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1 Tuesday, 18 August 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness entered court]

6 --- Upon commencing at 9.04 a.m.

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

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

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, Mr. Registrar.

14 This is Tuesday, August 18, 2009. I welcome everyone,
15 Mr. Praljak first. I also welcome our accused, the Defence counsels, all
16 the representatives of the OTP, and all those helping us in this
17 courtroom.

18 We're a bit late because of a computer problem, but we'll now
19 resume with our hearing and I will give the floor to Mr. Stringer.

20 WITNESS: SLOBODAN PRALJAK [Resumed]

21 [The witness answered through interpreter]

22 MR. STRINGER: Good morning.

23 Thank you, Mr. President. Good morning, Your Honours, Counsel,
24 everyone else in and around the courtroom.

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

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1 Q. And good morning to you, General.

2 A. Good morning, Mr. Stringer.

3 Q. General, yesterday, when we finished, we were talking about
4 Exhibit 3D00482 and I want to continue with just a few last questions on
5 that exhibit. Do you have that document in front of you?

6 A. Yes, I do.

7 Q. And if you recall, these are the minutes of the meeting in which
8 you participated on the 13th of January, 1993, with members of the French
9 Army delegation that came to visit with you and others of the Croatian
10 Army in Zagreb, and on -- yesterday we were talking about the text on the
11 second page of the English version in which you -- your position is
12 reported, and I'll read your words or the words that are attributed to
13 you:

14 "The Croatian position has been clear from the very beginning.
15 The territory that belongs to the Croats matches the borders of the
16 Banovina Hrvatska from the 1939 division of Yugoslavia synchronised with
17 the 1981 census --" I'm sorry, "... synchronised with the 1981 census.
18 The 1991 census is not valid."

19 General, just a few questions on the census issue that you refer
20 to here.

21 Would you agree with me that if one were to have relied on the
22 1981 census figures, that that would have resulted in a greater
23 proportion of Croat persons living in the territories that had been a
24 part of the Banovina in Bosnia-Herzegovina?

25 A. There were a few more Croats in the 1981 census than in the 1991

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1 census, that is correct. That difference is not great. The 1991 census was
2 simply not completed, according to the law, although it is still seen as
3 authoritative. In other words, because of the war, a final assessment of that
4 census was never made by the competent authorities of Bosnia-Herzegovina.

5 Q. I think you answered my question, and actually I think we're in
6 agreement that there would be some difference as between 1981 and 1991,
7 but perhaps it would not be a hugely significant difference. But let's
8 take this opportunity to look at a few of the numbers on this, because I
9 want to try to flesh out what you're saying here, in terms of how the
10 territory would be synchronised with the census figures for 1981.

11 Were you telling the French delegation there that territory from
12 the Banovina would be abandoned or given up if it were found to be a
13 territory that did not contain a sufficient number of Croats?

14 A. I am afraid I didn't quite understand your question. What do you
15 mean, abandoned, an abandoned territory? Could you please define in?

16 Q. Well, here you say that territory belonging to the Croats matches
17 the borders of the Banovina Hrvatska, synchronised with the 1981 census.
18 Now, my understanding of that is that you start with the borders of the

19 former Banovina and that there would be an adjustment of those borders
20 based upon the relative populations as they existed in 1981. Is that a
21 correct understanding?

22 A. I can state my position clearly and precisely, starting with the
23 initial thoughts I had when Bosnia-Herzegovina was recognised, and
24 starting with the initial Cutileiro plan. Bosnia-Herzegovina, as a
25 condition for the referendum, should have comprised three constituent

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1 bodies, and the relative proportion of inhabitants should be honoured by
2 such principles. One of such constituent units was supposed to be the
3 unit in which Croats were in absolute or relative majority. This was
4 supposed to be based on the 1981 census, although as I said, that is not
5 completely correct either, given that many Croats who emigrated did not
6 respond to that census. Such census, truth be said, is not fully valid
7 either, but that was precisely because Croats kept moving out and their
8 numbers dwindled in Bosnia-Herzegovina, irrespective of the fact that in
9 1939, when the government in Belgrade was forced to recognise the
10 Croatian issue in the then Yugoslavia --

11 Q. Sorry to cut you off, but you're moving a little bit beyond the
12 territory that I'm trying to keep us in, in terms of this discussion that
13 you're having with the French. Maybe the best way to do this is to look
14 at some of the numbers.

15 In your binder, toward the end, you should be able to find
16 Exhibit P10519, and this is a collection of the census data from

17 Bosnia-Herzegovina. Yes, you've got it there. Keep going. That's
18 right. And you'll see that what this has is the census data for all the
19 municipalities in Bosnia-Herzegovina for three decades; 1971, 1981, 1991.
20 So it gives us an opportunity to discuss the numbers that you're
21 referring to with the French.

22 Let's look at Stolac in the census because Stolac is a place
23 that, whether you're talking about 1981 or 1991, had a relative majority
24 of Muslim people living there.

25 Now, we also know - I don't think there's disagreement - that

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1 Stolac falls within the territory that used to be part of the Banovina
2 from 1939, and of course Stolac also falls in the territory of the
3 Croatian Community of Herceg-Bosna. So now I just want to make sure.
4 When you're telling the French that the territory of the Croats matches
5 the Banovina synchronised with the 1981 census, you're not telling them
6 that the Croats were prepared to abandon Stolac, simply because that was
7 an area in 1981 that did not contain a relative majority or an absolute
8 majority of Croats; correct?

9 A. Only partially, Mr. Stringer. Stolac was an administrative unit,
10 a municipality, to which some villages were annexed so as to -- well, you
11 can see the figures of Croatian population dwindling from one year to the
12 next in order to arrive at a Muslim majority. The municipality of
13 Stolac, as a banovina municipality in 1939, is no longer the same, Stolac
14 municipality, as the one formed in the Socialist Republic of

15 Bosnia-Herzegovina, which was done to regulate the percentages of
16 population in several municipalities. But you see, see the difference
17 between 7041 Croats and 7113 Muslims in 1971
18 was not all that significant.

19 For the municipality of Capljina, three villages were supposed to
20 be annexed to the Stolac municipality to have a relative majority of
21 Croats, but no one talked about ethnically-pure areas. Sarajevo was
22 24 per cent Croats 30 years ago, in Zenica 30.000, but none of the units
23 or cantons were envisaged as ethnically pure but something that would be
24 approximate to satisfy the principle of some sort of balance between all
25 of the three peoples.

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1 Q. Well, and then, of course, within the Croatian Community of
2 Herceg-Bosna -- and in your binder you should be able to find the map
3 which may be of assistance to us, P09276, which is, I believe, just
4 behind the census, that's the map that was prepared that shows the
5 borders both of the HZ-HB and also the Banovina from 1939, I mean if you
6 look right in the middle of all of it, you see the municipality of
7 Jablanica, which, of course, has always been a very high absolute
8 majority of Muslim population, so there's really no way, is there, to
9 synchronise the Croat territory with the 1981 census or the 1991 census
10 in the way that you're proposing to the French delegation, is there?

11 A. That is not correct, Mr. Stringer. That is simply incorrect.
12 For the municipality of Jablanica, that is so, but it also goes for

13 Jajce, which throughout history had a Croat majority, but at this point
14 in time it was no longer so. Herceg-Bosna that you are talking about is
15 not what I am talking about. "Herceg-Bosna" is a term, as you could
16 see -- well, at least half of the HVO soldiers were not under command of
17 the headquarters of the HVO. The Zenica Brigade was formed, the Bihac
18 and other units were formed, in order to defend Bosnia and Herzegovina.
19 Let us not mix apples and pears. This was based on the propositions put
20 by the international community by which ethnically-pure areas were not
21 envisaged.

22 Kakanj, as well as Vares, used to be territories with a
23 significant Croat majority, and here they were merely units --
24 administrative units in which Croats would be one of the constituent
25 peoples in Bosnia-Herzegovina. This changed throughout the negotiations.

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1 A number of Muslims and Serbs lived --

2 Q. The fact is that what you are proposing to the French as being
3 the position of the Croats is something that was completely unworkable
4 because, in fact, throughout the area of what used to be the Banovina,
5 you have Muslims, Croats and, of course, Serbs as well living, and the
6 majorities and the locations and the concentrations of the different
7 peoples is highly mixed throughout the Banovina area, and there's really
8 no way, is there, to synchronise territory with the demographic situation
9 that prevailed either in 1981 or 1991, at least not without moving
10 people; isn't that true?

11 A. First of all, no one asked for any people to be moved or an
12 ethnically-pure territory.

13 I have a question for you. Why don't you bring here those who
14 drafted the Dayton Accords, because I find it a much worse solution, much
15 less logical solution, than the one I am representing? Dayton split that
16 country in a far worse manner than this principle would have. Do bring
17 in the American president and his men who drafted that to answer those
18 questions.

19 My thinking was logical, along the lines of how to organise a
20 state respecting civic and genealogical principles, and I still stand by
21 that no matter what you think. There were no ethnically-pure areas
22 foreseen. There were only majorities which, based on the principle of
23 reciprocity, could function at the best possible -- in the best possible
24 way, the way it is regulated in Switzerland. There are cantons there
25 housing three peoples, and they have a good life. Thank you.

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1 Q. Again, I'm sorry to cut you off, but you've expressed your views
2 about Switzerland already and what I'd like to do is keep this moving to
3 the next document, unless there are more questions about this one from
4 the Bench.

5 JUDGE ANTONETTI: [Interpretation] General Praljak, I looked at
6 this document very closely, as I look at all documents very closely, but
7 notably this one. Now, contrary to what the Prosecutor is saying, this
8 is not a meeting with the French Army. This is a very high-level meeting

9 in France, because there's a number of ministries involved. We have the
10 French ambassador, so it's France, actually, that is meeting up with you.
11 So I'd like to know, as far as you know, whether this delegation also met
12 President Tudjman.

13 THE WITNESS: [Interpretation] I don't know, Your Honour
14 Judge Antonetti. As you know, two days later I went back to
15 Bosnia-Herzegovina. I am not familiar whether they met up with
16 President Tudjman.

17 JUDGE ANTONETTI: [Interpretation] Very well. In the document, we
18 see in brackets that the 1991 census is not valid. That's in brackets,
19 and it seems that this is something you uttered. So why wouldn't this
20 census have been valid, according to you? I'm putting this question to
21 you because in all trials we've had in this Tribunal, this census -- this
22 1991 census is used as a reference, and you're saying it's not valid.
23 Could you please explain why?

24 THE WITNESS: [Interpretation] There is legal regulation in place
25 for a census to be declared valid. The final act in such a process of

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1 conducting a census is the adoption of such a census by the Assembly of
2 Bosnia-Herzegovina. This never happened. Legally speaking, that process
3 is never completed, irrespective of the fact that it is widely used here.
4 That's one thing.

5 Another thing, Your Honour. The beginning of the war in Croatia
6 had already taken place. A great many Croats in Germany, Switzerland,

7 and elsewhere did not attend the census. They did not provide their
8 data, because people were simply afraid to go back. Given that the
9 Croats are the smallest nation in terms of numbers, although in terms of
10 immigration they have the greatest figures among the three, it is a very
11 sensitive issue. Imagine that all the Croats abroad responded to the
12 census. That is why this 1991 census is not fully true and is not valid,
13 and I believe this Tribunal should not take it as such unless this is
14 only by way of information.

15 JUDGE ANTONETTI: [Interpretation] Very well, I understand what
16 you said.

17 Mr. Stringer.

18 MR. STRINGER:

19 Q. General, the next exhibit is P01788. The last document was from
20 January of 1993. We're going to move forward now to April of 1993.

21 And for the record, Mr. President, you'll note that the English
22 translation for some reason does not contain the date, but the date is
23 found in the original language version, the 2nd of April, 1993.

24 General, these are minutes from a meeting of commanders of
25 brigades and special-purpose units from the Central Bosnia Operative

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1 Zone. You'll there see at the top that it has you present, together with
2 Mr. Kordic, Mr. Kostroman, Tihomir Blaskic, and also Mr. Coric. Do you
3 remember being present at this meeting that was chaired by you?

4 A. I was present at the meeting, but I did not chair it.

5 Q. Okay, because it says right under the names that the meeting was
6 chaired by you; is that not correct?

7 A. It says so, but I only provided explanations during that meeting.
8 I don't remember chairing it.

9 Q. Is it --

10 A. I don't think that is all that important.

11 Q. Can we agree that at this period of time, you were a major
12 general of the Croatian Army and, in that sense, were the highest-ranking
13 person among those present?

14 A. I was a major general of the Croatian Army, but although it says
15 here that I was a general for them, I was Slobodan Praljak who came from
16 Croatia, as a citizen of Bosnia-Herzegovina, to explain my view of the
17 situation and the way I thought the authorities stood on the issue.

18 Q. Let me put it to you, General, that in fact you were also an
19 assistant minister of defence for Croatia and that your role there was to
20 act as an interlocutory person whose presence -- you were coming with a
21 high level, a high position, and that you were there to inform all of
22 these people what the positions and the policies of the Croatian
23 government were in respect of the events that are being discussed here.
24 Isn't that the main reason why you were there is to inform them of the
25 policies and the developments coming from the highest level?

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1 A. Not quite so, not quite. I went there once the Vance-Owen Plan
2 was signed. I was what I was, that is correct, and people -- the people

3 there knew it was so. However, much was said on my own initiative, and I
4 asked for initiative from Mr. Izetbegovic. If you recall, I waited in
5 Mostar for him to send two prominent Bosniaks, Muslims, for us to go to
6 Central Bosnia, which in a way represented a political challenge, so that
7 we could discuss with the people there, tell them that the plan had been
8 signed, and what things needed to be done to end the war and come up with
9 a peaceful solution for Bosnia-Herzegovina. Unfortunately, my wait in
10 Mostar was in vain. Therefore, I set off with some other people.

11 Q. Now, I'm going to move to the second paragraph on the first page,
12 where -- well, just for background here, I think we're talking about the
13 meeting opens and you inform those present about the arrival of five or
14 six commissioned officers from Herzegovina. You report on the signing of
15 the plan, which I take to be the Vance-Owen Plan, and you continue your
16 briefing, if I can call it that.

17 And moving to the second paragraph, you say:

18 "The Republic of Bosnia and Herzegovina, Alija Izetbegovic's
19 option, is finally out of the question. He has signed.

20 "The international community wanted two of the sides involved to
21 agree so that the third side would be under greater pressure. The
22 Serbian side will hardly be able to resist the pressure, but they will
23 have to sign."

24 Now, that turned out to be incorrect, didn't it? In fact, the
25 Serbs never signed Vance-Owen, and the plan itself never came to pass;

1 isn't that true?

2 A. Well, it says that the international community insisted that they
3 reach an agreement, that is to say, the Bosnian -- Bosniak and Croatian
4 side in Bosnia-Herzegovina, and that they then will exert pressure upon
5 the Serbs for them to sign too. Unfortunately, they didn't have enough
6 skill or goodwill or interest or force to persuade the Serbs to sign the
7 plan, and they did not. That is true.

8 Q. And so as a result, then, the plan never came into existence, did
9 it, because the three -- not all three parties to the plan agreed to it;
10 correct?

11 A. It is correct that all three sides did not sign the plan, but
12 that still did not mean that two sides, which had signed the plan, should
13 not stand by the principles elaborated in the plan, and that remaining
14 true to the principles and the general agreement reached, that they
15 should not act together and force the third side, in the military and
16 political sense, to sign.

17 Q. Now that -- continuing down a few lines, you say:

18 "The Croatian Community of Herceg-Bosna will remain. It will
19 have its own assembly and the provincial government will rule the
20 country. The central government will have nothing. The Sarajevo
21 province will not stay the way you see it now."

22 So what you're saying here is that the policy or the effect of
23 Vance-Owen, from your perspective, is that now this so-called temporary
24 body, the HZ-HB, or a temporary executive authority that was running it,
25 which was the HVO, would, in fact, now remain in place permanently and

1 would rule the country, the country being the Vance-Owen territory that
2 you're referring to, isn't that true, and that the central government
3 would have no role to play in that territory?

