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1 Tuesday, 25 August 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 --- Upon commencing at 2.16 p.m.

6 JUDGE ANTONETTI: [Interpretation] The registrar, will you call
7 the case, please.

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

11 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar. On
12 this day I wish to greet Mr. Praljak, the accused, ladies and gentlemen,
13 members of the counsel, Mr. Stringer and his assistant, and everyone else
14 assisting us. We're going to continue with the cross-examination
15 conducted by Mr. Stringer, and I give you the floor.

16 WITNESS: SLOBODAN PRALJAK [Resumed]

17 [Witness answered through interpreter]

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

19 MR. STRINGER: Thank you, Mr. President. Good afternoon. Good
20 afternoon to Your Honours, Counsel, and to everyone else in and around
21 the courtroom.

22 Q. Good afternoon, General. Good afternoon to you.

23 A. Good afternoon, Mr. Stringer.

24 Q. General, we -- yesterday, you may see it on the screen there in
25 front of you, I don't know if it's in your binder, we were talking about

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1 one of the articles from the Hrvatski Vojna, the Croatian Soldier
2 magazine. That was 3D01281. You don't need to go to it because I've
3 finished asking my questions about that. I'm going to move on to the
4 next few documents in this binder before we conclude this part of the
5 cross-examination.

6 The next document, General, should be P00191, 191. Do you have
7 that? It's a document dated the 7th of July, 1992.

8 A. I have the document. I think it's the 7th of May. The one I
9 have, the date is the 7th of May.

10 Q. That's correct. I'm sorry if I misspoke. It's the 7th of May,
11 1992. Do you recognise this document, General? This appears to be over
12 the signature of Janko Bobetko, and it relates to the transition or the
13 turnover of command from you to a Zdravko Andabak in the southern front.
14 Do you see that?

15 A. I do. I see the document.

16 Q. And in paragraph 2, General Bobetko orders that you are to inform
17 Brigadier Andabak about the situation in the sector that you've been in
18 charge of thus far, and then it continues in the next paragraph to say
19 that:

20 "The hand-over of duty will take place in my presence at 1600
21 hours on the 8th of May, 1992, in accordance with the law on armed forces

22 of the Republic of Croatia."

23 And then it says:

24 "General Praljak will submit a complete report on the situation
25 and problems in the sector."

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1 General, simply the question here is: This procedure that is set
2 out on the transfer of the command from you to Brigadier Andabak, would
3 it have been customary or expected that upon handing over the command to
4 your successor you would brief him on the situation in the area of
5 responsibility?

6 A. That is right, I did so. Actually, I found the person who would
7 replace me. I asked him to be kind enough to come. He resisted to some
8 extent because he said that he wasn't educated enough to head the sector
9 as -- though he was born in Bosnia-Herzegovina, or at least he originates
10 from there, but I didn't do that in Grude, and I never saw this document
11 before studying the documentation that was here in the Tribunal. I had
12 to go back to work.

13 Q. Did you nonetheless provide Brigadier Andabak with a full
14 briefing about the situation in your area of responsibility before you
15 turned the command over to him?

16 A. Everything I knew I conveyed to him to the best of my ability.

17 Q. And it's really essential that you do that, isn't it, so that
18 when he takes command he immediately has to have a good grasp, a very
19 good grasp, of all of the information on the ground so that he can
20 command effectively; isn't that true?

21 A. Quite so. One needs to have control of all the available
22 information at that point in time. Though there wasn't anything in
23 particular, things were very simple basically.

24 Q. Okay. Well, I'm going to move forward now to the 8th or the 9th
25 of November, 1993, to the time when you again handed over command to a

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1 successor, and on the 9th of November, 1993, you handed over command of
2 the HVO Main Staff to Ante Roso. And I take it, General, that the
3 situation was a good deal more complex at that time than perhaps it was
4 back in May of 1992 when you handed over command to Brigadier Andabak.
5 Is that true?

6 A. No. The situation in May 1992 was extremely complex in view of
7 the fact that the Army of Republika Srpska, or they were still mostly the
8 JNA -- actually, on the 10th of April when they captured Kupres with a
9 tank brigade and after that attacked Livno, they were moving towards
10 Split, Makarska Ploce as part of their broader strategic plan, and the
11 situation for Bosnia and Herzegovina was extremely, extremely difficult.
12 And for Croatia, of course, too.

13 Q. Now, on the 6th of May of this year, which is a couple of days
14 after you began giving your evidence, this is what you told us about the
15 hand-over from you to General Roso in November of 1993 -- Judge Antonetti
16 was asking you a question, and I think he was looking at the document
17 that's the next document in your binder, which is P06556. And
18 Judge Antonetti asked you, this is page 39665 of the transcript,

19 Judge Antonetti said:

20 "As far as you remember, are you sure that you told him
21 everything? Did you remember that you told him everything, that you drew
22 him the full picture of what was happening, giving him details as to the
23 positions of the HVO on the field," et cetera?

24 So -- and Judge Antonetti then says:

25 "When you handed over your duties did you do it according to the

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1 state of the ART?"

2 And your response was:

3 "Your Honour, all the data, all the facts, I precisely gave to
4 General Roso, and that wasn't difficult to do because he had been a
5 member of the HVO before. He was a commander of Livno."

6 I'm skipping a sentence, and you say:

7 "He was a man who knew the situation relatively well. He wasn't
8 far from the events."

9 So again, General, just as to this particular turnover from you
10 to General Roso, then, I take it that you'd agree that it was extremely
11 important that at the time he assumed command of the HVO on the 9th of
12 November, 1993, it was imperative that General Roso had a full and
13 complete picture of the situation on the ground within his entire area of
14 responsibility?

15 A. Is that a question?

16 Q. Yes. I'm asking would you agree with me that it was imperative
17 that he had a good grasp of the situation within his area of

18 responsibility?

19 A. I don't really know how to measure the importance in degrees.
20 There's a certain number of military information, maps, and so on that the
21 new commander has to be briefed on. Furthermore, there's the staff waiting
22 for him, and he has to be familiarised with the most important things.
23 It's not possible to go into minor details, hundreds of minor details. All
24 the most important information are conveyed. Let me not list them all.
25 The position, the strength, the previous battles, and things like that.

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1 Q. All right. And moving ahead, the next exhibit is P02902, and
2 this is, I believe, one of the Spanish Battalion reports that we looked
3 at before.

4 MR. STRINGER: Because it's an UNPROFOR report, Mr. President, I
5 think we can't show it on the monitors outside the courtroom, although it
6 is -- we can talk about it.

7 And, General, I showed this to you before. I don't think this is
8 controversial or in dispute. On page 4 of the English version, General,
9 in yours there's a section of the Spanish Battalion report relating to
10 Jablanica-Konjic. Do you see that?

11 A. Yes.

12 Q. And there are about four -- three or four paragraphs there and
13 then there's one sentence with the number 1 in front of it, and it says:

14 "Fierce fighting in the area of Boksevica is continuing. HVO
15 troops are under the command of General Praljak and Colonel Miro Andric."

16 So I think I asked you this before, General. During this period

17 of time, which is the 22nd of June, 1993, you were, in fact, present in
18 the Jablanica area around Boksevica, and you were engaged in activities
19 as a commander of HVO forces, true?

20 A. It is not. I was not near Jablanica. I was not near Boksevica.
21 I was at Boksevica for a certain fixed number of days. We were
22 protecting a small part of that mountain, the last part that we still had
23 control over for the civilian population and part of the HVO forces to be
24 able to pull out, which we finally succeeded in doing. Only that and
25 nothing more than that.

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1 Q. So you were at Boksevica on or about the 22nd of June, 1993. And
2 if you look at the next exhibit --

3 A. No. No. It says here that I was. Their information are
4 frequently vague --

5 Q. Well, excuse me, General. Maybe we're --

6 A. That the HVO has the most modern weapons, mostly American, that
7 simply is not true.

8 Q. No. I'm not asking if you agree with the report. You've given
9 me the answer I was looking for. You said:

10 "I was at Boksevica for a certain fixed number of days."

11 Now, is that true?

12 A. True, but not on the 22nd, a little later.

13 Q. Tell us the dates.

14 A. I think that we withdrew on the 8th or 9th of July, and I was
15 there for about 12 days, I think, roughly. Plus, minus a day or two.

16 It's simply difficult to say. It was a long time ago.

17 Q. And I'm going to skip over one document and I'm going to move to
18 P03516, 3516. And this is from the 17th of July, 1993.

19 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, before you
20 continue, I should like to return to the first document for an additional
21 question which I consider to be important. It is P191.

22 General Praljak, you have the document in your language in front
23 of you. As I read this document, General Bobetko, who is in command of
24 the southern front of Croatia in the month of May 1992, the date being
25 important, he's at Ploce, which is an enchanting port not far from

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1 Dubrovnik, and that is where the forward command post was situated. And
2 he decided, following a suggestion and a request from Susak, to carry out
3 a change and to appoint Andabak in your place to become commander of the
4 Mostar-Siroki Brijeg-Citluk-Capljina sector.

5 The month of May, and this is important as the Republic of Bosnia
6 and Herzegovina is already a state, and a state other than Croatia
7 appoints a commander, Andabak, in your place in a sector which
8 juridically does not belong to the Republic of Croatia. And looking at
9 this document, I said to myself that a reasonable Judge could draw the
10 conclusion from this that this document is proof of the involvement of
11 the Republic of Croatia in the development of events in
12 Bosnia-Herzegovina since Andabak is taking your place in territory which,
13 according to international law, is under the competence or authority of a

14 legitimate government, that of the Republic of Bosnia and Herzegovina.

15 So this is one approach.

16 However, thinking things over, I wondered whether there might be
17 a second approach which I would like to elaborate on. We are in the
18 month of May. There's the aggression of the Serbs against Croatia, **and**
19 the Republic of Croatia **is endeavouring as best it can to protect itself**
20 and decides within the framework of a plan of defence to appoint
21 commanders who will be responsible for certain geographical areas, and in
22 the contemporary world we see this certain state, such as the United
23 States, appoint generals external to the United States that have
24 competence over certain areas without infringing upon the sovereignty of
25 states.

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1 So how could you explain that you, who was in command before May
2 and then Andabak takes your place, whereas there is a sovereign state
3 there. Would you support the first hypothesis or the second one?

4 I hope you understood, because my question was rather lengthy,
5 but the issue is rather complicated and I need to elaborate for you to be
6 able to answer, because this document is a document involving the
7 implication of the Republic of Croatia **if one reads it as it stands, but**
8 there may be another explanation, and that's what I'm waiting for.

9 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, your
10 first thesis is correct legally speaking. If there's no war and when the
11 central authority is functioning and when the central authority has

12 prepared for war and when the aggressor comes from the outside, all that
13 you said in your hypothesis stands. However, the central authority in
14 Sarajevo **is surrounded and is unable to communicate with anyone.**

15 Furthermore, the central authority had not prepared in any way, nor does
16 it have any representative throughout this area from Livno, Kupres,
17 Bugojno, who could in any way and with any means organise anything. We
18 just have the Yugoslav People's Army and the Army of Republika Srpska.

19 Then the people rose up in our -- on their own accord. Everyone
20 starts digging in around their own municipalities, finding whatever ways
21 they can. First of all there's the treachery of the commander of Mostar
22 who issues the order for Mostar to be abandoned. Then someone else who
23 was acting, Mikulic, who was acting HVO commander, was
24 simply incapable of doing that job. And I was there towards the end of
25 March, and having returned to Zagreb **I asked, I requested from Minister**

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1 Susak and President Tudjman that this should take place, what we see in
2 this document, otherwise, this part of Bosnia-Herzegovina will be totally
3 occupied and a part of Croatia **south of Split would be in jeopardy,**
4 because if with a tank brigade they defeated the HVO in Kupres and then
5 with a tank brigade they attacked Livno, which was under the command of
6 Ante Gotovina at the time, and they were attacking Stolac which they had
7 captured, you know everything about Mostar, and unless Croatia **extends**
8 certain assistance in terms of personnel and organisation, it's all over.
9 And that was when General Bobetko, who had a position in the training in

10 the Main Staff, was appointed, and he took over to assist in organising
11 the Main Staff of the HVO, which was taken over by General Petkovic, and
12 he helped him and issued him orders until the HVO reached a level when it
13 could take over and act independently. Of course I went there on my own
14 initiative in a certain sense and took over control of this zone, and
15 when I stabilised the situation, I had to return to Zagreb where I was
16 employed. But I kept coming back there and running those operations.

17 JUDGE ANTONETTI: [Interpretation] Very well. If I understand you
18 well, you're telling us that due to the fact that the central government
19 in Sarajevo could not confront the situation, the Republic of Croatia
20 felt that it was necessary, in view of the Serb offensive, to assist this
21 territory because there was danger for the Republic of Croatia. Is that
22 how one should understand it?

23 And to complete the picture, let us imagine that there's an
24 enemy, X, that is attacking the United States, and in Canada there's no
25 government, and at that point in time the United States would appoint a

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1 general, any general, in Montreal to take over the area in view of the
2 fact that there was no government left there. Is that how one could
3 describe it?

4 Is my example a good one with Canada and the United States?

5 THE WITNESS: [Interpretation] Yes, exactly. Because otherwise
6 they would attack America as well. Dubrovnik was totally surrounded, the
7 south of Croatia cut off. So if they let them move towards Split, the

8 fact that a country has been recognised is very important but
9 insignificant. Cyprus **has been recognised and it is divided for the past**
10 50 years. Certain things are recognised but in military terms you can
11 try to establish justice and seek justice 50 years later.

12 JUDGE ANTONETTI: [Interpretation] Very well. You can continue
13 now.

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

15 Q. General, the document that I was just taking you to is P03516.
16 3516, which is -- do you have that?

17 A. Yes, yes.

18 Q. It's a report of Colonel Siljeg dated 17th of July, 1993. Now,
19 there's a lot of information in here, but really the only piece of
20 information that I'm interested in at this point is on page 5 of the
21 English, which is toward the end of the document?

22 JUDGE TRECHSEL: Excuse me. I'm awfully sorry, Mr. Stringer. I
23 should perhaps not do this, but I think it's my duty to try to have
24 clarity, and the witness has brought Cyprus **into the play. It's on page**
25 **11, line 5, and for the life of me I do not understand what connection**

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1 there is. Could you -- could you explain what you meant? Or maybe it
2 was a misunderstanding and you didn't speak of Cyprus at all.

3 THE WITNESS: [Interpretation] I did speak about Cyprus, **yes.**
4 There was no misunderstanding there at all.

5 Despite the fact that Cyprus **was an integral state when it was**

6 recognised by the United Nations and the European Union, it is still
7 divided in military terms. And the same thing could have happened to
8 Croatia. **For example, the Army of Republika Srpska and the JNA could**
9 have taken the southern part of Croatia. Croatia **would have still**
10 remained a recognised independent state, but still it would have lost its
11 southern part, and then we would go on seeking justice for 50 years all
12 over the world in order to connect the two parts of our state.

13 We didn't not have any guarantees despite the fact,
14 Judge Trechsel, that we were recognised. Nobody offered us any
15 guarantees. Nobody told us, You are now recognised, our borders will be
16 protected, no aggression will be allowed from now on. Everything
17 remained as it was until 1995 until there was a military operation to
18 liberate the occupied parts of Croatia. **I would have been so much**
19 happier if things could have been resolved in a different way, but they
20 could not have been.

21 JUDGE PRANDLER: I wouldn't like to prolong the debate about
22 Cyprus, **but I have to say that very clearly it has -- the Cyprus case has**
23 nothing to do with Croatia **and what happened in the 1990s there.** Cyprus
24 was recognised by actually almost by all the states concerned. By the
25 way, the UN, the United Nations, has never recognised any state. It only

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1 admits a state, but it is not the recognition itself. Let us make it
2 clear, number one.

3 Number two, Cyprus **has been divided only at a later stage, not at**

4 the -- at the inception of the independence but later on when -- when due
5 to some other events which I do not want to go into, when Turkey -- the
6 Turkish state has helped the secession of the Turks living in Cyprus
7 there. So it is another issue, and I believe that this comparison is
8 really far-fetched, but of course you have the right to bring any example
9 of what you think fits, but I just wanted to tell you about this and the
10 Court as far as Cyprus **is concerned. Thank you.**

11 JUDGE TRECHSEL: If I may. I think you did not actually draw a
12 direct parallel, but what you made was a hypothetical remark
13 extrapolating what historical developments might have happened if you had
14 not intervened, if Croatia **had not intervened. That is how I understand**
15 you now, and it seems that you agree.

16 THE WITNESS: [Interpretation] Correct. My parallel concerned the
17 following: Cyprus **was also a state and there was an aggression, and**
18 nobody provided us with any guarantees that the JNA would not remain in
19 the occupied territories for 40 years onwards. Nobody gave us any such
20 guarantees.

21 JUDGE TRECHSEL: You have clarified the point.

22 Excuse me, please, Mr. Stringer. I'm not very happy about having
23 interrupted you so brutally. I hope you do not feel now divided like
24 Cyprus.

25 MR. STRINGER: No, Your Honour, it didn't feel brutal. Occupied

1 is perhaps a word.

2 Q. P03516, General, is the document we were looking at, and I'd like
3 to take you to paragraph 10 which is towards the end of the document in
4 this report of Colonel Siljeg where he's saying "Brada" or "Beardie"
5 visited this area for longer and he is acquainted with the situation in
6 detail, and, "We all know the situation very well. Perhaps some
7 individuals bury their heads in the sand and do not want to know in order
8 to avoid responsibility, yet they do not know that ignorance does not
9 free them from responsibility."

10 Now, we're going to talk about this document in greater detail
11 when we talk about Prozor, General, but the point for our purposes here
12 is that of the 17th of July, the fact is that even though you weren't the
13 commander of the HVO Main Staff at that time, you had a very solid grasp
14 and familiarity with the situation as it existed throughout the
15 North-West Herzegovina Operative Zone of the HVO; isn't that a correct
16 statement?

17 A. Partially. I was familiar with the situation, because I had been
18 there before. I was around Prozor, Vakuf, and I was in Central Bosnia
19 for two months -- or, rather, a month and a half, to be more precise. On
20 the 17th I had already left when he issued this report. So one could say
21 that I had a relatively good knowledge of the military situation, the
22 intentions of the Army of Republika Srpska, and the developments which
23 concerned the Army of Bosnia-Herzegovina, yes. Not in great -- very
24 great detail, but I was familiar with the gist of the whole problem.

25 JUDGE TRECHSEL: Excuse me, Mr. Stringer.

1 I seem to understand that Beardie is a nickname for the general,
2 and I think it's good to have it said for the transcript. I was first
3 wondering what this referred to.

4 MR. STRINGER: Yes, Your Honour.

5 Q. General, can we agree that the reference to Brada or Beardie in
6 this report is a reference to you?

7 A. In this report probably, or very likely this is me, but I was not
8 the only one who bore that nickname. There were some other people who
9 sported beards and are referred to as Brada, but in this particular
10 document I would be almost sure that this nickname refers to me.

11 Q. Very well. Thank you. Now, General, I want to talk for a minute
12 or two, then, about the transition from General Petkovic to you on or
13 about the 24th of July, 1993, because I haven't seen any documents on an
14 official form of transfer such as the ones we've seen in the last few
15 minutes. At the time that -- actually, I know that there is one. I know
16 that there is one from Mate Boban, but I want to ask you specifically.
17 Did you receive a formal briefing from General Petkovic on the 24th or at
18 about the 24th of July as you assumed formal command of the HVO Main
19 Staff?

20 A. There was no need for a formal briefing, because General Petkovic
21 remained in the area constantly, unlike me who left. He was my deputy,
22 my second in command. Of course we talked about everything, but there
23 was no need for too many words to be said between the two of us, because
24 I was familiar with most of the things. Until that moment we had known
25 each other well. We were familiar with all the military problems, of

1 course. And given the fact that Bugojno had already -- I beg your
2 pardon.

3 MS. PINTER: [Interpretation] Intervention for the transcript,
4 just for the clarity of the transcript. The general didn't say that
5 there was a formal briefing but a formal takeover.

6 THE WITNESS: [Interpretation] There was no formal takeover.

7 MS. PINTER: [Interpretation] There was a formal briefing but not
8 a formal takeover.

9 THE WITNESS: [Interpretation] Yes, a formal takeover in term of
10 signing the document.

11 JUDGE TRECHSEL: I think the questions are put by Mr. Stringer
12 now.

13 MR. STRINGER: I was going to -- let me clarify, because maybe --
14 I don't know if there was an interpretation issue.

15 Q. There was a document in which the command was formally
16 transferred to you from General Petkovic; is that correct, General?

17 A. No. Mr. Mate Boban appointed me as commander, and
18 General Petkovic informed the units and the operation zones that as of
19 that date the commander of the Main Staff of the Croatian Defence Council
20 was Slobodan Praljak. We did not sign any formal documents, because
21 General Petkovic remained there in the area.

22 And second of all, there was not too much time to spend talking
23 because Bugojno had already fallen, and we had to start salvaging what
24 could be salvaged given the military situation on the ground.

25 Q. Thank you. So my question was about whether there was a formal

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1 briefing that you received from General Petkovic, and if I understood you
2 correctly, you said no; is that correct?

3 A. What do you mean when you say "formal briefing"? What is your
4 idea of a formal briefing? When you say "formal," do you mean sitting at
5 a table? Yes, if you mean that, yeah. People sit down. The newly
6 appointed general comes and talks to his deputy. If you think that that
7 is formal, then, yes, there was some form, but there was no line-up of
8 the troops because there was no need or time to do that. So in that
9 sense there was no formality.

10 JUDGE ANTONETTI: [Interpretation] General Praljak, you seem to be
11 surprised by the questions that Mr. Stringer is putting to you, or even
12 by the questions that the Judges, like myself, for example, put to you.

13 Prior to the 24th of July, Mr. Petkovic was the HVO commander.
14 Mr. Petkovic - and this is something we've seen in other documents - also
15 participated in meetings with the international community and with
16 Halilovic, meetings that had to do with the implementation of the
17 Vance-Owen Plan. The media that covered this perhaps weren't fully aware
18 of who was in command of what. The documents that we have from the
19 Spanish Battalion and so on, well, show that they were often not aware of
20 the roles various people played, but on the 24th of July you assumed this
21 post, and at that point in time it was quite natural that people should
22 be aware of the fact that you were then the military commander, and the
23 international community was aware of the fact that the HVO had a new

24 individual at its head, in this particular case, Slobodan Praljak. And

25 when this assumption of power took place, it was necessary for there to

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1 be documents. Words don't seem to be sufficient. Mr. Stringer says I've
2 such documents, I haven't seen any. There are others, though, for
3 Andabak who succeeded you. So that's the situation. We are trying to
4 understand how this was done because there's something else at stake
5 behind all of this, and as you as a cultivated and intelligent
6 individual, you are surely aware of the fact in the theory presented by
7 the Prosecution, you could have had de facto command. So prior to the
8 24th of July in reality it was perhaps you who were at the head, the
9 number-one person, and Petkovic was perhaps just a puppet. And on the
10 24th of July, the puppet was officially replaced by yourself. So that
11 could be an explanation. That could explain the fact that there are no
12 documents.

13 So the questions aren't as innocent as you may think, because
14 what is at stake is the issue of de facto command. So do try to
15 enlighten us, to help us understand why there was no official takeover,
16 because as you know, and you know better than anyone else, as a commander
17 one exercises the supreme authority. One exercises supreme authority.
18 So if Petkovic gave over power to you, according to 7(1), Article 7(1),
19 you are at that point in time the most responsible individual. He is no
20 longer the most responsible individual. So everyone and Mr. Stringer are
21 putting questions to you. The Judges would also like to know why there
22 was no official takeover supported by documents showing that there was a

23 takeover.

24 Do you now understand better why these questions are being put to
25 you?

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1 THE WITNESS: [Interpretation] I understand. Yes, I do. You
2 know, Your Honours, over there in that area, theatre plays were being
3 played. The Spanish Battalion had its own theatre play. UNPROFOR had
4 one as well. Everybody wrote scenarios, sent reports. There were
5 meetings being held, negotiations, talks, Geneva talks and others, and
6 within all that everybody printed a lot of material. Some were engaged
7 in smuggling. There was all sorts of things.

8 The fact remains, however, that the BiH army was attacking all
9 that time, and that was a fact. And General Petkovic and some other
10 commanders were being summoned to meetings to sign cease-fire accords.
11 Everybody was trying to trick everybody else and trying not to portray
12 things the way they were. They were blind. They didn't see the problem.
13 They were playing games, offering empty words about the causes and
14 reasons for a war since the situation was very difficult and dramatic.

15 I was a friend of Petkovic's. I was his colleague. We had never
16 had any prior conflicts or discords. So our takeover took half an hour.
17 We did not even use big words. I just used his name. I told him, Pele,
18 I'm off to Vakuf because after the fall of Bugojno everything is over.

19 You stay here, see about Central Bosnia. **We will ask for Tole to come**
20 down here because we cannot manage things from one place anymore. So I
21 did not use any theatricals, although I am a theatre director. I did not

22 do like UNPROFOR. I did not have the time or need to inform anybody, to
23 announce my arrival, to go for a meeting to the Spanish Battalion where I
24 would be formally received, given lunch, wine and dine.

25 Your Honours, we were under a heavy aggression. Later on at one

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1 point when the situation calmed down somewhat, I did hold a meeting in
2 Tomislavgrad to which I summoned all representatives of the international
3 community, and then at that meeting --

4 JUDGE ANTONETTI: [Interpretation] General Praljak, I'll stop you
5 there. We should understand your answer to mean that the situation was
6 such that you needed no more than ten minutes for the takeover with
7 General Petkovic, and then each one of you continued with their duties.
8 You were in Gornji Batkovic [as interpreted], Petkovic and Tole were
9 elsewhere. That's what you have said. Everyone understands you.

10 THE WITNESS: [Interpretation] And as for your use of the word
11 "puppet." Could you imagine a situation where a two-star general who
12 spent 12 days at Boksevica leading a group of 50 men to preserve an area
13 and received orders from General Petkovic, and then you say that Petkovic
14 was a puppet and I was his commander. No. Until that moment, it was my
15 decision to go to Boksevica to put myself at everybody's disposal because
16 of the situation that was critical. And I had brought my men after I
17 spent several -- a lot of time in Kostajnica. I took arms in my hands.
18 I stayed there as a foot soldier until we stopped the aggression.

19 On the last day before we pulled from Boksevica, Petkovic did
20 appoint me commander but it was already too late.

21 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

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

23 Q. General, the next exhibit is P04699. We've seen this before.

24 It's part of a larger report related to the Defence Department of the

25 HVO, and if you would turn to page 25 of your version, page 16 of the

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1 English. I'm just going to use this to ask you about your knowledge of

2 one situation as of the time that you took command of the HVO Main Staff.

3 The fourth paragraph of the English on page 16 it says -- and

4 this report relates to the period of January to June 1993. It says:

5 "In the period, over six thousand prisoners of war stayed in

6 appropriate centres on the territory of the H-B. There are currently

7 over four thousand captives."

8 A. No, no. Can you repeat the page number? I can't find it on page

9 25 of the Croatian text. Would you please give me the ERN number.

10 Q. I've got it as page 25 for you. I don't have the ERN number for

11 you.

12 A. Mr. Stringer, on page 25 I can't see anything about that. I

13 really don't know what --

14 Q. We'll set the document aside and I'll just ask a question.

15 A. Oh, yes. Yes. Yes. The second paragraph. I apologise. I

16 didn't see it before.

17 Q. Thank you.

18 MR. STRINGER: Thanks to counsel for that.

19 JUDGE TRECHSEL: Mr. Stringer, I think it would be helpful if you

20 told us whose report this is.

21 MR. STRINGER: This is a -- I thought I did, Your Honour. It's a
22 report of the Defence Department. It relates to activities of various
23 parts of the Defence Department during January to June of 1993.

24 JUDGE TRECHSEL: Thank you.

25 MR. STRINGER:

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1 Q. General, it's making reference to large numbers, thousands of
2 persons who were being held as captives or prisoners in the HZ HB as of
3 the time of this report, which was adopted on the 7th of August, 1993.

4 Now, it says that:

5 "There are currently over four thousand captives. Several
6 hundred of them are members of the Serbian Army while a huge number are
7 members of the so-called Army of Bosnia and Herzegovina."

8 General, I just wanted to use this to ask you the question: At
9 the time you took command of the HVO Main Staff on the 24th of July,
10 1993, you were aware that hundreds or thousands of Muslim individuals
11 were being detained in HVO facilities in Herceg-Bosna? You were aware of
12 that?

13 A. No. No. After Boksevica, after I left from Bosnia and
14 Herzegovina and returned, you know how things were day in and day out. I
15 didn't have the time or any information with regard of what is stated
16 herein.

17 Q. General, you're aware that beginning in the days following the
18 30th of June, 1993, that an order went out to arrest and detain all the

19 Muslim men of military age throughout the areas of the South-East and
20 North-West Herzegovina Operative Zones. You're aware of that, aren't
21 you?

22 A. I saw this document here at the
23 Tribunal.

24 Q. I'm asking you at the time that you were present down in
25 Herceg-Bosna during July and August of 1993, weren't you aware that

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1 that's what was taking place? All the Muslim military-aged men were
2 being arrested and detained?

3 A. No, sir. From the 24th until -- well, I spent a lot of that
4 time, and I did things according to a procedure that I described for you.
5 You can see what I did every single day, and you know very well what
6 information I had available to me. I did not have either the time or
7 information as to who was where. Very well. Go on then. Ask me
8 questions.

9 Q. It's a yes or no answer, I think. Weren't you aware --

10 A. No.

11 Q. You were not aware?

12 A. No. I was aware of the existence of the prisons. I was aware of
13 their existence. I even sent offenders there, as you could see from some
14 documents, and that's the end of that.

15 Q. Well, were you aware of an order to remove Muslims who had been
16 members of the HVO and to disarm them after the attack occurred on the
17 30th of June, 1993?

18 A. No.

19 Q. And at the time you took command of the HVO Main Staff on the
20 24th of July, 1993, General Petkovic didn't tell you about any of that?

21 A. No. We did not have any time to talk about that. Bugojno fell
22 and --

23 Q. Excuse me, General. I'm going to challenge you on that. You've
24 been sitting in this courtroom for a long time. You know that on the day
25 you took command of the HVO Main Staff, you and your HVO had thousands of

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1 Muslim men who were being held prisoner in various HVO detention
2 facilities. Isn't that true? You know now at the very least that that
3 was the case.

4 A. You're asking me what I knew at the time, and I'm telling you
5 that I did not know that. If you're asking me when I learnt about the
6 existence of prisons with a certain number of prisoners there, then I can
7 tell you that this was after a text was published in Globus, when I spoke
8 to three journalists. And we have always spoken about that. On the 1st
9 of September I gave them --

10 Q. So you learnt about all these prisoners from a journalist. You
11 did not learn about any of these prisoners from General Petkovic at the
12 time he turned the command over to you. Is that what you're telling us?

13 A. I did not hear anything about that, and I really don't know what
14 would have General Petkovic had to do with prisons. Prisons had nothing
15 whatsoever to do with the Main Staff of the Croatian Defence Council.

16 Q. Even if members of the various operative zones were involved in

17 arresting and detaining all these people? You're saying the HVO armed
18 forces has no responsibility for them?

19 A. I can't answer your question. When you say different commanders
20 of different operative zones, that doesn't mean anything to me. You have
21 to specify who, at what time. And while I was in command, if anybody
22 participated in what you're referring to, then I could answer whether I
23 knew of those things, what I knew, how I reacted.

24 When you say different people participated in different things is
25 too vague for me to be able to answer your question.

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1 Q. Now, you indicated there was no time to talk about prisoners at
2 the time you assumed command of the HVO. You mentioned Bugojno.

3 So is it true, General, that events on the ground, military
4 operations, were the only thing that concerned you, and the fact that you
5 had all these prisoners on your hands at the time you took command was
6 not something that you ever concerned yourself with when you were acting
7 as commander of the HVO Main Staff?

8 A. Not only did I not have the time, but also no conversation about
9 takeover has to concern itself with prisons, because this is not within
10 the purview of the Main Staff. I really don't know how to answer your
11 question, because you're implying that prisoners were under the authority
12 of the Main Staff, which is incorrect. So my answer is yes, up to the
13 1st of September, until I was called by Mrs. -- I really can't remember.
14 Oh, yes. Her name was Mrs. Ivanisevic, and she told me that there was
15 something there, and then I -- well, okay then.

16 Q. Thank you. We're going to come back and talk about the prisoner
17 and the camp issues later on. Just to finish this based on what you've
18 said -- I should follow up though. You said prisoners were not under the
19 authority of the Main Staff. Are you telling us then that the prisoners
20 were under the authority of the Defence Department?

21 A. I'm telling you that whenever someone is captured, it was one's
22 duty to handover the prisoners to the military police. As to who was
23 responsible, you've heard witnesses here. It's not for me to meddle in
24 things that I'm not well informed of.

25 My claim is clear. The Main Staff, while I was there, had

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1 nothing to do with this, nor should it have had anything to do with this
2 matter. That's not part of the descriptions of the duties that I was to
3 perform.

4 Q. Very well. We'll come back to this issue at a later point.
5 General, the next exhibit is P04719.

6 JUDGE ANTONETTI: [Interpretation] General, I'd like to ask you
7 something about the document. There's a takeover of power, and you tell
8 us that General Petkovic didn't tell you that there were prisoners, and
9 so on and so forth. Very well. Why not? But you will admit that it
10 might seem surprising for someone looking at this from the outside. For
11 example, if in Baghdad a general is replaced by another general, I
12 suppose that the American general will tell his successor, "We have such
13 and such a number of prisoners in our prisons," and then they'll take
14 stock of the military situation. But you say no, this issue was not

15 raised.

16 While listening to you, I was wondering why. Was it because of
17 the situation, because he was fighting and at that point in time there
18 was a rapid takeover, and you both thought that the other person was
19 well-informed? That's perhaps true. I don't have any information that
20 would allow me to conclude that you are not telling the truth. I just
21 don't know. I'm trying to analyse serenely the nature of the situation.

22 And what also might seem surprising is the fact that you say that
23 you didn't know that the Muslims had been disarmed and imprisoned. That
24 might also seem surprising, but it could be true because you were perhaps
25 in an area where you weren't confronted with such problems, and as a

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1 result you weren't informed of them.

2 So this takeover of power with Petkovic, where did it physically
3 take place? Was it over the phone? Did it take place physically?
4 Where? How long did it last, as far as you know?

5 Because there could be another explanation that perhaps you don't
6 want to provide. All those in the administration, in the military
7 administration, know that sometimes there are takeovers that are very
8 difficult because the person leaving isn't happy. The person being
9 replaced isn't happy and has no contact with the person replacing him, or
10 there's a handshake and one simply leaves after that. So that could also
11 be an explanation. That's why it's necessary to tell us precisely what
12 happened.

13 THE WITNESS: [Interpretation] The question is a lengthy one so

14 I'll deal with the last aspect of your question first of all.

15 It's true that when certain positions involve honours and a nice
16 kind of life, people fight for those positions. Ninety per cent of those
17 who held positions in the HVO would have been happy if they could have
18 given their positions to someone else, because what does it mean to be a
19 commander in the HVO at that time, at a time when Bugojno fell and
20 everything was in chaos and one saw no end to the problem? And I had
21 over 2.000 men with whom I had to fight for 20 hours continually. It was
22 very likely that I would lose my life, or at least once a day it was more
23 probable that I would die than survive.

24 So, Your Honours, we keep referring to American generals, but
25 that's not what the situation was like. There were no shifts. There

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1 were no salaries. The units were dispersed. They were small. The
2 people were so tired that sometimes they couldn't function
3 psychologically and physically. You'd be someone parents -- you'd act as
4 someone's parents, and you would be with them for 20 hours a day, you'd
5 go from one hill to another. There were 20.000 refugees, 1.500 men.
6 Many people were completely mad. That's the first thing.

7 And secondly, I'm not sure that an American general would talk
8 about the number of prisoners of war if -- this is a matter for another
9 part of the army. In Guantanamo Bay **there are prisoners there, but the**
10 American General Staff wasn't in charge of them, the CIA was; so they
11 won't be informed of the fact. So it's a matter of the organisation that
12 has to deal with such matters. That was the case in Mostar up there. I

13 don't know what else I can say. And this went on for 85 or -- to 90 days
14 without a break. The conversation I had with Petkovic took place in
15 Grude. We spoke to each other for half an hour, 45 minutes at the most.
16 If there's anyone else, we would both have preferred to go to Makarska
17 for a swim in the sea. The greatest problem was to convince someone to
18 perform such duties there because everyone would say, "Well, I'm not
19 capable of doing this. Give this position to someone else and so on."
20 The people who remained there, the men who remained there did want to
21 fight, but performing those duties was difficult for anyone because you
22 saw in Siljeg's report that was shown a while ago, we didn't analyse it,
23 though, you saw in that report that he had terrible problems he didn't
24 know how to solve. You know, he said they were burying their heads in
25 the sand, men were burying their heads in the sand, some had fled, so you

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1 can't compare the situation to the situation in a normal state in a
2 normal army. There's no comparison to be made unfortunately. I would
3 have been happy if I had had such an office, if I had my staff, if I'd
4 just issued orders for planes to overfly an area, and so on and so forth.
5 Unfortunately, that was not the situation, and we can't transform the
6 situation into the situation we would have liked to have.

7 JUDGE PRANDLER: I hear again and again you are going statements
8 which, in my view, are not very much to the point here what we are trying
9 to achieve, so please kindly take the floor only when you are asking --
10 you are asked a question. And therefore now I would like to ask
11 Mr. Stringer to continue with his questions. Thank you.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, Judge Prandler
13 is right. You provided explanations and then you went off on a tangent,
14 but to summarise what you have just said, I don't want to make any
15 mistakes because all of this is very important, you met Petkovic in
16 Grude. According to what you have said, as far as you can remember, you
17 spoke to each other for 30 to 45 minutes. The situation in military
18 terms was extremely complicated, and you did not raise the issue of
19 prisoners.

20 THE WITNESS: [Interpretation] No, no, Citluk, Citluk.

21 JUDGE ANTONETTI: [Interpretation] Very well it was in Citluk.
22 You said Grude, you're correcting yourself. It was in Citluk. Fine.
23 Thank you for that.

24 General Petkovic didn't speak to you about prisoners, because
25 these prisoners weren't the responsibility of the HVO Main Staff, and as

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1 a result it was not necessary to refer to this matter. Have I correctly
2 summarised the reasons for which this takeover was a rapid one and the
3 issue of prisoners was not one that was raised?

4 THE WITNESS: [Interpretation] Correct.

5 JUDGE ANTONETTI: [Interpretation] Very well. Try and be as
6 concise as I have just been and we will save a lot of time.

7 Mr. Stringer.

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

9 Q. General, just to be most specific on this, although again we're
10 going to come back and spend a certain amount of time on the camps, on

11 the 24th of July, 1993, you're telling us that you did not know that the
12 HVO was holding prisoners at its military remand prison at the Heliodrom
13 south of Mostar?

14 A. I knew that the Heliodrom was a prison, but as to who was
15 imprisoned there, I knew nothing about that.

16 Q. All right. Same question for the military remand prison at
17 Ljubuski. Did you know that the HVO was holding hundreds of prisoners
18 down at that facility at the time that you took command on the 24th of
19 July, 1993?

20 A. No, I didn't.

21 Q. General Petkovic never told you about that?

22 A. No.

23 Q. Did you know about Muslim prisoners being detained at the Dretelj
24 facility in the Capljina municipality?

25 A. I learned of the existence -- now whether it was Dretelj or

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1 Gabela - after a telephone conversation with Ms. Ivanisevic who brought
2 in the ZDF. I heard about the existence of something down there.
3 Whatever I could do, well, I authorised her to enter the premises,
4 although officially I didn't have the right to do this, but I didn't
5 care. If that could have helped her to go there and film the situation,
6 I gave her the authorisation.

7 Q. So on the 24th of July, 1993, when he turned over command of the
8 Main Staff to you, General Petkovic didn't tell you anything about
9 Dretelj, the Dretelj camp facility?

10 A. No.

11 Q. And is it also true he didn't speak to you about the Gabela
12 prison?

13 A. No.

14 Q. Okay. General, as I said, we'll come back to the camps. The
15 next exhibit in your binder should be P04719. We're reaching the end of
16 this section of the cross-examination?

17 JUDGE ANTONETTI: [Interpretation] General Praljak, without
18 speculating, but a criminal judge likes to understand the situation in
19 the light of various hypothesis. I'm going to formulate a hypothesis
20 now.

21 Let's imagine that General Petkovic said to you, "The HVO has
22 such and such a number of prisoners." What would you have done or what
23 would you have said, because under oath you're claiming that
24 General Petkovic never told you anything about the matter. You've made
25 the solemn declaration and that's what you said, so that carries a

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1 certain weight. So assuming what you say is true, well, if
2 General Petkovic told you, "Well, we have prisoners," what would you have
3 said, and what would you have done in such a case?

4 THE WITNESS: [Interpretation] Nothing. I would have continued to
5 fight. That's the reason for which I went down there. I had no
6 responsibility for the prisons. It was my duty to send to prison HVO
7 members who had committed disciplinary offences. If crimes had been
8 committed, they would be dealt with according to the procedure that you

9 have heard about here on numerous occasions, and you've heard about the
10 procedure from people who are more familiar with the procedure than I am.

11 If he had said that there were prisoners, if he had told me about
12 prisoners at the time, well, in the situation I wouldn't have done
13 anything. I would have gone to Rama again, and I would have continued to
14 fight. I have nothing to do with prisons. I had nothing to do with
15 prisons. What should I have done?

16 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak at
17 the very beginning of the trial a few years ago, time passes rapidly.
18 You learned -- I learned at the time that you had given authorisation for
19 prison visits. As I was previously responsible for over 50.000 prisoners
20 and granted authorisations, I told myself if he has granted such
21 authorisation, is he really familiar with the situation or not? If he's
22 not familiar with the situation at that point in time, he can provide
23 authorisation without realising what the consequences might be, and that
24 posed a serious problem for me to see that you had provided
25 authorisation, and then someone who writes a report, the report is then

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1 broadcast in the media, published in the media. When one hides
2 something, well, one can't broadcast it, but the fact that you gave this
3 authorisation, I link that -- well, I linked that at the time to the fact
4 that you may or may not have been familiar with the situation. It's
5 as if -- well, you're against American examples. You object to American
6 examples. I used those examples because it's a current matter, and I try
7 to use examples that everyone is familiar with. It's as if there was an

8 American general who had the famous prison under his control where there
9 were cases of abuse. He'd then give CNN authorisation to go there,
10 interview the prisoners, the prisoners would then said, "Well, look, our
11 heads were covered with sacks. We were beaten, and so on and so forth."
12 And then naturally CNN would broadcast this report in such a situation,
13 the American general who apparently gave the order -- who allegedly gave
14 the order, well, naturally didn't know what was going on, so there we
15 have it.

16 Apparently General Petkovic will testify. He will be in your
17 place. He'll make the solemn declaration, and he'll confirm or deny what
18 you have said. So today you are telling us, "I wasn't aware of the fact
19 that there were prisoners. I knew that there were military prisons to
20 which certain soldiers were sent. I provided authorisation so that
21 reports could be made," and that was without knowing whether you had the
22 right or not to give authorisation. So this is important. Now again you
23 are telling us you were not aware of the existence of hundreds or
24 thousands of prisoners.

25 And let me add something else. If you knew that there were

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1 prisoners, would you have -- if you had known there were prisoners, would
2 you have provided these authorisations?

3 THE WITNESS: [Interpretation] Judge Antonetti, it's specified
4 whether there were 6.000 and so on and so forth. In there are prisons, I
5 must have believed that there were some prisoners there, but my position
6 was in Croatia, in my department, and while I was down there, wherever a

7 journalist came from and whatever the journalist wanted to see, and this
8 was not only the case for journalists but also for representatives and
9 military attaches, for all these individuals I provided them with the
10 authorisation to go wherever they wanted to go and to have access to all
11 information.

12 So when Vulliamy said, "General, will you give me authorisation?"
13 I said go there and have a look for yourself. No one else wanted to give
14 him authorisation. I didn't know whether to let him in or not. There
15 was a journalist from Zagreb. **I gave him the pass. They sent him back**
16 from the gate. You have his report. They said Praljak hasn't got
17 anything to do with this here and he had to go back. The ZDF, the German
18 television team, was allowed in. So my position was that nothing should
19 be concealed, that there was nothing to be concealed.

20 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak,
21 let me conclude. We know this is what you said, that you had high-level
22 contact with a military attache from the US embassy in Zagreb. **You would**
23 see this individual frequently, and he would take stock of the situation
24 with you.

25 Under oath, at no point in time did the military attache tell

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1 you, "We know through our intelligence service that you have thousands of
2 Muslim prisoners in detention. We know that some are being abused, and
3 this has to come to an end." He never said anything of this kind to you?
4 Is that what you are claiming under oath?

5 THE WITNESS: [Interpretation] Under oath I'm claiming that he

6 never told me anything of this kind, nor did anyone else. You can call
7 him. You have his statement. He could go there. He was in Rama. He
8 could go wherever he wanted to go. From the very beginning when he
9 arrived as a Red Cross representative to see the ports and so on and so
10 forth, well from that point in time and onwards, he remained there until
11 Operation Storm, during that period he had access to everything, and that
12 wasn't only the case for this individual, there was Germans, the
13 Spaniards, they all had access to everything. At least whenever it was
14 possible for me to decide that they could have access, this was the case.

15 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Stringer, we
16 have a few more minutes before the break.

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

18 Q. General, I'm going to challenge something you've said here in the
19 last few minutes. The President asked you what you would have done if
20 you had known about the prisoners, and you said, "Nothing. I would have
21 continued to fight. That was the reason why I went down there." You
22 said, "I had no responsibility for the prisons."

23 Now, General, I'm going to put it to you that's an absurd
24 assertion for you to make, because what you're saying is that even though
25 you were commander of the HVO Main Staff, you bear no responsibility for

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1 the HVO's prisoners of war. Is that really your assertion?

2 A. Correct. Prisoners of war exist, and there's no reason for them
3 not to exist. The fact is how POWs are treated. A POW is naturally a
4 phenomenon you encounter in all wars.

5 Q. Thank you. You've answered my question.

6 I want to try to finish off this section before the break,

7 Mr. President.

8 It's P04719, General.

9 Do you recognise this as an order that you issued on or about the
10 1st of September, 1993?

11 A. I signed this, yes.

12 Q. And what you're doing here is laying out the organisation of the
13 command structure and offensive - defensive operations in the South-East
14 Herzegovina **operative zone; correct?**

15 A. I'm familiar with this document. I ordered the operative zone to
16 draft a document so that it wouldn't just be a matter of self-defence. I
17 wanted to wake them up a bit. This order was never implemented. It
18 never reached the operative level. However, I wanted to shake them up a
19 bit. I didn't want them to remain on the defensive. I wanted to see
20 whether they would be prepared to launch offensive operations as well,
21 but this is, well, a piece of paper in fact.

22 Q. I want to focus on paragraph 1 and some of the units that you're
23 asserting authority over as reflected in this order. There are
24 references to a number of units, although most of them have
25 abbreviations, and I just want to clarify what those abbreviations stand

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1 for.

2 For example, you start off: "The South-East Herzegovina

3 Operative Zone comprising 1st KD." We have in the translation KD. Is

4 that the Knez Domagoj?

5 A. Probably, yes.

6 Q. And then I'm going to skip to the next line. The MHC, is that
7 the Mario Hrkac Cikota Brigade?

8 A. Probably, yes.

9 Q. And the next one is the KB. That's the Convicts Battalion?

10 A. I don't know. Believe me, I don't know.

11 Q. Well, the fact is that is the Convicts Battalion. Isn't it,
12 General? I think you do know. You just don't want to admit it.

13 A. Sir, if I knew, I'd tell you, but I don't. This list of units of
14 such a level, well, you can see from the handwriting someone from the
15 operative zone drafted this, and naturally you have my name here. I
16 signed it as a document, but I don't have to be familiar with each and
17 every unit that is referred to in the document.

18 Q. Before we conclude this section, I want to try and clarify the
19 status of the Kaznjenicka Bojna, the Convicts Battalion within the HVO.
20 I know that I asked you a couple of questions about this at the
21 beginning, but I don't think I got it clear enough for the record.

22 General, can we agree that the Convicts Battalion was a part of
23 the HVO?

24 A. Mr. Stringer, whatever the names were, and there were many that I
25 didn't know, I am telling you again that at my time I had no command over

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1 Mr. Naletilic or the unit he was in command of, and I can repeat this as
2 many times as you wish under oath. I wasn't in command of --

3 JUDGE PRANDLER: The question was not whether you were in command
4 of the Convicts Battalion, but the question was that, General, and I
5 quote, "Can we agree that the Convicts Battalion was a part of the HVO."

6 Please answer to this question. Do you think that the Convicts
7 Battalion was a part of the HVO or you disagree with this?

8 THE WITNESS: [Interpretation] The Convicts Battalion, according
9 to all the information I have at my disposal, was not part of the HVO,
10 given the information I had. I wasn't in command of the unit that was
11 under the command of Mladen Naletilic Tuta.

12 MR. STRINGER: Mr. President, I'm going to need to come back to
13 this issue perhaps after the break.

14 JUDGE ANTONETTI: [Interpretation] It is in fact time to have a
15 break of the we will have a 20-minute break now.

16 --- Recess taken at 3.45 p.m.

17 --- On resuming at 4.07 p.m.

18 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, the hearing is
19 resumed.

20 Mr. Praljak.

21 THE WITNESS: [Interpretation] Your Honours, Mr. Stringer, this
22 KB, unfortunately you give me too little time. It says here the KB
23 Brigade, and on another page, on the second page in paragraph 2.1 it says
24 Brigade Knez Branimir Brigade, Citluk. So it's not the convicts brigade
25 but the Knez Branimir Brigade from Citluk. The document we're looking at

1 now, P04719. So you asked me if it was the Convicts Battalion, it is the

2 KB brigade, and on page 2 in paragraph 2.1, it says Knez Branimir Citluk.

3 Q. Thank you for that clarification. I do want to bring you back to
4 your testimony at the very end of the last session where in response to a
5 question from Judge Prandler you said that -- this is page 37, line 17,
6 the Convicts Battalion, according to all the information I had at my
7 disposal, was not part of the HVO given the information I had. I wasn't
8 in command of the unit that was under the command of Mladen Naletilic
9 Tuta."

10 Now, General, I just want to take a minute to talk about the
11 Convicts Battalion, and if we can, I want to talk about the unit, and
12 I'll -- I'm not going to cut you off. I know that there are just --
13 there are issues relating to who was in charge of the unit, but
14 nonetheless, I want to come back to the issue of the unit that you
15 thought of as the Convicts Battalion or the Kaznjenicka Bojna. Now, at
16 the very beginning of this section of your cross-examination I showed you
17 the chart that you had marked on when you were a witness for the Defence
18 in the Mladen Naletilic case here at the Tribunal, and I'm going to take
19 you back to that chart which for this trial is marked as P09324, 9324.

20 MR. STRINGER: And we could put it up on the screen also. I
21 think that the part we need to see is the part that bears the General's
22 markings on it.

23 Q. That's it, General. I think you've just reached it there in your
24 binder.

25 Now, as we look at this, General, I'm actually going to take you

1 back to your testimony, your sworn testimony in the Naletilic trial.

2 MR. STRINGER: And we've got this on Sanction, Mr. President. We
3 can put it up on the screen.

4 Q. I'm going to read you a part of the questions on
5 cross-examination that were put to you by my colleague sitting behind me,
6 Mr. Scott. And this is as we see at page 9690 of the Naletilic,
7 Martinovic transcript. You were asked the following question:

8 "Q. Sir, you've told us several times, I believe, in the
9 last several days that the Convicts Battalion was part of the HVO. Are
10 you changing your answer?"

11 And your response, General, was:

12 "A. No, sir. But the Convicts Battalion, in the form in
13 which I knew about it, except for the first case I mentioned and the
14 Orlovac feature, as its commander appeared Mr. Mario Hrkac and
15 Mr. Andabak, and that was also something I repeated several times.
16 Mr. Mladen Naletilic was not a part of the military structure. Nor do I
17 know him as a commander of this unit in the military part."

18 And then you were asked the next question:

19 "Q. All right, sir. Just so the record is clear then - I
20 don't want to sit down without this being clear - you're not
21 disagreeing - you've not changed your answer that the Convicts Battalion
22 by whoever you say it was commanded by, but you confirm again that the
23 Convicts Battalion was part of the HV -- military HVO; correct?"

24 And you say:

25 "A. Correct, as for the structure of the HVO, which you

1 showed me, and I drew with a marker where the Convicts Battalion was, and
2 I stand by it."

3 So now, General, in this testimony at the very end when you
4 mentioned the structure and you're making markings, what you're doing is
5 referring to this exhibit here, the chart that we're looking at, 9234;
6 correct? That's a yes or no question, General. When you were referring
7 to the markings, are you referring to your markings on this chart?

8 A. You claim that this question can be answered by a yes or no, and
9 I claim that it cannot. You have left out the most important part. I
10 was talking about the year 1992 and about Orlovac, and then I said that
11 the Convicts Battalion, or, rather, the commander Andabak in Orlovac was
12 within the HVO structure. Between 1992, and that is in May and the
13 beginning of June, and 1993, there is a big difference, and I can't
14 answer with a yes or no, but I stand by what I said then --

15 Q. Excuse me --

16 A. -- and what I'm saying now. I don't know -- the exact answer,
17 Mr. Stringer, is I do not know --

18 Q. General --

19 JUDGE TRECHSEL: I'm sorry, Mr. Praljak. I probably would have
20 said the same thing. You're not at all answering the question. You have
21 not noticed what the question was it appears. The question was, I read
22 it here, were you referring -- when you were referring to the markings,
23 are you referring to your marks on this chart? That was the question.
24 The question was not whether you confirmed that the Convicts Battalion

25 was part of the HVO or any substantive part. The question was did you

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1 refer to this chart with the markings, and that I do not see how it
2 cannot be answered yes or no.

3 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, at the time,
4 I was participating and saying all I know, but if a statement is not quite
5 correct, it doesn't mean that it is false. I came as a Defence witness,
6 unprepared, and I don't know. I'm telling you now I don't know under whose
7 command Mladen Naletilic Tuta was at the time I was on the Main Staff.

8 JUDGE TRECHSEL: I will ask Mr. -- perhaps I misquote him. I
9 will ask Mr. Stringer again to put the question to you, because it seems
10 that you did not understand me now. I'm sorry, maybe I have some speech
11 impairment. Please, Mr. Stringer.

12 MR. STRINGER: Thank you, Your Honour.

13 Q. General, the question is this: Was the HVO -- excuse me. Was
14 the Convicts Battalion a part of the HVO? A simple question.

15 A. When? When?

16 Q. At the time you assumed command of the HVO Main Staff, 27 or 24
17 July 1993, the date you wrote on the chart. Was the Convicts Battalion a
18 part of the HVO at that time?

19 A. It was not.

20 Q. Then -- well, I'm going to put it to you, General. You're not
21 telling us the truth now, because the fact is when you sat here in this
22 Tribunal as a witness under oath in the Naletilic trial, at the same time
23 you wrote this date and made these markings on this chart, you wrote KB

24 up next to the box on professional units. Isn't that true?

25 A. It is true.

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1 Q. Well, then so --

2 A. But --

3 Q. -- I'm going to put it to you, General, that you're not telling
4 us the truth again today. In fact, the KB was a part of the HVO
5 structures, precisely as you've indicated on the chart that's in evidence
6 from the Naletilic case. Isn't that the case? Isn't that true?

7 A. Mr. Stringer, we're talking about two different things in the
8 HVO. I'm talking about the units that come under the command of the Main
9 Staff, and now you're saying that the HVO -- the HVO, of course, is the
10 military police as well. I don't know --

11 Q. You keep changing my question to suit yourself. You've got to
12 stop doing that. You've got to answer my question.

13 We have a chart here that is the HVO, all right? Not the Main
14 Staff. We've got Main Staff here. We've got the Defence Department
15 elsewhere. I'm asking you about the HVO, and the fact is, General, that
16 under oath back in the Naletilic trial, I've just read you your
17 testimony, you testified unequivocally that the Convicts Battalion was a
18 part of the HVO military, the HVO military, and that is in fact how it
19 was; isn't that correct? The Convicts Battalion was, in fact, a part of
20 the HVO military?

21 A. No matter how much you or anyone else tries to get from me
22 something they want, they can make their own statement for the

23 transcript. My clear knowledge is that I was not in command of the
24 Convicts Battalion. What it belonged to, whether it belonged to other --
25 MR. STRINGER: Mr. President, I'm going to ask the Trial Chamber

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1 to direct the witness to answer the question, because he continues to
2 evade by changing the question. Was the Convicts Battalion part of the
3 HVO military.

4 JUDGE ANTONETTI: [Interpretation] General Praljak, the question
5 put by Mr. Stringer is very clear, especially as he has Mr. Scott behind
6 him, because it was Mr. Scott who put the question to you at the time.

7 We have on the screen, and you see on the screen, the document
8 marked by yourself, and then you indicated Mr. Mate Boban as being the
9 commander of the army. Then you wrote Bruno Stojic as being head of the
10 Defence Department. Then you framed the Main Staff, and you put the date
11 the 27th of July, 1993. And we see that it was you who was the commander
12 of the HVO from the 27th of July.

13 More delicate is what we see on the right. You put ATG and a
14 circle around it and an arrow from which one can make the conclusion that
15 the ATG **depended on the Main Staff as professional units. And to the**
16 right you have marked KB, the Convicts Battalion.

17 Mr. Scott, at the time when he was questioning you, asked you to
18 confirm whether the Convicts Battalion was a part of the HVO, and at the
19 time you said yes, but then you gave an explanation that at the time at
20 Orlovac, which was in 1992 and not 1993, the person in command of the
21 Convicts Battalion was not Naletilic, and that to the best of your

22 knowledge Naletilic was in a different structure. Therefore, the
23 conclusion I can make is that in 1992 the Convicts Battalion participated
24 in a military operation under the command of the HVO, but in 1993 not.

25 Just before the break, and I thank my colleague Judge Prandler

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1 who tried to explain this, and under oath you're telling us that the
2 Convicts Battalion did not come under the HVO, and you were the commander
3 of the HVO.

4 So that is the situation now. Mr. Stringer is drawing the
5 conclusion that you are lying. That is what he told you when he said
6 that you are not telling the truth, and you say that the Convicts
7 Battalion did not belong to the HVO.

8 In 1992 it did belong, and that's what you've said in the
9 Naletilic case. Now you need to explain to us why with your own hand you
10 marked KB in the presence of Mr. Scott and in the Naletilic case. What
11 exactly does this mean?

12 THE WITNESS: [Interpretation] Could the HVO be defined? That is
13 the root of the confusion. Is the HVO the SIS? Is it the IPD? Is it --
14 I don't know what, doctors. All this is the HVO. The military police is
15 the HVO.

16 Please, Mr. Trechsel.

17 JUDGE TRECHSEL: I must say, Mr. Praljak, this -- your reaction,
18 which is not an answer, but the reaction is not really serious. We did
19 not here ever have problems of what is the HVO. You are again escaping,
20 and you have to answer the questions, precisely answer the questions

21 Mr. Stringer is putting to you. This seems to be very difficult to you.
22 You have been reminded many times of this, and you seem to find it
23 extremely difficult to conform with this, but it is the rules of the game
24 here. You always say that you want a fair trial. This is your part in
25 the fair trial as a witness, that you answer the questions that are put

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1 to you.

2 THE WITNESS: [Interpretation] Your Honour Judge Trechsel, I would
3 like to appeal -- appeal to you to refrain from psychological
4 characteristics as something being serious or not serious. I would
5 appeal to you to refrain from psychological definitions of my answers. I
6 will complete the testimony as follows: The Convicts Battalion was not
7 in the structure of the command of the Main Staff. We have not defined
8 what the HVO is. You may have done so, but HVO is a broader concept, and
9 there's the Main Staff. Within that HVO and the Main Staff, during my
10 command, the Convicts Battalion was not there. And you can try to imply
11 whatever you wish and to try and trap me. I will not accept that.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, I believe that
13 when the Prosecutor says the HVO, the Prosecutor is using the term in the
14 broad sense, and in the broad sense Naletilic was a part the HVO. But
15 when you say the HVO, I think that in your mind it is the military
16 component of the HVO of which you were the commander, and within that
17 military component the Convicts Battalion does not fit within the chain
18 of command. The Convicts Battalion may have been somewhere else within
19 the general HVO, but not within the military structure of which you took

20 the command on the 27th of July, 1993.

21 Is my understanding correct?

22 THE WITNESS: [Interpretation] Absolutely correct. My complete
23 knowledge is that it was not within the structure of my command. I don't
24 know which other structure it belonged to, but it was probably in the
25 HVO. That is the precise and correct answer.

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1 Forgive me, Judge Trechsel. Don't ask me to testify in this way
2 or not, and I'm saying what I know. They were not within the Main Staff.

3 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, leave
4 Judge Trechsel for the moment aside, because we Judges are trying to
5 understand what are you saying. We're trying to understand what you're
6 saying.

7 My understanding now is that when you said in the Naletilic case
8 that the Convicts Battalion was a part of the HVO, one should conclude
9 from that that you meant in the broader sense, and today you're talking
10 about the military structure, of which you assumed command, that it was
11 not within that structure.

12 THE WITNESS: [Interpretation] Correct.

13 JUDGE ANTONETTI: [Interpretation] Very well. Proceeding from
14 there, Mr. Stringer, take over, please, and develop your arguments. You
15 may not agree with what he says, which is quite possible.

16 JUDGE TRECHSEL: I just want to say, Mr. Praljak, it's not for
17 you to give me any lessons on how I have to put questions unless I really
18 violate rules, and the term "serious" has not been used in the sense of

19 some psychological meaning but an objective assessment of your answer.

20 MR. STRINGER: Well --

21 THE WITNESS: [Interpretation] What would objective be? What are
22 you talking about objectively? Please, I have every respect for you, but
23 please.

24 JUDGE TRECHSEL: No, no. We're not going to discuss my use of
25 the language further.

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1 Mr. Stringer.

2 MR. STRINGER:

3 Q. General, the chart P9324, right at the top, it's for the -- the
4 year is indicated 1993. Do you see that, the chart that you wrote on?

5 A. Yes, I can see that, Mr. Stringer.

6 Q. And the date, the 27th of July, 1993, that's written on there.
7 That's what you wrote, isn't it?

8 A. Correct, Mr. Stringer, but allow me just one thing. If I had not
9 happened to remember that the KB did not stand for the Convicts Battalion
10 for the previous document, then in the previous case, for example, this
11 would've appeared as the Convicts Battalion. You gave me just a couple
12 of minutes to try and remember that this was another brigade, the Knez
13 Branimir brigade. You are giving me things to do without any
14 preparations. You did not give me the document in advance to prepare
15 myself, and this is how things are done. I apologise.

16 Q. The fact -- no --

17 A. Then in the record of that --

18 Q. You're not going to run the show. The fact is that you
19 remembered it much better back in the year 2000 when you testified -- or
20 2002, I should say, and you truthfully indicated in response to
21 Mr. Scott's question that in fact the HVO -- or that the -- that in fact
22 the Convicts Battalion was a part of the HVO military. Can we agree that
23 that's what you said under oath in the Tuta trial back in 19 -- or back
24 in 2002?

25 A. I cannot agree with you on anything. On 2003 I was completely

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1 unprepared, and now here I worked for years to try and remember the
2 things that I had forgotten in the meantime.

3 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I don't have in
4 front of me the statement -- or, rather, the reply that Mr. Praljak gave
5 to Mr. Scott's question, but I do not recollect that he mentioned the
6 military structure of the HVO. In the text, it just says "HVO," not the
7 military. Can you verify that, please?

8 MR. STRINGER: If you hit the right button, we have the
9 transcript from the Naletilic trial on the screen in Sanction,
10 Mr. President, and it is actually the military structure that's being
11 asked.

12 JUDGE ANTONETTI: [Interpretation] I see. In line 14, and this is
13 very important, it says in English: "Mr. Mladen Naletilic was not a part
14 of the military structure." It's written there.

15 MR. STRINGER: Except I'm asking about the Convicts Battalion.
16 We can -- for the purposes of this discussion, Mr. President, I'm

17 disregarding who the commander might be. I'm asking about a unit that's
18 well-known, that appears in many of the documents, a unit called the
19 Convicts Battalion, and I'm simply asking the general to confirm what he
20 said back under oath in 2002 which was that the Convicts Battalion fell
21 within the military structure of the HVO.

22 THE WITNESS: [Interpretation] In 1992 on --

23 JUDGE ANTONETTI: [Interpretation] I have the text in front of me.
24 Mr. Scott is asking him, in line 20, and I can be checked by all the
25 English-speaking persons, you say: "Do you confirm that the Convicts

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1 Battalion was part of the military HVO," and he adds the word "correct."

2 And Praljak replies:

3 "Correct, but "as for the structure of the HVO...." he doesn't
4 say military structure. So you see, I don't have the French version to
5 be able to compare the two, but in the English version there is Mr. Scott
6 who says to him "military structure," and he answers "structure of the
7 HVO" in line 22.

8 MR. STRINGER: I'll just read the rest of the answer in English
9 so that it can be interpreted into the other languages.

10 Line 22 the General says:

11 "Correct. As for the structure of the HVO, which you showed me,
12 and I drew with a marker where the Convicts Battalion was, and I stand by
13 it."

14 And again just for the record, Mr. President, this chart is a
15 schematic overview of the HVO structure in 1993. So I -- so we're

16 putting it to the general --

17 Q. Well, I'll put it to you one final time, General, because I think
18 we've pretty much exhausted this. The fact is that the Convicts
19 Battalion during the period that you were in command of the HVO Main
20 Staff, the Convicts Battalion was a part of the HVO military structure;
21 correct?

22 A. I don't know. It was not under the command of the Main Staff. I
23 don't know where it was. I don't know.

24 Q. Very well.

25 MR. STRINGER: Mr. President, I don't think there's any use in

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1 pursuing this one any more. I'm ready to move on.

2 JUDGE ANTONETTI: [Interpretation] Okay. Yes. Thank you. Yes.

3 MR. STRINGER:

4 Q. General, I believe you have the next binder there with you.

5 We're going to talk about events just prior to and then during October
6 1992 and thereafter in Prozor?

7 MR. STRINGER: For the record or for counsel, this is list
8 number 6.

9 Q. General, just to start off, I'm going to take us back a little
10 bit earlier than October of 1992, back to the 21st of July, 1992, for a
11 little bit of context.

12 This particular transcript, presidential transcript, has been
13 referred to a lot of times throughout the trial. This is a conversation
14 that takes place or a meeting that takes place over about a 12-hour

15 period at the presidential palace, and it's on the day that Republic of
16 Croatia **and the** Republic of Bosnia-Herzegovina **sign off on the agreement**
17 on friendship and cooperation, so that's sort of the background. And I
18 want to take you just to one small part of this and to some of the words
19 of President Izetbegovic.

20 This is on page 35, starting on page 35, at the bottom.
21 President Izetbegovic starts speaking -- I'm sorry. This is P00336, for
22 the record. 336.

23 And President Izetbegovic starts talking at the bottom of page 35
24 saying that the war started at the moment when they did not have an army.
25 He's talking about the developments. And then the next page, in the

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1 middle of the page, he says:

2 "So the spontaneous resistance to the aggressor started, and the
3 people were managing in all possible ways. So it led to establishing in
4 this case of two different formations, the HVO was established in the
5 areas dwelled mostly by the Croatian population, and the TO continued
6 functioning in those other areas."

7 And he continues talking on and he starts talking about problems
8 as between the two.

9 In -- toward the bottom of the page then he says:

10 "In the areas where there are purely -- in purely Croatian areas
11 the HVO is differently politically coloured that in the diverse areas.

12 "In certain areas we have examples of an excellent cooperation of
13 the HVO and the TO up till now, that is, we have the joint commands of

14 some kind, and in some areas we have problems even in that, because on
15 the strength of the HVO, certain political goals appear, goals to create
16 a canton or, according to some people's beliefs, something that even
17 looks like as the state within Bosnia and Herzegovina."

18 And then I'm going to skip down a paragraph. He says:

19 "We simply have very different tendencies within the HVO - loyal
20 ones, so to say, loyal to Bosnia and Herzegovina, all the way to those
21 radical ones who are at the bounds of loyalty, and the question is if
22 they are loyal to Bosnia and Herzegovina at all."

23 And then he continues talking, and he's talking about Croatia's
24 policy in respect of Bosnia-Herzegovina, and then the next page with the
25 part I'm mostly interested in for this, on page 38, at the top he says:

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1 "We have the cases of civilian authorities which were legally
2 elected on democratic elections being dismissed by the HVO and the
3 establishing of new military departments which naturally we cannot
4 accept."

5 Are you able to follow, General?

6 A. Well, just partly. It would be good if you gave me the page
7 number or the ERN number. This is what I've been asking for. You have
8 been talking and talking and finally you're going to put a question to
9 me, but let's go back to the last thing that you read out. Where is
10 that? I have not been able to find the page.

11 Q. Page 38. On these transcripts the English version and the
12 Croatian version are -- are the same. So I'll re-read the last part

13 where Izetbegovic says:

14 "We have the cases of civilian authorities which were legally
15 elected on democratic elections."

16 Do you have that? Okay.

17 A. Yes, yes.

18 Q. "Being dismissed by the HVO and the establishing of new military
19 departments, which, naturally, we cannot accept."

20 Then he goes on to talk. He talks about Doboj where the HVO and
21 the TO are acting together and have a Joint Command. And then the next
22 paragraph he says:

23 "There are opposite cases, for example, in Busovaca, or lately in
24 Kiseljak, where the local powerful persons came across an idea to
25 establish even a customs office - as if it is another country, et cetera.

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1 And that creates huge political problems."

2 Now, General, you were not present at this meeting on the 21st of
3 July, 1992, and your involvement up until this period of time in
4 Bosnia-Herzegovina, as I understand, has been in connection with the
5 liberation of Mostar during June of 1992; correct?

6 A. Correct.

7 Q. So at this point in time, General, is it fair to say that you
8 were not familiar with or not involved in activities or developments
9 whereby municipal HVOs were taking over political control of certain
10 municipalities in the Croatian Community of Herceg-Bosna?

11 A. You are taking this as a fact. However, I can't see where you

12 are quoting from. I don't see Mr. Izetbegovic stating this as a fact.
13 He says there are cases. The only important sentence here is that the
14 war started and he did not have an army. He had been talking to the
15 Serbs all the time, and when the war started --

16 Q. Turn to the next exhibit, P00382. This is dated 12th of August,
17 1992. It's a decision on the appointment of the municipal HVO for
18 Prozor, and here we have Dario Kordic signing off on behalf of Mate Boban
19 on a decision purporting to appoint a municipal HVO comprising these
20 individuals. So, General, the question is this: Were you aware that
21 during this period of time, say summer of 1992, the HVO was taking over
22 political control of certain municipalities by forming these municipal
23 HVOs?

24 A. I knew a little about that. However, as far as I know, the
25 authority in Prozor was divided within the HDZ and the SDA, but this was

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1 not based on the victory in the elections but the reciprocity of the
2 votes in the election and the HVO was supposed to assume defence because
3 there was nobody else who was up to the task, up to defending Prozor from
4 the Army of Republika Srpska as far as I know.

5 Q. I'm just asking if you were aware of this, and you're saying you
6 knew a little bit about it. Were you aware that these municipal HVOs
7 were not lawful entities under the Constitution of the Republic of
8 Bosnia-Herzegovina to the extent that they replaced the War Presidencies?

9 A. As far as I know, this was in compliance with the constitution of Bosnia
10 and Herzegovina. The principle was that an individual, a municipality,

11 and a local commune all had to participate and organise themselves in
12 the matters of defence. The central government did not do anything.
13 They did -- had not been prepared for the war. They had left the country.
14 Well... this... I don't know. But you've heard this a hundred times. Please.

15 Q. I have indeed heard this a hundred times. You're not asserting,
16 are you, General, that in fact Dario Kordic and Mate Boban possessed
17 legitimate authority under the constitution to appoint individuals to
18 municipal HVOs, are you?

19 A. I don't know that for a fact, but I think that they did have the
20 authority. I believe that Mate Boban did have the authority to organise
21 defence in the places where nobody else could.

22 Q. And you say that his authority flowed from the constitution of
23 the Republic of Bosnia-Herzegovina?

24 A. Mr. Stringer, this is what I think, but do not
25 assert.

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1 Q. Very well. Turn to the next exhibit. It's P00385. Now, this is
2 dated the same day as the previous exhibit, 12th of August, 1992. So on
3 the day that Dario Kordic for Mate Boban appointed the HVO -- municipal
4 HVO for Prozor, we see that Valentin Coric, who is the head of the
5 military police administration, issues this order, in keeping with the
6 need, as he says, to control the movement of paramilitary formations in
7 Herzegovina, carried out by the Croatian Defence Council. And then he
8 orders that commanders of military police stations in the municipalities
9 of Herzegovina under the control of the HVO, with certain exceptions,

10 issue permits for the movement of vehicles, i.e., BH TO members on the
11 territory of the Croatian Community of Herceg-Bosna and do so on the
12 basis of their estimation of whether the travel is justifiable. Vehicles
13 of the TO, members are to be stopped if they do not possess the said
14 permit. They are instructed to obtain it.

15 Now, General, were you aware that as of August of 1992, certain
16 elements within the HVO were claiming or asserting that the Territorial
17 Defence of Bosnia-Herzegovina was a paramilitary formation when it was in
18 the territory of the HZ HB?

19 A. We can't see this in the text. This is your interpretation.
20 It -- what it says here is that -- and this applied to the HVO, as you
21 could see, that a member of the Territorial Defence of Bosnia and
22 Herzegovina **had to go to his municipality, to the Territorial Defence of**
23 **Bosnia and Herzegovina, to obtain a paper that allowed him free movement.**
24 It doesn't say here that it would be the HVO in those municipalities who
25 provided him with that. It would be the organ in the municipality in

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1 charge of that, which in conditions of war is only logical. And this
2 also applied in -- to the Croatian Defence Council. They also had to
3 have -- very well then.

4 Q. Yeah, you're not -- in fact, what this order requires is that the
5 HVO military police issue permits and that TO vehicles have to obtain
6 those permits from the HVO military police. Isn't that what this
7 requires?

8 A. Where does it say the military police of the HVO? I can't see

9 that. Could you please refer me to the line?

10 Q. Okay. I'll read it to you. Coric orders:

11 "That commanders of military police stations of the
12 municipalities of Herzegovina **under the control of the HVO, with the**
13 exception of Mostar, Konjic, Jablanica, and Gornji Vakuf, issue permits
14 for the movement of vehicles, i.e., BH TO members on the territory of the
15 Croatian Community of Herceg-Bosna."

16 And then I'll skip down and he says:

17 "Vehicles of the BH Territorial Defence, that is, BH TO members
18 are to be stopped if they do not possess the said permit ..."

19 Right? So Coric here is, in fact, directing that TO personnel
20 within various parts of the Croatian Community of Herceg-Bosna have to be
21 in possession of permits issued by the HVO military police. Isn't that
22 what this says?

23 A. The military police of the municipality, but that doesn't apply
24 to Mostar, Konjic, