had before so
23 that we can see where the BH Army units were deployed.

24 The problem, Judge Antonetti, is quite clear, Your Honour. An
25 English major testified here that the BH Army put a noose around the

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1 HVO's neck in and around the town of Vakuf. No army can bear that, and

2 this is why an attack was launched on the elevations, the attack which I
3 stopped on the 23rd and the troops did not enter Vakuf.

4 These are the facts, and now questions, details -- every detail,
5 every question, I will deal with it, but this game of cat and mouse,
6 attack on A and then B, well, Slobodan Praljak is not the one to stand
7 for it. Clinton, Obama, and even if God himself came here, I would say,
8 No, Lord, I do not agree with you. And when it comes to everything else,
9 finding the truth here, I do not respect any authority in advance. You will
10 sign the judgement under your authority at the end. It is your right and it
11 gives you power. But until that time there is only the authority of logic.
12 I'm just telling the truth here to the best of my knowledge. I'm here to
13 tell the truth, and when the logic is all wrong, it's skewed, then I want to
14 say it. Believe me, Your Honours, with full respect to you, as persons --
15 well, this is a case in logic, methodology, epistemology, there are
16 things that I know, and I will not keep silent. I will answer any
17 question, I will admit to malingering, I will admit to everything, apart
18 from those things that are simply not true.

19 And could we please have a break now?

20 JUDGE ANTONETTI: [Interpretation] Mr. Prlic.

21 THE ACCUSED PRLIC: [Interpretation] It's not about merits of the
22 case, but this is an unpleasant situation, and I might help to solve it.

23 I am from that area. When we say "Makljen," we mean the ridge
24 between the two mountains. Makljen is also a fairly big mountain, and in
25 this document, which was quoted by Judge Trechsel a moment ago, two lines

1 above what he quoted, it is stated that shots were fired from Makljen on
2 Crni Vrh, and then it goes on to say that a T-55 - it's probably a tank -
3 fired on Crni Vrh from Makljen. And Crni Vrh, the way I understand it,
4 is the highest -- it's the summit of the Makljen Mountain. So it's the
5 same as if you were to say somebody took Mont Blanc, and that means that
6 they took the Alps.

7 I'm just trying to help you all get some knowledge of the
8 situation. I'm not talking about the operations, because I don't know
9 much about that, but I do know about the lay of the land. And if I
10 helped you in the situation, then the purpose of my intervention has been
11 fulfilled.

12 JUDGE ANTONETTI: [Interpretation] Very well. Thank you for this
13 information.

14 JUDGE TRECHSEL: Shortly, mainly a correction to the transcript
15 on page 73, line 24, we read:

16 "There is 50 kilometres between Crni Vrh and Gornji Vakuf."

17 I think it ought to read "15," not "50."

18 THE WITNESS: [Interpretation] That's correct.

19 JUDGE TRECHSEL: I'm grateful for the assistance of Mr. Prlic. I
20 was referring to the next line, actually, where it simply says: "Mount
21 Crni Vrh was taken." Now, maybe there are other understandings, and I
22 read it in a certain way.

23 JUDGE ANTONETTI: [Interpretation] General Praljak asked for a
24 break, and I think we need a break, so we'll resume in 20 minutes.

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--- On resuming at 12.51 p.m.

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

MR. KOVACIC: [Interpretation] Your Honours, I thank you for giving me the floor.

Following this whole discussion that we had, I went back to the transcript just to reassure myself - page 73, lines 7 through 9.

Judge Trechsel literally said, I'll quote in English, just to make sure there's no confusion, that was recorded:

[In English] "Spare us your fantasy of -- probably this was -- that was a hypothesis ..."

[Interpretation] And so on and so forth, another sentence that I believe has nothing to do with this.

What I'm trying to say here is the use of this word that Judge Trechsel used, vis a vis the accused, after the accused, in a previous answer, stated nothing but two facts about mileage, so this is in no way something that can be termed anyone's fantasy. Given the nature of the reaction that this received, I can only say that I can understand the statement in the following way. It actually expresses a certain position and a certain conviction on the part of the Judge, the position or the conviction that was put forward during a trial. This might be an indicator of prejudice in terms of the conclusions being made. Any sensible person could have read it this way. We don't even

23 need to talk. I have arrived at my conclusion, everything else is
24 fantasy.

25 I will give it some serious thought, whether I can perhaps ask

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1 for Judge Trechsel to step down from the Chamber. I do believe that a
2 Judge who is part of the Chamber should not be allowed to address the
3 accused in this way before the OTP's cross has even begun.