4 A. I quote the Vance-Owen Plan quite exactly, with all the cantons
5 that were established according to that plan or that should be
6 established, and most of the functions of the state were transferred to
7 them. Of course, the central power and authority was -- well, it
8 remained. It was the army, Foreign Affairs and so on. But everything
9 else to do with the daily life and running of the country would be
10 located in the cantons, who had power and authority comparable to the
11 population in the canton itself. And that was precisely set out there
12 and signed by Mr. Izetbegovic, and Mr. Boban, and all the others who
13 attended those negotiations. So the plan was signed by the
14 representatives of the two nations from Bosnia-Herzegovina, and there was
15 no reason to leave it behind, as Mr. Izetbegovic did immediately
16 afterwards, meddling with the plan and so on and so forth without any
17 actual desire to see it take effect.

18 Q. Now, on the next page of your version, General, you continue,
19 saying that there would only be 1 per cent of Croats left in the whole of
20 Bosnia-Herzegovina due to moving out and population of the Muslims and
21 Serbs:

22 "Salvation lies in protecting the population and enhancing the
23 birth-rate."

24 You say:

25 "Our population outside these provinces will have a hard life.

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1 The Muslims are not aware of their losses."

2 Now, General, when you say that "our population," meaning the
3 Croat population, "outside of these provinces will have a hard life,"
4 isn't the message there that Croats who are living outside of this
5 Croatian area you're referring to should move into the Croatian area that
6 you're referring to because it's going to be difficult for them to live
7 outside that area within Bosnia-Herzegovina?

8 A. No, Mr. Stringer. You must bear in mind the fact that I am a
9 professor of sociology, dealing with questions of migration and so on and
10 so forth from ancient times, and I know how certain political solutions,
11 as a general rule, result in population migration either towards North
12 America, South America, whether we're dealing with the Aztecs, or the
13 Indians, or the Aborigines or whatever. Or the Germans, indeed after
14 World War II, there are patterns. If you do something poorly, then
15 migrations necessarily arise, and this is how Yugoslavia was set up and
16 how the Croats left. The Ottoman Empire was established in that way, the
17 Croats left. And the way in which Bosnia-Herzegovina has been
18 established, it is the weakest nation that is disappearing, so people who
19 bring bad political solutions, this results in that kind of consequence.
20 So I have a lot of knowledge in that area, and I'd like to propose
21 that --

22 Q. Okay. So your political solution, General, then, is to create
23 this Croat area where Croats living outside are going to have a hard
24 life, and the Croats living inside are going to have a nice life, and
25 therefore the Croats outside should come live in the Croat area that

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1 you're talking about; isn't that the political solution that you're
2 proposing, everybody live in a separate place, and move, if it's
3 necessary, to achieve that?

4 A. No, that's not correct. It doesn't say that anywhere, and I
5 didn't say that anywhere. All I said was that a solution of this kind
6 would --

7 Q. Sorry to cut you off. Let's continue with the document. I put
8 it to you; you disagreed with me. We can move on.

9 JUDGE TRECHSEL: May I ask a question.

10 What strikes me here, Mr. Praljak, is that you seem -- you speak
11 of Bosnia and Herzegovina, and this seems to refer to that part of Bosnia
12 and Herzegovina which does not include Herceg-Bosna; isn't that the case?

13 THE WITNESS: [Interpretation] Yes, that is right, I'm talking
14 about Bosnia-Herzegovina, and a large portion of the Croatian people who
15 would stay on either in cantons with the Serbian or Bosniak majority, and
16 precisely this proportionate ratio will enable the protection of one and
17 all.

18 JUDGE TRECHSEL: It just struck me, and I raise it because it is
19 not very easy to reconcile with what you told us yesterday, that Bosnia

20 and Herzegovina and Herceg-Bosna were identical, practically, or used for
21 the same term. Here, it seems quite clear that there is an enormous
22 difference. It's "either/or" in your use of the language in this
23 sentence, it seems to me.

24 THE WITNESS: [Interpretation] Judge Trechsel, Your Honour, you
25 misunderstood me. Here -- no, I didn't put it that way yesterday. I

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1 don't know what the interpretation was. But in the books in which
2 Franjo -- the books written by Franjo Tadjman and the history books, very
3 often Herceg-Bosna and Bosnia-Herzegovina mean the same,
4 they're tantamount to the same, but that is not correct in this case.
5 Here, "Herceg-Bosna" is understood as a political/military organisation
6 on the territory of the whole of Bosnia-Herzegovina which was inhabited
7 by Croats and which was set up as a defence alliance. Now, in history
8 books very often the two terms do mean the same, but in addition to this,
9 Herceg-Bosna here is conceived differently.

10 JUDGE TRECHSEL: I do not want to proceed in that direction.

11 Mr. Stringer.

12 MR. STRINGER: Thank you, Your Honour.

13 Q. General, continuing on with this document, you're talking
14 about -- this is page 52 in the English at the top. Are you talking
15 about, again, Croats who would be coming from outside this Croat area,
16 and you say:

17 "All those who came will be refugees. Croats will be able to

18 come to their own provinces from wherever they want and in whichever way
19 they want. The Muslim provinces will be over-populated. Religious
20 fanaticism will emerge in them, that is inevitable. There will be moving
21 out and resettlement, and the population will homogenise."

22 Then you go on to talk about de-militarisation if the Serbs sign
23 the agreement.

24 I'm going to skip down a few lines. You say:

25 "Talks with the BH Army in Sarajevo are about to begin. We shall

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1 ask for HVO government in our provinces. Those who choose not to submit
2 to that can leave our territories."

3 So again, General, you're laying out for all of these people in
4 Central Bosnia, on the 2nd of April, 1993, the official interpretation --
5 the official policy of Croat -- the Croatian people, or at least those
6 whom you're speaking for, in respect of how Vance-Owen is going to be
7 implemented on the ground, and that's going to mean resettlement,
8 homogenisation of populations, a bad life for Croats who don't live in
9 the Croatian province, and HVO government which you either take it or
10 leave it; is that your view? Isn't that true, General? Isn't that the
11 official interpretation of what Vance-Owen was going to mean on the
12 ground?

13 A. No, Mr. Stringer, you've got that quite wrong and you don't
14 understand the situation. You think that certain political will can
15 solve all political problems in the field. I'm speaking here as a

16 scholar, and everything I said here, absolutely everything, is actually
17 coming to pass in Bosnia-Herzegovina today.

18 A few days ago in Zenica, for example, there were 30 marriages
19 conducted according to Sharia law of the refugees coming from Libya. You
20 have 210.000 fewer Croats in the Republika Srpska that was set up in
21 Dayton. So this is history, this is history, and this is what is going
22 to happen --

23 Q. Well, you say you're speaking as a scholar, but in fact you're
24 speaking to these military personnel in the heart of Bosnia-Herzegovina
25 in April, just before the conflict starts viciously between the Muslims

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1 and the Croats on the 16th of April in Central Bosnia. You're not
2 talking as a scholar to these military personnel. You're speaking to
3 them as an assistant minister of defence for Croatia and a major general
4 of the Croatian Army, and you're laying out the vision -- the official
5 vision and the policy on implementation of Vance-Owen. That's what this
6 is about, isn't it? You're not there to give a scholarly talk to some
7 academics.

8 A. Why would a scholarly talk have to be a talk to professors, to
9 academics? I am foreseeing events, and in fact the events happened as I
10 foresaw them. And those who foresaw that events would come to pass
11 according to the wish in Dayton have no idea what "nations" mean and they
12 couldn't care less. So everything I foresaw did take place, along with
13 support from the international community, and if this is wrong, then

14 you've got the wrong people sitting in the chair here. This is what

15 I think is going to happen. That's what I was saying.

16 Q. Well, let's talk about what really happened, not a couple of
17 years later in Dayton and not what's happening today. Let's talk about
18 what happened two weeks after this meeting, when the conflict was
19 launched in Central Bosnia, the massacre occurred in Ahmici. Hundreds of
20 Muslims throughout Vitez, Busovaca, Kiseljak, were rounded up and
21 arrested by HVO, held in Kaonik Prison and elsewhere. You know all about
22 that, and that all happened because the Muslims and the ABiH did not
23 accept this Vance -- this interpretation of Vance-Owen that you were
24 passing on to your subordinates in Central Bosnia. Isn't that the fact
25 of what really happened?

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1 A. No, this is an interpretation of -- this interpretation of the
2 Vance-Owen plan is very precise and correct, and my interpretation has
3 nothing to do with the BH Army attack later on, sir. And this Court has,
4 for ten years, thought that it was executed by an unarmed people, as was
5 stated in the Blaskic case. That is just not true. It is the aggression
6 by the BH Army that started and was launched towards the Croats and
7 against the Croats, and everything else that happened from Vares,
8 Kiseljak, and so on and so forth, precisely because an ethnically-pure
9 area was what was wanted because Vance-Owen was wrongly interpreted. In
10 the Croatian interpretation of the Vance-Owen Plan, there was no ethnic
11 cleansing, there was just -- there were just forecasts that if a war

12 broke out, what would happen would happen, there would be a population
13 migration whether you liked it or not. That was a rule, general rule,
14 and it didn't depend on Praljak.

15 JUDGE PRANDLER: Mr. Praljak, I'm really sorry to interrupt you,
16 but again and again it is my primary issue and question, and let me ask
17 you really to slow down and to help the interpreters. Sometimes it goes
18 also for Mr. Stringer as well, but mainly you, Mr. Praljak, is indeed
19 speaking very fast, and it is almost impossible to follow you.

20 Thank you.

21 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, the Prosecutor is
22 putting this to you. It is very important and, I think, requires
23 accurate answers on your part, and this should be done slowly.

24 The Prosecutor is putting to you the following idea: There is
25 the Vance-Owen Plan which you, as assistant minister of defence of the

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1 Republic of Croatia, you are going to spell good news to the Croats in
2 the Republic of Bosnia and Herzegovina, and the document we have before
3 us shows that you attend a meeting and you discuss the Vance-Owen Plan.
4 The Prosecutor says to you, "Mr. Praljak, you are interpreting the
5 Vance-Owen Plan." The Prosecutor then adds that a few days after this
6 meeting, the events in Ahmici are going to take place. Everybody is
7 familiar with these events.

8 According to the Prosecutor, there is a connection. In other
9 words, you are the spokesperson for the Croats, and then the events

10 occur. So what he is saying is important. I think this requires a
11 precise answer on your part and a qualified answer.

12 What do you have to say to this?

13 THE WITNESS: [Interpretation] Judge Antonetti, Your Honour, first
14 of all, this kind of interpretation of history, whereby a benign
15 negotiation about my projections for the future should be linked up with
16 the events that followed, I think, would lead all the politicians that
17 exist in the world today into the chair of the accused. I consider that
18 to be absurd.

19 Now, I'm not interpreting the Vance-Owen Plan fully and
20 completely, because it was signed and it stated quite precisely how the
21 elections were to proceed, how the assemblies were elected for the
22 cantons, what authority they had, and everything else. All that was
23 signed up to by the representatives of the Bosniak Muslim people and
24 representatives of the Croatian people as well.

25 And as far as the Croatian people are concerned, that is to say,

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1 why we needed to go there, well, that's what I asked Mr. Izetbegovic.
2 There was a war on, there were many Muslims, following that logic, stayed
3 on to live in the Croatian cantons, if I can call them that, and they
4 weren't satisfied, just as a portion of the Croats from Vares or Kakanj
5 weren't satisfied for not -- because they weren't in a Croatian canton.
6 So you had to explain to these people that it was precisely this
7 cantonalisation of Bosnia-Herzegovina in which, let's say, one where the

8 Croatian people were in the majority, that the other nations would be
9 protected there, the Serbs and the Muslims, and that this would be --
10 there would be reciprocity. They would be protected if they were outside
11 a Croatian canton. That was my basic message.

12 And the other fact that I say is something that we know from
13 history, that there will be people who will no longer want to live in a
14 canton where the Serbs were in the majority if they had suffered at the
15 hands of the Serbs. That's not my desire or will, it's just a historical
16 fact that has been repeated again and again. History repeated itself.
17 So I say those people who didn't want to live there could move to a
18 canton where the Croats were in the majority. It wasn't an invitation or
19 anything. It was just how the facts were, the facts as they were played
20 out in Bosnia-Herzegovina with catastrophic effects. Look at Republika
21 Srpska, for example.

22 And there's nothing I can add there, Your Honour. I don't know
23 what is set out here.

24 JUDGE ANTONETTI: [Interpretation] All right. As far as the other
25 issue is concerned which was put to you by the Prosecution, there is a

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1 cause-to-effect relation between this meeting and the events in Ahmici.
2 What do you have to say to this, because this is a very serious matter?
3 The question is a very serious one. What do you have to say to that?

4 THE WITNESS: [Interpretation] I have nothing to say. It's an
5 absurd absurdity, the height of absurdity. It's just pure speculation of

6 the lowest kind of thinking about what I am saying about history and the
7 facts, and it goes against all my rational thinking and is an insult to
8 me, because there's talk of de-militarisation here, as they promised us
9 UNPROFOR would be bringing in 60.000 soldiers and so on, and ultimately
10 they would guarantee that what was signed would be put into effect. But
11 nobody took any notice. The spiral of war started out, and it spiraled
12 as we know. And we saw that the international community could have
13 whatever documents signed it liked without helping to allow it to take
14 effect. And the Serbs made their own conclusions, the Muslims made their
15 conclusions and said they would seize from the Croats what they could not
16 seize from the Serbs, and then they attacked us. What happened in Ahmici
17 is not my problem, and with indignation I reject any link of this kind.

18 I signed up to this meeting [as interpreted]. It was a logical
19 step. Whether everything was written properly and recorded properly, I
20 don't know, because I know what I said. Whether it was recorded
21 properly, I don't know. I'm talking about de-militarisation and so on.

22 MS. TOMANOVIC: [Interpretation] There's been a big mistake. On
23 page 22, line 15, the general said, "I don't know how all this was
24 written, recorded."

25 [In English] I signed up to this meeting.

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1 [Interpretation] The translation was, "I signed up to this
2 meeting." Could the general repeat what he said? Thank you.

3 THE WITNESS: [Interpretation] I found it very difficult to read

4 this handwriting. It was rather illegible, and the man who wrote it
5 down, I don't know whether he managed to catch everything I said. I know
6 exactly what I said, and that was to implement Vance-Owen as it was
7 signed, with some of my thoughts about what would happen in the future,
8 what would unfortunately happen in the future.

9 And these are rules that we see in sociology and anthropology,
10 these laws and rules, and those who don't know the natural laws of a
11 science cannot deal with political issues and the establishment of state
12 seriously, because it's not true that anything that somebody thinks up
13 will necessarily be implemented on the ground. And it is through this
14 lack of knowledge that catastrophes of this kind took place in these
15 negotiations and guarantees by the international community because this
16 was all done by people who, unfortunately, do not have enough knowledge
17 about the human society and man as an individual being. They are unaware
18 of their fears, desires, anxieties, and so on and so forth. They have
19 none of that knowledge.

20 So I'm very sorry that that is the case, and I stand by every
21 sentence that I uttered.

22 JUDGE PRANDLER: I really believe that your monologue has been
23 done and is enough, and so, Mr. Stringer, you may continue.

24 MR. STRINGER: Thank you, Your Honour.

25 Q. General, I'm going to take you back to one thing you said in the

1 past few minutes. You were talking about, if I can put it this way, your

2 interpretation of Vance-Owen, and you said:

3 "This cantonisation of Bosnia-Herzegovina in which, let's say,
4 one where the Croatian people were in the majority, that the other
5 nations would be protected there, the Serbs and the Muslims, and that
6 this would be -- there would be reciprocity."

7 Now, that's what you're telling us now, General, but what you
8 were saying to all of those in Central Bosnia in April of 1993 was that
9 those who choose not to submit to that -- let me back up. You say:

10 "We shall ask for HVO government in our provinces. Those who
11 choose not to submit to that can leave our territories."

12 Now, two things. First of all, the HVO is not going to protect
13 anybody but Croats, isn't that true, in terms of ensuring democratic
14 participation and government when it's a structure which is purely
15 Croatian in its -- from its inception and in which there is no --
16 virtually no participation or opportunity for participation among other
17 ethnicities? Secondly, it's really ridiculous to suggest that any
18 non-Croat person would feel that the HVO would, in fact, protect his or
19 her interest in these territories? Isn't that both true?

