



Page 43004

1 Tuesday, 14 July 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness takes the stand]

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

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

9 THE REGISTRAR: Good afternoon, Your Honours. Good afternoon,
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 Tuesday, the 14th of July, 2009. I would like to
15 welcome Mr. Praljak, first of all, Mr. Prlic, Mr. Stojic, Mr. Petkovic,
16 and Mr. Pusic. I would also like to welcome Mr. Coric. We've had good
17 news from him. I would also like to greet Defence counsel, Mr. Stringer
18 and his entire team, without forgetting all the staff members assisting
19 us.

20 I have, first of all, an administrative piece of information to
21 disclose to you.

22 Pursuant to a video conference which will take place tomorrow

23 afternoon in another case, we have been asked to sit in the morning
24 tomorrow. Tomorrow morning, we will sit at 9.00, and according to the
25 Registrar's chart we will be in Courtroom I.

Page 43005

1 I also have an oral decision to hand down, which I shall do now,
2 and I shall read it out slowly.

3 Oral decision concerning the disclosure of documents by the
4 Prosecution as part of its cross-examination of the Accused Praljak.

5 At the hearing of the 13th of July, 2009, Praljak's Defence asked
6 the Prosecution to disclose to the Defence teams those documents it
7 intends to use for its cross-examination of the accused Praljak, and this
8 should be done with sufficient advance notice to enable them to study
9 these documents. The Prosecution responded by saying that it intended to
10 conduct its cross-examination on the basis of various topics. And since
11 the Trial Chamber had authorised it to do so, it would disclose the
12 documents it intends to use in batches, and would do so as soon as
13 possible.

14 In light of the parties' comments, and with a view to
15 guaranteeing efficient proceedings, the Trial Chamber is asking the
16 Prosecution, first of all, to provide the Trial Chamber, as well as the
17 Defence teams, a list of topics it intends to deal with during its
18 cross-examination, and this should be done by the 17th of August, 2009,
19 at the latest, as well as all the documents it will submit as part of an
20 individual topic it will deal with from this date onwards. Thereafter,

21 as soon as possible, and before finishing its presentation on one topic,
22 the Prosecution should disclose to the Trial Chamber and the Defence
23 teams those documents it intends to submit as part of the next topic.

24 So, in short, to be clear, Mr. Stringer will disclose to us, by
25 the 17th of August, 2009, at the latest, the list of topics, but if the

Page 43006

1 Prosecution discloses the latter earlier, all the better, as well as a
2 list of all the documents it will submit during the cross-examination
3 relating to the first topic. And before finishing the first topic, it
4 will disclose to the Defence those documents it intends to use for its
5 next topic.

6 Have you understood everything, Mr. Stringer?

7 MR. STRINGER: Yes. And good afternoon, Mr. President, Your
8 Honours. And before responding, can I wish the president and any of his
9 French staff a happy Bastille Day.

10 As I understand the ruling of the Trial Chamber, we will be
11 essentially acting in somewhat the fashion that we'd been proceeding this
12 week, and I don't see any difficulty in continuing to do that. And in
13 fact by the time we get beyond the summer recess, I'm sure that we'll be
14 able to -- that the documents that relate to a topic will, we'll be able
15 to continue to disclose them in advance of the beginning of the topic.

16 So I don't see any difficulties, Mr. President, and I don't see any
17 difficulties in providing a list of topics by the 17th of August, at the
18 latest.

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 43008

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 [Open session]

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

24 you.

25 JUDGE ANTONETTI: [Interpretation] In open session, the

Page 43009

1 cross-examination of the accused Praljak resumes.

2 MS. TOMANOVIC: [Interpretation] I apologise. I did request five

3 minutes to deal with a procedural issue. I don't know whether you want

4 me to deal with this at the end or --

5 JUDGE ANTONETTI: [Interpretation] I haven't been advised first,

6 but you have the floor.

7 MS. TOMANOVIC: [Interpretation] I do apologise.

8 I'd like to greet the Chamber and everyone in the courtroom. I

9 really will be very brief.

10 Dr. Prlic's Defence, on the 10th of July, 2009, asked the Trial

11 Chamber to have leave for an interlocutory appeal to the decision of the

12 Chamber on the re-examination of evidence, the decision of the 29th of

13 June, 2009. The Prosecution responded to the request on the 13th of
14 July, 2009. In its response, the OTP erroneously interprets and distorts
15 the arguments presented in the request for this appeal to be granted.
16 The Prosecution claims that this submission is not a request for leave to
17 file interlocutory appeal against the decision of the Chamber on
18 re-examining the evidence of the 29th of June, 2009. It claims it's a
19 request for the authorisation to appeal the decision of the Chamber
20 rendered on the 6th of March, 2009. That is the first basic decision on
21 documentary evidence, and for that decision the dead-line for appeal has,
22 naturally, expired.

23 What the Prosecution is, in fact, claiming in its response is,
24 well, they are accusing the Prlic Defence of wanting to bypass the Rules,
25 and I consider that this is a very serious accusation to which it is

Page 43010

1 necessary to respond. Therefore, I request the Chamber allows us to
2 reply to the Prosecution argument, because there are particular
3 circumstances, and in accordance with the jurisprudence of the Court this
4 request is justified.

5 Thank you very much.

6 JUDGE ANTONETTI: [Interpretation] I shall confer with my
7 colleagues.

8 [Trial Chamber confers]

9 JUDGE ANTONETTI: [Interpretation] Ms. Tomanovic, the Trial
10 Chamber has decided to certify the appeal, so you are permitted to

11 appeal. We shall record our decision tomorrow. There's no need to reply
12 because we have decided to allow you to authorise the decision.

13 Have you understood?

14 MS. TOMANOVIC: [Interpretation] Thank you.

15 JUDGE ANTONETTI: [Interpretation] During the night, I thought
16 about today's hearing, and I felt, Mr. Praljak, that I should put a
17 question to you.

18 We know, on the basis of the documents provided by the Republic
19 of Croatia, that there was a Croatian Defence Council which comprised 12
20 members, and you were a part of this council. We saw that this was
21 presided over by Mr. Tudjman and other generals, and sometimes other
22 people, but on the basis of the document, which indicated that these
23 people had been appointed. Though, the question I have is: As far as
24 Herceg-Bosna is concerned, did the same kind of council exist, and did
25 Mr. Boban, for instance, preside over a defence council where Mr. Prlic

Page 43011

1 and the Generals Praljak, Petkovic, and perhaps other people would have
2 been present, or did this defence council never exist, as far as the HVO
3 was concerned?

4 WITNESS: SLOBODAN PRALJAK [Resumed]

5 [The witness answered through interpreter]

6 THE WITNESS: [Interpretation] While I was down there, there was
7 no such counsel. I believe that subsequently certain attempts were made
8 to make or create something to that effect, something of that nature, but

9 I'm not sure. I was never a member of a similar kind of council in the
10 HVO, and I was never present at a meeting of such a council. So as far
11 as I know, up until the 8th of November, no such council was in
12 existence.

13 JUDGE ANTONETTI: [Interpretation] That's all I wanted to know.

14 Thank you.

15 Mr. Stringer, you have the floor.

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

17 Cross-examination by Mr. Stringer: [Continued]

18 Q. Good afternoon, General.

19 A. Good afternoon, Mr. Stringer.

20 Q. You have the binder still with you that we were working on
21 yesterday that contains documents related to the international -- what
22 the lawyers called the international armed conflict issue. I'm going to
23 ask you to skip that document that you have in front of you and move to
24 P03667. 3667. It should be just the next document in your binder.
25 We're just going to skip one for the time being.

Page 43012

1 THE INTERPRETER: Interpreter's note: Please correct and put in
2 "to allow you to appeal" and not "to authorise the decision." Thank you.

3 MR. STRINGER:

4 Q. General, this is a document dated the 23rd of July, 1993, so it's
5 just one day before you take command of the HVO Main Staff, and it is a
6 document of the -- well, it's directed to the Ministry of Defence of the

7 Republic of Croatia, as well as to other bodies, and it's signed for
8 Commander Brigadier Ivan Kapular who I believe was a commander of the 5th
9 Guards Brigade of the Republic of Croatia -- Croatian Army; is that
10 correct? Do you know that Brigadier Kapular was the commander of the 5th
11 Guards Brigade?

12 A. That's correct.

13 Q. And this document -- we talked a little bit yesterday about the
14 southern front, and I said that we would have a chance to come back to
15 that. Well, we're coming back to that now. This document, at the very
16 first sentence of section 1, says, talking about the daily activities and
17 training, and this is, I should say, coming from the Osijek Military
18 District Military Post 3132 Command, saying that:

19 "Since most of the unit is either on leave or carrying out combat
20 tasks at the southern front, daily activities were reduced to maintenance
21 of material, technical equipment," et cetera.

22 And then if you continue on and to section 2 or paragraph 2 of
23 the same document - I'm on page 2 of the English - the report says that:

24 "The latest events at the southern front, that is to say, the
25 casualties that the tactical group of the 5th Guards Brigade has

Page 43013

1 suffered, has had more negative impact on the civilian sector than on the
2 brigade members itself. For example, there was a spontaneous gathering
3 of parents in Nova Gradiska, in front of the municipal building, where
4 they demanded the return of their children and information on their

5 whereabouts. I would like to mention here that everybody in Nova
6 Gradiska knows where the southern front is, so that particularly negative
7 political connotations occurred in connection with that. We shall send
8 you a detailed report on those events, and we request from you
9 instructions on how to politically handle such cases."

10 Now, General, is it correct that the references here to the
11 southern front are references to members of the 5th Guards Brigade who
12 were down fighting together with or as part of HVO units in Herceg-Bosna?

13 A. When the southern front is referred to here, what they have in
14 mind is the fact that the southern front concerned the part of the
15 volunteers who fought in the HVO. That included the volunteers from the
16 5th Guards Brigade who were voluntarily fighting within the HVO
17 framework.

18 Q. All right. And --

19 A. But there's a southern battle-field, it's a real battle-field,
20 and this term doesn't cover that.

21 Q. So the southern front is -- well, let me take you to some of your
22 earlier testimony, where you talked about that, just so that we can flush
23 this out a bit.

24 I'm looking at the transcript from the 11th of May, 2009, in this
25 case, page 39908, and on that day, General, you testified -- you were

Page 43014

1 responding to a question from Judge Antonetti, and I'll read to you what
2 you said. I'm quoting:

3 "A volunteer or volunteers received a piece of paper saying that
4 he could go, and we called it the southern front. So he would go to the
5 southern front, and that is cover for him if he were to be killed or
6 whatever. That's what I know. That's the extent of my knowledge."

7 Do you recall that testimony, General?

8 A. Yes, I do.

9 Q. So the "southern front" is the way, in the Croatian Army, that
10 they kept track of who were fighting as part of the HVO; is that what
11 "southern front" means?

12 A. No. The "southern front" means the following. It's a front that
13 had its own commanders, and they were defending Dubrovnik, the south of
14 Croatia, and naturally the Croatian Army was working on this, in this
15 field. But in addition, apart from the fact that there was this regular
16 battle-field for the defence of Croatia, and that concerned the area from
17 Ploce and further down somewhat towards Split as well, in addition to
18 that there was this aspect, so the southern front was a way of having
19 volunteers on paper, they went to fight for the HVO and to defend from
20 the ABiH attack. If someone was killed or wounded, et cetera, this would
21 be covered, because otherwise it wasn't possible.

22 Q. So then in this document that we started with today, P03667, the
23 report here is that, in fact, there are parents and civilians who are
24 protesting about the fact that their children and their sons are being
25 sent down to fight as part of the HVO on the southern front; isn't that

1 true?

2 A. It says here that there were spontaneous rallies and protests,
3 but I repeat, nobody came to the HVO to fight without being a volunteer.
4 As I've already said several times, and I've shown you in documents, they
5 could possibly refuse an order of that kind without any military
6 consequences. There were a lot of more problems with regard to this
7 particular rally, because immediately prior to these events, that brigade
8 had suffered a lot of casualties in the Zadar front-line and around
9 Maslenica, which all came to a head and resulted in problems with the
10 parents of those men.

11 Q. And these volunteers, as you call them, from the 5th Guards
12 Brigade, then, when they were fighting as part of the HVO in
13 Herceg-Bosna - we talked about this yesterday - they remained on the
14 payroll of the Ministry of the Defence of the Republic of Croatia;
15 correct?

16 A. When they were transferred, they became the HVO. They were under
17 the command of the HVO, and they were paid by the Ministry of Defence of
18 the Republic of Croatia. I repeat, this applied to all the volunteers,
19 those who joined the BiH Army as well as those who joined the HVO.

20 Q. All right. Now, the next document, General, is P03886.

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

22 General Praljak, let us remain with this document. Yesterday,
23 through the documents we realised that Mr. Tudjman had people who opposed
24 his action. Yesterday's document was very clear in this respect. Now,
25 if we put this document together with the other one, this one dates back

1 to July, and apparently parents are worried because their children are
2 fighting in a territory which may be -- about which they may not feel
3 concerned. Let's take the example of a Croatian family from Zagreb or
4 the surroundings of Zagreb, and this family learns that their son is now
5 a conscript and that he is in the Republic of Bosnia and Herzegovina.
6 Maybe his parents are going to wonder what their son is doing over there.

7 At your level, did you learn that parents would, as it were,
8 challenge the fact that their sons were being sent there? You say that
9 they were volunteers. It may be that the son was a volunteer, but the
10 parents did not agree, because if you lose a son, I mean, it's always a
11 tragedy. Even if the son was a volunteer, the parents may have been of a
12 different opinion. Were you aware of such challenges?

13 THE WITNESS: [Interpretation] I knew, Your Honour
14 Judge Antonetti, even before, when there were similar problems with
15 regard to the departure of volunteers to Posavina. At the time I was a
16 member of the IPD. The 5th Guards Brigade, as I've already told you, and
17 I've told you why the 5th Guards Brigade had volunteers, all of these men
18 who are mentioned, Kapular, Leko and others, 90 per cent of their family
19 names were -- indicate that they were either born in Herzegovina, if they
20 were somewhat older, or their parents hailed from there. And when
21 Slavonia was settled after the expulsion of Folksdojcer, they moved from
22 Herzegovina to Slavonia, and that's why there were so many volunteers in
23 the 5th Guards Brigade. There were very few in the 1st or the 4th Guards

24 Brigade which originated from Zagreb or Split, because those men did not
25 hail from the Herzegovina area, either them or their parents.

Page 43017

1 It is true that next to those men who hailed from the area, some
2 other people volunteered who may have been their friends. For example,
3 if one group went, then everybody went as volunteers, and their parents
4 didn't know about that, and of course there were issues raised and
5 questions raised. From day 1, it was well known -- everybody in Croatia
6 knew that no soldier could be issued an order to go to Herzegovina or
7 anywhere else to fight there if they were not volunteers. I've repeated
8 that myself. Susak hammered on that, Stipetic as well. And as far as
9 some discrepancies with Dr. Franjo Tudjman, there were two groups that
10 were in discord with him. The first group claimed that his policy of
11 being tolerant towards Alija Izetbegovic and the international community
12 brought the HVO and Croats in the position of being perceived as losers,
13 they were losers.