4 Perhaps this was a piece of awkward phrasing by the Judge. Maybe
5 it was a bit too emotional. I'm not going into that. Perhaps the Judge
6 can explain. Nevertheless, the way it looks now on the transcript really
7 seems like someone is jumping to conclusions there and as if the Judge
8 already had his own solution made up in his head.

9 Thank you very much.

10 JUDGE TRECHSEL: Thank you, Mr. Kovacic, for giving me an
11 opportunity to comment.

12 I would concede that the wording is perhaps not very well chosen,
13 absolutely, but I want to make it clear that this refers to line 5, where
14 Mr. Praljak said:

15 "Probably there was a counter-attack."

16 The facts were that we have a report of the 16th where
17 Colonel Siljeg reports, We have taken Crni Vrh. And two days later he
18 reports from Makljen, We attack Gornji Vakuf. Then Mr. Praljak said that
19 the heavy fighting, of which the colonel also wrote in his text, that
20 this was probably at Makljen because, always what Mr. Praljak said, they

21 were fighting to, first of all, free Crni Vrh. Now, as we have a
22 document in which Colonel Siljeg reports two days earlier that he has
23 taken Crni Vrh, and no document whatsoever which would suggest that there
24 had been a counter-attack, this reply from Mr. Praljak, I think, can be
25 called a fantasy or, as I have added, a hypothesis. It is a hypothesis;

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1 however, it is not supported by the document. That is all which I
2 mentioned, and I find it difficult to regard this as depicting any form
3 of bias.

4 MR. KOVACIC: [Interpretation] I thank you for this explanation,
5 Your Honour. Perhaps that constitutes a sufficient clarification. I'm
6 not sure I understand fully.

7 Nevertheless, the fact remains, the way your remark was phrased,
8 "Please spare us your fantasy," objectively it caused those present to
9 feel the way I have just described, and that is no fantasy, because we
10 are talking about facts derived from documents, which can in no way be
11 described as fantasy.

12 As for those documents, if you allow, each of us present here can
13 choose to read them in a different way.

14 Just by way of an example, the whole discussion was triggered by
15 3D00543. Questions were asked that were not entirely in keeping with
16 what we see on the map, and the discussion followed from that.

17 Mr. Praljak tried to say just that. As a matter of fact, at no point in
18 time did he manage to finish saying everything that he wanted to say.

19 The map is dated the 12th of January, and as he told us when he
20 first presented this map himself and, in part, explained today, it was
21 drawn based on such documents as were available in detention. This is an
22 attempt to display facts based on a number of different documents. The
23 snake-like arrow pointing towards the Makljen Pass, the lowest one, the
24 southern-most one in the map, if you like, is also a fact derived from a
25 document, an army document, showing that the army was planning to move in

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1 that direction, or that was my understanding. Had all of that been
2 clarified properly, we'd all been privy to all the details and probably
3 none of this would have come to pass.

4 The point, however, is this: One must have patience. We are all
5 aware of the fact that we are dealing with an enormous amount of
6 documents. These three documents do not give us the whole picture. We
7 know that. We've heard evidence to that effect, and we're about to hear
8 more. Therefore, I'm afraid that this might be an indication of a
9 premature conclusion, because we've not heard a witness on this yet.

10 Thank you.

11 THE WITNESS: [Interpretation] Your Honours, the document that we
12 see on our screens, P01162, the item that reads: "Crni Vrh has been
13 taken," right underneath it reads:

14 "Enemy forces attempting a breakthrough towards our unit's or our
15 force's positions were fired at and repelled in a vigorous way."

16 They did take Crni Vrh, which is some 15 kilometres from Vakuf as

17 the crow flies, but here the BH Army attempted yet another breakthrough
18 to approach those forces that were there. Sniper fire killed two scouts
19 from the Rama Brigade, two of those men who were reconnoitering the area
20 to see if there were any enemy forces ahead. We should take this hour by
21 hour and fact by fact. Unfortunately, it's not possible to just simplify
22 this altogether and explain a complex military operation, with all its
23 details, in just a couple of words. Nevertheless, it reads, Well, the
24 fact that Crni Vrh was taken does not mean that much, because this was
25 followed immediately by a small-scale counter-strike by the enemy, if we

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1 can call it that.