20 A. First of all, I was not interpreting the Vance-Owen Plan, because
21 it was very clear and precise, very clear and precise. I wouldn't fully
22 rely on my words being correctly conveyed by the person taking the notes.

23 In any case, Mr. Stringer, in the cantons there are democratic
24 principles, in terms of the organisation of government.

25 JUDGE TRECHSEL: You are again going into lengthy talks. This is

1 a simple question that Mr. Stringer has put to you. Why don't you just
2 answer it? You always go astray. You lead us in -- God knows where.
3 You speak of Libyan couples and things like that that have nothing to do
4 with this. Why don't you just look at the question and answer the
5 question, full stop, instead of lecturing us?

6 Please look again at the question. The question was whether, in
7 fact, non-Croats could trust that they would be protected, that their
8 interests would be taken into account, in Croat cantons. That's got
9 nothing to do with interpretation of the Vance-Owen Plan.

10 THE WITNESS: [Interpretation] That is incorrect, Your Honour
11 Judge Trechsel. What sort of a question is it, could they trust? Is
12 this a judicial question? What is trust? It's a psychological category
13 which is strictly individual.

14 JUDGE TRECHSEL: Come on Mr. -- don't lecture again, please.

15 THE WITNESS: [Interpretation] Please. Of course I will. What
16 trust? The Vance-Owen Plan was a plan for Bosnia-Herzegovina in which
17 democratic institutions were supposed to be elected according to the
18 democratic principles of most other states. That was the Vance-Owen Plan
19 signed by two parties. Here we are now carrying out a hypothesis as to
20 whether someone could have trusted --

21 JUDGE TRECHSEL: This is all very far from being a clear answer.
22 Let's put it in another way.

23 On what basis would a Muslim, living in an area that would be
24 within a Croat canton, trust that Muslim minority interests or even

25 national interests, as you like to stress, would be respected, on what

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1 basis? Where does he find any guarantee, in what text, in what
2 declarations, does he find something that gives him assurance that he
3 will be protected?

4 That's how I understood the question, but I stand to be
5 corrected, Mr. Stringer. I do not want to make a question of my own of
6 it. I would just like these proceedings to be a bit less baroque.

7 MR. STRINGER: The question is fine with me, Your Honour.

8 THE WITNESS: [Interpretation] There is a twofold answer. There
9 were strictly-prescribed guide-lines on the election of government in the
10 Vance-Owen Plan, as well as on the functioning of the cantons and the
11 central government. All those questions were widely discussed and signed
12 as part of the plan.

13 Secondly, this question should be put to either Mr. Vance or
14 Mr. Owen, because they drafted the plan. Croats and Bosniaks merely
15 signed it. This was supposed to be implemented.

16 Thirdly, psychologically speaking, the Muslims could expect such
17 a procedure because, from Croats, both as refugees and the wounded and
18 members of the HVO, they were always treated equally, so at these three
19 levels one could provide an answer to the question.

20 JUDGE TRECHSEL: Thank you.

21 Please, Mr. Stringer.

22 MR. STRINGER: Thank you, Your Honour.

23 Q. General, continuing down, I believe this is on page 45 of your
24 version, the bottom quarter of the page in the English, it says
25 Colonel Blaskic opened the discussion with the commanders, and then a

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1 question was asked about Vares. Do you see that? Borivoj Malbasic asked
2 a question about Vares?

3 A. Yes, I see it.

4 Q. And then at that point, you said:

5 "There is no policy that can enable us to have everything. If
6 you think there is, tell us."

7 What's happening here is that even as early as April of 1993,
8 there is recognition on your part that Vares is so far to the north and
9 so far to the east that it is not going to be a territory that you'll be
10 able to keep within this Croatian province and, in fact, did not fall
11 within even the Croatian province that was envisioned under Vance-Owen,
12 so essentially here is a recognition that Vares is going to have to
13 ultimately fall outside whatever Croatian territory exists; isn't that --
14 isn't that what you're saying?

15 A. This is a bit strange. Mr. Stringer, the Vance-Owen Plan was
16 drafted by Vance, Owen, and the international community. Under that
17 plan, Vares was not in those territories conditionally termed "Croatian
18 provinces." Of course, the people of Vares did not see that as a good
19 solution, and no one -- I say no one in Bosnia-Herzegovina was able to
20 satisfy all the appetites. This was a compromise. Precisely so. A

21 great many Croats would stay outside the Croatian canton, and the same
22 goes for the Bosniaks and Serbs, but this is all conditionally speaking.
23 And this is the way Bosnia-Herzegovina was to be set up, to be both a
24 national or ethnic and a civil state. This is not Praljak's plan, but
25 Vance-Owen Plan.

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1 Q. Continuing down, I'm going to move down about six lines, you say:

2 "Now we have got what we want, the homogenisation of our
3 population continues. We can only fence off what is ours and build there
4 our own space, our own state. It is all as clear as noon on a spring
5 day."

6 Now, General, those are your words, aren't they? This is your
7 vision for Vance-Owen, homogenisation of population, population movement,
8 ultimately where the peoples are living separately in homogenous --
9 ethnically-homogenous zones?

10 A. This was not my plan or my vision. This was my scientific
11 forecast which came about in full, with or without Praljak sitting in
12 The Hague. Just look at today's Bosnia-Herzegovina and you will see that
13 in totality my scientific forecast came about, in terms of the postwar
14 migrations, as we could also witness after the First World War, the
15 Second World War, and so on and so forth. I think I was fully right at
16 that time, as I am now.

17 MR. STRINGER: Unless there's more questions about this --

18 JUDGE PRANDLER: Excuse me for interrupting you. Before you

19 proceed further, I would also like to ask a question about these two last
20 lines in English on that very page, 52, and both you and Mr. Praljak
21 spoke about the homogenisation. My question is that -- to Mr. Praljak,
22 by which methods did you think that homogenisation is going to continue,
23 as you put it there? And my second question is relating to the very last
24 line in the English text, to the very last line here, when it says -- and
25 when you said that:

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1 "We can only fence off what is ours and build there our own space
2 and our own state."

3 And here I would like to ask you: What was your idea about
4 your -- to put your words, I quote again, "our own state"? So what did
5 you think about that, and how did you want to achieve this goal, that is,
6 to "build our own space and our own state"? Thank you.

7 THE WITNESS: [Interpretation] I will first respond to your second
8 question, Your Honour.

9 I do not agree that this person interpreted my utterance well,
10 the creation of our space and building our own state, because it was not
11 supposed to be a state. As here, the pace of my speech was a problem for
12 him as well, and I don't think it was correct. As far as I recall, I
13 never discussed a state or the fencing off of a territory. This goes
14 against what I had previously said.

15 Secondly, to respond to your first question, I did not discuss
16 homogenisation at all by certain means. I foresaw that this would come

17 about as a natural consequence of the war and the growing problems. Much
18 as the natural consequence of homogenisation would be -- or, rather, was
19 in Hungary, Romania, et cetera, there is natural migration, and then
20 after the war with Turkey there was a situation with Ataturk and Turkey,
21 where half a million people were moved about, then half a million of
22 Germans after the Second World War. These are simply scientific facts
23 that I have no impact on, and this is what occurred in
24 Bosnia-Herzegovina. Look at the homogenisation process in
25 Bosnia-Herzegovina nowadays. 210.000 Croats in Republika Srpska are not

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1 there, they are not coming back. Sarajevo has 95 or 96 per cent of
2 Muslims, and this is so. These are natural laws coming about after wars.

3 Every year, in terms of statistics, 10 per cent of any expelled
4 population is not going to return. If you fail to return them by the end
5 of five or six years, they will no longer return. These are world
6 statistics that I'm familiar with, nothing more than that. I was just
7 saying what the consequences of the war would be, independent of my will.

8 As a lad said --

9 JUDGE PRANDLER: Mr. Praljak, thank you very much for your
10 answer.

11 Mr. Stringer, please.

12 JUDGE ANTONETTI: [Interpretation] Just a minute.

13 Mr. Praljak, I don't want to put you in a difficult situation,
14 but you're saying that the young man who made the minutes might have

15 misinterpreted your words. That might have happened. Things happen.

16 But when looking at the text, a number of questions spring to mind.

17 Before all this, you say that there is no state without a nation,
18 so you're already mentioning this question of state. You're mentioning
19 the state on several occasions, which is why my fellow Judge put this
20 question to you, and I was going to put exactly the same question to you.

21 According to the Vance-Owen Plan, the only state is the Republic
22 of Bosnia-Herzegovina. There is no other state than that one, so why are
23 you talking about a state? You seem to say that there's no state without
24 a nation, but in the background you're talking about the Croatian nation,
25 so those who do not have your standing, your education, your culture,

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1 might listen to you and interpret by saying, "Well, Slobodan Praljak is
2 telling us that there's a need for a Croatian state."

3 THE WITNESS: [Interpretation] No. The Vance-Owen Plan, luckily
4 it failed. Well, Croats started moving out en masse, Your Honours. They
5 were given Croatian citizenship at the outset, and as this guy told me,
6 he said, Mr. Praljak, for the third time my family is rebuilding its home
7 in this century, and I will not do it the fourth time 'round. These are
8 people who were expelled, who were at war, who were being killed. They
9 didn't want to live there anymore. If they had relatives in France or
10 Germany, they went. If they had someone in Croatia, they did go. We
11 were fighting for the survival of the minimum number of Croats who were
12 still there, which in the meantime the figures of which were halved.

13 People flee unless they are protected, unless there is -- their national
14 and citizen identities are protected. These are facts. Anyone dealing
15 in sociology knows this.

16 Croats happen to be a nation with the greatest number of emigres
17 among nations. People in Vares said, Well, we'll no longer live there,
18 so what can I do?

19 JUDGE ANTONETTI: [Interpretation] As my fellow Judge Trechsel
20 told you earlier, you're not directly answering my questions or his
21 questions. I had a very specific question. I was asking you whether
22 during this meeting you uttered the word "state" on several occasions,
23 and instead of answering my question, and everybody agrees with you,
24 you're saying in this kind of situation some people migrate. Fine, we
25 can only agree with you on that, on that statement of facts, but you're

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1 not answering my question. I wanted to know whether you uttered the word
2 "state." You're saying, well, the young man who took the minutes made a
3 mistake. He might have made one mistake, but making the same mistake
4 over and over again, because the word "state" occurs in that text many
5 times, you must have talked about state.

6 THE WITNESS: [Interpretation] Correct, it was about
7 Bosnia-Herzegovina. You saw hundreds of documents referring to
8 Bosnia-Herzegovina, but unless the Croatian people are specifically
9 protected, we would disappear. This specific protection was entailed
10 within the Vance-Owen, Cutileiro, and Stoltenberg plan. They were based

11 on the protection of the least numerous nation. Unfortunately, the last
12 plan, the Dayton one, no longer protected it, and I don't think there are
13 more than 450.000 left. This is about Bosnia-Herzegovina, which had to
14 be set up to protect the basic principles: One, the right of a nation to
15 exist; and the right of a citizen to enjoy his or her rights. And that
16 was not done. The smallest nation, albeit they have their national
17 state, were forced to leave the other one because they could not enjoy
18 all of the rights and privileges because they were not protected.

19 JUDGE ANTONETTI: [Interpretation] Very well.

20 MR. KOVACIC: [Interpretation] Your Honours, concerning your
21 latest two questions, and this is something that was discussed even
22 before that, we discussed the value of this note or these minutes. This
23 is not a transcript. These are notes. For technical reasons, I wanted
24 to have on the record that on the 5th of September, 2006, the same topic
25 was discussed, when we saw this document for the first time with Witness

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1 Tomljanovich. The question is whether the words of the participants were
2 conveyed truly and fully.

3 THE WITNESS: [Interpretation] Excuse me, Your Honours. And here
4 it says "and we have it now." This means we have the state of
5 Bosnia-Herzegovina. It comes right after "there is no state without a
6 nation." It is clear. If there are no inhabitants, then all the rest is
7 in vain.

8 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

9 MR. STRINGER: Mr. President.

10 Q. General, since you challenged the text that's being attributed to
11 you here in this meeting, I want to come back to this issue for one
12 moment, these words:

13 "Now we have got what we want, the homogenisation of our
14 population continues, we can only fence off what is ours and build there
15 our own state --" I'm sorry, "our own space and our own state. It is all
16 as clear as noon on a spring day."

17 Now, General, if you would look at the screen, I'm going to show
18 you some transcript of your testimony in this trial on the 4th of June,
19 2009, page 41242. We've got it in Sanction. I'll read to you beginning
20 from line 21. These are your words in the transcript:

21 "At this point in time, we are in Stolac --"

22 Let me interrupt here. You were talking about one of the
23 presidential transcripts, where there was discussion with President
24 Tudjman about how far you should fight or defend, and you said:

25 "At this point in time, we are in Stolac and we stopped right

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1 there. It's about the president saying, don't move further from there,
2 don't launch a defence war. We defended all the areas from Republika
3 Srpska and from the JNA, the Muslim and Croat majority areas, and stopped
4 right there."

5 Continuing on to the next page, you say:

6 "These are the facts of the matter, and that's as clear as a

7 spring day."

8 Now, General, it's interesting that the phrase you used two
9 months ago in this trial, "clear as a spring day," is, in fact, the same
10 phrase, virtually, that's attributed to you by the person who took these
11 minutes, and I'm going to put to you, General, that, in fact, the person
12 that wrote these minutes down wrote them accurately and that, in fact, he
13 accurately reported your words that you said on that day in April 1993.
14 Isn't that true?

15 A. It seems your knowledge is immense if you know that a person
16 could take down everything I said, even though we have professional
17 interpreters here who constantly object to the pace of my speech. As for
18 someone taking down my phrase, saying that something was as clear as the
19 noon on a spring day, cannot mean that -- or does not mean that he
20 correctly recorded the sentence preceding that. In any case, I stand by
21 the fact that my political and scientific position is clear, and that is
22 that this young man could not take down correctly everything I said and
23 that hundreds of other documents expressing -- containing my views can
24 amend or serve as an addition to everything I said, in terms of the
25 official Croatian policy and the policy of the HZ-HB. This was said on

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1 numerous times. Yes, Bosnia-Herzegovina; yes, three constituent peoples.
2 And the state was supposed to be set up to the benefit of all three and
3 not to the detriment of any. Unfortunately, this did not materialise.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, the Prosecutor

5 did not put a question to you, but in the text we see that Mr. Kordic is
6 it taking the floor to talk about Zenica. Take a look at it and look at
7 what he says. After that, you will leave the meeting with Mr. Coric, but
8 he's talking about creating a municipality in Zenica, and he's saying
9 that instructions were given. In Zenica, there's a Muslim component. So
10 how can you reconcile all this?

11 THE WITNESS: [Interpretation] If you look at the census, in
12 Zenica there were 30.000 Croats, Judge Antonetti, 30.000 Croats in
13 Zenica, approximately. This was a rather compact area. For example, the
14 Jura Sema [phoen] Canton in the Federation, I think in 1965, separated
15 and became an independent unit without undermining the foundations of the
16 Swiss state. Well, if something like that existed, then there was no
17 reason not to implement such a good model of organisation of a state in
18 the case of Bosnia-Herzegovina. These incredible experiments were
19 conducted there.

20 JUDGE ANTONETTI: [Interpretation] General Praljak, we have the
21 census figures for Zenica. This is in document 10519. In 1991, in
22 Zenica, there's 145.517 people; 22.000 Croats, 80.000 Muslims. So if
23 elections are held, the 80.000 Muslims will lead the municipality.
24 They're in the majority, and the Croats are in a minority. You can't
25 deny that. So why is Mr. Kordic saying that there's a need to create a

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1 municipality? The figures don't allow for this. How can you interpret
2 what Mr. Kordic is saying?