14 JUDGE ANTONETTI: [Interpretation] Registrar, can we move briefly
15 to private session. I have to ask this.

16 [Private session]

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 43018

1

2

3

4

5

6

7

8

9

10

11 Page 43018 redacted. Private session.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 43019

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 [Open session]

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

16 JUDGE TRECHSEL: Thank you.

17 Mr. Praljak, it just strikes me as strange that parents of

18 volunteers, and it must be quite a number of them, parents who are Croats
19 and who you have just affirmed, like everyone else, knew that all
20 soldiers that were in Herceg-Bosna fighting were volunteers, that they
21 gathered spontaneously in Nova Gradiska and demand the return of their
22 children and information on their whereabouts. It simply does not make
23 sense, if they are volunteers, because no one sent them. If they demand
24 to know where they are, maybe that makes some sense so that they can tell
25 them to come back. But if you don't send someone, how can you call

Page 43020

1 someone back? Are the parents just stupid, ill-informed?

2 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, the 5th
3 Guards Brigade was a professional brigade, a professional brigade, and at
4 the end of the day the brigade commander could be taken to task, or his
5 commander. But that professional brigade could have been sent to any
6 theatre of war anywhere, without any consequences, save for the
7 consequences due to the war. But some parents -- I even had a rebellion
8 staged by the wives, asking for their husbands to return, those who had
9 remained fighting in Zepce. This was normal in Croatia. Everybody
10 meddled with everything. Their children who were receiving a special
11 allowance and were promised ranks, there were some incentives for the
12 volunteers to raise their morale, that's true, and I am sure that they
13 never said that to their parents, or 90 per cent of them didn't, or some
14 of them didn't. It doesn't say here how many people gathered in
15 Gradiska. I can't speculate on that. But I repeat, and I claim, and you

16 will see that Kapular says that in a document, that those were volunteers
17 and they -- there were fewer of them than mentioned in this document. I
18 knew them by name, almost all of them.

19 JUDGE TRECHSEL: You have told us a hundred times that they were
20 volunteers. We have no -- we have heard that many times. Who was
21 volunteers and who was not? When I asked you whether these parents were
22 ignorant, you answered by pointing out that the 5th Guards Brigade, that
23 they were professionals. I don't know whether there's a difference
24 between professional and volunteer. I do not see that, necessarily. Are
25 you saying that they did not complain -- that their gathering did not

Page 43021

1 concern young men who had been fighting as, quote, "volunteers" in
2 Herceg-Bosna? Is that your point, "yes" or "no"?

3 THE WITNESS: [Interpretation] No, Your Honour.

4 JUDGE TRECHSEL: No, no.

5 THE WITNESS: [Interpretation] Please allow me.

6 JUDGE TRECHSEL: No, Mr. Praljak. We must get a bit forward.

7 Then you have not really asked my -- answered my question. It
8 does -- in my view, it does not make sense, if parents of volunteers
9 protest in front of a municipal building, before authorities, when their
10 children are away on their own will and the parents know that. I do not
11 find it very convincing to say that everyone protests against everything,
12 because that doesn't make much sense, frankly.

13 THE WITNESS: [Interpretation] You're saying, Your Honour

14 Judge Trechsel, if their parents knew. How do you know that the parents
15 did know? Here you can see that the brigade --

16 JUDGE TRECHSEL: I know because Mr. Praljak told me so a few
17 minutes ago. Mr. Praljak said here, Everyone knew that they were
18 volunteers. You have said so.

19 THE WITNESS: [Interpretation] No, no, I really don't know how
20 this was interpreted, but this is not correct, this is not correct. This
21 brigade, as you can see, was in the theatre of war, and then it was sent
22 on furlough. Most of the men were on furlough, because they didn't have
23 shirts or trousers. They were not at home. A professional guards
24 brigade, unlike a brigade that is mobilised -- in other words, when a
25 brigade is mobilised, when it's not professional, then the man who is

Page 43022

1 putting on a uniform in his house can tell his parents, I have been
2 summoned, and I'll be a volunteer, and I've accepted to go to
3 Bosnia-Herzegovina. This brigade was never at home, these men were not
4 at home. Those were professional soldiers of the Croatian Army who were
5 in Zadar, and they were exhausted, they had problems, and they were on
6 furlough. Most of the unit was on furlough, and that's what it says
7 here. And one part of them, of volunteers, were still discharging their
8 duties, and those who went down there from furlough and are those who
9 signed the professional contract, and they did not inform their parents.
10 They were not allowed to inform their parents where they were, where they
11 were sent. And I'm speaking very slowly, aren't I? They did not,

12 because they had -- they had an obligation not to tell their parents.
13 They signed professional contracts, but not everything was spelled out
14 quite precisely. In the contracts, some things could not be implemented.
15 You know what the problems were.

16 I don't think that a legionnaire informs his parents every time
17 when he's being sent somewhere; for example, Mom and dad, I'm going to
18 Abu Dhabi now. Bye. They volunteered.

19 JUDGE TRECHSEL: I have been referring on page 14, line 5. I
20 leave it at that.

21 JUDGE ANTONETTI: [Interpretation] General Praljak, there's a
22 problem, because we, as Judges, are very much outside the Republic of
23 Croatia and it's difficult for us to know how it operated internally. So
24 I stand to be corrected by you, but am I to understand that there were
25 two types of soldiers during these events, those who had been conscripts,

Page 43023

1 enrolled into the army and doing their military service, and there was
2 another category, people who had contracts and had been enrolled in
3 professional units? Is this how it worked?

4 THE WITNESS: [Interpretation] It was a little more complicated
5 still, Your Honours. There were professional brigades, and that's why
6 I'm always imploring with you to read the whole document, because if you
7 take a sentence out of context, you can't arrive at the truth.

8 The 1st Guards Brigade, the 2nd, the 3rd, the 4th, and let's not
9 go any further, the 5th, the 7th, the 9th and so on and so forth, those

10 were professional guards brigades, professional soldiers with contracts.
11 They had their barracks, they slept there, and they were sent to the
12 field pursuant to orders. And there were also the so-called R brigades
13 which could be mobilised, and then they were sent to a theatre of war,
14 and once the assignment was over they returned their uniforms and went
15 back home, and the next unit would be mobilised; for example, one-third
16 would be let go to be replaced by new men. And in 1993, there was also
17 the beginning of compulsory military service, and once they did their
18 compulsory military service, a young man could be mobilised.

19 And now if somebody did not express a wish that they wanted to
20 sign a professional contract, then they were let go, and if they wanted
21 to become professionals, then they would be assigned to barracks, in the
22 same way as, for example, the legionnaires of France or any other
23 professional army that live a soldier's life 24 hours a day.

24 JUDGE ANTONETTI: [Interpretation] Regarding the R brigades, did
25 the men in R brigades have contracts or not?

Page 43024

1 THE WITNESS: [Interpretation] No, they did not have contracts.

2 JUDGE ANTONETTI: [Interpretation] Very well. So I'm
3 understanding much better now.

4 As to those who had contracts, they were supposed, under
5 contract, to be 100 per cent soldiers. Should the Croatian Army tell
6 them to go to a given country, they will go, no question about it, and
7 parents have nothing to say about it; is that right?

8 THE WITNESS: [Interpretation] No. Those brigades had the right
9 to refuse to go anywhere which was contrary to the Constitution of the
10 Republic of Croatia. The Constitution of the Republic of Croatia says
11 not a single soldier of the Croatian Army, regardless of his status, does
12 not have to wage war outside the borders of the Republic of Croatia if
13 they didn't want to do so. Everybody knew that because we said it
14 publicly.

15 JUDGE ANTONETTI: [Interpretation] So you've already answered my
16 constitutional question I was about to ask you. Did Mr. Tudjman have the
17 sovereign power, his sole power, to decide that a Croatian soldier could
18 fight outside the borders of the republic, and if he decided so, did this
19 decision not have to be ratified by the Sabor?

20 THE WITNESS: [Interpretation] Of course, he could not make a
21 decision that was contrary to the constitution. It goes without saying.
22 Now, whether he could use his authority and issue an order to the
23 Guards Brigade and be obeyed, this is in the realm of speculations.

24 JUDGE ANTONETTI: [Interpretation] Last question. If the Serbs
25 attack Croatia and the higher military command in the Croatian Army were

Page 43025

1 to say that a counter-attack has to be launched, possibly in doing so
2 invading the Republic of Bosnia and Herzegovina in order to catch the
3 Serbs -- to catch -- was that possible or not?

4 THE WITNESS: [Interpretation] It was possible, Your Honour, and
5 it did happen after Storm in 1995, but that was only after the military

6 agreement was signed between Alija Izetbegovic or, rather, Bosnia and
7 Herzegovina and Franjo Tudjman, when Croatian units had crossed over and
8 liberated one big part of Bosnia and Herzegovina and prevented a
9 slaughter in Bihac, which would have been even worse than in Srebrenica,
10 and they reached Banja Luka. But all that was with the blessing of the
11 United States of America. Unfortunately, we had to seek their approval,
12 and they gave it to us after they had seen what happened in Srebrenica.

13 And then when the Croatian Army, together with the HVO and
14 together with the BiH Army, but still it was the Croatian Army, and when
15 they reached the outskirts of Banja Luka, then the Americans called
16 Franjo Tudjman and said, Stop your troops, you must not advance any
17 further. And since he was a very realistic politician and he knew very
18 well what the powers were on the international political scene, he
19 stopped his troops, and he gave up on this particular military success
20 because of the American ultimatum. America did not issue a similar
21 ultimatum to the Serbs three years previously to stop doing what they
22 were doing.

23 These are the facts, unfortunately that I know so perfectly well,
24 and I am telling you that this is the truth.

25 JUDGE ANTONETTI: [Interpretation] One very last question

Page 43026

1 because -- before I give the floor to Judge Trechsel. You were very well
2 informed. You were deputy minister of defence. You took part in Defence
3 Council meetings, and you were an HVO commander. As far as you know in

4 1992 and 1993, at any point in time did the USA say, Do not attack the
5 ABiH, it is forbidden? Were you made aware of any prohibition coming
6 from the USA or did you [as interpreted] just turn a blind eye and let
7 you do whatever you wanted to do, or were they faced with a fait accompli
8 if there was an attack at all, because I'm always talking conditionally
9 because I have no evidence.

10 THE WITNESS: [Interpretation] I'm not going to mention any names.
11 The gentleman has recently testified in the Gotovina case, but I will not
12 say the gentleman's name. He was an American military attache, and he
13 was well informed about everything that was happening in the territory
14 under the control of the HVO in Bosnia-Herzegovina. He went down there,
15 I met with him, and he knew how many volunteers from the Croatian Army
16 were down there. At the request of my Defence team, he provided a
17 statement to this Trial Chamber which will probably be disclosed at the
18 moment when this becomes admissible.

19 In other words, the Americans expressly made us understand that
20 the Croatian Army was not allowed to cross over to Bosnia and
21 Herzegovina.

22 JUDGE ANTONETTI: [Interpretation] One moment, Mr. Praljak. I may
23 have to issue a redacting order, because I have to ask you a question.

24 Let's move back into closed session or private session.

25 [Private session]

2

3

4

5

6

7

8

9

10

11 Pages 43027-43028 redacted. Private session.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 [Open session]

6 THE REGISTRAR: Your Honours, for the record, we are back in open
7 session. Thank you.

8 THE WITNESS: [Interpretation] Your Honour, I'm really making an
9 effort here. As the state was a young one, I also had a certain task to
10 carry out, so regardless of whether there were professionals or not, the
11 political situation was interpreted. The IPD had to interpret the
12 political situation. People had information about -- so people could
13 have information about what was going on. And here it also says that the
14 latest events in Bosnia and Herzegovina, the Muslim offensive in Central
15 Bosnia is referred to, so because of that information of the Muslim
16 attack, there was much interest -- interest had increased in the events,
17 since they were aware of the political situation. So the members of the
18 guards had to know about this, too.

19 Parents are parents, you know. In a normal army, when you have
20 an adult who has signed a professional contract, well, then you can't
21 imagine parents going to ask where their son is. That is why Croatia
22 wasn't at the time such a state. It was just the beginnings. Parents
23 came to ask about the situation. I don't know, but a professional
24 soldier, an adult, signed a contract, and he can't tell his parents, I'm

25 on such and such a battle-field, for God's sake.

Page 43030

1 I was faced with such a problem, if you remember. I don't know
2 whether this was shown here, but on one occasion I spoke to the
3 journalists. So those boys reported home, and then the journalist would
4 say he's greeting his mother from such and such a position. You know, if
5 the enemy was listening to the radio, they'd know exactly where the
6 Croatian troops were deployed.

7 You're welcome.

8 JUDGE TRECHSEL: You're going astray. Thank you. You have
9 answered my question.

10 THE WITNESS: [Interpretation] It's complicated. I've gone
11 astray.

12 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I apologise for
13 having taken some time on these matters, but these were important
14 questions and we needed to address them in greater detail.

15 MR. STRINGER: Yes, Mr. President.

16 Q. General, just to round off this document, then, this topic, let
17 me just put you -- the Prosecution came case to you.

18 You've indicated that President Tudjman actually couldn't legally
19 order HV soldiers to go down and fight in Bosnia-Herzegovina, so the fact
20 is when they write "southern front" in all these documents, that's a way
21 to cover up the fact that HV -- Croatian Army soldiers are being sent
22 down to fight in Bosnia-Herzegovina; correct? It's a cover-up to use the

23 term "southern front," because he couldn't legally do what he was doing;
24 correct?

25 A. No, it's not correct, Mr. Stringer, it's not correct.

Page 43031

1 Q. Let's just --

2 A. It was a matter of life and death, about people being wounded.

3 If a volunteer didn't go through the southern front and was killed, that
4 is not correct.

5 Q. You don't agree that using the term "southern front" was a
6 cover-up to hide the fact that they were being sent down. I put that to
7 you. You deny that, and I think that we can move on.

8 A. Okay.

9 Q. Now, the next document is P03886. This is dated just a few days
10 after the document we just looked at. This is from the 2nd of August,
11 1993. In fact, at this time -- at this time, General, you've now taken
12 over the command of the Main Staff of the HVO; correct?

13 A. Correct.

14 Q. And do you recognise that this is a document from
15 General Petkovic, directed to the Main Staff of the Croatian Army and
16 General Janko Bobetko?

17 A. Correct.

18 Q. And what's happening here is that General Petkovic is informing
19 General Bobetko, in paragraph 1, he's going to take over responsibility
20 for the Tactical Group 2, and then he gives us the zone of responsibility

21 area, saying that he will occupy it with HVO forces. Then in

22 paragraph 2, he says:

23 "I do not want to use the forces which you shifted to the
24 Tactical Group 2 (HV) in the territory of the HZ-HB without written
25 approval for their use."

Page 43032

1 So first question, General, is: When General Petkovic here is
2 referring to Tactical Group 2, do you know is he referring to a unit of
3 the 5th Guards Brigade?

4 A. No, he's not referring to that, and no one in the courtroom knows
5 where the zone of Tactical Group 2 is, and you never drew a map so that
6 we could see where it is. This is your duty when you want to prove
7 something. Tell me, where was Tactical Group 2 located, I mean, really?

8 Q. I'm not interested not in where they were located, I'm interested
9 in who they were attached to. So you tell me, General, what unit of the
10 Croatian Army, if you know, was Tactical Group 2 attached to? And if you
11 don't know, I'll accept your answer. There's no problem.