2 JUDGE ANTONETTI: [Interpretation] General Petkovic wants to take
3 the floor. Go ahead.

4 THE ACCUSED PETKOVIC: [Interpretation] Thank you, Your Honour. A
5 technical matter. When we say "Crni Vrh," Your Honours, I think you said
6 that you were at Makljen, that you visited Makljen. If you face Prozor
7 from Makljen, Crni Vrh is the one to your left, the distance being about
8 7 or 8 kilometres. 1303 is one of many trig points at Crni Vrh. You can
9 fight around Crni Vrh for a whole day without taking Crni Vrh in its
10 entirety. This is a single trig point in Crni Vrh. It's a large
11 mountain that stretches for, I think, between 7 or 10 kilometres. It
12 starts at Karamustafici in Vakuf and stretches all the way towards the
13 south-east. You were at Makljen, and looking towards Prozor, Crni Vrh
14 was probably on your left. That is the large mountain. 1300 is a single

15 trig point, a single elevation there, technically speaking. You can
16 actually see that on the map. There are five or six references on that
17 map, Crni Vrh, Crni Vrh, Crni Vrh. It's a whole mountain starting near
18 Vakuf and extending towards the south-east.

19 So much for me. Thank you.

20 JUDGE ANTONETTI: [Interpretation] Thank you, General Petkovic,
21 for this clarification regarding the elevation. There is, indeed, an
22 elevation 1303, and there could be other elevations in one single
23 mountain.

24 I would like to go back to what Counsel Kovacic just said.

25 I think, Counsel Kovacic, that you have to make a distinction

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1 between facts and the responsibility of the accused. I believe that a
2 Judge can say to an accused, You said this and that, and I don't agree
3 with that and that, without having to draw immediately conclusions as to
4 the responsibility of an accused. I personally asked questions to
5 Mr. Praljak because sometimes I don't agree with him, sometimes I said to
6 him or I made him understand such. So we may disagree on a point, and in
7 this very instance the accused can understand that a Judge disagree, and
8 it is the accused's duty to make sure that the Judge understands that
9 he's making a mistake; hence, the need to take the stand as an accused.

10 So I wanted to clarify this, because you have to make a
11 distinction between the position of a Judge on facts and a position of a
12 Judge in terms of criminal responsibility, which is not at all the same

13 thing. A Judge is perfectly in a position to draw a conclusion on a fact
14 and say, As far as I can see on the map that General Praljak has showed
15 us, it's 1.300 metres. And then we can say that the witness can say,
16 There is a mistake, that is an elevation, but there are other elevations
17 within the same mountain, without assuming that the Judge has drawn the
18 conclusions that all accused are guilty. This is the distinction that we
19 have to make.

20 So, Mr. Praljak, once again, when you feel that Judges do not
21 share your point of view, you keep your cool and you try and prove
22 otherwise. This is the whole point of an adversarial procedure. And the
23 fact that you are taking the stand means that we are going to have more
24 information about this case. So when you see that through Judges'
25 questions, they are going into one direction, and, according to you, you

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1 feel that it's the wrong direction, you should very calmly say, Well, you
2 said this and that, but according to this and that document, it's not the
3 case, and you can tell the truth.

4 Mr. Springer.

5 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, I'm a
6 passionate person, and so is Judge Trechsel, and I --

7 MR. STRINGER: Excuse me. The President's given me the floor,
8 and I'm not, at the very beginning of this cross-examination, going allow
9 the general to do what he's done so many times before with the others.

10 JUDGE ANTONETTI: [Interpretation] Very well. You'll come back to

11 that, General Praljak. I have given Mr. Stringer the floor, so he's
12 going to ask you questions.

13 Please, Mr. Stringer, ask your questions.

14 MR. STRINGER: Thank you, Mr. President.

15 Q. General, this is not the Gornji Vakuf part of the
16 cross-examination. We're going to come back to it at a later time. I'm,
17 at this stage, focusing on specific things that you've said at various
18 times of your testimony. And for the moment I'm focusing on this one
19 aspect of your testimony that related to Gornji Vakuf concerning this map
20 and the testimony that you gave us indicating that on the 12th of
21 January, 1993, the only presence of the HVO, in your testimony, was the
22 police check-point on Makljen. Okay, that's the point I'm focusing on.

23 Now, I've shown you a series of documents, starting from the 12th
24 of January and extending for a few days after, indicating that, in fact,
25 the HVO had artillery pieces, multiple rocket-launchers, at the Makljen

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1 feature which it used to launch an attack on Gornji Vakuf. Now, just to
2 tie this off, I want to take you to one more document, and then,
3 hopefully, we can round this off. It's the next document in your binder.
4 It's P01214. I think it's the document actually that your counsel,
5 Mr. Kovacic, made a reference to a few moments ago.