3 THE WITNESS: [Interpretation] This homogenisation, Your Honours,
4 that we discussed did take place in Bosnia-Herzegovina on a miniature
5 scale. The number of Croats kept coming down. The Croats in Zenica
6 lived in a relatively compact area. We can annex them to Jajce
7 municipality or to Travnik and thus realise an absolute or maximum Croat
8 majority, leaving the rest of the territory to Muslims, where they would
9 have 98 per cent. You can draft borders in such a way all across
10 Bosnia-Herzegovina and that you would always end up with a relative
11 majority of Muslims. But the Vance-Owen simply foresaw elections. For
12 example, in Jablanica --

13 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, if I'm wrong,
14 please correct me. The Geneva meeting, all the work done, the
15 Vance-Owen Plan, all this was done based on statistics that came from the
16 census figures; you agree with me on this. So when they decided to
17 create Cantons 3, 8, and 10, where there's a Croat majority, they base
18 themselves on statistics. So unless I'm wrong, in the international
19 community people integrated the fact that elections would be held in
20 these cantons and those who were in a majority would remain in the
21 majority. Do you agree on this?

22 THE WITNESS: [Interpretation] I fully agree. This is Kordic's
23 idea of sorts. I cannot interpret him. I agree with you in full, that
24 this was the basic plan of setting up Bosnia and Herzegovina from
25 Cutileiro onwards. That was the guiding thought.

1 JUDGE ANTONETTI: [Interpretation] Very well.

2 THE ACCUSED PRLIC: I don't know is it proper or not, but this is
3 already in evidence. We introduced evidence as Vance-Owen Plan and all
4 documents. It is not true that this democratic strict principle is going
5 to be applied. For every province is envisaged how many in government.
6 For instance, 10 of them should be Croat, Serb, or Muslim. So those
7 right are going to be protected.

8 I just want to add something which was already in evidence.

9 JUDGE ANTONETTI: [Interpretation] Thank you. We will refer to
10 that.

11 It may be time for the break. It's 10.30. Let's break for 20
12 minutes.

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

14 --- On resuming at 10.53 a.m.

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

16 Mr. Stringer.

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

18 Q. General, before we continue with the next document, I want to
19 take a short -- hopefully what will be a short detour and take you back
20 to a little piece of your testimony from yesterday. This is when we were
21 discussing the videotape that showed the oath-taking ceremony for the
22 Jure Francetic Brigade in Zenica in December of 1992. Do you recall when
23 we looked at that video yesterday?

24 A. Yes, I do remember.

25 Q. And in response, I believe, to a question from His Honour

1 Judge Antonetti, you were asked about whether there was a flag for the
2 Croatian Community of Herceg-Bosna - this is page 72 of yesterday's
3 transcript - and you said:

4 "Well, I don't think that any decree proclaimed it as such, that
5 the Republic of Herceg-Bosna -- Croatian Republic of Herceg-Bosna
6 proclaiming that. It didn't have a hymn or a flag. It was a flag of the
7 Croatian people in Bosnia-Herzegovina, quite simply, nothing more than
8 that."

9 So you were describing the flags that were being shown during
10 that ceremony, and I wanted to clarify this, General. Are you saying
11 that the Croatian Community of Herceg-Bosna did not have a flag, to your
12 knowledge?

13 A. I don't know, really. First of all, it's not the Croatian
14 Republic of Herceg-Bosna. That came later with a proposed agreement on
15 the part of the international community. As far as the
16 Croatian Community of Herceg-Bosna goes, I don't know whether there are
17 any documents proscribing any form of state flag.

18 MR. STRINGER: With the Court's permission, I'd like for us to
19 take a look at P00772. Mr. President, it's just something -- it's
20 already admitted into evidence. It's a decree from the Narodni List, and
21 I'm simply proposing that since it's already in evidence we can show it
22 in e-court on the screen just to make this brief point.

23 Q. General, do you see the document on the screen in front of you?

24 Do you see this is the decree on the coat of arms for the

25 Croatian Community of Herceg-Bosna?

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1 A. Yes, I see that.

2 Q. And this is from 1992, prior to the time of this -- about a month
3 prior to the time of this celebration or this ceremony in Zenica. So I'm
4 not suggesting that you did know, General, either way whether or not
5 there was a flag, but would you agree with me it appears that, in fact,
6 there had been a decree on a -- what we could call a coat of arms and
7 flag of the Croatian Community of Herceg-Bosna?

8 A. Yes, I see that a decree existed on the use of a coat of arms and
9 a flag of the Croatian Community of Herceg-Bosna. However, at the same
10 time it's always important to mention that the Croatian Community of
11 Herceg-Bosna was within the frameworks of Bosnia-Herzegovina, as it says
12 here, and that it was established as a temporary solution for the defence
13 of Bosnia-Herzegovina and the Croatian people in Bosnia-Herzegovina.

14 Q. All right. General, we can move back to the binder for what
15 I think is going to be the last exhibit in this set, and I'd like to take
16 you to Exhibit P02719 which is one of the presidential transcripts from
17 the 11th of June, 1993. 2719. It should be behind the document that we
18 were just looking at, although I may have skipped one. P02719.

19 General, if you don't have it, tell us, and we can -- we can --

20 A. I'm afraid I can't find it. I don't have it.

21 JUDGE PRANDLER: Mr. Stringer, we do not have it either, I

22 believe.

23 MR. STRINGER: I referred to the same transcript earlier. It's
24 in, I think, the next previous binder, and so we probably didn't include
25 it again. But if it's not handy, I'm actually inclined to skip over it

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1 at this point, rather than taking a lot of time.

2 Could I propose, since this is from one of the presidential
3 transcripts, perhaps we could try to work off e-court, and if the general
4 is able to do that and if that works okay with everyone, it's just one
5 reference to this transcript I'd like to go to and then we can move on.
6 So this is P02719, if we could get that up in e-court. It's a record of
7 a presidential -- meeting at the Presidency. I'll start over again.
8 It's the minutes -- it's the record of the meeting between
9 President Tudjman and others, together with President Izetbegovic and his
10 contingent, in Zagreb on the 11th of June, 1993, and I want to go to
11 page 17 of this transcript.

12 Just actually for reference, so that we can remember, if we look
13 at page 16, we'll see -- and this is the part we looked at earlier in
14 your cross-examination, General, where President Izetbegovic was
15 questioning President Tudjman about the role or the activities of people
16 like Mr. Boban, Mr. Kordic, Mr. Kostroman, and Tudjman says here on
17 page 16 that the only message that they were receiving from "us," that
18 is, the Croatian side, in Zagreb was to cooperate. So that's the part
19 that we looked at earlier.

20 And now turning the page, I want to go with some of the
21 statements of President Izetbegovic on page 17. He's talking about
22 events and tensions between the Croats and the Muslims in
23 Bosnia-Herzegovina, and he says, and I'm going to go to about the middle
24 of the page:

25 "How it all came about and how it came in such a response, the

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1 bitter cup overflowed, overflowed with that behaviour with Mostar,
2 Ahmici, Prozor, convoys with food, convoys with weapons, that was all
3 stopped, plundered day after day; they have been enduring all this for a
4 year, in the middle of their own country they have to come, an HVO pass
5 is signed for 50 marks, all this is endured until it comes to this, and
6 then this happens. I condemn these things, but I am simply trying to
7 explain how such excesses occur. Believe me that the violence
8 perpetrated down there by the HVO, the arbitrary acts perpetrated down
9 there by the HVO - and they were better armed than our people - exceeds
10 all bounds ..."

11 And then Izetbegovic asks Tudjman:

12 "Did you recognise a parallel army? We said, okay, we have to
13 recognise it, and then we continued to fight the Chetniks, et cetera, and
14 we said that it was a lawful army and that cost us. Now it goes a step
15 further. Boban, instead of accepting, recognising the army, now wants a
16 state as well; he doesn't want any Bosnian signs there; he wants to
17 cleanse the population. The Muslims move. Then invents that there are

18 100 or 200.000 more because of the refugees, that this upsets the
19 demographic structure. They have to be cleansed, et cetera. This other
20 argument of yours, perhaps it explains some things. It says there were
21 Muslims, their percentage was such and such, now it has changed because
22 of the refugees. So what should be done? They should be cleansed,
23 driven away. You know what happened in Mostar. They came up to people
24 who were not refugees, to people who lived there from way back. The
25 Ustashas did not do that, Mr. Tudjman. Mostar was under the Ustashas for

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1 four years. There was Bajedic's [phoen] house, that very same Bajedic
2 who was with the partisans up there. The family remained behind, and
3 nobody drove them away in those four years, while Boban's men drove out
4 thousands of families from their homes in Mostar, occupied the houses,
5 and ..."

6 Q. Now, we are now in June of 1993, General. We're two months after
7 this meeting that we were just talking about that you participated in in
8 Central Bosnia. We're two months after Izetbegovic's signing the
9 Vance-Owen Plan, and yet still he's continuing -- or he's complaining
10 about expulsions not only of refugees, Muslim refugees, but now long-time
11 Muslim residents of places like Mostar, and I've got two questions here.

12 First of all, the fact is now that we know that on the ground,
13 these so-called protections of the Muslims or the minorities that you've
14 been talking about that were going to take place under Vance-Owen, in
15 fact, never came to pass and that the only thing that happened post-April

16 1993 was the continued expulsion of Muslims from the so-called Croatian
17 territory; isn't that true?

18 A. It is wholly untrue, everything that Izetbegovic says and
19 everything that you're saying, quite untrue. In April in Mostar, it
20 wasn't the HVO making any plans to attack the BH Army. It was Pasalic
21 who made plans to attack -- just a moment, I beg your pardon. My answer
22 is that Izetbegovic -- yes. Well, I said it's incorrect. All that is
23 not true. It's just a lot of rattling, blah-blah-blah, that's all it is.

24 Q. So you deny that large numbers of Muslim inhabitants of Mostar
25 were being evicted and driven away by the HVO during June of 1993?

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1 A. Sir, I don't know what it is that Mr. Izetbegovic is speaking
2 about here. I know that on the 9th of May, the BH Army attacked Mostar
3 and the HVO, and it was -- the situation was precisely the reverse. It
4 was on the side controlled by the BH Army that only 140 Croats were left,
5 whereas on the other side more than 7.000 Muslims remained, and those are
6 the facts. So Izetbegovic is not telling the truth. He is doing a bit
7 of political manipulation here.

8 And, secondly, when he speaks about the Ustashas, he forgets to
9 say that --

10 Q. You're not answering my question. I'll put it to you again. Do
11 you deny that large numbers of Muslim inhabitants of Mostar were being
12 evicted and driven away by the HVO during June of 1993? Do you deny that
13 or do you accept that that was taking place?

14 A. Tell us how many. What large numbers?

15 Q. General, you're playing games with me, and we're not going to
16 play games. You've sat in this courtroom for the past three years.
17 You've heard the evidence. You've heard the witnesses come talk about
18 what happened to them in Mostar. You've heard others who were there, who
19 were acting as internationals. I'm asking you, and I'm talking about
20 hundreds of Muslims from Mostar being driven out of flats, out of
21 apartments, in June, driven across to the eastern side of Mostar. Do you
22 accept that that was taking place or do you deny it?

23 A. According to what I heard here, and only according to that, I
24 could agree that 200 to 300 Muslims from the western side, which was
25 controlled by the HVO, was, by groups outside anybody's control, expelled

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1 to the eastern side. Whether it was 200 or 150, I don't know. But I
2 also know that the organised HVO protected more than 7.000 Muslims who
3 throughout the war remained on the west side. So that's why I'm asking
4 you what numbers you're referring to.

5 Q. Very well. When Izetbegovic here, in this conversation, regrets
6 recognising an army, a parallel army --

7 JUDGE ANTONETTI: [Interpretation] One moment, Mr. Stringer. I
8 believe Mr. Petkovic wants to say something.

9 THE INTERPRETER: Microphone, please. Could the microphone be
10 adjusted. Thank you. The microphone does not seem to be working.

11 The microphone is still not working. We can't hear

12 General Petkovic.

13 THE ACCUSED PETKOVIC: [Interpretation] Can you hear me now? Yes,
14 thank you.

15 A technical question would be in order related to the 11th of
16 June, 1993, the day when Mr. Izetbegovic was in Zagreb. That would be
17 interesting. I think that General Praljak has forgotten this, so you can
18 refresh his memory and he can confirm or deny it. Did Travnik definitely
19 fall into the hands of the BH Army on that day, whereas Mr. Izetbegovic
20 said not a word about that to Mr. Tudjman? That's all I have to say,
21 because we have to tie in the context of that meeting and those talks
22 with everything else. I don't know if Praljak is aware of this or knows
23 about it or not.

24 THE WITNESS: [Interpretation] Yes, I do know that, and I'm
25 claiming that Izetbegovic is just telling political lies here and is

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1 referring to Boban and the Croats. First of all, his interlocutor was
2 not Franjo Tudjman but a legally -- the legally elected representatives
3 of the Croatian people. The fact that the convoy did not pass through,
4 well, who did he fight against? You saw hundreds of documents to the
5 effect that we provided weapons, and we took care of all the refugees and
6 transported all the wounded people. These are blatant lies by a man
7 leaving the Vance-Owen Plan and preparing an all-out attack by the
8 BH Army, because the BH Army at this particular time expelled all the
9 Croats from Travnik.

10 What are we talking about here? Those are the facts.

11 JUDGE ANTONETTI: [Interpretation] One moment.

12 General Praljak, what Mr. Petkovic said drew my attention to this
13 meeting which took place between President Tudjman and Izetbegovic on the
14 11th of June, 1993. I realised that this took place at something like
15 1.00 in the morning, so a meeting that takes place at 1.00 in the morning
16 is a serious meeting. There must be a valid reason for that.

17 What happened on the 10th or the 11th of June which led to the
18 fact that Mr. Izetbegovic had to meet Mr. Tudjman past midnight?

19 THE WITNESS: [Interpretation] Well, Your Honour, I know that on
20 the 11th, the BH Army launched a mass attack expelling the HVO and the
21 people from Travnik. I know that on the 9th of May, after preparations
22 in April, that it attacked Mostar, that is to say, the HVO in Mostar.
23 And I also know, and I said this several times, that they were preparing
24 to take over Croatian territory or territory from the Croats because
25 they did not wish or could not fight the Serbs.

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1 JUDGE ANTONETTI: [Interpretation] General Praljak, if we admit
2 that on the 11th of June the Army of Bosnia and Herzegovina drive out the
3 Croats in Travnik, how is it, then, that on the same day Mr. Izetbegovic
4 meets Mr. Tudjman? Is it to talk about this, to discuss it?

5 THE WITNESS: [Interpretation] No. Obviously, he wasn't telling
6 him anything. Everything that Izetbegovic is saying here is a lie.

7 JUDGE ANTONETTI: [Interpretation] So you're looking at the

8 transcript of this conversation, like I do, because Mr. Izetbegovic is
9 complaining about the behaviour of the HVO and the attacks. If there had
10 been the Travnik attack, Mr. Tudjman should have told him then, Well,
11 what are you complaining about, since you have just attacked us, attacked
12 me, attacked the HVO in Travnik? But this does not figure here. Does
13 this mean that he didn't know about it, because he doesn't mention it?

14 MS. ALABURIC: [Interpretation] Your Honour, I apologise for
15 getting up, but I'd just like to draw your attention to the fact that we
16 don't have the transcript in front of us, at least most of us don't. But
17 if we look at the second page of the transcript, then we'll see that
18 President Tudjman is speaking about the fact that the BH Army attacked
19 certain Croatian villages, and then about the events taking place on the
20 territory inhabited by Croats. So on the basis of just one page of
21 the transcript, we're not going to be able to establish everything they
22 discussed on that particular day, unless we look at the rest.

23 THE WITNESS: [Interpretation] Partiality in this way won't lead
24 us anywhere. Well, it will lead us somewhere, but not in the right
25 direction.

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1 JUDGE ANTONETTI: [Interpretation] Very well, Mr. Stringer.

2 JUDGE TRECHSEL: For the record, first, if we look at the
3 beginning of this meeting, we see that Mr. Izetbegovic is complaining
4 because on TV he says he has seen HVO soldiers, Croatian fighters,
5 received by the Serbs, and singing the praise of how well they were

6 received. So one must assume that Alija Izetbegovic was fearing some
7 kind of treason. Whether rightly or wrongly, I will not speculate at
8 all.

9 And, second, if there was an attack on Travnik on the 11th of
10 June, it is not very reasonable, I think, to expect that Izetbegovic or
11 Tudjman were informed of this at 25 past midnight, because that's the
12 first minutes, and I cannot imagine, for the life of me, how at that
13 moment they can already be informed of an attack which it is said took
14 place on that day. So I think we better not speculate.