12 A. No, I don't know, but it makes no sense to examine me like this.
13 It's harassing the witness, it's a matter of concealing the truth. I
14 would like to see a map of Bosnia-Herzegovina so we could see where
15 Tactical Group 2 is located. What are you doing is an attempt to conceal
16 the truth, and this is something that I won't accept. Where is
17 Tactical Group 2 located, and who was being defended by Tactical Group 2?
18 Where is Popovo Polje and where is Drenovac?

19 Q. Let me read paragraph 2 to you:

20 "I do not want to use the forces which you shifted to the
21 Tactical Group 2 (HV) in the territory of the HZ-HB without written
22 approval for their use."

23 Now, on this day, General, you are the commander of the
24 Main Staff of the HVO. I'm asking you: Do you know what is the area
25 which this Tactical Group 2 of the HV was deployed by General Bobetko?

Page 43033

1 A. I know that.

2 Q. Can you tell us, please?

3 A. No, I can show you. I can show you where Tactical Group 2 was
4 located. It's not a matter of words; it's a matter of having a look at a
5 military map. If you show me a military map, I will indicate their
6 location for you. You're playing with words, and you're asking me where
7 Tactical Group 2 is. That's below the belt, so I'd like to see a map.

8 Q. Can you confirm for me that the location where the
9 Tactical Group 2 was deployed was within the area of the
10 Croatian Community of Herceg-Bosna; yes or no?

11 A. Partially.

12 Q. Can you -- do you agree with what's indicated here, where
13 General Petkovic says that Janko Bobetko shifted the Tactical Group 2 of
14 the Croatian Army in the territory of the Croatian Community of
15 Herceg-Bosna; do you agree with that? Were you aware of that at the
16 time, you had a Tactical Group 2 that was at least partially present in

17 the area of the Croatian Community of Herceg-Bosna?

18 A. Could you show us a map so that I can show you where this
19 occurred, so I can show the territory? It was in the area of
20 incorporation of border-line units. Izetbegovic and Tudjman had signed
21 this agreement. Tactical Group 2 was defending Croatia, the borders of
22 Croatia. You're just speculating here, and you want to lead me to say
23 something that I don't want to say. You want to pretend that I'm
24 ignorant. You're playing with words, and you want to prove something
25 that is not correct. Given the agreement on trans-border cooperation

Page 43034

1 between Alija Izetbegovic and Tudjman, the Croatian Army could be in the
2 territory of Bosnia and Herzegovina for the purpose of tactical depth, if
3 you know what that terms me. And if you don't know, I'll explain it to
4 you. And even under such conditions --

5 Q. General, you don't need to question my motives. I'm going to be
6 putting the Prosecution case to you for a number of weeks. I'm trying my
7 utmost to allow you to answer the questions fully, without giving the
8 lengthy answers that you've been allowed to give throughout the course of
9 your testimony. You're not going to have as much leeway with me, if I
10 have anything to do with it. I'm sure you understand that. You've seen
11 a lot of cross-examination throughout the course of this trial, so
12 I think that if we can both try to just focus on the questions and the
13 answers, and focus less on what you think my motives are, I think it will
14 ultimately be more productive.

15 Are you saying that the Tactical Group 2 that's referred to here
16 is a unit that, in your view, was legally present in Bosnia-Herzegovina
17 pursuant to an agreement with President Izetbegovic?

18 A. Absolutely legally. I don't have any doubts about your motives,
19 but your logic which you use to confuse matters and to prove your thesis,
20 well, I won't accept this. You can have your motives, but you're showing
21 a general document, so without showing a map, and I don't think this is
22 an honest way of proceeding. But this is your right.

23 Mr. Petkovic says without written authorisation. Written
24 authorisation concerns volunteers. This document is quite clear. The
25 entire document is clear.

Page 43035

1 Please move on.

2 Q. Well, I'll move on when I'm ready, General, and I'm not quite
3 there yet.

4 The question then is --

5 JUDGE ANTONETTI: [Interpretation] General Praljak, you must avoid
6 the other party -- from being a party to this exchange. The Prosecutor
7 is doing its job. It so happens that as part of its case, the
8 Prosecution states that the Croatian Army intervened in Bosnia and
9 Herzegovina, and as far as the Prosecutor is concerned, the document
10 establishes this since the Tactical Group 2, which is under the command
11 of the Croatian Army, is in Bosnia-Herzegovina. This document shows
12 General Petkovic tells General Bobetko that he has no intention of using

13 these people unless he is being given a written order or permission to do
14 so. So someone reading this document realises the following: The
15 Tactical Group 2 is in Bosnia-Herzegovina, and General Petkovic is
16 wondering how he can use this.

17 Mr. Stringer says here is a document which, according to him,
18 proves his case. You should then answer his question by explaining what
19 this tactical group was doing there and, as far as you know, why
20 Mr. Petkovic -- why did Mr. Petkovic not intend to use these men if he
21 didn't receive a written order. It's very simple.

22 THE WITNESS: [Interpretation] No, Your Honour, it's not.

23 Here, Petkovic says that the Popovo Polje-Drenovac zone, which is
24 in the south of Croatia and is two kilometres from the Croatian border,
25 in fact, well, the Croatian border is being defended, and Petkovic says

Page 43036

1 that, I'll take that area with HVO forces. He says the Croatian Army
2 should move. That's nonsensical. In military terms, it's nonsensical,
3 because the Croatian Army is defending Croatia here. But the Americans
4 had an objection. It's illogical, it's incomprehensible. So they said,
5 Okay, move them, too. Then Petkovic says, Bring the HVO in and they
6 should move. Although there was this agreement on transporter
7 cooperation between Tudjman and Izetbegovic, which was never annulled,
8 and then it says, The units that you used in the area of
9 Tactical Group 2, forces that I'm returning to you, because I won't use
10 them in the HZ without written authorisation from you, and written

11 authorisation can't be issued by anyone unless they're volunteers.

12 So I cooperate with the Court and I'm asking for the same kind of
13 cooperation, but I'm not someone who will allow others to lead me to tell
14 something that is not the truth. I won't tell you anything that is not
15 the truth.

16 JUDGE ANTONETTI: [Interpretation] General Praljak, the document
17 didn't say this, but you are telling us that this area,
18 Popovo Polje-Drenovac, is on the border with the Republic of Croatia and
19 that the tactical group was in depth two kilometres away from the
20 frontier. General Petkovic realises that and addresses himself to
21 Bobetko and tells him that he doesn't want to use these people unless, of
22 course, he is being given something in writing; was that how the
23 situation stood?

24 THE WITNESS: [Interpretation] As you can see in the first item,
25 we first of all had to bring in the HVO. The HV was free, and there was

Page 43037

1 this constant misunderstanding. I quarrelled with the Americans, Why are
2 we defending the border of the Republic of Croatia? We're just defending
3 the border of the Republic of Croatia here, the HV -- the HVO, but there
4 was this Muslim offensive, 700 people went off in one direction, I was
5 mad, I was angry, as a commander, because the Republic of Bosnia and
6 Herzegovina wasn't being defended there. The Serbs were there from
7 Dubrovnik. Well, that's Popovo Polje. But look, we're searching for the
8 truth. No one wants to show a map, because they're trying to conceal the

9 truth. Otherwise, you should show me a map. I'll draw the situation for
10 you and it will be clear for everyone, but unfortunately we're trying to
11 avoid determining what the truth is here.

12 But I'll repeat this. Bosnia and Herzegovina isn't being
13 defended, but Croatia is. Unfortunately, I used up 700 people, 700 men,
14 and then we managed to liberate some people, and in that territory we
15 quarrelled about who should be involved in defence there, who should
16 defend what.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, what you've
18 just said is something you could have said to Mr. Stringer quite calmly,
19 without any problem.

20 THE WITNESS: [Interpretation] I've said everything already,
21 Your Honour. I said it at the very beginning.

22 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

24 Q. General, the next document is P03957, 3957, and do you recognise
25 this as a document that you made?

Page 43038

1 A. I'm familiar with this document. It was created on the basis of
2 a request of mine. I didn't draft it, I didn't sign it, but I said that
3 this document should be drafted, so it's as if it were my document.

4 Q. Very well. And this is dated the 4th of August, 1993, so it's a
5 few days after you took command of the Main Staff on the 24th of July, so
6 it's about two weeks after, I think, ten days?

7 A. That's correct, eight days after I assumed those duties, or let's
8 say two weeks.

9 Q. And what you're doing here is issuing a request to the Ministry
10 of Defence of the Republic of Croatia and to Mr. Susak, personally,
11 requesting that certain officers of the Croatian Army be posted to the
12 Main Staff of the HVO. So I'm assuming or is it correct, General, that
13 you wanted these people to come down and work for you in the Main Staff
14 to help you do your job?

15 A. I reached an agreement with those individuals, according to which
16 they would assist in the Main Staff as volunteers, and I asked Susak to
17 make them available as volunteers. It says quite explicitly. Please.

18 Q. We all know that then Brigadier Tole did, in fact, come down and
19 take the position of Chief of Staff of the Main Staff; is that correct?

20 A. Correct.

21 Q. And you were actually requesting that Brigadier Kapular come down
22 and take the position of I think it's assistant to the Chief of Staff. I
23 don't know if my translation's got it just right. I have the impression
24 that rather than Kapular coming, what happened is that General Matic came
25 instead. Is that how it ended up? Tole came as Chief of Staff, and then

Page 43039

1 Matic, not Kapular, came and took the position of assistant Chief of
2 Staff?

3 A. No.

4 Q. Did Kapular come and take a position in the Main Staff of the

5 HVO, as requested here?

6 A. For combat readiness. I don't know if anyone knows what that
7 means, "combat readiness," the Main Staff, or, rather, I had assistants
8 for combat readiness for the infantry and so on and so forth. Kapular
9 was to assume some of those duties. He did assume certain duties. I
10 don't know when Gojko Susak released him, I couldn't say so right now,
11 but he released him. And he was born in a village near Capljina and he
12 assumed certain duties in the HVO Main Staff.

13 Q. Now, based on what we were talking about yesterday, would it be
14 correct to say that during the time they assumed duties in the HVO
15 Main Staff, that Brigadier Tole and also Brigadier Kapular remained on
16 the payroll of the Ministry of Defence of the Republic of Croatia?

17 A. Correct.

18 Q. Now, did Brigadier Kapular remain as -- despite assuming these
19 duties or his role in the Main Staff for combat readiness, did he at the
20 same time keep his position as commander of the 5th Guards Brigade of the
21 Croatian Army?

22 A. It's quite certain that at the time he wasn't acting as the
23 commander of the guard, so someone else was replacing him until he
24 returned to the Croatian Army. So the position he previously had was
25 frozen temporarily.

Page 43040

1 Q. Well, is it true, General, that during this period of time,
2 August-September -- July, August, September of 1993, there were, in fact,

3 various components of the 5th Guards Brigade that were deployed and were
4 fighting as part of the HVO in Herceg-Bosna?

5 A. I can confirm that some of the members of the 5th Guards Brigade,
6 some of the volunteers, participated in the battle-field as HVO units in
7 Mostar, in Bijelo Polje at the beginning, but mostly in Vakuf, but the
8 figure was never more than 250 men at any given point in time.

9 Q. The next exhibit, General, is P04046, 4046, dated 9th of August,
10 1993. Again, this is the time when you were commander of the HVO
11 Main Staff. This is a document appearing over what appears to be the
12 signature of Milivoj Petkovic. Do you recognise this as a document from
13 General Petkovic?

14 A. Yes, this is General Petkovic's signature.

15 Q. All right. And now he's writing to the minister of defence of
16 the Republic of Croatia, so that would be Mr. Susak, and he makes
17 reference to a meeting in Grude on the 2nd of August, which is one week
18 prior to the date of this document. And I'm asking -- my first question,
19 General, is whether you know or can recall the meeting on the 2nd of
20 August, 1993, that General Petkovic refers to, or whether a meeting took
21 place, because it's with regard to a request for a meeting in Grude, so
22 I'm not -- I'm asking you, the meeting in Grude that's referred to here,
23 do you know if this took place?

24 A. Yes, I know that the meeting did take place. I don't know
25 whether it was on the 1st or 2nd of August anymore, but I know that the

1 meeting was held. This is when we managed to regain the lost positions
2 in Vakuf. In the evening, after we had taken back these positions, I
3 went to that meeting. I knew everyone present there, and I know the
4 reason for which this meeting was held.

5 Q. Okay. Can you tell us, General, who was present at that meeting?

6 A. Gojko Susak, Mate Boban, Jadranko Prlic, Milivoj Petkovic,
7 Valentin Coric, Siljeg, Bruno Stojic - I'm not 100 per cent certain, but
8 I think Mr. Stojic was also present - and myself, perhaps. That would be
9 it.

10 Q. What was the purpose of the meeting?

11 A. The purpose of the meeting was, as far as Boban and Prlic and
12 Petkovic and others were concerned, was the following: On that same
13 morning, they had received information that all -- all to the last
14 defence lines in Gornji Vakuf had fallen the previous night and that the
15 complete population and troops from Gornji Vakuf were on their way
16 towards Rama and further afield. Mr. Susak, on the other hand, had
17 arrived because two days prior to the meeting, 15.000 refugees from
18 Bugojno, and 1.500 troops together with them, crossed the Croatian
19 border. There was some unrest and disorder in Makarska, the situation
20 was desperate, and he simply came to see what the situation was like and
21 what would happen to those men. They all wanted to go to Croatia. All
22 the troops wanted to go to Croatia. They wanted some monies to be paid
23 to them for them to be able to buy something and make a living. The
24 refugees were in a desperate situation, and that was the reason why Susak
25 came. And as for the rest, their reason was the fall of Vakuf, and there

1 was an imminent danger that the entire HVO in Bosnia and Herzegovina
2 would crumble to pieces within five or six days.

3 When I arrived at the meeting that evening, I told them that I
4 had managed to pull my men back. I climbed on a tank, took hold of a
5 machine-gun, and went in the opposite direction, and then I was followed
6 by individual groups and others. And just like in an American movie, in
7 the very war-like military way, I single-handedly managed to restore all
8 the military positions and all the lines.

9 JUDGE ANTONETTI: [Interpretation] It's 10 to 4.00. It's time for
10 a break, a 20-minute break.

11 --- Recess taken at 3.49 p.m.

12 --- On resuming at 4.18 p.m.

13 JUDGE ANTONETTI: [Interpretation] First of all, a piece of
14 information.

15 The Registry eventually told us that we, the Prlic Trial Chamber,
16 will sit tomorrow afternoon, not in the morning, which solves the problem
17 raised earlier. So we shall convene in Courtroom I at quarter past 2.00.

18 Ms. Pinter, I think you have something to tell us.

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

20 The Registrar has informed me about the new procedure aimed at
21 correcting the transcript. I would like to say something about
22 yesterday's transcript. The date was 13 July 19 -- 2009.

23 On page 42931, line 13, the text reads:

24 [In English] "It came from the northern side."

25 [Interpretation] This should be replaced by "it came also from

Page 43043

1 the northern side."

2 Furthermore, page 42964, line 9, the original text reads "after,"
3 and it should read or should be replaced by "before."

4 Page 42974, line 11, it says "all other situation," and it should
5 say, because that's what was said, "this citation."

6 And as for today's record, page 38, line 14 and line 18, it
7 wasn't "troops" that was said, but "soldiers." "Troops as units," and
8 the witness said "soldiers as soldiers."

9 Thank you, Your Honour. I've been informed that from now on,
10 this is how we should intervene and correct the transcript.