6 This is dated the 19th of January, 1993. It's a communication to
7 the Command of the 4th Corps, reporting on the situation in Gornji Vakuf.
8 This is obviously -- I say the 4th Corps. This is the 4th Corps of the

9 Army of Bosnia-Herzegovina, and what it said here is that:

10 "The situation in Gornji Vakuf is very complex. The attack of
11 the HVO units on this city is carried out from the direction of Prozor,
12 from the area of Makljen Pass."

13 And it goes on to say that:

14 "The city and our city defenders are under fire from all
15 artillery weapons..." et cetera.

16 And then - and this is something I think you referred to in your
17 testimony - this order, then, in paragraph 1 directs that the
18 Neretvica Brigade and adequate forces from Prozor are to be engaged in
19 taking over Makljen, and to hold that pass. All right?

20 Now, is it correct, then, that on the map you brought to the
21 courtroom, showed to the Judges, the green arrow here in the centre, the
22 squiggly arrow, and the indication "Neretvica" there, is a reference to
23 the operation of the ABiH that was carried out pursuant to this order to
24 take the Makljen feature?

25 A. Correct.

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1 Q. All right. And so this is from the 19th of January, 1993;
2 correct?

3 A. Right.

4 Q. So what you've done here, General, is to include here -- well,
5 let me put it this way: Would you agree with me, sir, that it would not
6 be necessary for the ABiH to deploy the entire Neretvica Brigade and

7 other adequate forces from Prozor if the only thing that they had to take
8 on the Makljen feature was an HVO police check-point?

9 A. They should have engaged the HVO forces. They should have
10 reached the pass.

11 Q. First of all, I've been told that the transcript doesn't indicate
12 the general's answer to my last couple of questions, so let me ask those
13 to you again, General.

14 This is looking at your map, 3D00543. The wavy green line is a
15 reference to the operation of the Neretvica Brigade, is that correct,
16 that was carried out pursuant to the order which is P01214?

17 A. Correct. The road taken by the Neretvica Brigade to get there
18 and what it was supposed to do was drawn based on that order.

19 Q. So what you've done on this map is actually to reflect events not
20 just from the 12th of January, but also one week later, on the 19th of
21 January, where you've indicated the operation of the Neretvica Brigade;
22 right?

23 A. That's right, the positions were marked, as well as what the
24 Neretvica Brigade was supposed to get to.

25 Q. But, of course, what you didn't do, General, and what makes this

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1 so misleading, and which makes your testimony so misleading, is the fact
2 that you omitted to include on the map all of the HVO artillery and guns
3 that were on the Makljen feature from this period between the 12th of
4 January to the 19th; isn't that true?

5 A. That's true, no maps were drawn showing the actions after the
6 12th. One was drawn in relation to the 12th and based on this order
7 marking the direction of the Neretvica Brigade's deployment.

8 Q. But the arrow marking the direction of the Neretvica Brigade's
9 deployment reflects events taking place one week later on the 19th;
10 correct?

11 A. That's correct.

12 Q. So what's missing here and which you would agree with me is
13 vitally important to understanding is the fact that what's missing is all
14 of the HVO big guns that were on the Makljen feature which gave rise to
15 the need for the Neretvica Brigade to go there in the first place?

16 A. The HVO did not have big guns. They were relatively small guns.
17 It's true that the Neretvica Brigade was thrown into action once the
18 combat was already underway, that's true.

19 Q. When you told Judge Antonetti, in response to his question, that
20 the only thing the HVO had on Makljen was an HVO police check-point, when
21 you were describing the content of this map that you produced, that
22 wasn't correct, that wasn't true, because you omitted to tell us about
23 the HVO artillery that was on that position; isn't that correct?

24 A. No, that is not correct, sir. I said specifically that when the
25 HVO operation began, the guns were brought in. It was sent to Prozor, a

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1 certain number, and then a grenade launcher was also deployed at Makljen.
2 You have a time continuum here. On the 12th, there is no HVO artillery

3 there. Siljeg is only introducing it. The map in relation to the 12th,
4 the only inaccuracy it shows is the snake-like arrow showing the
5 introduction of Neretvica. For the sake of precision, there should have
6 been a remark there that read the 19th of January. That is the only
7 error. Everything else is accurate. But if you can't draw ten maps, you
8 have me here to answer any questions.

9 Q. I'm not going to argue with you about it. But isn't it more
10 correct to say that for the sake of precision, if you're going to make a
11 reference to the Neretvica operation of the 19th of January, you also
12 need to include the positions of the HVO artillery that were on the
13 Makljen feature at that time, the 19th?