15 THE WITNESS: [Interpretation] Judge Trechsel, Your Honour, Serb
16 Television or, rather, television of the Republika Srpska, was all too
17 happy to broadcast that particular evening how refugees from Vlasic were
18 escaping to Serb territory. That was televised, so people knew about it.

19 MS. PINTER: [Interpretation] I'd just like to ask us -- I'd just
20 like to ask you to provide General Praljak with the entire text so that
21 he can follow, because just extracting a single page or passage, without
22 showing the whole text, I don't think will lead us to the right
23 conclusions.

24 JUDGE TRECHSEL: Actually, the observations I made are not
25 opening a new discussion, but, on the contrary, showing that first there

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1 is an answer to the question the President has raised, there is an
2 explanation why they met at that time, and, second, the logical
3 difficulties in assuming that they might have known about the attack on

4 Travnik. That's all, and I do not think that one has to have a document
5 to take cognizance of this, and I think we can go on.

6 MS. PINTER: [Interpretation] Judge Trechsel, Your Honour, I did
7 not get up following on from your intervention, that was far from my
8 mind. I was up on my feet before you started speaking and then I sat
9 down, and I just wanted to ask the Prosecutor, very kindly, to provide
10 General Praljak with the integral text if -- of the transcripts if he's
11 going to discuss them. Just that, thank you.

12 JUDGE TRECHSEL: Thank you. I should, then, apologise for having
13 interrupted you or taken precedence.

14 Please, Mr. Stringer.

15 MR. STRINGER: Thank you, Your Honour.

16 I would propose, actually, to move on. I have got a hard copy of
17 it here. The transcript was in the previous binder, but I think that
18 I've exhausted my questions on this issue, and --

19 MS. PINTER: [Interpretation] I do apologise, Mr. Stringer, but in
20 which previous binder? We have been given three binders, so which one?
21 It's not in any of those.

22 MR. STRINGER: The one just before this, the first of the JCE
23 binders.

24 MS. PINTER: [Interpretation] Before the summer recess; is that
25 what you mean?

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1 MR. STRINGER: That's right.

2 MS. PINTER: [Interpretation] The one we were given before the
3 recess; right?

4 MR. STRINGER: Correct. But --

5 JUDGE TRECHSEL: If I may assist, it's a binder labelled
6 "List 3."

7 MR. STRINGER: I wonder whether we really need to stay with this.

8 JUDGE ANTONETTI: [Interpretation] Let's move on.

9 General Praljak, I would like to have a clarification on
10 Mr. Izetbegovic's personality. Sometimes you've said good things about
11 him, sometimes bad things, and just now you did not say good things about
12 him.

13 Thanks to my colleague, we have been able to determine that on
14 the 11th of June, there could be no question about the Travnik attack
15 because a meeting was held after midnight. So had there been an attack,
16 the attack would have taken place on the morning of the 11th of June.
17 And in the transcript, we can see that Mr. Izetbegovic is complaining
18 about the behaviour of the HVO. I see here -- there's no need to look at
19 the text. You can trust me. On page 12 of the English, Mr. Izetbegovic
20 says:

21 "Last night I ordered a cease-fire, a unilateral cease-fire."

22 So he says to Mr. Tudjman, I have ordered a cease-fire. And a
23 few hours after that, they attack. How can you explain this?

24 THE WITNESS: [Interpretation] Mr. Izetbegovic did not have
25 control of his army, or Halilovic in particular, on many counts, or the

1 commanders in Zenica. So whether intentionally or not -- well, whether
2 he's telling the truth or lying, I can't go into that, but the facts
3 refute what he says completely. So as -- nobody listened to his orders
4 on the cease-fire, none of the BH Army, if he actually did issue those
5 orders, or perhaps he just said he did.

6 MS. ALABURIC: [Interpretation] Your Honours, may I just be
7 allowed to say one more sentence? Is it possible that -- it is possible
8 that you didn't understand what General Petkovic said. General Petkovic
9 did not say that on that day, that is to say, the 11th of June, is when
10 the attack on Travnik began, but that Travnik fell, that is to say, that
11 the BH attack had been completed in such a way as Travnik fell. The
12 attack went on for several days, so both President Izetbegovic and
13 President Tudjman knew of the attack.

14 Thank you.

15 THE WITNESS: [Interpretation] But the answer to Judge Antonetti
16 would be this: On page 2 of the transcript, for heaven's sake,
17 Mr. Izetbegovic says that he watched television that evening, and
18 President Tudjman says he didn't see anything -- he wasn't watching
19 television, and he says the armies of the Serb Republic are receiving the
20 Croatian fighters who are boasting. Of course, they have to boast to
21 prevent them from being killed. They say how they were taken in. And he
22 says, We could have foreseen this a long time ago, because this
23 cooperation has existed for a long time. This is morbid. It's a false,
24 morbid lie. I can accept that Mr. Izetbegovic really doesn't know what

25 was going on there, that they attacked Travnik, massacred the people, and

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1 that he says that was because of cooperation with the Serbs. That's just
2 idiocy. So that's his level of information. Now, what he knows, what he
3 doesn't know of the situation, I don't know, but it's all morbid, very
4 morbid.

5 And then he says that we didn't provide any food. Well, for
6 heaven's sake.

7 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

9 Q. General, you can put away that binder. Actually, you can put
10 away both of the binders that are in front of you, because we're going to
11 move to the next one.

12 MR. STRINGER: Perhaps the usher can help you and bring you the
13 next binder which I believe she has. This would be a binder that says
14 "List 5," binder 1 of 2. These were distributed to everyone yesterday.

15 Q. Okay. General, we're shifting gears. We're going to talk for a
16 while about the HVO military and how it was structured and how it
17 operated, and we're going to talk a bit about your position as commander
18 of the HVO.

19 And I want to start off with the testimony that you gave a few
20 years ago, when you were a defence witness in the Naletilic-Martinovic
21 case, Tuta Stela. This is from -- your testimony is Exhibit P10980, and
22 on page 9419 of that transcript, and I know you don't have it in the

23 Croatian language because we don't have that, so we're going to put it on
24 the screen and we can -- I can read you the parts, and you can take the
25 interpretation.

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1 You were asked -- actually, while we're there, General, why don't
2 you turn to the next document in your binder, which is the chart that you
3 were writing on when you testified in the Tuta Stela case. There you go,
4 you've got it. There's an organisation chart that should have your
5 handwriting on it, if you turn one more page. That's right.

6 Okay. And so for the record, the General's testimony from the
7 Tuta Stela trial is, for our case here, marked as P10980, and then the
8 organisational chart that the general worked with when he was testifying
9 as a witness in the Tuta Stela case, our exhibit number for that is
10 P09324, just so that we don't confuse those numbers with the exhibit
11 numbers from the Tuta Stela case.

12 So, General, let me ask you -- I'm going to read some of your
13 testimony to you, and we will refer also to the chart that you had in
14 front of you at the time you testified back in April of 2002, and this
15 was on your direct examination. And at that time, Mr. Krsnik, who was
16 the lawyer for Mladen Naletilic, was asking you some questions about the
17 HVO organisation, and he says - this is page 9419 of the Tuta Stela
18 transcript at line 7:

19 "And I will start now by asking you about the structure of the
20 HVO at the time when you arrived, as of the 28th of July -- 27th of July,

21 1993, onward."

22 And let me stop there, General. Now, these have indications that
23 you took command of the HVO on the 27th of July, 1993, but I believe
24 we've established, actually, that it was the 24th of July which is the
25 day you took command; is that correct?

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1 A. Correct.

2 Q. All right. And you were first asked about Mladen Naletilic, and
3 you were asked if you knew him personally, and you said, yes, you knew
4 him personally. You had known each other since childhood. And so as
5 you've already testified, you knew each other when you were school-aged
6 children, and then you met again many years later after he returned from
7 abroad; is that correct?

8 A. From your question, one could conclude that we attended school
9 together. We attended school in the same building, but he is younger
10 than I am. We were not in the same class. I think there were two years
11 of difference between the two of us. At that time, it was quite a
12 difference, because I always tried to hang out with those older than me.
13 In any case, I did know him. Everyone knew everyone else in that small
14 place.

15 Q. And then turning the page of the transcript, Mr. Krsnik is asking
16 you about this chart here which we're looking at, which in the Tuta Stela
17 trial was marked as Exhibit D1/82, and he says to you or he asks -- asks
18 you to look at the chart. And you say:

19 "This is more or less an accurate chart of the HVO structure in
20 1993."

21 And he asks you to be more specific, and then this is what you
22 say:

23 "First comes the supreme commander, then the Defence Department.
24 Then below it is the Main Staff. The military police units are attached
25 to the Defence Department. The Main Staff has command over four

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1 operative zones, Operative Zone Mostar, Tomislavgrad, Vitez, Orasje. And
2 directly tied to the Main Staff are units attached to the Main Staff, and
3 special purpose units and professional units are directly related to the
4 Main Staff through the Defence Department and then on, that is upward, to
5 the supreme commander."

6 And then you're asked about special-purpose units or the
7 so-called ATGs, which in English stands for "anti-terrorist group," and
8 you say:

9 "Yes, I'm familiar with the term 'ATG.' These are mostly units
10 that would go to the front-line at a particular point in time, perform a
11 task, and then go back home, in point of fact, because there were no
12 barracks. And in those instances when they stayed on the front-line,
13 then they would be subordinated to the commander of that particular
14 front-line."

15 Okay. General, just first question on what I read to you so far
16 is: What you said under oath in the Naletilic-Martinovic case back in

17 April of 2002, do you still consider that to be a correct general
18 description of the HVO structure for our purposes today? And we're going
19 to talk about this in more detail, obviously, and so I'm just trying to
20 get a general response from you as to this sort of overview that you've
21 provided to Mr. Krsnik.

22 A. Mr. Stringer, I said that it was more or less correct. It is
23 because on the 24th, I was appointed commander of the Main Staff, not of
24 the HVO, as you put it, and I was immediately in the midst of the war and
25 the effort to defend ourselves against the Army of Bosnia-Herzegovina. I

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1 was familiar with what was going on in the field. I didn't participate
2 in the making of -- drawing up of any structure or hierarchy of the HVO,
3 in military -- in the military sense. Therefore, I'm not the right
4 person to ask general questions of. I can tell you only whether at that
5 moment I could command a unit or not, and I can explain why.

6 Q. Well --

7 A. The entire structure was created earlier. I was put in the midst
8 of the war, and while I was there it was fierce. The only thing I asked
9 for was for the Main Staff, the four men -- well, allow me to tell you
10 the basic thing. Later on, you'll move on to areas to which I won't be
11 able to give you answers to and some things that I won't be able to
12 clarify.

13 Q. Let me try to break it down to come back to what you told the
14 Judges back in April of 2002 in the Tuta Stela case, and we can walk down

15 the chart.

16 First of all, do you remember that the writing here is writing
17 that you made, that you were asked to make on the chart when you were
18 testifying in that case?

19 A. I made the notes, according to my best knowledge and
20 recollection. But when I said "more or less accurate," that is
21 important. I'm not certain of any schematics. I simply didn't
22 participate in the drawing up of those.

23 Q. All right. So that from your Tuta Stela testimony, when you said
24 that this is more or less accurate, then you continue to hold that view
25 today?

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1 A. More or less accurate, yes. I don't know whether it's accurate,
2 though. I know some things for sure, such as operational zones,
3 et cetera, but as I've said several times about certain professional
4 units, well, I can answer to the best of my ability.

5 Q. We'll get to that. Well, then, just to break it down a little
6 bit, here at the top of the chart we have a box for the position of
7 supreme commander, and can we agree that actually at all times during
8 19 -- during 1993, that Mate Boban was the supreme commander of the HVO
9 military?

10 A. While I commanded the Main Staff, Mr. Boban was the commander of
11 the army.

12 Q. And then on the chart, moving down, then we have the Defence

13 Department, and here you indicated, back when you testified before, that
14 Bruno Stojic was the head of the Defence Department, and can we agree
15 that that was the case during the time that you were commander of the HVO
16 Main Staff?

17 A. While I commanded the Main Staff of the HVO, Mr. Bruno Stojic was
18 head of the Defence Department of the Croatian Community of Herceg-Bosna.

19 Q. All right. Now, just a couple of questions about the time prior
20 to when you took command of the Main Staff. You were present in Prozor
21 in October of 1992, shortly after the conflict took place there; correct?

22 A. Correct.

23 Q. We know that you spent a lot of time in that Prozor-Tomislavgrad
24 region throughout the earlier part of 1993, before you took command of
25 the Main Staff; isn't that also true?

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1 A. We can't agree about this being a lot of time. I was specific as
2 to when, where, with what purpose, and what I said. You are referring to
3 Tomislavgrad, but I didn't go there often. There is precise information
4 about when, where, in what time, and with what purpose.

5 Q. You were in Mostar, I believe, on the 11th or the 10th of May,
6 correct, 1993?

7 A. On the 11th of May, 1993.

8 Q. You were involved in combat activities in the Boksavica area in
9 June and early July of 1993; correct?

10 A. Correct.

11 Q. You were in the Gornji Vakuf area in mid-January of 1993;

12 correct?

13 A. Between the 15th of January and the 23rd of January, in the
14 morning, in Rama, and only a bit in Uskoplje to see what the situation
15 was and to share with the commanders there what my view of the situation
16 was, as well as to carry out the task, or, rather, I consented to going
17 there with a certain purpose in mind.

18 Q. We know, from the document we looked at earlier today, that you
19 were present in Central Bosnia in the early part of April of 1993, when
20 you were participating in the meeting with Colonel Blaskic, Dario Kordic,
21 and the others. So we agree you were in Central Bosnia in -- on the 2nd
22 of April, 1993?

23 A. Yes, we can.

24 Q. So all of this is to simply suggest to you that even before you
25 took command of the HVO Main Staff on the 24th of July, you had a great

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1 deal of contact and involvement in the HVO so that you are able to tell
2 us that, in fact, Bruno Stojic was the head of the Defence Department
3 during this entire period of time that we've been talking about,
4 beginning from October of 1992 onward, correct, until --

5 A. I can't tell you that. Contacts and actual knowledge are two
6 different things. I was in contact with Mr. Stojic, but as to what he
7 became at what time and when he was appointed to what position, I don't
8 know. You have documents based on which you can conclude that. I don't

9 want to speculate.

10 Q. And then on this chart, underneath the Defence Department we've
11 got the Main Staff, the "Glavni Stozer" which you took command of in --
12 on the 24th of July, 1993. Now, can we agree, General, that the
13 Main Staff within the structure was a part of the Defence Department? I
14 don't want to talk about who had authority to order or the differing
15 responsibilities and roles that were played, but in terms of the
16 organisational structure, can't we agree that the Main Staff fell within
17 the Defence Department?

18 A. We can, and yet we cannot. That is not completely true. The
19 command structure of the Main Staff started with Mate Boban and with me,
20 but parts of that structure also rely on the Defence Department, which
21 entails a number of functions in relation to the army. This was widely
22 discussed. This is linked to Mate Boban and Main Staff and the Defence
23 Department and then, in turn, to the government. One cannot simplify
24 matters and twist them so that they become untrue. We can only discuss
25 them to the point at which the true nature of mutual relations are --

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1 become distorted. Once we're there, that is no longer true and it is no
2 longer a simplification but cheating.

3 Q. The Defence Department's responsibilities in respect of the
4 Main Staff included such things as logistics and mobilisation; is that
5 correct?

6 A. That is correct, but not only that.

7 Q. And then when we talk about the Defence Department --

8 A. Just a moment. Mobilisation? I don't know exactly who was in
9 charge of that. I don't want to tell you anything I'm not sure of. I
10 cannot answer precisely who was in charge of mobilisation, its
11 implementation, et cetera. I'm not sure. Therefore, the Main Staff was
12 not in charge of mobilisation. That is what I can tell you for certain.
13 As to who was in charge, I don't know that.

14 Q. Well, let me ask it this way, then, since you were in charge of
15 the Main Staff from the 24th of July: Did the Main Staff look to the
16 Defence Department to -- as the responsible organ for logistics?

17 A. That is correct. We received that from the Defence Department.

18 Q. And --

19 A. Well, actually, we turned to the Logistics Department. When
20 units required supplies, they always asked that from the Main Supplies
21 Base, and I guess the base, in turn, received its supplies within --
22 Mr. Stringer, I can precisely answer your technical questions, but in
23 terms of organisations of this type, I'm not the best interlocutor for
24 that, believe me.

25 Q. Are you telling us, General, that at the time you were commander

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1 of the HVO Main Staff, you don't actually know what entity was
2 responsible for logistics for your army?

3 A. That is not true. The Main Logistics Base of the HVO was the
4 organ in charge. The various units turned to it when they needed

5 supplies. The operational zones asked for supplies, in terms of staffing
6 and weapons, et cetera.

7 Q. All right, General.

8 A. That is what I know.

9 Q. Is it the Defence Department that ran the Logistics Base, that
10 was responsible for ensuring that the required logistics were taking
11 place?

12 A. The correct answer would be that the Logistics Base was not run
13 by the Main Staff. It is highly likely, according to the information I
14 have, that it was run by the Defence Department. It is correct that it
15 was not run by the Main Staff, and most likely it fell within the Defence
16 Department.

17 Q. Well, there's no other place for it to fall, isn't there? If
18 it's not the Defence Department, then it's -- there's no other body
19 that's going to be responsible for that. General, I'm going to suggest
20 to you that you're not being candid with me on basic issues such as this.
21 Don't we both know that logistics and Logistics Centre fell within the
22 jurisdiction of the HVO Defence Department and Bruno Stojic, at least
23 from the 24th of July, 1993, to the 9th of November, 1993?

24 A. Mr. Stringer, I'm being completely candid. I simply want to be
25 mathematically precise. The man in charge was for sure not appointed by

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1 the Main Staff. I say that it is highly likely -- well, if you tell me
2 to put my life on that, that it was the Defence Department, well, I'd

3 rather not. I didn't have time to study this in detail, and you better
4 ask someone else to get a precise answer. I know, with mathematical --
5 if I knew with mathematical certainty, I wouldn't try avoiding any
6 question.

7 Q. Can we agree that as we move down the chart, that the four
8 operative zones that you testified about, that you identified in the
9 Naletilic-Martinovic trial, that the operative zones, and the brigades,
10 and the units falling under those operative zones, were directly
11 subordinated to the Main Staff?

12 A. Correct.

13 Q. Now, let's move off to the side, then, and talk about a more
14 complicated issue which relates to the professional units -- special
15 units, professional units, and perhaps these anti-terrorist groups.

16 Now, as I understand from your testimony in the
17 Naletilic-Martinovic case, and this is at page 9576 of that transcript,
18 you've said, and I'm looking at line 12 -- you're being asked about these
19 ATGs or professional units, and you've said that you had two such units,
20 that was the Bruno Busic and the Ludvig Pavlovic Brigade, as being two
21 professional units that were directly subordinated to the Main Staff. Is
22 that a correct statement?

23 A. Not brigades, but regiments. Therefore, that were less men.
24 That is correct. With Bruno Busic and Ludvig Pavlovic, those were the
25 two units that I could command.

1 Q. And as I understand from your earlier testimony, these two units
2 were professional, in that the members of these two units stayed attached
3 to the unit all the time, they didn't go home, for example, and over time
4 they were staying -- or that they stayed in barracks together, as opposed
5 to going home. Is that something that distinguished them from other
6 units of the HVO that were not professional units?

7 A. Yes, correct. One of the things that distinguished them was that
8 when they weren't up in at their positions in an action of some kind,
9 they were -- well, the Ludvig Pavlovic Battalion in Capljina,
10 Mr. Stringer, they were dispersed. They weren't in one part. They had
11 their parts in Central Bosnia and so on. So when I say this, it turns
12 out that the entire regiment, as many as they were, that they were all in
13 one place, which is not true. They weren't, while I was down there, of
14 course, as opposed to the others who, when they did their seven-day
15 shifts or twelve-day shifts, would go home and become civilians. The
16 members of these two units, on the other hand, were always at the
17 disposal of who needed them. You didn't have to mobilise them all over
18 again.

19 Q. And if you needed them and if you needed to deploy members of
20 these two units into combat operations, you had the authority to do so
21 directly? You didn't have to consult, for example, with another body,
22 such as the Defence Department, in order to coordinate such a deployment;
23 is that correct?

24 A. Correct, I did that myself.

25 Q. And that is different from other units that did require some

1 coordination or approval from the Defence Department before they could be
2 deployed; is that true? For example, a military police unit?

3 A. When I arrived, I received approval, at my request, so that the
4 military police units, because of the situation, in the military sense
5 could be subordinated, and those units of the military police which
6 were -- well, the battalions, military police battalions, the
7 professional ones, I could send them out into an action without having to
8 consult anybody further because I was given a general approval, an
9 overall approval, from Mate Boban through Bruno Stojic, or the two of
10 them together, whatever. And once I received this overall approval, the
11 military police battalions, made up of professionals, well, I could
12 deploy them, I could send them to the battle-front, without having to
13 seek additional authority from anyone.

14 Q. Is that the situation that was in existence throughout the entire
15 time that you were commander of the HVO Main Staff, that you or the
16 Main Staff could deploy military police battalions as though they were
17 one of the other units that was directly subordinated to the Main Staff?

18 A. Mr. Stringer, I can't really answer your question because it's
19 been a long time since then. Perhaps it's true that sometime in October
20 1993, perhaps, that decision was declared null and void, and when the
21 1993 Muslim offensive was completely routed and when there was not only a
22 cessation of hostility but when the situation became calmer, I can't
23 actually remember whether at that particular point in time that right was

24 rescinded, the right to deploy the military police.

25 Q. Maybe it's more accurate to say that this special arrangement,

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1 where the Main Staff could directly deploy military police units, is
2 linked to the situation with the Operation Neretva and the needs that
3 arose in connection with that ABiH operation, so that as the needs
4 diminished over time, then it may be that this special arrangement was no
5 longer needed and, therefore, no longer in force?

6 A. That is highly possible. I am not sure of that. But let's not
7 refer to it as a special arrangement. It was a logical military
8 development. Once you have defence as the basis of every such system and
9 when there was the danger that we, from Central Bosnia to the south of
10 Mostar, could be routed, and that the BH Army, which wished to emerge
11 along the western borders of Bosnia-Herzegovina, was afoot, then it is
12 logical to use all your elements of defence, including the military
13 police, in your defence against the attacker.

14 MR. KHAN: Your Honours, I'm sorry to intervene.

15 I wonder if I could ask the Registrar's assistance in getting
16 somebody from the computer help desk. My LiveNote has frozen, and I've
17 tried restarting it. So if we could get some assistance, I would be most
18 grateful.

19 MR. STRINGER:

20 Q. General, to your understanding, then, this -- the arrangement --
21 the approval, I should say, the approval that you obtained from

22 Mate Boban to directly deploy military police units was not an
23 arrangement that was in effect prior to the time you became commander of
24 the Main Staff; is that correct?

25 A. Most probably that is correct, but I don't know whether it is

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1 wholly correct. I know what I told you, that that is what I requested
2 and that is what I was given. What happened before was probably
3 different.

4 Q. The -- in all likelihood, the arrangement or the system in place
5 prior to Operation Neretva was one whereby if the Main Staff wanted to
6 deploy or to have military police units at its disposal, it would seek
7 the approval of the head of the Defence Department in order to deploy
8 military police; isn't that true?

9 MR. KHAN: Well, Your Honour, I do object. In my respectful
10 submission, this has been asked and answered. General Praljak said at --
11 in the last question, his answer is the answer he's already given, and
12 he's not sure about what happened previously. Your Honour, it seems to
13 be that my learned friend is seeking the witness to speculate beyond the
14 area that he is willing or able to speak about, so I don't know if this
15 is of assistance to the Court and to Your Honours in going further on an
16 area where the witness has already spoken at least twice about the scope
17 of his knowledge.

18 MR. STRINGER: I can rephrase.

19 Q. General, prior to 24 July 1993, were you aware of any similar

20 authorisation by made Boban or anyone else that permitted the Main Staff
21 to directly deploy military police units without at least coordinating it
22 with the Defence Department?

23 A. As far as I know, that authorisation was given to
24 Tihomir Blaskic, not the Main Staff but the head of the Central Bosnia
25 Operative Zone, because he was in that kind of military situation whereby

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1 most probably seeking authorisation all the time wouldn't have been
2 actually viable. But as I say, I requested authorisation and was given
3 authorisation to -- for military deployment, that is to say, up at the
4 lines for certain military police battalions.

5 Q. And since we're talking -- excuse me. Since we're talking about
6 Operation Neretva, then, we're talking about deploying military police
7 units into the South-East Herzegovina Operative Zone?

8 A. That is correct, yes, they were deployed. Not all of them, and
9 not all at the same time, of course, because they had to have shifts and
10 so on, but a part of the military police was attached to the operative
11 zone which was commanded by Miljenko Lasic.

12 Q. And since you sought the authorisation of Mate Boban in order to
13 do that, can we then agree that this was -- this was a change, this was
14 something that required a special arrangement or an authorisation for
15 Boban, because under normal circumstances the Main Staff could not deploy
16 military police into that operative zone without the approval of the
17 Defence Department?

18 A. Yes, I could agree with that as being a logical conclusion.

19 Q. And would you agree with the same premise if it was applied to
20 the North-West Herzegovina Operative Zone commanded by Mr. Siljeg?

21 A. The same rule would apply.

22 Q. Excuse me again. And as you've said, because of the different
23 circumstances in Central Bosnia, a different authorisation had been given
24 to Tihomir Blaskic whereby he could directly use military police units in
25 that Central Bosnia Operative Zone?

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1 A. As far as I remember, so to the best of my recollections, I think
2 that he had such authorisation, in view of the fact that, in
3 communication terms, he was in a very difficult position, so he wasn't
4 able to -- well, the military situation would sometimes dictate that a
5 certain number of military policemen should, of course, take part in the
6 defence of the area and territory.

7 Q. We're going to talk about the military police more at a later
8 time, but one final question on this -- on this topic, because on the
9 chart we can see -- we've been talking about this box off to the right
10 which relates to the professional units or the ATGs. Off to the left, we
11 have the military police units. And at any time, can we agree, General,
12 that whenever a unit was deployed into an operative zone, whether it was
13 a military police unit or whether it was a professional unit or an ATG,
14 that no matter where they came from, they were going to be directly
15 subordinated to the command of the operative zone? Isn't that true?

16 A. There were several ATG groups, and I didn't command them.
17 However, when they were in the operative zone and when they were given
18 their assignment, in the operations sense, they were subordinated to the
19 operative zone commander, or sector, or whatever, whatever geographic
20 division according to the military situation in place.

21 Q. And the same holds true for a military police unit that is
22 deployed into an operative zone; isn't that also true?

23 A. Yes, that's correct. If the military police were deployed, then
24 they would come under, in the operational sense - let me repeat that, in
25 the operational sense - under the command of the commander of that

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1 particular operative zone.

2 Q. And again we'll talk about this in greater detail later, but when
3 you're -- you're emphasizing the operational sense, and what that means
4 is that these units remain linked to or they remain within the structure
5 of the organisation that they came from? For example, a military police
6 battalion remains within the military police structure even if it's been
7 deployed to a position in an operative zone; correct?

8 A. Correct.

9 Q. General, the next document in your binder is another one of these
10 charts, and this is one of the ones that was shown to you during an
11 earlier part of your testimony. I think it was during
12 cross-examination --

13 JUDGE ANTONETTI: [Interpretation] I have a follow-up question

14 before we move on to the next document. I'm still on the document which
15 you authenticated when you signed it and testified in the Naletilic case.
16 This is Exhibit P904 in the Naletilic case.

17 As I understand the organisational chart, the professional units
18 are attached to the Defence Department, because there's a line there.
19 You say, when you answered Mr. Stringer's question, that when these units
20 are on the ground, they report to the operational zone. So I heard what
21 you said, and I compare this with the situation in Mostar in the month of
22 May. When Mr. Naletilic's units, perhaps military policemen even, arrest
23 Muslim people, are they then placed under the operational control of the
24 person commanding the operational zone in Mostar?

25 THE WITNESS: [Interpretation] No, they weren't.

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1 JUDGE ANTONETTI: [Interpretation] Why not?

2 THE WITNESS: [Interpretation] Because they wouldn't be placed
3 under anybody's control. What I'm saying holds true under the assumption
4 that they agreed to be under somebody's control, like the Ludvig Pavlovic
5 professional unit and the other one. What, what do you say?
6 Baja Kraljevic, yes, and Bruno Busic and so on, those.

7 As far as I know, and I do know, Mr. Naletilic, while I was in
8 command, was not under my command, so he wasn't under anybody's control,
9 the control of any commander who was under my control.

10 JUDGE ANTONETTI: [Interpretation] Now, to be crystal clear,
11 because this is an essential issue - I'm sure you've understood this - in

12 the organisation chart we have before us, according to you there is a
13 difference to be established between the professional units, i.e., those
14 under the control, and you quote Pavlovic, for instance, from those that
15 are not placed under any control, that of Naletilic, for instance, i.e.,
16 the Convicts Battalion. That's right, isn't it?

17 THE WITNESS: [Interpretation] Correct.

18 JUDGE ANTONETTI: [Interpretation] Very well.

19 MS. TOMASEGOVIC TOMIC: [Interpretation] I apologise,
20 Your Honour, but I'm afraid that there might be some misunderstanding.
21 Perhaps it's due to the English interpretation, but on page 68, line 9,
22 it says that your question was "when the units of Mladen Naletilic,
23 perhaps even the military policemen," and as it was recorded in the
24 transcript, it appears that you placed the military police into
25 Mladen Naletilic's units. So when Mr. Praljak answered the question, it

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1 was no longer clear whether he said that in Mostar you could not command
2 the units of Mladen Naletilic or you could not command the military
3 police units, so I think there was a whole confusion there probably due
4 to the English interpretation.

5 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we need to clarify
6 this.

7 In the Mostar operation, during which people are arrested, we
8 have evidence that establish that some military policemen played a part
9 in this sometimes. You told us that you weren't there, so you can't have

10 been aware of what may have happened. But as far as you know, if
11 military policemen arrested people, could they be placed under the
12 operational control of the operational zone in Mostar?

13 THE WITNESS: [Interpretation] To the best of my knowledge at that
14 time, no, and I'm saying from the time that I arrived the military police
15 units, the battalions, were placed -- well, the possibility was there for
16 them to be deployed, and they were deployed, and they were under the
17 commands of the operative zone on the territory they were on.

18 Now, while I was down there, I was not able to command, nor did I
19 command, Mr. Mladen Naletilic, Tuta, and everything that he considered to
20 be his unit, although this is a very dubious concept, what his unit was,
21 and I don't know who could command him. I did not, and I don't know who
22 did or who could have.

23 JUDGE ANTONETTI: [Interpretation] Very well.

24 Mr. Stringer.

25 MR. STRINGER:

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1 Q. General, the next exhibit --

2 THE INTERPRETER: Microphone, Mr. Stringer, please.

3 MR. STRINGER:

4 Q. The next Exhibit is 4D01280, and, General, you can -- should be
5 able to find it in your binder there. It's a chart from the Petkovic
6 Defence that I believe was shown to you during their cross-examination of
7 you, and -- well, let me just read you your testimony about this. I've

8 just got a limited number of questions. And I'm looking at page 42417 of
9 the transcript, General, your testimony on the 2nd of July of 2009, and
10 Ms. Alaburic is asking you about this document. And she says:

11 "So look at this diagram. It was made strictly in keeping with
12 the Decree on the Armed Forces. Take a look at the structure of the
13 Defence Department. Does this structure correspond to what your
14 knowledge is of the organisational structure of the Defence Department?"

15 And you say:

16 "Yes, I'm familiar with this document. This is the composition
17 of it, this is that diagram."

18 I just wanted to clarify that, General, your testimony on that is
19 that this is an accurate depiction of the structure of the HVO, or this
20 part -- these parts of the HVO, I should say?

21 A. It's like this: I have no reason, sir, to doubt Ms. Alaburic,
22 especially not General Petkovic, because he is far better acquainted with
23 all of these things than I am. So it is -- what I know is quite certain,
24 that there was an assistant or that there should have been an assistant
25 for security, and then under him the SIS administration and the Military

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1 Police Administration below that. And I certainly know that there was a
2 Sector for Morale Guidance and that there was a Health Sector, too.

3 Now, of course, this Administration for Procurement, Technical,
4 whatever, I've heard of all of this, but with a great deal of certainty,
5 although not absolute certainty, I know about -- these three main sectors

6 did exist within the Defence Department. Now, for every one of these
7 ones, I don't know. As to the -- I know that repairs had to be made.
8 Somebody had to find the money to do that, that there was a general
9 public competition for the construction work that needed to be done, so
10 these construction sectors, yes, probably they existed.

11 Q. And, actually, in your testimony you used the word -- actually,
12 it was put to you by Ms. Alaburic. She used the word "parallel"
13 services, that within the Defence Department these were all parallel
14 services within the Defence Department, which included the Main Staff,
15 the Security Sector and these others. Would you agree that that's an
16 accurate way to characterise this chart, all of these as parallel
17 components within the Defence Department?

18 A. I don't understand. Which parallel structures are you referring
19 to? What does "parallel" mean? I didn't understand what "parallel
20 structures" actually means. There were structures. I don't know what
21 parallel structures there were.

22 Q. Well, that within the Defence Department, there are different
23 components, and we see all these components, and each component has its
24 own role and responsibilities, and that they're operating under the
25 umbrella of the Defence Department in a parallel way, that is, each

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1 taking care of its own job. Can we agree on that?

2 A. Yes.

3 Q. You, in the Main Staff, you had your job. The people over in the

4 Security Sector, they had their job. Correct?

5 A. Well, it's not actually correct. It's like this: The
6 Main Staff, of course, has quite a lot of links to the Defence
7 Department, but it's not on a par with the Sector for Moral Guidance, for
8 example, or Morale. According to the line of command, I'm responsible to
9 Mate Boban, so it's a little more complex as far as the Main Staff is
10 concerned. Bruno Stojic cannot appoint me or replace me, for instance.

11 JUDGE ANTONETTI: [Interpretation] One moment. I have a question
12 to put to Mr. Stringer.

13 The organisational chart we have before us is an organisational
14 chart which the OTP has prepared, isn't it?

15 MR. STRINGER: Mr. President, this chart is not prepared by the
16 Office of the Prosecutor. It's prepared, I believe, by the Petkovic
17 Defence. It's Exhibit 4D01280, and it was used by Ms. Alaburic in her
18 cross-examination of the general.

19 JUDGE ANTONETTI: [Interpretation] Very well. Thank you for
20 providing us with this precious piece of information.

21 If I compare this organisation chart with the one we have seen
22 earlier, which you authenticated in the Naletilic case, the position of
23 the Main Staff is very different. The Main Staff, according to the first
24 organisation chart, is placed under the Ministry of Defence, whereas in
25 the second organisation chart it's on the same level as Civilian

1 Protection, Logistics, Healthcare. Do you agree with the organisation

2 chart of the Petkovic Defence or don't you agree with it?

3 MS. ALABURIC: [Interpretation] Your Honour, if I may, before
4 General Praljak answers this question. I wanted to say that these two
5 organograms are incomparable. They show completely different things.
6 The organogram that was drafted in the Naletilic case in a way speaks of
7 the chain of command. If you look at the organogram drafted by
8 General Petkovic's Defence, then you see that it shows the various organs
9 or, rather, bodies of Herceg-Bosna which were tasked in certain aspects
10 with the issues of defence. It is drafted based on the Decree on the
11 Armed Forces. This was prescribed by regulation in Herceg-Bosna. I
12 don't think these two organograms can be compared at all or that one can
13 be rejected in favour of another. They simply serve a different function.

14 JUDGE ANTONETTI: [Interpretation] Very well. What matters is
15 what General Praljak thinks of the organisation charts. And the second
16 one, do you agree with the second organisation chart, or do you have any
17 comments to make?

18 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, it is
19 precisely what was said. When we need a car or equipment or something,
20 then I or my assistant turned to Bruno Stojic. But when I was supposed
21 to deal with the chain of command, I didn't deal with Mr. Stojic, but
22 with Mr. Boban. The Main Staff was within the Defence Department, of
23 course, and it relied on it in various matters such as healthcare, but in
24 terms of functionality, Bruno Stojic was not my superior, he did not
25 command me. One cannot simplify it then to say one thing or the other.

1 For each thing, we need to ascertain who was competent for what. For
2 example, if one needed a pair of shoes, then it's Bruno Stojic. When I
3 needed to check whether an order is fine, then I had to go to Mate Boban.
4 So it's both, but one thing is in terms of function and operational use,
5 such as with the military police; for example, who was in charge of
6 personnel, who was in charge of promotion, commendations, et cetera.
7 It's all separate.

8 JUDGE ANTONETTI: [Interpretation] Very well.

9 We need to have a break now - we are running a few minutes late -
10 and we shall resume afterwards. We shall have a 20-minute break.

11 --- Recess taken at 12.28 p.m.

12 --- On resuming at 12.52 p.m.

13 JUDGE ANTONETTI: [Interpretation] The court is back in session,
14 and, Mr. Stringer, you have the floor.

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

16 Q. General, staying with this Exhibit 4D01280, 1280, one last
17 question or so about it. If we look at this in the colour version, the
18 middle section, which is the Defence Department, which is itself a part
19 of the Government of the HZ-HB, and then moving down, actually, to the
20 bottom, where we have the Armed Forces of the HZ-HB, would you agree with
21 me that this is an accurate -- this chart is accurate, in that it
22 indicates or suggests that all of these various departments or, I should
23 say, sectors, as well as the Main Staff, all of these branches of the
24 Defence Department basically exist in order to administer or to regulate

25 or to ensure the effective operations of the armed forces, they all have

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1 that function which in some way relates to running or supporting the
2 Armed Forces of the Croatian Community of Herceg-Bosna?

3 A. The Department of Defence was there precisely for defence, but
4 "defence" is a much broader term than the armed forces themselves.

5 Q. All right.

6 A. I think an over-simplification does not amount to anything good.
7 I really don't know how to answer this, to be honest.

8 Q. Well, I'll put it to you this way: that each of these branches of
9 the Defence Department had a role to play in the operation of the armed
10 forces.

11 A. That was their function, to assist the armed forces, that is
12 correct. However, the armed forces is not only the army. The armed
13 forces are a broader term than the HVO itself.

14 Q. Well, on that, I mean, when we talk about the armed forces,
15 what's indicated here are commands, operative zone -- well, strike that.
16 Actually, we'll probably talk about that more when we look at the Decree
17 on the Armed Forces, so I think we can just leave it at that.

18 JUDGE TRECHSEL: Excuse me.

19 Mr. Praljak, on this same chart we find, in the yellow sector,
20 with the government and the ministry, in the Security Sector, reference
21 to Military Police Administration and head of Military Police, whereas
22 the Military Police itself we find in the blue sector that is the

23 Armed Forces sector. Could you explain how come that the Command and
24 Administration of the Military Police are, according to this diagram,
25 always placed within the Department of Defence, which basically is a

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1 civilian organisation, whereas the Military Police itself is separated
2 and figures with the Armed Forces?

3 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, I don't
4 see that. Where do you find that?

5 JUDGE TRECHSEL: If you take the yellow sector, you have first
6 the Department of Defence. Then you have two lines, the first giving the
7 title of the separate sectors. Then in the next line there's just the
8 word "assistants" four times. It doesn't figure in the first chapter.
9 And then in the Security Sector, which is the second column from the
10 left, you have a separation in two columns. One is the SIS, and the
11 other says "MP Military Police Admin," administration, and "head of
12 Military Police." But then if you go to the blue sector, the second line
13 here, the second department -- there we find "Military Police." In other
14 words, we have the Administration and the head of the Military Police in
15 this civil body, but the Military Police itself in the military, and I
16 find it a bit puzzling. And if you can, I would be grateful for an
17 explanation. If you cannot, that's it.

18 THE WITNESS: [Interpretation] In the Croatian Army, and this
19 should have been the same, there should have been an assistant for
20 security. Then that assistant administered both the SIS and the Military

21 Police, because one body is in charge of detecting crime and the other
22 one of submitting criminal reports, investigating. They share the same
23 technical base for research and investigation in order to gather
24 evidence. However, all those within the structure, including the
25 Civilian Protection and so on, can at a certain moment represent

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1 something that is generally known as the armed forces. It is the HVO and
2 all those bearing arms. If there is such a situation which general
3 defence is required, then, for example, in my case I was allowed to use
4 the military police for operational purposes as well. That doesn't mean
5 that it came outside its structure in terms of supplies, personnel
6 policy, disciplining, et cetera. I believe this is the same in other
7 armed forces of the world and in other civil states. One body provides
8 for the budget and administrates, and the other body dictates the use of
9 such units prescribed under the law. I don't see, Your Honour, anything
10 wrong there. The military police is, with the armed forces, taking care
11 of security, traffic safety, and everything they had to do, but once
12 there was an all-out attack, then the military police could be used, by
13 virtue of a decision, could be attached.

14 JUDGE TRECHSEL: This is repetitious. I simply find it a bit
15 strange that the head of the Military Police is in one corner and the
16 Military Police, itself, is in the other one. But you have commented on
17 this, the administration, and that I have no problems with at all, but
18 I think I leave it at that.

19 Mr. Stringer.

20 MR. STRINGER:

21 Q. General, the next exhibit that I'd like to take us to is P00965.

22 This document is from the 31st of December, 1992, so it's before the time

23 that you became commander of the Main Staff, but it's during the period

24 of time that you were involved with certain HVO commands and activities.

25 It is a report from Mr. Primorac, Ivica Primorac, on the situation in the

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1 professional structure of the HVO. It's directed to the head of the

2 Defence Department, Bruno Stojic, and also to Brigadier Milivoj Petkovic,

3 who was the commander of the HVO at that time. And it states that the

4 following form a part of units in the professional structure of the HVO.

5 And then right off the bat it starts with the professional units we've

6 talked about already, which is the Bruno Basic unit and the Ludvig

7 Pavlovic special-purpose unit. And my question is, General: You've

8 indicated that at least from the 24 July, 1993, these two units were

9 directly subordinated to or within the structure of the Main Staff. Do

10 you know whether these units were in the Main Staff structure during this

11 period of time, December 1992? Were they a part of the Main Staff or did

12 they fall somewhere else?

13 A. You said something to the extent that I was busy with some of

14 these things, whereas I wasn't. I can't answer this question of yours.

15 I don't know. This document is something I see for the first time, and I

16 can't say anything about it. I'm not familiar with it.

17 Q. Well, in October of 1992, when the events occurred in Prozor,
18 where you were present and were commanding, in a de facto capacity, HVO
19 personnel and units, do you know whether in October of 1992 the Bruno
20 Basic Regiment or the Ludvig Pavlovic Special Unit were -- formed part of
21 the structure of the Main Staff, or were they more linked closely -- more
22 closely linked to the Defence Department, or do you not know?

23 A. Sir, first you state something like "when you were in Prozor,
24 commanding," so you're not asking me but stating something, and then you
25 move on and put the question at the end. And when I say "yes" or "no," I

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1 am supposed to include all of your question/statement in my answer.

2 Please state a question and leave the comments for some other time. If
3 you're asking me whether I commanded and then everything that followed,
4 then I'll simply ask you to break down these lengthy explications that
5 you are seeking answers to.

6 Q. In October of 1992, at the time of the events in Prozor, do you
7 know whether the Bruno Basic and Ludvig Pavlovic units were attached to
8 the Main Staff?

9 A. I don't know.

10 Q. Do you know whether they were attached to the Main Staff in
11 December of 1992, 31 December, the date of this document?

12 A. I don't know.

13 Q. Would it be correct to say, General, that you only know that from
14 24 July 1993, these two units were attached to the Main Staff, as you've

15 already testified?

16 A. I can state that with certainty. The rest would be speculation
17 which may or may not be true.

18 Q. Now, if you'll turn the page, actually, turning the page in the
19 English version, there are four more units that are referred to here:
20 The Vitezovi, the Baja Kraljevic ATG, Convicts Battalion, commanded by
21 Mario Hrkac, and the Tvrtko II. Now, let's talk about the period of time
22 after the 24th of July, 1993. General, do you know whether these units
23 were attached to -- directly subordinated to the Main Staff, of which you
24 were the commander?

25 A. At that time, I commanded the Ludvig Pavlovic and Bruno Busic

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1 units. As for Vitezovi, I don't know what was going on up there.
2 Blaskic asked for assistance concerning this Darko [as interpreted]
3 Kraljevic. As for this Tvrtko unit, this is the first time I hear about
4 it. I did not command the Convicts Battalion, but I did command the unit
5 called Baja Kraljevic which was in charge of --

6 THE INTERPRETER: The interpreter did not catch the name of the
7 commander of that unit. Could the witness please repeat the end of the
8 answer?

9 MR. STRINGER:

10 Q. You were just talking about the Baja Kraljevic ATG unit, General.
11 Is that the unit that was commanded by Predrag Mandic?

12 A. I probably know that Predrag Mandic commanded a unit, and I do

13 know that, as far as I know, that he was a good soldier and he carried
14 out orders. Probably the unit was called Baja Kraljevic.

15 Q. The Baja Kraljevic ATG, then, during the period after you became
16 the commander of the HVO, are you saying that that is a unit that is like
17 Bruno Busic, that was always directly a part of the Main Staff?

18 A. I cannot answer that question completely, to tell you the truth.
19 There was such a unit, the commander of which was Predrag Mandic. As for
20 the structure and whether it shared the status of the Bruno Busic or the
21 other unit, I don't know. It was a smaller unit with -- whose structure
22 I'm not familiar with.

23 Q. Well, General, you just told us that you did command the Baja
24 Kraljevic unit, so are you telling us that that's because it was directly
25 subordinated to the Main Staff?

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1 A. It is true that I could command the unit that Predrag Mandic was
2 in charge of. They did obey, that is correct. But I had no time, save
3 for the two units, I had no time to ascertain who was subordinated to the
4 Main Staff and who was not. It was such a war in which I had no time for
5 that. I can only tell you that Predrag Mandic carried out orders. As
6 for the exact name of that unit, I don't know. Well, I guess it was the
7 Baja Kraljevic unit.

8 Q. Well, General, what I'm getting at is this: If we go back to the
9 chart from your testimony in the Tuta Stela case, which is our
10 Exhibit P09324, this one [indicates], in your handwriting you put this

11 "ATG" letters and you, with the arrow, are putting the "ATG" into the box
12 for these professional units and units for special assignments, and
13 you're doing that on this chart that you've approved or that you've
14 written on, which directly links those particular units to the Defence
15 Department. So I'm asking whether, in fact, the Baja Kraljevic was --
16 because it was an ATG, was a part of the or linked directly to the
17 Defence Department, but that it could be deployed by the Main Staff if
18 the necessary arrangements and coordination took place with the Defence
19 Department.

20 A. Sir, I told you precisely. The unit commanded by Predrag Mandic
21 was a unit that I could issue orders to. I can't tell you anything more,
22 for the simple reason that I was not familiar with the things as they
23 were on paper. The war had begun. We had a large offensive of the
24 Muslim forces along a 200-kilometre line, and I had to come up with
25 people who would carry out my orders without fleeing. That's it, to put

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1 things short.

2 Q. General, then, if I understand correctly what you're saying, the
3 Baja Kraljevic unit, which you commanded at the time you were commander
4 of the HVO Main Staff, is a unit which you don't know where it would fit
5 within this diagram; is that how it goes? You don't know whether it goes
6 down here under the Main Staff or you don't know whether it fits out here
7 with the special units; all you know is that you commanded them?

8 A. Correct. It carried out orders. If one sent an order, the

9 commander would implement it.

10 Q. All right. Well, let's go a bit farther into this document. But
11 continuing on, this indicates that at the time this document was written,
12 the Bruno Busic Regiment was in the process of relocating to the
13 Heliodrom. I'm going to skip over a couple of these other units that we
14 haven't talked about, but others are being relocated to the Heliodrom as
15 well.

16 And then turning the page in the English, I want to go to the
17 Ludvig Pavlovic Special Purpose Unit. It says:

18 "Ludvig Pavlovic Special Purpose Unit, Capljina, has a completely
19 professional attitude toward all assigned tasks. It is well equipped
20 materially and well trained. Its relocation from the Gabela Barracks to
21 the Bozan Simovic Barracks of Grabovina has ensured the conditions for
22 this unit which is organised militarily in excellent fashion to be
23 reinforced and to become a formation of battalion strength."

24 So is that an accurate statement, based on what you -- let me put
25 it this way: Did you know anything about the Ludvig Pavlovic unit before

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1 you took command of the HVO Main Staff in July of 1993?

2 A. Yes, I did.

3 Q. Well, tell us, what did you know about them?

4 A. For the first time I encountered the Ludvig Pavlovic unit while
5 Bozan Simovic was its commander. He was killed in 1992, during an
6 operation in which the HVO was pushing the Serbs back in October 1992.

7 I think it was called Operation Bura. I was very familiar with their
8 commander, who is today a general, Dragan Curcic. I fought alongside
9 them in Capljina against Republika Srpska. It has always been an
10 excellent unit, well organised, well behaved, and they acted
11 professionally. At this point in time, they comprised several hundred
12 men. They were at the level of battalion. As for their commanders,
13 military discipline, executing orders, and courage, as well as the number
14 of losses they sustained, based on all that, one can say all the best
15 about that unit. I also fought alongside them at Boksavica and later --

16 Q. All right. When you were fighting along them in Boksavica, now,
17 are you talking about the period of June and early July 1993?

18 A. End June, early July, yes, and in some other places.

19 Q. This is shortly before you took command of the HVO Main Staff.
20 Do you know whether, at Boksavica, this unit was attached directly to the
21 Main Staff or whether, as a professional unit, it was more directly
22 linked to the Defence Department?

23 A. I don't know. We were together up there. As for the basis for
24 of their presence there, I don't know. A smaller part of that unit was
25 there, including Mr. Curcic. They sustained losses. Some of their men

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1 were captured. This unit was at first called "Krajl Tomislav," and at
2 first it was under Mr. Izetbegovic. And then when it was under
3 Mr. Daidza, a lot of Muslims went through that unit who later joined the
4 Army of B and H. An excellent unit, excellent commanders, completely

5 professional in the military sense and moral in every aspect. The same
6 goes for the Bruno Basic unit, which was later under Mr. Luburic, whom I
7 had brought from Vukovar as a volunteer. He arrived there with me.

8 Q. All right. So as to Bruno Basic and Ludvig Pavlovic, then, just
9 to finish those off, what we can say with certainty is that those two
10 units were directly subordinated to the HVO Main Staff during the period
11 that you were the commander of the HVO Main Staff?

12 A. While I commanded the Main Staff, they were subordinated to me,
13 and I could direct them, in the military sense. I don't know anything
14 about anything else.

15 Q. Now, the next unit that's referred to here, Convicts Battalion,
16 Mostar, Heliodrom. During the time that you commanded the HVO
17 Main Staff, was that unit directly subordinated to the Main Staff?

18 A. I don't know. There was a unit which was under the command of
19 Mr. Andabak, and there was some contentious names there. Now, I met
20 Mr. Andabak in 1992, in Capljina, on one occasion.

21 Q. That's all right, General. I'm not going to ask you about that.
22 If you don't know if the Convicts Battalion, Mostar, was attached to the
23 Main Staff, do you know if it fell within the group of units that was
24 attached or linked to the Defence Department?

25 A. I don't know, sir.

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1 Q. All right. Same question about Baja Kraljevic Anti-Terrorist
2 Group, Mostar. Main Staff, or Defence Department, or do you know?

3 A. When I asked Mandic to go to the front to fight, he obeyed, and
4 that's a fact. Now, what belonged to whom, I didn't have time to
5 investigate things like that. I wasn't interested. I was just
6 interested in knowing which units and commanders were capable of carrying
7 out an order and in what way, and I can give you a precise answer to
8 things like that.

9 Q. Well, then, did they have the same status as the Bruno Busic and
10 Ludvig Pavlovic?

11 A. I don't know, but I don't think so. I don't know. The correct
12 answer would be I don't know, but -- well, I can't say exactly.

13 Q. Okay. General, the next thing -- unless there's any questions on
14 this document, I'm going to move to the next --

15 JUDGE ANTONETTI: [Interpretation] General Praljak, let me come
16 back to the anti-terrorist group, the Baja Kraljevic Anti-Terrorist
17 Group. It seems a bit fuzzy, all this. The Prosecutor is asking you
18 whether this group is attached to the Department of Defence, and you
19 can't answer, so let's assume -- let's assume two things. First
20 assumption: It is attached to the Department of Defence, which means
21 that Mr. Stojic is on the front-line here, he's the one in charge of
22 deciding to send this ATG on different locations. Second assumption:
23 This group is not subordinated to the DOD, but falls within the
24 Main Staff. When you took command in July, did this anti-terrorist --
25 did you have to give any orders to this anti-terrorist group?

1 THE WITNESS: [Interpretation] Well, I don't remember that I
2 issued direct orders to Baja Kraljevic. It was too small a unit, and
3 probably that went via -- well, I don't know.

4 Judge Antonetti, Your Honour, let's be quite clear. I don't know
5 whether somebody else could have commanded that unit. That's what I
6 don't know. I know what I do know, that I would see Mr. Mandic, and his
7 nickname was Lija, and that dates back to the Prozor days and my days in
8 Konjic and Jablanica and so on, and he listened to the oral order and
9 acted upon it. Now, whether he carried out somebody else's order, I
10 can't know that. Anyway, Ludvig Pavlovic, Bruno Busic, and Baja
11 Kraljevic, I could issue orders to those men, and those commanders,
12 Curcic, Luburic, Mandic, would carry them out, and as far as I know, they
13 were good units. That's what I know. Now, as to all the rest of it,
14 whether somebody else could issue orders, whether there were more of
15 them, I don't know that, I can't know that, nor did I have time to
16 inquire and investigate it. It was -- we had a war on for three months.

17 JUDGE ANTONETTI: [Interpretation] General Praljak, I believe
18 you've answered this already. We would have to leaf through these
19 thousands of pages of the transcript, and so let's go straight to the
20 point.

21 An anti-terrorist group, well, what was its main purpose?

22 THE WITNESS: [Interpretation] Well, Your Honour Judge Antonetti,
23 these people quite simply wanted to be called by some special name,
24 probably having watched too many movies or whatever. Anyway, they were
25 just people who were a little better fighters than the ones who were

1 mobilised, so if they need -- when the lines fell, for example, if there
2 was a breakthrough in the lines and we had to stop that onslaught and
3 retake control of the lines again, then you would call in one of these
4 units. Now, what they were called, ATGs, anti-terrorist, blah-blah-blah,
5 or whatever, it doesn't matter, it's immaterial. But, anyway, they were
6 people who were chosen as being better fighters. So whether you needed
7 to take back control of the lines or take some feature and elevation, you
8 would solve that problem with them, you would do so with them, because
9 they were better than the rest, better than the other units that had been
10 mobilised 10 or 15 days before that and stood guard at the line, and very
11 often they would lose the line, lose a battle, and then you would have to
12 use better units to regain control; that's as far as the war goes.

13 JUDGE ANTONETTI: [Interpretation] Very well.

14 MR. STRINGER:

15 Q. General, actually, I'm going to stay with this for just a couple
16 more minutes and ask you an open-ended question.

17 Back to P09324, which is the chart that you were marking on when
18 you testified in the Tuta Stela case, here, for the box on the right,
19 which is for units -- for special assignments and professional units, you
20 wrote "ATG" and you pointed an arrow pointed at that box. Can you tell
21 us what ATG units you were referring to?

22 A. Well, it's what I'm telling you today, and I'm saying that these
23 three units -- I'm telling you very precisely about how it was when I was

24 in command of the Main Staff, who, in the military sense, I could rely on
25 most in critical situations on the ground.

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1 Q. Well, I'm actually -- I'm asking you a different question,
2 because we're looking at a box here that's linked directly to the Defence
3 Department and not to the Main Staff. It's a chart that you accepted as
4 more or less accurate when you testified, so I'm asking you: When you
5 wrote the "ATG" here and you made -- and you pointed the arrow at the box
6 on professional and special units, what -- can you name the ATG units
7 that you are linking to this box on special units?

8 A. Mr. Stringer, if you skip my introductory sentence which says, in
9 response to that question, that I don't know about this with any
10 certainty, so if you skip that sentence, then, of course, you follow
11 along your argument, and this lack of security on my part, in my
12 knowledge, you want to turn that into something else. I drew this along
13 with the sentence that I stated at the very beginning, with caveats and
14 provisos, and I'm going to explain them. And I mentioned three units
15 with which I, when I was commander, was able to command, and that's all.
16 That's all I have to say. So try -- don't try and read more into it than
17 I'm telling you. Read the first sentence, then go on with your
18 questions.

19 So along with that caveat, but it -- so I have to use that
20 caveat, and I say "ATG," Baja Kraljevic, commander Predrag Mandic, for
21 example, he was a good commander. That's a small unit, and he would have

22 obeyed an oral order given. That's all.

23 Q. Well, here, on the other side of this box on professional and
24 special units, you wrote "KB," which stands for "Kaznjenicka Bojna,"
25 which is the Convicts Battalion, so is it correct, General, that the

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1 Convicts Battalion belongs in this box on professional and special units?
2 That's what you said under oath back in April of 2002, isn't it?

3 A. I wrote "KB," that is to say, Convicts Battalion. You don't have
4 to remind me that I said this on oath. I also stipulated my caveat on
5 oath, that my knowledge is not certain. So that sentence was uttered
6 under oath, too.

7 Now, the unit commanded by Mr. Mladen Naletilic, Tuta, was not
8 one that was under my command. There you have it.

9 Now, as to the Predrag Mandic unit, whatever its name was, and
10 I'm not sure of what that was, I could have commanded that, and that's
11 the truth of it.

12 Q. Let me take you back to your testimony from Tuta Stela,
13 page 98 -- I'm sorry, page 9580, beginning on line 9. I'll read the
14 question, and this is on cross-examination from Mr. Scott, and he says --
15 we can put this up in Sanction on the screen, if anybody wants to follow
16 it.

17 A. But could I have the Croatian in front of me so that I can read
18 through it to look at all the nuances of what was said? I think that
19 would be in order, that you give me a copy of the document that you're

20 referring to in the Croatian original, and I think that is your duty. It
21 is your duty to provide me with that text so that I can see all the
22 shades of meaning, because otherwise I'm in a second-rate position
23 because I can't refer to the second sentence, which is the key to
24 understanding all of this.

25 Q. Unfortunately, we don't have transcripts in your language of your

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1 testimony at proceedings at the Tribunal, and so we have to work as best
2 we can. So I've put it up in English, which I know doesn't assist you
3 very much, but your counsel can follow along, and I'm just going to read
4 this part to you and you can comment on it, and I'm sure the Judges will
5 take into account the fact that you don't have it in your own language.

6 The question from Mr. Scott is this. He says:

7 "You testified a few moments ago that Bruno Stojic was the head
8 of the Defence Department. Now, does this chart indicate -- could he
9 call up and issue commands to a professional unit without going to the
10 Main Staff?"

11 And this is your answer. You say:

12 "Well, he could have done it, but it was usually done by
13 agreement. He could not command that unit once it had arrived at the
14 front-line - defence line, excuse me - with somebody because of poor
15 communications or because I was too far away, because Mr. Petkovic was
16 somewhere far away, that Mr. Tole was somewhere on the ground, and the
17 situation made it imperative. Then it would -- then one could go through

18 Mr. Stojic to ask him to send a unit. But once that unit arrived at the
19 front, it would become a part of the structure commanded by somebody from
20 the Operative Zone or that front-line to which they had come, more
21 narrowly speaking."

22 So, General, is that more or less an accurate statement of how it
23 worked, and that Mr. Stojic did have the ability or the authority to
24 order units to go somewhere if the situation required it?

25 A. I described exactly under what circumstances this was, so it

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1 wasn't a situation when I could come into contact only with Bruno Stojic
2 and Petkovic was in Central Bosnia or whatever, and I couldn't contact
3 the Main Staff, for example. Then I could ask him to issue an order to
4 Ludvig Pavlovic to set out somewhere, to go somewhere. That's bypassing
5 the system. So I'm talking about the time I was there.

6 In a special situation during a war, where you have very poor
7 communications, where the front is a long one, and where our defence
8 forces have been stretched out, stretched to the limits, and a weak --
9 the party attacking is strong, the offensive has been going on for
10 months, then the variants that I stipulate here are possible, they are
11 possible.

12 Q. General, let me ask it this way. I'm having trouble getting
13 something that I can understand, and I don't know whether it's my fault
14 or yours. I think we -- let's start with the military police.

15 Can we agree that apart from this situation that related to

16 Operation Buna, that the normal procedure was that if an operative zone
17 needed a military police battalion to be deployed for operational
18 purposes, it had to get the permission of Bruno Stojic to do that? Can
19 we agree on that?

20 A. Yes, we can. So the military police was not -- which is why I
21 asked permission. The military police was not under the command of the
22 Main Staff up until the point until this was settled in general terms.

23 Q. So then the question becomes: Were there other units that fell
24 under that same category, whether we call them ATGs or special-purpose
25 units or professional units? Were there any other units that the

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1 Main Staff had to go to Mr. Stojic for -- about before those units could
2 be deployed into an operative zone structure?

3 A. While I was commander, I didn't ask for any permission like that.

4 Q. All right. So the answer is you don't know; is that a correct
5 way to frame your answer, that you don't know?

6 A. No, you can't understand my answer in any other way except in the
7 way I said it. During the time I was in command, I would issue a direct
8 order to the Ludvig Pavlovic unit if I was able to come in to contact
9 with it. If I was not able to communicate with them for any reason, and
10 there were many reasons why not, then I could have conveyed this and
11 said, Mr. Stringer, would you convey a message to Mrs. Pinter, for
12 example, to tell Pavlovic to get out of bed straight away because such
13 and such had occurred.

14 Q. I'm asking you, General, a different question.

15 We've agreed on what the situation was with military police
16 units. I'm simply asking you whether the same situation applied to any
17 other units that you're aware of.

18 A. If I give you an answer, that answer would not be correct,
19 because I can't answer the question because I don't know. I claim that
20 during the time that I was in command, I could -- and don't let's go back
21 to that question. I'm going to repeat this ten times, and you're going
22 to try and make something of me that you will never succeed in doing.
23 You will never get me to give you erroneous information or information
24 that I'm not sure about. So my answer is I don't know.

25 MR. STRINGER: Mr. President, I'm finished with this line, and it

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1 probably would be best to finish today before I open a new one.

2 JUDGE ANTONETTI: [Interpretation] Yes, you're quite right.

3 I had just one follow-up question, which is a very brief
4 question.

5 When you testified in the Naletilic case, a question was put to
6 you on the word "ATG." You answered by saying:

7 "I know what this means."

8 And you explained that when the ATGs met on the front-line, they
9 were then placed under the command of the commander of that zone on the
10 front-line. Does this mean that whatever the status of these
11 professional units was, when these are placed in a combat zone they are

12 automatically placed under the command of the person exercising military
13 authority in the combat zone? Can you answer the question or not?

14 THE WITNESS: [Interpretation] Yes, I can. If it arrived in a
15 regular way, it was under that command, but they might come and go
16 according to how they wanted to. They weren't under my command or the
17 operative command, and I didn't know whose command they were under. If
18 you see people coming and going whenever they felt like it, and you saw
19 these examples, all you can do is write up a report, and that's where it
20 all ends.

21 JUDGE ANTONETTI: [Interpretation] Very well. I am sure we will
22 have the opportunity to get back to these questions in the next few days.

23 The court stands adjourned, since I have another hearing in
24 another case, and we shall meet tomorrow at 9.00.

25 [The witness stands down]

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1 --- Whereupon the hearing adjourned at 1.45 p.m.,
2 to be reconvened on Wednesday, the 19th day of
3 August, 2009, at 9.00 a.m.

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