11 JUDGE ANTONETTI: [Interpretation] Thank you.

12 Ms. Pinter, I hear that there is a new procedure. Well, I'm very
13 amazed, because I never was told that something had been changed compared
14 to what was done before. Beforehand, what everybody said was transcribed
15 into the English transcript. If there was any uncertainty, everything
16 was corrected after listening to the audio tracks, and the French version
17 was sent to the Trial Chamber the day after or the day following, the
18 next day, and the officer -- the legal officer would check. Now, I have
19 the feeling that an entire factory has been set up, because now the
20 Defence will have to really appeal the transcript, check whether every
21 word has been translated properly, and if there is any approximate

22 translation from B/C/S into English, the same will have to be done from
23 B/C/S into French.

24 I, as the Presiding Judge, listen to what is being said, and if I
25 find that there is something that doesn't quite match, I check the

Page 43044

1 English transcript to see whether there's a problem, but I cannot spend
2 my entire time on watching the transcript. Out of courtesy, I look at
3 the person speaking to me, so here I speak to Mr. Praljak - that's the
4 very least you can do - and if Mr. Stringer speaks, I look at him, and
5 it's up for the legal officer and the Registrar to check the transcript.
6 More often than not, I realise that if there's a problem, it's an
7 interpretation problem. We're not going to spend the entire hearing time
8 on having people on their feet to say, This or that page has to be
9 changed.

10 I don't know who had this great idea of starting a new procedure.
11 This Tribunal's been working for 15 years, and whilst we are just about
12 to close the doors, we discover that the procedure has to be changed.
13 Crazy, it's absolutely crazy.

14 Of course, Defence counsel, accused, who know both languages,
15 whenever they notice something, they point it out, and I thank them for
16 this, I thank them for the work, but this shouldn't be asked of
17 everybody. So everybody does their best. What matters is what is being
18 heard. When Mr. Praljak speaks, I listen to what he says. When I
19 realise that there is something that doesn't quite fit, I put questions

20 to him to make everything clear.

21 So let us proceed, Mr. Stringer.

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

23 Just to inform you, I spent most of the break trying to persuade
24 Mr. Mundis to join the trial tomorrow. I know that he's been appearing
25 before the President in another case that was suspended, so I thought

Page 43045

1 he'd like to rejoin us for a day. But he resisted my suggestion, so it's
2 good that the Registrar found a different solution. He sends his regards
3 to the Chamber, however.

4 Q. General, just to stay for one last few moments with
5 Exhibit P04046, we were just talking about this document that was from
6 General Petkovic to Minister Susak, and this relates to
7 advancement/promotion to a rank of the following officers, and it names
8 Stanko Matic there as well as Zarko Tole. Now, I wanted to ask whether
9 these two individuals received a promotion within the Croatian Army, as
10 appears to be reflected in this document.

11 A. I don't know.

12 Q. Can you confirm that at or about this time, the 9th of August,
13 1993, Mr. Tole became the Chief of Staff of the Main Staff of the HVO?

14 A. Correct.

15 Q. And then Stanko Matic also held the position of deputy Chief of
16 Staff within the Main Staff of the HVO?

17 A. Correct. He was a general in the JNA, and he was retired before

18 the beginning of the war that we're talking about, and that was his
19 position, yes.

20 Q. And then just consistent with what we've been talking about
21 earlier, would it be correct to say that during the time these two
22 gentlemen served in the Main Staff of the HVO, that they remained on the
23 payroll of the Croatian Ministry of Defence, if you know?

24 A. I cannot either confirm or deny this. But if you will allow me,
25 what Judge Antonetti asked me about P01332, I looked at the document, I

Page 43046

1 deciphered it, and it says there he's going to be paid in the HVO;
2 P01332, about the group of people, where it says what I was supposed
3 to -- they will be paid by the HVO.

4 Q. We'll check that one. I don't believe I have that one with me.

5 A. Very well, okay.

6 Q. Okay. The next exhibit, General, is P04061. This is dated the
7 9th of August, 1993, so it's the same day as the previous document that
8 we were just looking at. And this is a document that appears over the
9 signature of Zarko Tole; do you agree?

10 A. I believe that this was signed by Matic on behalf of Zarko Tole.
11 I believe this is Matic's signature.

12 Q. And so, then, as of the 9th of August, it appears then that
13 Brigadier Tole is, in fact, acting as the Chief of Staff of the HVO
14 Main Staff, and Mr. Matic is acting as his deputy or on his behalf?

15 A. Yes, those were their positions and functions, yes.

16 Q. Now, this is a report that is directed to the Ministry of Defence
17 of the Republic of Croatia, to the president of the Republic of Croatia,
18 personally, and to the defence minister, personally. General, was it
19 normal or customary, during the time that you were commanding the
20 Main Staff, that reports like this would go to the Croatian Defence
21 Ministry or to individuals such as President Tudjman and Minister Susak?

22 A. No, that was not customary. Obviously, Brigadier Tole did this
23 of his own will. I didn't do that, and he was not in a position to do
24 that. He was not allowed to do that, but he did. This was not
25 customary, and I suppose that he did it for his own ego. He did not have

Page 43047

1 my leave to do that. I, myself, never drafted such documents.

2 Q. All right. So would you agree with me, however, that at this
3 period of time, based upon the events that you were talking about just
4 before the break, President Tudjman and Minister Susak would have been
5 extremely interested in the events that were taking place in the
6 territory of Herceg-Bosna?

7 A. I apologise, I apologise. They were interested in that. They
8 had to be interested in that. They participated in international
9 negotiations, upon invitations by the international community, and they
10 were duty-bound as a result of an agreement signed with
11 Alija Izetbegovic, and the constitution imposed an obligation on them to
12 look after the Croatian people wherever these people may reside.

13 Q. Now, the second sentence of the document, so there's a reference

14 again to the Tactical Group 2. I'll just read this:

15 "Tactical Group 2 will be under the command of the southern
16 front. In this respect, the withdrawal of a battalion from the 4th
17 Brigade was made possible for us (364 men). In addition to this
18 battalion, one company each was withdrawn from Grude and Citluk
19 (240 men).

20 "By withdrawing these troops, we have the possibility of
21 strengthening the defence lines at which we are currently located."

22 Now, General, this is a report on the situation at the war front
23 of Herceg-Bosna, especially Gornji Vakuf. My first question is this:
24 The reference to the 240 men, the company -- "one company each was
25 withdrawn from Grude and Citluk (240 men)," were those 240 men members of

Page 43048

1 the Croatian Army?

2 A. No. Grude and Citluk are in Herzegovina, in Bosnia and
3 Herzegovina, and the 364 were -- men were from Ljubuski. In other words,
4 the Ljubuski Brigade consisted of men from Ljubuski, Grude, and Citluk,
5 and those were all HVO troops.

6 Q. And are they saying here that those men are being withdrawn and
7 that they're going to be redeployed in the Gornji Vakuf area?

8 A. Correct, Mr. Stringer. I can provide you with a complete
9 explanation.

10 I sent Mr. Tole there, down there, and I said that we would pull
11 out from TG-2 because I was not going to defend the Croatian borders. It

12 was up to the Croatian Army to defend them as best as they could, because
13 I needed my men to stop the all-out Muslim offensive. I did not want to
14 lose the war. The Croatian Army would be best advised to defend the
15 area. If not, I was withdrawing anyway. We were there defending the
16 Croatian borders, which I was not going to do anymore; hence this order.
17 Petkovic came first with his men, and then I said, No, I don't accept
18 that. I will lose a war to the Army of Bosnia-Herzegovina, and I really
19 don't like being a loser, I don't like losing any wars.

20 Q. The next document, General, is P04194, 4194.

21 JUDGE ANTONETTI: [Interpretation] One moment.

22 General Praljak, in this document we have in front of us, which
23 is an important document - nobody will deny that - you say that
24 Zarko Tole sent this report without informing you and that he had a
25 problem of ego. It may be true. We all know about ego problems, so that

Page 43049

1 can happen, indeed. But regardless of that, this document shows that on
2 the southern front, he has received five tanks. On page 2, he's asking
3 for ten tanks to be sent, together with a company for the tanks. So
4 undeniably, logistically speaking, he's asking the Croatian Army to
5 support them. There's a problem with munition, with rocket-launchers,
6 et cetera. As regards the tanks, is it true that you asked the Croatian
7 Army to provide ten tanks?

8 THE WITNESS: [Interpretation] I requested to be provided with a
9 certain number of tanks, if possible. I can't tell you exactly that, but

10 he is requesting assistance here. He says, Please assist us with the
11 following. Second of all, and in the following bullet point he says, If
12 possible from the 5th Guards Brigade, those who want to come to this
13 theatre of war.

14 Your Honours, I did ask assistance from the Croatian Army based
15 on the spirit of voluntarism in order to stop the Muslim offensive. I
16 requested assistance in men, arms, and tools, and here it says that there
17 were 532 troops from the HVO in the theatre of war, they were all
18 volunteers, and this is all -- there were 500 soldiers. There were never
19 any more at any time. They're all volunteers, HV volunteers.

20 JUDGE ANTONETTI: [Interpretation] Brigadier Tole is seemingly
21 Chief of Staff of the Main Staff, so he's not the number one; you are the
22 number one. So how is it that he can write directly to the president and
23 to the defence minister without going through you first? It is rather
24 amazing, isn't it?

25 THE WITNESS: [Interpretation] It would have been surprising if

Page 43050

1 the situation was not the way it was. However, on the 9th of August, I
2 was in Gornji Vakuf, fighting for my dear life, fighting for survival.
3 Communications were -- and not only because of communications, but
4 because of 20-hour-long days of waging wars, and that was the situation,
5 I could not control this document. And in that world, there was a desire
6 to communicate directly with Franjo Tudjman, Minister Susak. That made
7 people important. They could then say, I am an important person because

8 I said this and that to Mr. Tudjman. This is one sort of a preliminary
9 or previous psyche, but I don't want to go into that.

10 JUDGE ANTONETTI: [Interpretation] To be clear, you said that you
11 were testifying for the truth to be established, and my questions are
12 always within that framework.

13 You can read this document in two ways. One way is that the HVO
14 is in a quandary, in a difficult situation. You conduct the fighting in
15 Gornji Vakuf in August. The situation is extremely difficult, and
16 Mr. Tole, without speaking to you about it, deems it urgent to seek
17 assistance from the Republic of Croatia; hence the document. That's one
18 possible reading of it.

19 Second possible reading of it, as part of the overall control by
20 the Republic of Croatia over the HVO, you and Mr. Tole are on the HV's
21 payroll, since there are personal links between you all, Mr. Tole sends a
22 situation report to the Republic of Croatia, saying, This goes well, this
23 goes wrong, you need to help us. He then addresses those who are -- who
24 have the power of doing something about it, since they can act through
25 the HVO.

Page 43051

1 So there are two possible readings of the document. You are a
2 clever man. You have no doubt understood the purpose of my question. So
3 which is the reading you would recommend of the document?

4 THE WITNESS: [Interpretation] There's no doubt about the fact
5 that we did ask for assistance, no doubt at all. Now, why he wrote to

6 the president of a state, it is a bit odd, but nevertheless it's neither
7 here nor there. We did ask for assistance -- I did, at the very outset
8 when I asked for two professional battalions. We did not receive that,
9 we did not receive assistance. We received volunteers, ammunition, a
10 certain number of tools that would accompany the volunteers. We did
11 receive assistance in the form of volunteers.

12 Your Honour Judge Antonetti, that was at the same time when the
13 BH Army, if you will remember, a month before that, the BH Army had set
14 up its logistic bases, the Main Staff of the BH Army; in Zagreb, Split,
15 Sombor and so on and so forth. They collected weapons there. Those
16 weapons were then packed into humanitarian aid, and Petkovic and I let
17 that humanitarian aid go through to Vakuf, and those weapons were turned
18 against us and killed us, and they recruited the same volunteers
19 according to the same principle as this. This is all very complicated.
20 I want to testify. However, this is very complicated. It's so
21 complicated. This is simply how it was. The BiH Army in Croatia, the
22 Main Staff had its own bases, and we let weapons go through, and the same
23 weapons were then used against us to kill us. And then what the Croatian
24 Army was giving us by way of salary, that was from the monies that the
25 citizens of Herzegovina paid into an account. Those were our joint

Page 43052

1 monies. When you omit one part of the truth, you lose the whole truth.
2 It was not Croatia that was in charge of that, because I would not have
3 requested for assistance. I was always imploring, requesting. We had

4 ammunition to wage just one day of war, sometimes that was just the case,
5 and on the other hand at letting through the convoys of the BiH Army.

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

7 Q. General, the next exhibit is P04194 [Realtime transcript read in
8 error "P1994"]. I've just been telling the Trial Chamber about the
9 assistance that you were requesting from the Republic of Croatia. The
10 fact is, General, you and the HVO received an incredible amount of
11 assistance, military support, soldiers, weaponry, and that weaponry and
12 those soldiers were, in fact, deployed in Bosnia and Herzegovina and to
13 fight against the Armija of Bosnia-Herzegovina; isn't that true?

14 A. No.

15 Q. This document -- well, let's go through this document and then
16 I'll put the question to you again.

17 This is a report from a Captain Alen Klopopan. He's with the 7th
18 Guards Brigade. It's dated the 15th of August, 1993, and the subject is:
19 "Report on combat operations in the HZ-HB."

20 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, there is a
21 mistake in the transcript. It's not P1994, but P04194.

22 MR. STRINGER: Yes, Mr. President, thank you. P04194.

23 Q. In this report, General, the captain is reporting that at 1745
24 hours on the 13th of July, 1993, he was ordered to send two armoured
25 personnel carriers, APCs, and two crews to conduct a combat mission in

1 Herceg-Bosna, and then he goes on to describe what happened to these two

2 APCs; they first went to Tomislavgrad, crews reported to
3 General Glasnovic there, they went to Ramsko lake, they were attached to
4 the Zrinski special unit and Colonel Filipovic. Then on the 19th of
5 July, the APCs then were taken down to Gornji Vakuf where they
6 participated in combat operations over the next few days.

7 And skipping down toward the end of that paragraph, on the 31st
8 of July the most important parts of the weapons and electronic systems
9 were removed. This is because the APCs had been severely damaged, I
10 believe.

11 "Since there was very little time and an order was received to
12 withdraw, the APC had to be destroyed. The men returned to our unit on 1
13 August 1993."

14 Now, General, you've been talking about the severity of the
15 conflict that was taking place in the Gornji Vakuf area at this period of
16 time in August, and in fact you were present in the Gornji Vakuf area
17 during these conflicts in August; isn't that true?

18 A. Yes, I was there when the APCs were destroyed. I was in close
19 proximity, I was next to them. I am aware of the incident. You're
20 talking about BOVs which had arrived there and they're from that same
21 brigade at my request. Unfortunately, only a few days later the BiH Army
22 destroyed both of them because they hit an anti-tank mine. Fortunately
23 enough, the crews went unscathed and they returned on the 1st of August.

24 Q. All right.

25 A. It is true that there was fierce fighting going on because the

1 BiH Army was well equipped with the weapons that was arriving from
2 Croatia.

3 Q. And despite your assertions about volunteers, what's written --
4 and this report indicates, in fact, that the APC crews that were sent
5 down there were sent on orders, that they were not volunteers; they were
6 in fact ordered to go down there and to participate in these combat
7 operations in Herceg-Bosna; correct?