14 A. Mr. Prosecutor, that would be your task. You have to prove an
15 HVO attack. You should be producing 20 maps with a timeline to each of
16 them, and then I would answer your questions. As in many other cases,
17 the position I'm facing here is that you haven't done your job properly.
18 You simply write something up, and it is up to us to defend ourselves by
19 proving our innocence. Draw all those maps based on documents, accurate
20 maps, hour by hour, day by day, instead of me having to draw maps for you
21 based on some general statements that you are making, in order to prove
22 my innocence. You are turning the tables around here, and it's not
23 right.

24 Q. You brought this map, you gave it to the Judges. You took it
25 upon yourself to do that. Now, the fact is - and I'm going to come back

1 to my question from previous - to be more precise and to be more
2 accurate, you should have indicated the position of the HVO guns on
3 Makljen on the 19th of January. Isn't that true?

4 A. Yes, that's true, I could do that, but I didn't.

5 Q. Thank you.

6 A. You do it yourself.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, we have a
8 document on the screen and it comes from the enemy, from the 4th Corps,
9 sent to Pasalic by the Supreme Command of the ABiH. In this document,
10 there is a description of the situation, from their side, of course, on
11 January 19, 1993. First point, the situation in Gornji Vakuf is very
12 complex; no one can deny this. Then they say there's an attack of the
13 HVO units from Makljen. We all agree on that also. Then there is no
14 attack of infantry yet. However, he says that the city is under
15 artillery fire, but I believe that in terms of facts, it's the rest
16 that's more important. He is saying that HVO forces come from
17 Tomislavgrad, Livno, and other cities from Herzegovina. That's what it
18 said in this document. Then there is the order, obviously, to do
19 something about the situation. There is an order given to the
20 Neretvica Brigade to engage its forces.

21 This is a very important document, you know, as far as -- when it
22 comes to knowing who attacked first, whether it's the HVO or the ABiH.
23 When reading this document, in terms of facts, any reasonable trier of
24 fact might infer or could infer that it's the HVO that attacked because
25 they brought troops from Tomislavgrad, Livno, and other towns in

1 Herzegovina that captured the Crni Hill, placed its artillery, and is
2 starting to shell the city.

3 Now, what can you say about this? What can you say about the
4 fact that using this -- by reading this document, it does look like it's
5 the HVO who started attacking.

6 THE WITNESS: [Interpretation] Your Honour, based on documents
7 that are exhibits before this Chamber, I drew this map in relation to
8 that particular date. The Neretvica bit was not added. What is true
9 beyond a shadow of a doubt is that the HVO's intention was to, by
10 attacking -- and in military terminology, this is called active defence,
11 and that must be reflected on the record. The HVO attacks the BH Army in
12 the sense of active defence, because the BH Army is a friendly army which
13 takes all the elevations in and around Gornji Vakuf, leaving the HVO in
14 the same situation that it left the HVO in, in Konjic and Bugojno later
15 on, pulling the rug from under its feet and hanging it to dry.

16 Militarily, that is something that one cannot allow. The VRS lines were
17 20 kilometres to the west, as the crow flies. It is not disputed that
18 the HVO is attacking.

19 But now we're all calm here, and, for example, someone from the
20 Defence or the Prosecutor starts bringing in machine-guns, saying, Don't
21 mind me, just you go on with your discussion. And then one of the
22 accused brings another machine-gun, and you start wondering, what's going
23 on here? If a brigade commander of a friendly army cannot reach his own

24 command without being escorted by UNPROFOR, we know by this time that we
25 are facing an aggressor army sealing off all communication towards

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1 Central Bosnia and surrounding HVO on all sides, without defending their
2 lines facing the VRS. That is why the HVO is attacking. I shall say
3 this time and again. There is no dispute about this. The HVO is
4 attacking because it is defending. There is something called "defence."
5 Right or wrong? The Americans are attacking Iraq because they say they
6 are defending from biochemical weapons. It's just that we were entirely
7 in the right, and I don't know about Iraq, frankly.

8 JUDGE ANTONETTI: [Interpretation] General Praljak, at least with
9 my question, you're now saying that you're not contesting the fact that
10 the HVO attacked. But of course you're saying that it was in the
11 framework of a defence operation, but it's still an attack.

12 THE WITNESS: [Interpretation] Active defence.

13 JUDGE ANTONETTI: [Interpretation] Very well, active defence.

14 THE WITNESS: [Interpretation] Active defence.

15 JUDGE ANTONETTI: [Interpretation] Very well.

16 MR. STRINGER: Thank you, Mr. President.

17 I'm going to skip a couple of documents that are in the binder.

18 Q. General, on the 5th of May, do you remember giving this testimony
19 about snipers, page 39581 of the transcript, you said --

20 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, last time you
21 told us that you would proceed according -- along topics, different

22 topics. I forgot to ask you what the first topic was. Credibility, was
23 that it?

24 MR. STRINGER: I think you could put it that way, Mr. President.
25 It's a collection of items taken from specific pieces of evidence that

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1 the general gave during his direct or during the cross of someone else,
2 and there are a few more related to this, going to prior testimony and
3 credibility. And then after that, we're going to move into some other
4 more substantive topics, yes.

5 JUDGE ANTONETTI: [Interpretation] Thank you.

6 MR. STRINGER:

7 Q. General, on the 5th of May, 2009, you said:

8 "Secondly, never during the conflict between the BH Army and the
9 HVO did I ever receive information from anyone about the existence of any
10 sniper nest whatsoever. Now, the fact that people sitting in APCs heard
11 shooting and then said they were fired at by snipers, that goes against
12 the grain of logic, because if you're in an APC, you can't hear very
13 much."

14 So do you remember that testimony, denying knowing anything about
15 any sniper nests? That would have been on the 5th of May, so it was the
16 second day of your testimony, now quite some time ago.

17 A. You mean Mostar, as far as Mostar is concerned? That referred to
18 Mostar?

19 Q. Actually, I don't know. I mean, what you said here is:

20 "Never during the conflict between the BH Army and the HVO ..."

21 So that implies something that's broader than Mostar.

22 A. Mr. Prosecutor, it was related to Mostar. I remember very well.

23 I said that if there was the assertion that there were some sniper nests

24 in the town of Mostar, either of the BH Army or through UNPROFOR

25 mediation, I never received any report on the existence of any such

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1 sniper nest which would shoot at civilians and the rest. That's what I

2 said, and that is what is correct.

3 Q. So, then, is it correct that you do not deny that the HVO

4 equipped sniper units and that you deployed those sniper units within the

5 HVO?

6 A. As every other army, the HVO had sniper rifles and people in

7 charge of that.

8 Q. All right. If you'll turn to the next document, it's P03912, and

9 just to confirm what you've said, General. I don't think it's

10 necessarily controversial.

11 This is an order by a gentleman with the 2nd HVO Brigade, and he

12 makes reference to a verbal order of Major General Slobodan Praljak.

13 It's dated the 3rd of August, 1993, in which he's ordering that members

14 of the sniper squad of the 2nd Brigade of the HVO in Mostar, and then he

15 gives the names of those individuals, that those -- that that sniper

16 squad is to report immediately to you in Prozor, and that this order then

17 is to serve as a pass for all the check-points.

18 So, General, isn't it true that the HVO did, in fact, have at
19 least one sniper unit in Mostar, as part of the 2nd Brigade, in August of
20 1993?

21 A. Correct.

22 Q. And then do you recall this specific event where you directed
23 that those -- the sniper squad was to leave Mostar and come report to you
24 in Prozor?

25 A. I don't deny that, but from this perspective I really can't

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1 remember that particular event.

2 Q. Now, again related to snipers in Mostar, could you turn, please,
3 to the next document, P03351.

4 And, General, I'll point out to you that because this document is
5 dated the 10th of July, 1993, it's from the period prior to the time you
6 took command of the HVO Main Staff. This is a report on the work of the
7 Defence Department, and so this document, I believe, is one emanating
8 from the office of Mr. Stojic.

9 I'm going to direct you to page 9 of the English version, page 7
10 of your version, the bottom quarter of the English version. I'll read
11 you some -- I'll read a little bit of text, General, and then tell me
12 when you've found it. It says:

13 "At our request, training was organised for snipers because an
14 evident problem in Mostar was that the other side that exceptionally good
15 snipers which, in fact, thwarted the operations of our units."

16 Are you with me?

17 A. Yes.

18 Q. "Six pairs of snipers were trained, and at the end of the course
19 their results were up to five times better than when they first began
20 training. Among the problems encountered during the course was the lack
21 of weapons of sufficient quality and the lack of time, as this is a very
22 complex subject. All the trainees were exceptionally satisfied, and now
23 the score of sniper battles in Mostar is up to six to one in our favour."

24 So, General, at a later point in the cross-examination, we're
25 going to talk about the situation in Mostar, specifically as regards

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1 snipers. But just for our purposes here I wanted to clarify, at the very
2 least, your testimony, that you had no information from anyone about the
3 existence of any sniper nest whatsoever.

4 Now, in fact, General, based on what you've said and what's
5 indicated in this document, the HVO did possess snipers that it deployed
6 in Mostar and elsewhere; correct?

7 A. Judging by this document and according to what I know, the HVO
8 did have snipers. When I was referring to sniper nests, I was referring
9 to those sniper nests for which it was claimed they shot at civilians, on
10 the basis of the papers brought in by the expert witness, and I stated my
11 views on that.

12 Q. We're going to talk about the targeting issue later, but I wanted
13 to clarify, at least for now, the existence of snipers within the HVO,

14 based on the one bit of testimony that I directed you to. So we'll come
15 back to this.

16 The next item I have, General, and --

17 JUDGE ANTONETTI: [Interpretation] General Praljak, still
18 regarding facts, this document on snipers is quite important because it
19 does reveal that the HVO had snipers.

20 I'm looking at the date, July 10th, 1993. Now, when looking at
21 the document read by Mr. Stringer, Mr. Stringer, who read this last
22 paragraph, they said that on the other side, that's the ABiH, I guess,
23 maybe also the Serbs, but it's not really clear. It says that on the
24 other side, they have exceptionally good snipers, so -- and the HVO is
25 lacking in this respect. So six pairs of snipers, does that mean twelve

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1 snipers? Twelve snipers, six pair of snipers? Yes. Twelve snipers are
2 going to be trained, and then the ratio is going to be switched over,
3 because after training, the ratio is 6:1 in favour of the HVO now.

4 So first consequence regarding facts: Any Judge would like to
5 know whether the HVO had snipers before July 10th, whether these snipers
6 were trained as of July 10th. If the HVO had no sniper before July 10th,
7 then all those killed before July 10th can't be blamed on the HVO
8 because, by definition, the HVO would have had no snipers. But then
9 after July 10th, all those killed, well, there's a mathematical
10 probability that they might have been killed by the HVO snipers who were
11 well trained, as we see here.

12 What's your position?

13 THE WITNESS: [Interpretation] I don't know. What I can say is
14 that while I was commander, snipers did exist, that they were trained
15 ones, that they had gone through training, which also meant that they
16 were taught who they had the right to fire at and why, that is to say, to
17 shoot enemy soldiers, and here they claim that this Skoko who was killed
18 came in 61, HVO 61. We saw documents showing that a number of English
19 citizens, some of them members of previous English armies, were in the
20 HVO, and I sent them packing from the HVO, and then they joined up with
21 the BH Army. And we saw a document whereby they were paid. One of them
22 was exceptionally good, and he was able to kill HVO soldiers even through
23 little gaps of this size. He could wait for hours, see in the dark, and
24 Santic's men told me how very skilled and dangerous he was. So that's
25 all I can say.

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1 Snipers did exist, but I was speaking about sniper nests and
2 civilians, and I've said all that before. I was never informed about
3 that in any way, that that was being done, and I stand by my statement.

4 JUDGE ANTONETTI: [Interpretation] Yes.

5 JUDGE TRECHSEL: Mr. Praljak, two -- excuse me, Mr. Stringer.
6 Two questions. The first, a very easy one that can shortly be answered.

7 When you took over with the HVO, did you read this report?

8 THE WITNESS: [Interpretation] No.

9 JUDGE TRECHSEL: Thank you.

10 And the second question, perhaps you can help me understand,
11 because I do not quite understand the meaning of the mentioning here
12 that, I quote from the English text, of course:

13 "Now the score of sniper battles in Mostar is up to 6:1 in our
14 favour."

15 What does this mean, "the score of sniper battles"?

16 THE WITNESS: [Interpretation] Mostly, Judge Trechsel, the sniper
17 is used to eliminate the adversary's sniper. That's what happens most
18 often. And this report claims that the HVO snipers killed six times more
19 of their combatants and snipers than they were able to kill ours. So
20 that's it.

21 JUDGE TRECHSEL: Thank you.

22 JUDGE PRANDLER: I'm sorry, Mr. Stringer, again to disturb you
23 and not to allow you to speak, but it is a follow-up question of mine
24 about the snipers, and also referring to the President's previous
25 question about the dates. When he said that July the 10th is a kind of

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1 dividing line concerning the sniper's activity, I would like only to say
2 that according to the title of the report on page 1 in the English
3 version, I believe that is of the English, anyway, that it is a report on
4 the work of the Defence Department for the January-June 1993 period, end
5 of the quotation, and therefore I believe that July the 10th is not -- of
6 course, this report is dated July the 10th. On the other hand, the
7 report speaks about the six months before, that is, January-June. So my

8 question is that: What is in the report, you mentioned that you didn't
9 read the report at that time, but, anyway, you have it before you, that
10 those subject matters which are being read in the report, they are --
11 they are meant to cover the period of the first year -- sorry, first half
12 a year of 1993. So my question is that it is your understanding as well,
13 what I am saying, that it is a report on the first year of -- first half
14 year of 1993?

15 THE WITNESS: [Interpretation] Your Honour Judge Prandler, this is
16 correct, but the fighting in Mostar started on the 30th of June, and in
17 all likelihood the snipers on both sides started operating on the 30th of
18 June, 1993, onwards.

19 MS. ALABURIC: [Interpretation] Your Honour, I would like to
20 intervene because this might cause some confusion.

21 If we look at how this document is marked in e-court, it's marked
22 as a military police report on the work for the first part of 1993, so
23 the Prosecution described this as a report on the work of the military
24 police and not of the Defence Department. If you look at the document
25 that we have in our hands, we will see that on the first page, it says:

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1 "The report on the work of the Defence Department," but if you look at
2 the contents of the document from page 1 to the last page, it pertains to
3 the military police, at least the way we have it printed out. I didn't
4 have time to go through all of it in e-court.

5 So this is a report of the military police, so lest there be some

6 confusion, the witness responding on something that does not have to do
7 with the military element of the HVO.

8 MR. STRINGER: Well, Mr. President, we've referred to the title
9 of the document as it appears. No one's saying that the title is
10 incorrect. I think we can all read and determine for ourselves, you
11 know, whether it relates to a specific part of the Defence Department or
12 not.

13 Judge Prandler actually anticipated one of the clarifications I
14 was going to seek, which was that this report pertains to the period of
15 January to June of 1993, which would suggest that the training of the
16 snipers that's referred to in this report would have taken place at some
17 time during that period, but we don't -- we don't know when.

18 I'd be really grateful if I could just try to continue my
19 cross-examination without so much intervention. It's extremely --

20 JUDGE ANTONETTI: [Interpretation] Rest assured, Mr. Stringer,
21 when Judges put questions, it's not deducted from your time. You will
22 have your 40 hours, all of them. No risk to that.

23 But Ms. Alaburic did raise a problem. Look at the report in the
24 B/C/S version. There's a first page, cover page. It's the report from
25 the Department of -- report on the Department of Defence for the first

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1 semester of 1993, as my fellow Judge Prandler said. Now take a look at
2 the second page in B/C/S, and there it starts at point 2.33. So
3 obviously there are other pages, but they're missing. The report, in

4 English, translated into English, might hint at the fact that it's a
5 direct report, but what we have here is not a full report. We only have
6 excerpts of this report. The previous pages are missing.

7 Do you agree with this, Mr. Stringer? It's not a full report
8 that we have; it's only a partial report.

9 MR. STRINGER: It appears we have what I'd call a part of
10 chapter 2. It clearly begins with section 2, and so that implies that
11 there's a section 1 somewhere. I think -- I was just saying to my
12 colleague, Ms. Moe, that I believe that this is a part of a larger
13 Defence Department report that has chapters from all the various
14 departments, and we can look for that or clarify that over the break --
15 or over the weekend, I should say.

16 JUDGE ANTONETTI: [Interpretation] Well, yes, you have the entire
17 weekend to do that, because I think it's time to finish, Mr. Stringer, at
18 least for this week. Actually, it's almost quarter to, and we're going
19 to adjourn, come back -- I'm sure you have other binders than this one,
20 right, Mr. Stringer? But you only give us the first one; right?

21 MR. STRINGER: Well, what's happening, Mr. President, is I
22 indicated a couple of weeks ago that we're trying to -- in order to
23 assemble them in the order that they'll be referred to, it's a continuing
24 process. And I should also say that because we're only one week away
25 from the beginning of the summer recess, we're improvising a little bit,

1 and rather than starting on a big subject that we won't be able to

2 complete before the summer recess, I think we're going to try to move to
3 some smaller areas that we can hopefully finish before the summer recess.
4 So we're improvising, and I can assure you, Mr. President, there will be
5 more binders to come.

6 JUDGE ANTONETTI: [Interpretation] We're expecting them with
7 baited breath.

8 Thank you all, and we will resume Monday at 2.15.

9 [The witness stands down]

10 --- Whereupon the hearing adjourned at 1.44 p.m.,
11 to be reconvened on Monday, the 13th day of July,
12 2009, at 2.15 p.m.

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