8 A. No, not correct. I've already explained, and if you want me to
9 do so, I'll repeat.

10 First, the volunteers decided to be volunteers, and then the
11 order was issued in order to regulate their social and other rights in
12 case there were dead and wounded, because subsequently when their
13 families had to deal with their pension, they had to evoke a document,
14 and if they were called volunteers, they would not have been entitled to
15 anything. The red tape is most [indiscernible]. Bureaucrats would say,
16 You're a volunteer, you went to a different state, you're entitled to
17 nothing. First I told them they would go down there as volunteers, and
18 then I said, Okay, now issue an order so that my family can eat and that
19 I can be treated in a hospital in case I am wounded. That's how things
20 went.

21 JUDGE ANTONETTI: [Interpretation] General Praljak, I believe you
22 haven't understood Mr. Stringer's question. You have told us that the
23 volunteers needed documents in case they died, in case they were wounded.
24 That I understand perfectly, but this is not what the issue hinges on.

Page 43055

1 vehicles, which were clearly attached to the Zrinski unit, took part in
2 the fighting. We don't know who the crew is because the names do not
3 figure on this document, but we have every reason to believe that these
4 people are not volunteers because they received an order to go there and
5 they go. The Prosecutor is telling you, General Praljak, we have a
6 document before us that establishes that the Croatian Army is present on
7 the battle-field. This what the problem is all about.

8 We have a document that shows that two armoured vehicles are
9 destroyed, that the crew comes from Croatia, and then they go back to
10 Croatia. What explanation do you have for this?

11 THE WITNESS: [Interpretation] My explanation is the same. I
12 asked Filipovic, Colonel Filipovic, who was in charge of a unit, who was
13 a member before this war of the French Foreign Legion, I asked him if he
14 could come and provide me with assistance. He came with perhaps 20 men,
15 and then I told him, because this position referred to here, Is it
16 possible to bring two APCs so that we can try to stop them here? And
17 then there was this search. And when Filipovic, Kapular, and these crews
18 were found, well, then a request was drafted. Then this man received a
19 request, and he says, I received a request. But, Judge Antonetti, before
20 that request, as in the case of some members of the 1st Guards Brigade,
21 the 40th one, before I phoned, because I knew certain commanders, I asked
22 whether they could come as volunteers to assist. And when they said,

23 Yes, well, then an order is written, and only for the reasons that I have
24 mentioned.

25 So this isn't an order. If an order were drafted in this way,

Page 43056

1 then two of them wouldn't have arrived, ten tanks would have arrived, 20
2 APCs, helicopters, we would have included three guards brigades, and we
3 would have routed the Army of Bosnia and Herzegovina.

4 JUDGE PRANDLER: I'm really sorry, but you have been asked
5 actually the same question first by Mr. Stringer and afterwards by
6 Judge Antonetti. It is again you are, in a way, not answering the
7 questions, but you are pleading, and it is very clear in that order, what
8 he says, kind of report, that he was ordered to send two armoured
9 personnel carriers and two crews to conduct a combat mission in
10 Herceg-Bosna. Could you show to me any word here which speaks about
11 volunteers? It is the question, and not something else.

12 THE WITNESS: [Interpretation] I'm telling you that they are
13 volunteers, that what it says here has to do with the request, the nature
14 of which I have explained to you. I have given you an explanation. I
15 said that an order could be issued to brigades. If it was possible to
16 issue an order to brigades of the Croatian Army, then there wouldn't have
17 been 500 men, as it says in the document down there. Three Croatian
18 brigades would have been sent down there, and the war would have been
19 quite different. But there is a word that I have explained. If you want
20 to interpret this to say that an order could have been issued, well, I'm

21 telling you that's not the case. It says "order." Well, people weren't
22 really taking account of this to say it's an order on the basis of
23 volunteers having reported. The brigade commander agreed to send in two,
24 but if an order could have been written, then I would have told Susak,
25 Send an entire guards brigade down there and we'll do things differently.

Page 43057

1 So that's my explanation. As to how you will interpret this word
2 "order," this single word, well, that's up to you. I can't influence
3 that.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, 16 years ago
5 nearly to the dot, because it was on the 13th [as interpreted] of July at
6 1745 hours, so with a difference of 40 minutes, it's practically to the
7 dot, Colonel Filipovic learns that two APCs need to be sent down. It's
8 1745 hours. So these two APCs are numbered 4711, 4712. They leave the
9 unit at 1.00 in the morning. They're going to drive for six hours, since
10 they arrive in Tomislavgrad at 7.00 in the morning.

11 Now, if we follow what you are saying, this means that between
12 1745 hours and 1.00 in the morning, Colonel Filipovic got all the tank
13 drivers together and said, I have had a request coming in from
14 Herceg-Bosna. We need to send two APCs there. Who would like to
15 volunteer? Raise your hand. Then two crews raise their hands and say
16 that they volunteer to go. Colonel Filipovic then, if we follow your
17 argument, says, Well, you shall leave the place at 1.00 in the morning
18 and go to Herceg-Bosna.

19 Is this how things happened or not?

20 THE WITNESS: [Interpretation] Well, please, give me a few
21 minutes.

22 I asked Filipovic to come. I asked Filipovic to come. And on
23 that axis, at that position, well, in fact, we were going into combat.
24 There was the first leader scout, then me, and then 17 people, the 17th
25 person in the column stood on an anti-personnel mine and lost his leg.

Page 43058

1 After these two men arrived, I'd asked Filipovic to find them because in
2 that area there was a clearing -- a large clearing and it was very
3 difficult for the infantry to survive there. They lingered there and
4 they lost these two APCs.

5 Now, after Filipovic lost this man who lost his leg and another
6 one, he, as a volunteer, left the battle-field. He just told me, I'm
7 leaving, I don't want to carry on.

8 Please, listen to me very carefully.

9 And it's not just that, but as I was relying on his
10 communications, he had a two-metre and four-metre communications system,
11 so he took that system with him and left. Then I got hold of a telephone
12 and I phoned Gojko Susak. I said, "Gojko, please, can you return Saskor
13 to me?" He was later the commander of the brigade in Siroki Brijeg,
14 together with a communications device. I didn't have any communications
15 device. Saskor wanted to return because I know him since my childhood
16 from Omis. Saskor then returned with two or three men with a

17 communications device.

18 So that's what the war looked like, Your Honours. I can tell you
19 about it in detail from day to day, how someone left. When a volunteer
20 would leave, he left, he simply left. There were two dead individuals,
21 and this person who had lost his leg, and he had had enough. It's quite
22 simple.

23 JUDGE ANTONETTI: [Interpretation] I listened to what you were
24 saying carefully, and you provided information we didn't have so far, but
25 you're not answering my question. You're just not answering.

Page 43059

1 What I wanted to know is how, technically speaking, between 1745
2 hours and 1.00 in the morning, the two tank crews turned into volunteers.
3 That is my question, quite simply. And I made an assumption: Did
4 Filipovic get everybody together and ask who wished to volunteer. In
5 that case, two crews said, Yes, we volunteer to go. He then said, All
6 right, please get into the APCs and leave at 1.00 in the morning. This
7 is what I would like to understand.

8 THE WITNESS: [Interpretation] I don't know, Judge Antonetti, I
9 don't know how this happened. I know that I said, Try and find someone
10 who has two APCs.

11 JUDGE ANTONETTI: [Interpretation] So you don't know how all this
12 was sorted out locally?

13 THE WITNESS: [Interpretation] About this event, but -- no. In
14 the field, yes, I know how things were regulated with Filipovic, with

15 Kapular, with Leko, with Saskor, but for this case, no, I don't know. I
16 know I made this request, but as to how Filipovic dealt with it, I don't
17 know.

18 JUDGE ANTONETTI: [Interpretation] That is what I wanted to know.

19 JUDGE TRECHSEL: Mr. Petkovic [sic], you have told this little
20 story, a sad story, someone losing his leg, and then -- oh, sorry,
21 Mr. Praljak, of course, yes. And then someone, you say, walked away and
22 didn't want to continue. And you seem to have taken this as an example
23 to convince the Chamber that these soldiers were all voluntary.

24 Now, I remember that you have probably several times also talked
25 about the HVO and talked about the problems that were created by people

Page 43060

1 just walking away, although those were not really volunteers in the sense
2 that you say that these Croats were volunteers. So why is it something
3 different if someone here walks away or if a soldier, who is not a
4 volunteer, walks away? I do not find the argument very, very convincing
5 up to now, but maybe you can -- you can explain further.

6 THE WITNESS: [Interpretation] Judge Trechsel, I'm not giving you
7 any arguments. I'm telling you about the minds of these people.

8 Filipovic didn't return after the leg was lost. He lost two men,
9 the two APCs that were to assist him were blown up, and he simply left.
10 So that tells you something about the psychological condition he was in.
11 That's a state. These aren't arguments. I'm describing the state
12 someone was in.

13 JUDGE TRECHSEL: Thank you.

14 MR. STRINGER:

15 Q. General, you've been talking about how you -- or these APCs were
16 requested. The fact is, isn't it, that no APCs and no men or equipment
17 of the Croatian Army would ever have been deployed inside Herceg-Bosna as
18 volunteers or otherwise if the Croatian Army and the president of the
19 Republic of Croatia did not agree to that; isn't that a basic fundamental
20 thing that we can agree on?

21 A. We can't agree on that, not at all. No one could have prevented
22 volunteers from going to Bosnia and Herzegovina, as in my case.

23 Q. Let's talk about material. We're talking about APCs here. Let's
24 talk about not people, but rather equipment.

25 There are some APCs here. Now, it seems to me that it's highly

Page 43061

1 unlikely and possibly illegal for a volunteer, who wants to go down and
2 fight in Herceg-Bosna, to just climb into an APC and drive the APC down
3 to Tomislavgrad here, unless he does so with the permission of some
4 superior person within the Croatian Army. Would you agree with me on
5 that?

6 A. Correct. Croatia, as a state, assisted in the defence of Bosnia
7 and Herzegovina, the HVO and the Muslims. Well, more the HVO. The money
8 that was placed at the disposal -- well, very well. This is our money,
9 you know.

10 Q. I'm just asking you about these two APCs. Somebody in the

11 Croatian Army had to agree that these APCs could go down to Herceg-Bosna
12 to get involved in combat operations; correct?

13 A. Correct.

14 Q. As the commander of the HVO Main Staff, obviously you couldn't
15 just order that. That had to be approved by someone in the Croatian
16 Army?

17 A. Correct.

18 Q. And the fact is you made a reference a few minutes ago to how it
19 could have been if, in fact, there were no limitations or if you could
20 have just ordered whatever you wanted. You could have ordered or -- you
21 could have ordered 10 tanks, as you said, or 20 APCs, helicopters, 3
22 guards brigades. If there were -- I guess if you had had all of those
23 assets at your disposal, you, as you said, you could have routed the Army
24 of Bosnia and Herzegovina, but of course that level of support was not
25 available to you from the Republic of Croatia; correct?

Page 43062

1 A. That's correct. The support I received from the Republic of
2 Croatia was minimum, so I didn't have ammunition for one day's -- for a
3 day's battle. But after all of that, I could have ordered the 6th Fleet
4 from the USA to assist us, to stop them, not so that I could beat them
5 but stop what they wanted to do. There's no doubt about that. But at
6 the time, these people were the aggressors and it was necessary to stop
7 them.

8 MS. PINTER: [Interpretation] I apologise, Mr. Stringer.

9 I'd just like to correct the transcript now, because I think that
10 it might lead to confusion. Page 22 [as interpreted], perhaps you could
11 put the question to the witness again or I could tell you what the
12 general said and what it says in the transcript. On page 57, line 22,
13 reference was made to the assistance provided by the Republic of Croatia.
14 The general said that it gave the HVO and Muslims assistance, and the
15 transcript is wrong when it comes to who got more assistance. So could
16 the general just say who was receiving more assistance?

17 THE WITNESS: [Interpretation] The ABiH was receiving more weapons
18 than the HVO. That was the case throughout the war.

19 MR. STRINGER: General, we can move to the next document now.

20 JUDGE ANTONETTI: [Interpretation] General, I have a technical
21 question.

22 These two APCs which arrive in the combat zone, I have been on an
23 APC and I know what it looks like, and I remark that these were equipped
24 with electronic systems, so these must have been well-equipped APCs.
25 When these are in Croatia, there is always a patch or something, there's

Page 43063

1 always a way of identifying who the APC belongs to. What did you do?
2 Did you paint over the APCs, did you paint over the patches, did you put
3 tape over? What did you do to cover up where these came from, or did you
4 do nothing whatsoever?

5 THE WITNESS: [Interpretation] I didn't do anything to conceal
6 this. It didn't even cross my mind. Why would I conceal this? And

7 these electronic devices, well, it's just a radio link between the two
8 APCs. It's nothing special. It wasn't anything sophisticated. We left
9 them there, and when I was passing by, I saw that they were there. They
10 were in the hills for years.

11 JUDGE ANTONETTI: [Interpretation] Very well.

12 MR. STRINGER:

13 Q. General, the next exhibit is P05174. It's dated the 18th of
14 September, 1993. It's a report coming from the 5th Guards Motorised
15 Brigade, I think, and this appears over the name of the commander of the
16 1st Motorised Battalion, Mr. Mazar [phoen], Vinko Mazar. And what he
17 says here is that:

18 "Pursuant to the order of the 5th Guards Motorised Brigade
19 commander, the reinforced battalion, comprising the 1st Motorised
20 Battalion command, per establishment, and the 1st Motorised Battalion,
21 per establishment, 245 men in total was sent to the southern front on the
22 21st of August, 1993."

23 And then it continues, and it describes the various places that
24 these units or these -- the units were deployed. It starts off by
25 saying:

Page 43064

1 "We arrived at the port of Ploce on the morning of 22 August, and
2 went to Neum. 26 August, the 1st Motorised Company, reinforced with
3 manpower from the 82-Millimetre Mortar Battery was deployed at the
4 defence line at the village of Rastani, where they stayed until 1

5 September, carrying out active defence."

6 It goes on to describe the deployment of part of the 2nd
7 Motorised Company with an anti-armour rocket company and a support squad,
8 taking the front-line over from the HVO in the area of the village of
9 Bijelo Polje. It continues on. They stayed there until the 5th of
10 September, carrying out active defence. The 29th of August, the
11 remaining part of the unit arrived in Prozor, and the next day, the 3rd
12 Motorised Company and the Anti-Aircraft Defence Platoon took over the
13 front-line on Kuk in the Mackovac Hill. It continues with the arrival of
14 manpower in Prozor where, on the next day, they launched an attack
15 operation, where they stayed for two days holding the line under
16 difficult weather conditions. It goes on. I'll skip to the end.

17 Let me just -- it's talking about the 15th of September.

18 "An enemy breakthrough was stopped after the initial fierce
19 stroke during which four points were lost while waiting for external
20 reinforcement, due to the lack of our own reserve forces to launch a
21 counter-attack, the lost positions, the existing enemy positions. Access
22 roads were constantly shelled."

23 The next sentence:

24 "The next day, a counter-attack was launched and the previous
25 positions were finally restored with the support of fresh external

Page 43065

1 units."

2 Now, I know you, General, that you told us that you were less

3 engaged in the Mostar area during this period of time in September and
4 that you were mostly deployed and involved in the events in the
5 North-West Herzegovina Operative Zone, so let me focus on that. Prozor,
6 for example, you're aware of these units of the Croatian army that were
7 present and participating in hostilities in the Prozor area, as is
8 reflected in this document?

9 A. I'm fully aware of these events. I was a participant -- an
10 active participants in the events. I was a combatant, a commander. I'm
11 familiar with these events. I'm familiar with the hills, with how the
12 men were deployed. Some of them were in Rastani, which is near Mostar.
13 Then there's Bijelo Polje, to the north of Mostar, it's the area of
14 Bijelo Polje. And then when the situation became more stable, they were
15 transferred to Gornji Vakuf, where we fought. First we lost, and then we
16 took back certain position. And let me just point out that there was a
17 motorised battalion. It had 560 men, per establishment, and when it was
18 strengthened, it had 800 or 850 men, but 245 volunteers in this case
19 arrived. They were volunteers. They arrived in the HVO. It wasn't the
20 Croatian Army.

21 You're welcome.

22 Q. You answered my question. So you were involved in and are
23 otherwise aware of all of these combat activities that are referred to
24 here. And as I've indicated, you answered my next question, which was
25 this: You're telling us, then, that all 245 of these Croatian Army

1 soldiers who were involved in this -- in these various operations were
2 volunteers fighting with and alongside the HVO inside Bosnia-Herzegovina?

3 A. Correct, because if the whole strength and battalion had arrived,
4 there would have been 800 men, so those who wanted to come from the
5 reinforced battalion came. That was 245 men. Who wanted to was able to.
6 Who didn't want to come from the battalion remained.

7 Q. All right. And then these 245 men, together with all of the
8 equipment that --

9 JUDGE ANTONETTI: [Interpretation] One moment, Mr. Stringer.

10 Mr. Praljak, this may have escaped your notice, but Mr. Stringer
11 said something which is very important and may have some consequences.
12 Mr. Stringer is telling you that these are 245 people from the Croatian
13 Army, and you did not deny that. You said that they were volunteers.
14 But regardless of this, these men fought side by side or alongside with
15 the HVO. That's what he said. So when they came, these men, did they
16 fight alongside the HVO or were they taken into the HVO? It's not the
17 same thing, you see. What do you say? Were they integrated,
18 incorporated into the HVO, or were they fighting alongside?

19 THE WITNESS: [Interpretation] It's not alongside the HVO. They
20 are within the HVO. They received my orders, and I fought together with
21 them. They would receive my orders. I was in command of them, and I
22 would fight together with them. In these actions, on the whole, I was
23 involved in combat.

24 JUDGE ANTONETTI: [Interpretation] I asked the question because at
25 1813, page 62, line 14, Mr. Stringer said "alongside," and when I

1 realised this, I asked for you to be more specific. So am I to
2 understand that the 245 volunteers, that is what you say, were integrated
3 into the HVO and that, as a matter of fact it was the HVO fighting?

4 THE WITNESS: [Interpretation] The HVO. Judge Antonetti, 245 men,
5 that's about a third of the unit in the 5th Guards Brigade, so one
6 motorised battalion from that brigade had about 250 men. But not all of
7 them wanted to go. A reinforced battalion, as he says, has 750 or 800
8 men, but not all wanted to go. Those who wanted to go volunteered.

9 JUDGE ANTONETTI: [Interpretation] One last question. Upon
10 reading this report, I took my calculator and I summed up. You have 21
11 wounded, 27 soldiers not able to fight. That's over 10 per cent out of
12 the 245 men, those who are "hors de combat" because they were killed during
13 the fighting. Now, is 10 per cent a normal percentage or, in this
14 particular case, is this a considerable loss?

15 Last week, you remember I spoke about the American intervention
16 in Afghanistan, where there were 4.000 marines in action. If you had
17 10 per cent of loss, that would mean that 400 marines would have been
18 either killed or wounded.

19 When you had 10 per cent loss, was that ordinary or was that
20 exceptional, in terms of loss?

21 THE WITNESS: [Interpretation] For us, Your Honour
22 Judge Antonetti, this was normal. There were even greater losses in all
23 of our units, much greater. And if I may correct you, it was not 400

24 marines that were killed in Afghanistan. These were total losses. Some
25 were removed from the front-line due to alcoholism or illness. A total

Page 43068

1 of 51 men from the unit left the area before the unit returned. There is
2 some sick, some wounded, some killed, those who escorted the dead. A
3 total of 51 men.

4 If you take a calculator, you can do your own math. I may be
5 wrong, but I don't think so. Those were huge losses, exceptionally huge
6 losses. Your Honour, we suffered exceptionally huge losses. The war
7 lasted three years, and it was exceptionally difficult.

8 THE INTERPRETER: Interpreter's correction: "three months."

9 JUDGE TRECHSEL: Mr. Praljak, a while -- a short while ago, you
10 have declared that you have commanded this Croatian contingent. Now, you
11 were a top commander at that time, and I'm surprised to hear that you
12 commanded battalions. Wasn't there a command structure in between? It's
13 not for a general normally to command a battalion.

14 THE WITNESS: [Interpretation] A general can also be in command of
15 a battalion, if necessary. He commands the military. However, when
16 there is fierce fighting and when there are small units, then the general
17 has to be in command where necessary, when this is needed, in order
18 not to avoid a war. But I can tell you that in the Second World War, two
19 star generals landed at Omaha. They parachuted with
20 units -- well, listen, you have asked me, have you not? Your Honour,
21 you've asked me.

22 JUDGE TRECHSEL: I did not ask you about the Second World War,
23 and I do not want to know hear about the Second World War. I want to
24 know who was the immediate commander of the troops engaged there in
25 Uskoplje, the operation we're talking about. I think that was Uskoplje.

Page 43069

1 Who was the immediate commander of the troops engaged there?

2 THE WITNESS: [Interpretation] Me.

3 JUDGE TRECHSEL: So no operations zone, no brigade commanders.
4 Mr. Praljak having his threat to every battalion and saying, What's going
5 on? I mean, you tell me so, and that's it?

6 THE WITNESS: [Interpretation] Well, I'm going to tell you the
7 truth.

8 It did happen to me that the entire command headed by Siljeg
9 would be on the front-line for two days. At one point, I had two men
10 killed from the command because there were no more troops than that. I
11 can't tell you what should have happened according to a structure. I can
12 only tell you how things were. I assumed command as -- over the brigade
13 commander and his battalions. I was in command because that was the only
14 way to survive at that moment, and we did survive. We managed to defend
15 ourselves. Now, how should the command have looked like?

16 JUDGE TRECHSEL: All right, all right, I'm not asking what things
17 should have been. You've answered my question. Thank you.

18 MR. STRINGER:

19 Q. General, just to follow up on the last inquiry by Judge Trechsel,

20 members of the Croatian Army who were fighting in Rastani, or who were
21 holding a line in Rastani or Bijelo Polje, would they have fallen within
22 the structure of the South-East Herzegovina Operative Zone and Commander
23 Lasic?

24 A. They were the HVO, and where they fought, they entered the
25 command structure of the zone or a more narrow area.

Page 43070

1 Q. And we'll talk about this more later, but at this period of time
2 you've told us that there was something of an informal - I haven't seen
3 it in writing - an informal division of labour, whereas you were taking
4 the lead and were most involved in the operations in the north-western
5 area of -- well, the North-West Herzegovina Operative Zone, Gornji Vakuf,
6 Tomislavgrad, Prozor, Zarko Tole here would have been looking primarily
7 after the Mostar area, and then Brigadier Lasic would have been looking
8 after the area to the south of Mostar; is that generally correct?

9 A. Generally correct, yes.

10 Q. And, however, is it correct to say that at all times while you
11 were commander of the Main Staff, that you were informed of the events
12 that were taking place in these other areas, Mostar, South-East
13 Herzegovina Operative Zone, such that, for example, you were aware of the
14 events taking place in Rastani, Bijelo Polje, even though you were not
15 physically present there?

16 A. Well, in a pretty broad line, I was informed. I was not
17 interested in small moves, but when there was an attack on the 13th of

18 August against the south of Mostar by the BH Army, I was informed and I
19 was personally involved. It was my duty to go there and participate in
20 that fighting. In other words, I had information, but not information
21 arising from companies or battalions. I had --

22 Q. You were aware, for example, about these 245 men that you're
23 saying are volunteers who came in from the Croatian Army 5th Guards
24 Motorised Brigade and were fighting within the HVO structure, for
25 example? You knew about this -- this event, these units?

Page 43071

1 A. Not only did I know, but I organised -- I provided incentives, I
2 implored, I asked, and I received them. I asked for volunteers, which
3 means I was fully abreast of the participation of the volunteers from the
4 5th Guards Brigade because I had close ties with those lads and I knew
5 them.

6 Q. And then just to possibly round this off, the 245 soldiers that
7 we're talking about here, would you agree with me, sir, that while they
8 were fighting in these locations in Herceg-Bosna as part of the HVO, they
9 were doing so with the approval of the Croatian Ministry of Defence?

10 A. Correct, the Ministry of Defence allowed, based on the documents
11 that I introduced, for all the volunteers from Croatia, and I repeat
12 there were 13.000 volunteers from Bosnia and Herzegovina in the Croatian
13 Army, to be able to go back home and defend their houses if they so
14 wanted, and I believe that we have gone over that ground at least 30
15 times.

16 Q. And these Croatian Army soldiers, when they were down there in
17 the HVO, the equipment that they've got here that's described throughout
18 this report, all of the equipment that they have is equipment that they
19 brought with them from the Republic of Croatia, and then using that
20 equipment in combat operations against the Army of Bosnia-Herzegovina,
21 they were using that Croatian Army equipment with the approval of the
22 Croatian Army; is that also true?

23 A. Correct. They brought the equipment with them.

24 Q. The next exhibit is P05724 --

25 JUDGE TRECHSEL: I'm sorry. Mr. Stringer, I'm sorry.

Page 43072

1 My fantasy is trying to imagine how this formation of the
2 Volunteer Battalion functioned. Maybe you don't know. You have said, to
3 a similar question earlier, that you didn't know.

4 You say the battalion has 800 men. Okay. Let us suppose we have
5 in Croatia a battalion of 800. You said, If it was a battalion, it would
6 be 800, but it was only 250 because only the volunteers did go. That's
7 how I remember your testimony.

8 Now, Mr. Antonetti has already described the scenario. They are
9 all assembled, and the commander asks, Who is a volunteer to go into
10 Herceg-Bosna? And the commander raises his hand, and 250, that would be
11 quite a minority, also raise their hand. Okay. The others go away. Now
12 he has these 250 left.

13 A battalion, especially a mechanised one, is, of course, very

14 structured. You have to have so-and-so many crews for the vehicles, for
15 maintenance, for logistics, and so forth. Do we have to assume that by
16 miracle, those that were not volunteers were spread equally about all
17 different branches so that those 250 that remained could usefully fulfill
18 all the functions that had been filled in for this reduced, ad hoc,
19 volunteer battalion? I just trying to imagine how it works.

20 THE WITNESS: [Interpretation] Judge Trechsel, Your Honours, I did
21 not say a battalion has 800 men. On two occasions, I repeated that a
22 battalion has about 550 to 560 men.

23 JUDGE TRECHSEL: No. Today, you said 750 to 800.

24 THE WITNESS: [Interpretation] No. Please allow me. I said that
25 a battalion has 550 to 560 men. I said that a reinforced battalion, and

Page 43073

1 I was reading from the text, in the text it said that it was a reinforced
2 battalion, and a reinforced battalion can have between 750 to 800 men.
3 And I'm sorry that you're not reading well or that I'm being
4 misinterpreted, although I said things twice.

5 JUDGE TRECHSEL: I will read, Mr. Praljak, from page 62, line 15.
6 You are here recorded as saying:

7 "Correct, because the whole strength and battalion had arrived --
8 if the whole strength and battalion had arrived, there would have been
9 800 men."

10 That is quoted verbatim what you said.

11 THE WITNESS: [Interpretation] Your Honour, I don't know how this

12 was recorded, but I know only too well what I said. You can listen to my
13 colleagues who are listening, you can ask the interpreters. I said
14 perfectly precisely what the strength of the full battalion is and what
15 is the strength of a reinforced battalion, and I repeated it twice.
16 Believe me, check and you will see for yourself. I really don't know
17 what is being recorded.

18 JUDGE TRECHSEL: I'm assisting you.

19 If you go to the next page, 63, line 18, you answer the
20 President, and you said: "Not all wanted to go. A reinforced
21 battalion," you say this time, "as he says, has 750 or 800 men." The
22 first time, you say "battalion," and now you say "reinforced battalion."

23 THE WITNESS: [Interpretation] Please, with all due respect,
24 Your Honour Judge Trechsel, I repeated twice what the difference between
25 a battalion and a reinforced battalion is. Let's make a break. Let my

Page 43074

1 Defence counsel check. I said it twice. My brains are still working. I
2 don't know how it was recorded, but I know what I said.

3 MS. PINTER: [Interpretation] Your Honour, we have already noted
4 that this has to be corrected.

5 JUDGE ANTONETTI: [Interpretation] Mr. Prlic may be able to help
6 us.

7 THE ACCUSED PRLIC: Okay. When you repeat the "strengthened
8 end," I think that it should be translated "strengthened battalion,"
9 because we all of us listened that Praljak said two times "ojacani," and

10 this "ojacani" may be translated as "reinforced" or "strengthened,"

11 because "strength" mean "ojesnaga" [phoen] in Croat language.

12 And then this opportunity to wish everything the best for your
13 national day, Judge Antonetti.

14 JUDGE TRECHSEL: Not me.

15 THE ACCUSED PRLIC: Judge Antonetti.

16 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Prlic.

17 JUDGE TRECHSEL: Actually, this is a detracting thing again,
18 because whether it's 600, or 250, or 550, even if it's 150 [sic], half of
19 them do not come. How is this instantly reorganised? Was it exactly
20 half of each function?

21 Just on the record, there must be an error. I didn't want to say
22 that it's 150. I did not suggest that. I just want to correct this on
23 line 6. Thank you. Sorry.

24 Please, Mr. Praljak.

25 THE WITNESS: [Interpretation] Obviously, in this case there would

Page 43075

1 have been 10 tanks in a reinforced battalion with their crews, and if you
2 remember, I told you they did not arrive with the tanks, they came with
3 mortars. Things are just patched up, and I mean literally patched up.
4 Some mortars came, some anti-tank weaponry, infantry, and when we had all
5 that we patched up, we put together an establishment. Now, what that
6 should have been, what it was, I know what it should have been, but I am
7 just patching things up, and it's very often in a war that you have to

8 patch things up. I don't know whether the interpreters have interpreted
9 the word "krpiti" as "patch up," which is exactly what this means.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, let us delve
11 into military techniques. And since you are a general, you will not be
12 taken by surprise. Let's take the case of the two tanks or the two APCs
13 mentioned before. You know better than anyone else that instructions are
14 given in the army, for instance, using radio frequencies. Each unit has
15 a specific radio frequency. All this is organised in a quasi-scientific
16 way.

17 These 245 volunteers from the Croatian unit who come to join the
18 HVO, I guess that they, too, have their own modus operandi, their own
19 radio frequencies. When they leave Croatia and arrive a few hours later
20 to reinforce you, to join you, how does this take place technically? Are
21 they going to be given new radio frequencies, are they going to be told
22 that as of then they're going to have to use this or this radio channel,
23 or are you going to have to use this equipment rather than the previous
24 one, are you going to move on to the other frequency, or is this total
25 chaos, which would account for the high number of casualties, or are they

Page 43076

1 being taken care of by your own officers, and are these officers going to
2 tell them that they have to use a specific radio frequency as of that
3 time in order to achieve this unity of command? What can you say?

4 Of course, it would have been for the Prosecutor, in their
5 Prosecution case, to adduce this, but they can't think of everything, of

6 course. But upon reading the documents, I tried to see how the Croatian
7 Army was integrated into the HVO, technically speaking.

8 THE WITNESS: [Interpretation] Our communication technology, Your
9 Honours, was at a very, very low level. More often than not, we used
10 Motorolas. We're talking about something that you could buy in any store
11 in the West. This could be scrambled. And for every channel, you had to
12 type in certain frequencies, for 10 such devices, for example, and then
13 they would be distributed. And then after a certain time, after having
14 communicated for a while on the third channel, the person who would be
15 communicating would say, Go two levels higher, and then you would all go
16 to the fifth channel which was -- well, however, the devices, those
17 devices that were used for listening in to those pathetic frequencies
18 were much better, so for example, in Vakuf, once I would start talking, the
19 Muslim side, after a certain time, after five or ten minutes, they would
20 say, You're not the first one, you are Praljak, and we told you that --
21 already that we would pay 10.000 marks to anybody who wanted to kill you.

22 Our communication was at a very low level. Our communication --
23 well, there were certain code books. We had codes. We would, for
24 example, say, when we say, Left, that means an attack from the left, and
25 so on and so forth. Unfortunately, all in all due to the embargo, we

Page 43077

1 could not lay our hands on that equipment, or with a lot of difficulty.
2 Our equipment was of a very low quality until sometime in 1994-1995, when
3 the Americans allowed us to procure -- to purchase such equipment. And

4 I'm talking about the Croatian Army, not about the HVO. It was then, when
5 they wanted to, that they let us carry out the job of saving
6 Bosnia-Herzegovina, and in particular Bihac. Our communication lines
7 were really very poor.

8 And just in passing, let me just say that I already introduced a
9 document to that effect. The BH Army had a lot more money at its
10 disposal and had much better ties in the Islamic country, and they had,
11 as a result of that, much better communication lines and equipment.

12 And the document that we introduced into evidence shows how much
13 we had let go, and that's something I will --

14 JUDGE ANTONETTI: [Interpretation] General Praljak, I heard you.
15 I heard how you explained that the means of communication that you had
16 were low level, if not inexistent, but there was no pitfall in my
17 question.

18 If the Prosecutor were to have a document that -- allegedly that
19 would show that these people from the Croatian Army kept their own
20 systems, then there would be a basic contradiction with what you have
21 just said. Do you agree with this?

22 THE WITNESS: [Interpretation] In such a case, I would be a liar.
23 That would not be a contradiction. I would have been a liar. If he is
24 able to show a document that they brought anything valuable or more
25 valuable than the miserable stuff that we had. Nothing of that is true.

Page 43078

1 I mentioned Filipovic. We had a two-metre antenna in duplex, but that

2 went flying. I can tell you a lot about that, if you're willing to
3 listen, if anybody is willing to listen. All that was at a very low and
4 poor level.

5 JUDGE ANTONETTI: [Interpretation] Very well. It's a quarter to
6 6.00. We shall have a 20-minute break.

7 --- Recess taken at 5.46 p.m.

8 --- On resuming at 6.08 p.m.

9 JUDGE ANTONETTI: [Interpretation] Court is back in session.

10 Mr. Stringer, you have the floor.

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

12 Q. General, just before the break, I think I called up the next
13 document, P05724. Do you have that, dated 8th of October? It doesn't
14 give us the year and the title, but I think it's safe to assume this is
15 1993, based on the document reference number as well as the text.

16 This is a letter or a document directed to the HVO and to you, as
17 the commander of the HVO, from Brigadier Kapular, who's the commander of
18 the 5th Guards Brigade of the Croatian Army.

19 Do you recognise this document, General? It was directed to you.
20 Do you remember seeing this at or about the time, 8th of October, 1993?

21 A. Yes.

22 Q. And in the subject, he's talking about submission of the
23 information on the need to pull out the 5th Vinkovci Brigade volunteer
24 units, and then in paragraph number 1 he's informing you of the
25 following:

1 "We have submitted a written request to the Republic of Croatia
2 Ministry of Defence for pulling out of the 5th Guards Brigade volunteer
3 units from your battle-fields because we are not able to carry out the
4 assigned tasks."

5 General, the first question on this is, if you know: Why would
6 it be necessary for Brigadier Kapular to request the withdrawal if, in
7 fact, the units down there in Herceg-Bosna were -- fighting with the HVO
8 were volunteers? If he has to request that the Republic of Croatia
9 Defence Ministry approve their withdrawal, doesn't that indicate that
10 they are not volunteers and that they have to stay as long as the
11 Ministry of Defence requires?

12 A. No. Regardless of the fact that he submitted a written request
13 to the Ministry of Defence, this is more a matter of providing
14 information according to which they would no longer be present there.
15 Mr. Stringer, I stand by what I have said repeatedly, regardless of the
16 fact that in written documents, because certain sentences are clumsy, the
17 situation might seem different, he quite simply says here -- he's
18 probably telling Gojko Susak, We'll return. Well, they have to
19 restructure the 5th Guards Brigade and so on and so forth. They've been
20 assigned other tasks. And they say, We want to go home. So I'm just
21 being provided with information. The ministry is being provided with
22 information according to which they're tired, they've been wounded, a lot
23 of men have been killed. And I should also say that the Muslim attack,
24 Neretva 93, conducted by the 6th Corps, the 4th Corps, the 3rd Corps,

25 parts of the 1st Corps of the ABiH, at the time, this attack hadn't

Page 43080

1 attained its objective, in fact. They hadn't been beaten in the sense
2 that we attacked them, but they didn't attain the objectives established
3 by Sefer Halilovic for the larger-scale offensive of the ABiH up until
4 that point in time.

5 Q. The next exhibit is P05 --

6 JUDGE ANTONETTI: [Interpretation] General Praljak, as regards
7 this document, there is something which could confirm some assertions
8 you've made.

9 This document unquestionably discusses the volunteers. The
10 document mentions the 5th Guards Brigade of the volunteers unit, so the
11 volunteers are mentioned here on this document.

12 The second point: We can see that this document bears the logo
13 of the Ministry of Defence of the Republic of Croatia. This document is
14 sent to you, and it informs you that they have sent a written request to
15 the Republic of Croatia in order to withdraw from the battle-field, so to
16 speak, because of the way the 5th Brigade has been reorganised. When
17 they decide to withdraw, do they ask you for your permission or do they
18 take this decision of their own free will and you're faced with the fact?

19 THE WITNESS: [Interpretation] Your Honour, you can see in the
20 comment it says, We're providing you with this notice. They say, "We are
21 informing you, Mr. Praljak, that we want to leave so that we, I, can plan
22 for the use of your units, without our assistance, and we understand the

23 situation you're in". So we're informing you that we're leaving home --
24 we're going home. We came voluntarily and we're leaving because -- there
25 are such and such reasons. They're not asking for my permission. I am

Page 43081

1 in command of them when in the HVO on a voluntary basis, but they can
2 also say, as it states -- as it says here, We're informing you,
3 Mr. Praljak, that we are going home.

4 MR. STRINGER:

5 Q. General, the next exhibit is P05890, and this is a document that
6 makes reference to some different units that I want to ask you about. It
7 is an order signed by Miljenko Lasic, who's the commander of the
8 South-East Herzegovina Operative Zone and the Mostar Zone of Operations,
9 according to this, dated 15th of October, and on the first page, under
10 number 1, he's talking about a phase 1 and moving the current line in the
11 zone of responsibility of the Knez Branimir Brigade, and --

12 Mr. President, I think your microphone is on.

13 Item number 1 makes reference to the Tigrovi, the Tigers of the
14 1st Battalion of the Knez Branimir, and moving down there's a reference
15 to the thunderbolts, the Gromovi unit, the 2nd Company of the 3rd
16 Battalion of the Knez Branimir.

17 Now, General, is it true that the Tigrovi and the Gromovi are
18 actually units that are or were part of the Croatian Army that then
19 became incorporated into the Knez Branimir Brigade at this period that
20 time?

21 A. The Tigers, the Tigrovi, well, that was the name of the 1st
22 Guards Brigade in the Croatian Army. Gromovi or the Thunderbolts, that
23 is the name of what -- of the Sisak Brigade -- which brigade is it? The
24 2nd Guards Brigade. There was 60 volunteers from the Tigers and there
25 were 40 volunteers from the Thunderbolts. The Thunderbolts or the

Page 43082

1 Gromovi, came at my request, because some of them in -- from their own
2 units were fighting in Sunja with me. I knew that brigade well. And 60
3 men from the Tigers also came, so that makes a total of 100 men.

4 Q. And I'm looking at page 3 of the English version, under the
5 heading of "Implementation." And what Brigadier Lasic is doing is he's
6 ordering that the Gromovi component is to occupy a location, K-338, and
7 that the 2nd Battalion of the Knez Branimir Brigade then is to occupy
8 positions immediately behind the Gromovi. Do you see that?

9 A. Yes, yes.

10 Q. And then the next paragraph, Brigadier Lasic orders that the
11 Tigrovi shall move from the direction of Brijeg village towards another
12 location and that they're to clear the region around K-114 in Brelu
13 Bunice [phoen], and then the 1st Battalion of the Knez Branimir is to
14 move behind the Tigrovi, occupy a line at the edge of the forest, and to
15 begin fortifying and mining those positions. So would you agree with me
16 here that what's happening is that Brigadier Lasic is ordering that the
17 soldiers who came from the Croatian Army are going to be engaged in a
18 more forward front-line operation, whereas the units of the HVO Knez

19 Branimir Brigade are going to then take a rear position and to fortify
20 the positions that are to be taken by the Croatian Army soldiers? Is
21 that generally the plan, as indicated here?

22 A. Look, Mr. Stringer, you are referring to the Croatian Army again.
23 Brigadier Lasic was in command of the HVO, the HVO.

24 Q. Let me rephrase it. I wasn't trying to --

25 A. Please rephrase it.

Page 43083

1 Q. I wasn't trying to play any tricks. The Gromovi and the Tigrovi
2 are soldiers who came, volunteered, as you say, that came from the
3 Croatian Army and who are now within the structure of the Knez Branimir
4 Brigade; is that a correct way of putting it?

5 A. Correct.

6 Q. Is it -- what appears to me, Brigadier Lasic appears to have a
7 lot of confidence in them because he's using them to take a more forward
8 offensive position, and then he's putting the HVO -- the other part of
9 the Knez Branimir unit behind that. So were these good soldiers that you
10 asked for from the Croatian Army?

11 A. They were excellent soldiers. It was the elite within the army,
12 and today, when they're involved in operations throughout the world, the
13 Croatian soldiers always receive the best assessment, and that includes
14 Afghanistan, and they're on 15 UN missions. So these are elite volunteer
15 units. They've been through all the battle-fields in Croatia, and they
16 were penetrating there. That was the elite of the Croatian Army. I can

17 only heap praise on them.

18 Q. Now, the next section, and this is on page 4 of the English, is
19 under the heading of "Support." Do you see that? There's a heading
20 there that deals with support, and it says:

21 "The Gromovi MBs shall support the advance of the Tigrovi."

22 The question here, General, is -- because it's not leaping out of
23 this translation at me, what the "MBs" are. Perhaps you can read the
24 original language version and tell us what sort of equipment the MBs are
25 or what are the MBs that are supporting the advance of the Tigrovi?

Page 43084

1 A. Mortars.

2 Q. Were these mortars that the Gromovi and volunteers brought with
3 them from Croatia, or do you know?

4 A. I don't know for sure, but probably not. I think they only had
5 extraordinarily well-trained people who were operating the mortars, but I
6 cannot claim that for certain.

7 Q. Now, skipping down, there's a heading on medical personnel, and
8 then there's a heading on communications. And this is an issue that was
9 raised by the President just before the break, so let's talk about this.

10 Brigadier Lasic here is ordering that the Tigrovi and the Gromovi
11 will have communications "with me" via scrambled radio frequency. Is
12 that how it worked?

13 A. Yes. These are the Motorolas I've referred to. They were
14 scrambled. You input certain frequencies for each channel. I think

15 there were 15 or 16 channels. And unfortunately it was easy to detect
16 this rapidly, and given the communications system.

17 Q. And then just skipping down a couple of bullet points then, it
18 says he orders that the Knez Branimir Brigade will secure one radio
19 frequency each for the Tigrovi and Gromovi. So, again, is that a correct
20 indication of the way that the volunteer units, as you put it, would
21 communicate within the HVO command structure or with the HVO command
22 structure?

23 A. Not one frequency each, but one radio post each. I'm talking
24 about the scrambled things again. If you can remember, they were
25 slightly larger devices. That's how both communicate with each other, or

Page 43085

1 the fire brigade. And they didn't have this with them, but the brigade
2 commander would provide them with one so that they could all communicate.

3 MS. PINTER: [Interpretation] I apologise, Mr. Stringer. I'd just
4 like to draw your attention to the fact that in the English
5 interpretation, it says "frequency," but in the original document it says
6 "radio post" or, rather, in the translation, so I think that's important
7 for the sake of the transcript if we later have a look at the document.

8 MR. STRINGER: Thank you, and I think, yeah, the General actually
9 pointed that out. So unless the Trial Chamber has any more questions
10 about this document, I can move to the next one.

11 JUDGE ANTONETTI: [Interpretation] Yes, I do have a question.

12 General Praljak, I've detailed this document, which is

13 interesting from a military standpoint, because it shows how a military
14 operation should be conducted as regards its various components, and we
15 can see that the communications systems need to be dealt with,
16 ambulances, and so on. This document is important for another reason.
17 Clearly, Miljenko Lasic is conducting the operation himself, for we can
18 see that the communications are established with him, that the artillery
19 is in contact with him. And at the end, we can see that he is asking the
20 commander of the Knez Branimir Brigade to be with him in Kicim, which is
21 undoubtedly the command post. In fact, it is, because this is what the
22 document says. Mr. Lasic is personally involved in this operation, in
23 military terms. We can see that the Tigrovi are in the front and they
24 are supported in the rear by the Gromovu [as interpreted]. This is what
25 this document says. But what seemed important to me, General Praljak, is

Page 43086

1 this: Let us assume that Tigrovi and Gromovi are, in fact, the Croatian
2 Army. This operation is conducted personally by Lasic and not by a
3 command in Zagreb or elsewhere. Can you confirm that the military
4 operation which is taking place in this area is 100 per cent under the
5 command of Mr. Lasic?

6 THE WITNESS: [Interpretation] 100 per cent sure that they were
7 under the command of Commander Lasic.

8 JUDGE ANTONETTI: [Interpretation] So does this mean that as far
9 as the military operation is concerned, Zagreb, the Republic of Croatia,
10 the Croatian Army, do not intervene at all?

11 THE WITNESS: [Interpretation] Not even in theory, not at all.

12 JUDGE ANTONETTI: [Interpretation] My last question: In any
13 military operation, should there be this order, more or less?

14 THE WITNESS: [Interpretation] A broader order is also possible,
15 one like this, one that is more detailed. If such preparations are being
16 made and can be made, then the order usually looks like this. You have
17 to know who would be involved, along which axis. It's important in this
18 case that these men will break through the first enemy front-line and
19 then the less capable soldiers, let's say, will fortify the line, bring
20 in what is necessary to dig trenches, and so on and so forth, in
21 accordance with military procedure, because the assumption is that those
22 who attack will have men wounded or killed, they will bear the brunt of
23 the battle, and then they will withdraw after that, and they will be
24 replaced by those who will take over and fortify the positions in
25 question. So this is a matter of improving the positions in the south of

Page 43087

1 of Mostar.

2 JUDGE ANTONETTI: [Interpretation] This operation seemingly took
3 place on the 15th of September, 1993. You were in command of the HVO
4 then. 15th of October. Were you informed of the way in which the
5 operation evolved or was this a standard operation?

6 THE WITNESS: [Interpretation] I was familiar with the operation.
7 I was aware of the fact it wasn't a large-scale operation. It was a
8 matter of improving positions that had previously been lost. It wasn't

9 an attack into the depth, it wasn't that kind of an operation. It was a
10 matter of improving the positions already attained.

11 JUDGE ANTONETTI: [Interpretation] With this document, I shall
12 indirectly address the issue of the Mostar Bridge. On page 3 in the
13 English, but this may be on page 2, the two tanks are mentioned, K-403
14 and 479. Mr. Lasic himself says that fires -- shots should be fired
15 under his command. As far as the use of tanks is concerned, tanks in
16 Herceg-Bosna, does this mean that the shots fired from the tanks can only
17 be ordered by the supreme commander, i.e., Mr. Lasic in this case, or a
18 high-ranking officer, or is this left to the discretion of the men inside
19 the tanks?

20 THE WITNESS: [Interpretation] It's not the one or the other. A
21 tank is a piece of equipment that can't operate only under my command or
22 Petkovic's command, because where would that lead us? One never proceeds
23 like this. But similarly, if not engaged in battle, because when engaged
24 in battle a tank crew acts independently, but an order has to be issued
25 with regard to the framework within which a tank crew operates, and that

Page 43088

1 has to be done by the commander who's responsible for the tank, if the
2 high-ranking commander doesn't say, You can act only when I allow you to
3 do so. And I did that in one case. After signing a cease-fire, I said
4 the HVO artillery can only open fire if the Main Staff allows them to do
5 so, that is to say, if I allow them to do so.

6 But in military terms, one shouldn't proceed like this, but

7 sometimes one does so that you could establish control after a cease-fire
8 to make sure no one opened fire without consulting me. But in combat,
9 that is simply impossible, so a tank acts within a company or a battalion
10 along a certain axis, it has to have a commander, apart from when the
11 tank is in action, and then the tank crew selects their target,
12 naturally.

13 JUDGE ANTONETTI: [Interpretation] In this case, Mr. Lasic has
14 complete control over the two tanks in two ways. The first way, through
15 communications, because there's a feedback to him, and the second way,
16 through the order to fire. It's stated in this order. Based on this,
17 let's go to what happened in Mostar. Can it be conceived that a tank
18 would fire on the Mostar Bridge without a prior order of the type of this
19 order we have here that would position the tank there where it was
20 located, because you can see that tanks are positioned in a very exact
21 way, and that fire control has to be done by the officer commanding the
22 operation?

23 So I'm trying to put side to side what happened when the Mostar
24 Bridge was destroyed, and what we can see here with this military
25 operation, to ask you this: When the tank opened fire on the Mostar

Page 43089

1 Bridge, had there been an order or not?

2 THE WITNESS: [Interpretation] No, there was no order. Let me
3 tell you, and I will. If that tank had, indeed, opened fire, and I say
4 "if" that fire was opened in violation of military rules, without any

5 order. It was foul play. Unfortunately, the investigation has never
6 been completed, although it was started.

7 JUDGE ANTONETTI: [Interpretation] Here we have the date of the
8 15th of October. Mr. Lasic is the one giving the order because -- or
9 taking the order because he's the commander of the operational zone. As
10 to the Mostar Bridge, that happened a few weeks later. Could it be that
11 in the one case, Mr. Lasic drafted a very precise order which is really a
12 textbook order, and that in the other case, the tank firing on the Mostar
13 Bridge, there was no such exact order? Failing an order, it must mean
14 that it was done without Mr. Lasic having a say in it.

15 THE WITNESS: [Interpretation] Mr. Lasic drafted his reports and
16 orders very precisely. Had he ordered the tank to fire at the bridge,
17 the order would exist, it should exist, and we would have it today. No
18 such thing exists, however, and that tank opened fire beyond any control.
19 Why, how? Unfortunately, Your Honour Judge Antonetti, when the thing was
20 fait accompli, nobody cared, because whoever was to blame was trying to stop
21 the investigation because this was all staged to accuse Praljak and HVO of
22 one more thing that he never did, like nothing was ever written about the
23 offensive 1993, and so on and so forth.

24 JUDGE ANTONETTI: [Interpretation] General Praljak, you have the
25 order in B/C/S on your screen, and right up the paper to the left you

Page 43090

1 have the number, "Operation 03-0683-2." In English we have "Operation
2 number." In your language, we have "DJ Broj." Does this mean that all

3 operational orders had a number, each had a number?

4 THE WITNESS: [Interpretation] This is a file number. However, I
5 really don't know much about these numbers. And I am sorry, if you will
6 allow me, I really -- people who were in charge of that used them, and in
7 that whole situation I really never looked at those numbers twice. And
8 whatever I might say to you today, I could -- well, to be honest, I
9 really never took any heed to the numbers. I don't know much about them.

10 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Stringer. I have no
11 more questions, because we really examined this document inside-out.

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

13 Q. General, the next document -- actually, there are two I sort of
14 want to look at together. P06037 -- we're going to skip one that we
15 don't need to look at anymore, and we're going to move to P06037.

16 General, this is a report directed to Brigadier Kapular from a
17 person who's with the 5th Guard Brigade operations training organ, and
18 it's an overview of the 5th Guards Brigade's deployment in the territory
19 of the Republic of Herceg-Bosna. It's the date of the 23rd of October,
20 1993, and in paragraph 1 it makes reference to an order issued by the
21 chief of the Croatian Army Main Staff, ordering that the reinforced
22 3rd Motorised Battalion has been transferred from its theatre of
23 operation in the Zadar background to the port of Ploce, and upon its
24 arrival has been deployed in offensive operations in the area of Mostar
25 battle-field. And then the document goes on. It talks about the

1 battalion numbered 367 men.

2 Go ahead.

3 A. From the hinterland of Zadar, the reinforced 3rd Motorised
4 Battalion, the reinforced one which should have 150 to 200 people more
5 than 550 men, and that was to be transferred from the hinterland of Zadar
6 to Ploce Harbour, I believe that there is a mistake in the translation,
7 or at least this has been erroneously interpreted to me. I apologise.

8 Q. Well, I think we've been talking about this already. Do you
9 recall that this unit, and here at the end he's saying that the battalion
10 numbered 367 men, do you recall that this unit arrived from Croatia and
11 was deployed in offensive operations in the area of Mostar battle-field?

12 A. What it says here about their arrival, this is correct, and it
13 was not an offensive. It was all about stopping the attack of Muslim
14 forces. Everything, therefore, was defence. And, thirdly, unfortunately
15 the figures that you see here were always lower because a lot of men went
16 missing en route and never arrived, these numbers of tanks, the VBRs or
17 men did not actually participate in battles. This is all slightly
18 doctored, as is customary. But it is true that they were
19 engaged and that they were volunteers.

20 Q. Well, can we agree, and I'm sure you'll point it out if I'm
21 wrong, that the document does not indicate that these soldiers were
22 volunteers? It just said they were deployed down there pursuant to an
23 order of the chief of the Croatian Army Main Staff; isn't that correct?

24 A. In this document, I can't see a reference to them being
25 volunteers, but it says so in many other documents. And this is correct.

1 I've already explained that. Kapular, who was a commander, writes this
2 and so informs me, and I know, yes.

3 Q. I want to move down a few items to -- we've been talking about
4 item A in paragraph number 1. I'd like to move down a couple of
5 paragraphs to item B, which says that:

6 "Ever since the 6th of July, 1993, the following equipment and
7 units have been engaged in the battle-fields in the Republic of
8 Herceg-Bosna up to date."

9 And it says:

10 "Eight T-55 tanks with our crews; five RAK multiple
11 rocket-launchers; three 152-millimetre howitzers; mixed signals platoon,
12 engineering squad; nuclear-biological-chemical unit."

13 General, isn't it true, then, that in addition to the manpower
14 that came from the 5th Guards Brigade, that this equipment was also
15 deployed in Herceg-Bosna, and it was the equipment of the Croatian Army
16 5th Guards Brigade?

17 A. No. Some equipment did arrive together with them. I'm not
18 denying that. But eight tanks, no chance. Five multiple
19 rocket-launchers, no way. So what is stated here is erroneous. They did
20 provide us with some more crews for the existing tanks that the HVO had.
21 So this is not correct. I repeat, I'm not denying that they did -- they
22 did bring equipment, some equipment, with them, but what I'm reading here
23 is totally incorrect.

24 Q. So you don't accept the numbers or the descriptions that are
25 written here by the person who wrote this report to Brigadier Kapular.

Page 43093

1 Let me ask you, then, about this: The next item is item
2 number C, and he says that:

3 "Since the 6th of July, 1993, the Brigade Command has secured 26
4 high-ranking officers who have assisted the Main Staff operations, the
5 Military District Command and the HVO Brigades' Commands."

6 Do you agree that that's a correct statement, General, that these
7 26 or so high-ranking officers of the Croatian Army came and assisted you
8 and your colleagues in the HVO Main Staff?

9 A. The figure is not correct. This is a fabricated thing. No way
10 there were 26 officers, no chance. You see, things were blown up a
11 little bit to fish for some benefits, if possible, but this is not
12 correct.

13 Q. All right. The next exhibit I want you to look at, and it's
14 actually earlier in the book, it's related to this.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, upon reading
16 this document sent to Croatia, one may have the feeling that it was the
17 5th Brigade reporting to the Croatian Army about the situation; 21
18 killed, 116 wounded, and a destroyed tank. As to the manpower, we have
19 the breakdown: 221 people, 4th Battalion, et cetera. I did my sums, and
20 I get 591, not 701, so there is at least a difference of some 100 people.
21 In the tank company, there are 153 men, so the feeling is that this 5th

22 Guards Brigade is a motorised brigade with artillery and tanks, that it
23 is its main purpose. One is somewhat surprised by the fact that there
24 are 21 killed and 116 wounded. How do you account for such casualties
25 when there should be less, in theory? I mean, unless the tank explodes.

Page 43094

1 You don't get killed by a bullet when you are inside the tank. How is it
2 that there were so many people killed and wounded, because, per se,
3 unless the tank is hit by an anti-tank mine or another missile, there are
4 not so many casualties. So here, how do you account for the high number
5 of killed people?

6 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, you
7 remember this Leko, and you remember my report about the number of troops
8 I have in Gornji Vakuf, and it says there the 5th Guards Brigade, Leko,
9 160 men. This is a bit doctored. There's a difference of a bit more
10 than 100. A doctored document. But the main fact -- facts remain. And
11 as far as the tank is concerned, you have to give me a minute, please.

12 Tanks were very important weapons in the Second World War because
13 a cannon against a tank was too heavy and not very movable, and the tank
14 was fast. However, in modern times the RPG that every lad carries on
15 their shoulder, a Zolja weighing only two kilos, looking like this, an
16 Osa, and a number of other systems that have been invented ever since
17 turned a tank into a very easy target. If you have watched any movies
18 depicting men shooting from their shoulder, if the tank is hit, it turns
19 into a cabriolet. So a tank is a very easy target. It can be hit from

20 anywhere, and it was used more like a very easily movable cannon because
21 you could move it very quickly.

22 The BiH Army had a Russian Maljutkas -- not Maljutkas, sorry, no,
23 no -- Maljutkas, yes, which could be turned by a joystick, and they could
24 hit a tank at an 800-metre distance. Any child could do that.

25 And in addition to that, 153 men on tanks, that is not correct.

Page 43095

1 They did provide us with some crews for tanks. However, the fighting
2 in -- during that offensive on Vakuf, Your Honour, look here, when we're
3 talking about the 3rd Corps, with huge forces, I don't know how I should
4 put it, those were -- I apologise. I am -- it was a lengthy cycle of
5 battles for months, day in and day out.

6 What else can I say? That army that was attacking us was sixfold
7 stronger than us, and we were defending ourselves, and the Croatian
8 assistance was as meager as it could be. 500 volunteers came to defend
9 all those people down there, that was all.

10 JUDGE ANTONETTI: [Interpretation] There may be a contradiction
11 between what you say and the document, General Praljak. You've claimed
12 that there were 245 volunteers in the 5th Brigade, and we find this
13 figure of 245 in the document. But look at the people; 591 or 600. The
14 feeling may arise, and I'm very cautious in saying so, that all the men
15 were, in fact, members of the Croatian Army, that there's no mix of local
16 Croats and soldiers of the Croatian Army who would be volunteers, because
17 the figures we have here seem to refer, rather, to the brigade units

18 which depend on a part of the Croatian Army. So we're not talking about
19 245 volunteers, but at least 591 of them.

20 What can you say to this?

21 THE WITNESS: [Interpretation] Your Honour, they were not the same
22 people all the time. At first, there were 367, that's what it says here,
23 but the figure was different. And then those people left, and then 245
24 arrived. And then they left, and then maybe 300 other men arrived. Only
25 Leko was more or less up there, because he was there from the year 1992

Page 43096

1 as a volunteer, from 1992, when he first arrived. And here, Your Honour,
2 this Boricic informs his commander, Kapular -- I subsequently remember
3 while I was there, Kapular did not have a position in the HVO. He was in
4 Zagreb, and then he's sending him a report from the field. The figures
5 are a bit over-blown because people are covering up things because some
6 men were missing or didn't turn up.

7 Maybe you'll remember a document in which I state how many HVO
8 people are on the list, but only one-third was actually on the ground. A
9 list in the army is one thing, and the situation in the field is
10 different. That is true for almost every military, and in this
11 particular one there was a huge discrepancy between the rules and
12 regulations and the actual fact.

13 JUDGE ANTONETTI: [Interpretation] What you say has now been
14 recorded.

15 Mr. Stringer, you have used four hours and eighteen minutes so

16 far.

17 We shall resume tomorrow at 2.15.

18 Just this, Mr. Stringer: In this binder, we still have three
19 documents to go through. Are you going to have another binder for
20 tomorrow and Thursday?

21 MR. STRINGER: Yes, Mr. President. It's -- I had hoped,
22 actually, we would get to it today, but we definitely have the next one
23 ready.

24 JUDGE ANTONETTI: [Interpretation] Very well, thank you.

25 I'll ask my colleagues to take this binder with them because

Page 43097

1 we're going to sit elsewhere tomorrow, in Courtroom I, and our
2 secretaries prepare courtrooms and they told us to take our binders with
3 us, to take them to Courtroom I. So I'm passing on orders from the
4 secretariat to my fellow Judges.

5 We shall reconvene tomorrow at 2.15. In the meantime, I wish you
6 all a good evening.

7 [The witness stands down]

8 --- Whereupon the hearing adjourned at 6.59 p.m.,
9 to be reconvened on Wednesday, the 15th day of
10 July, 2009, at 2.15 p.m.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25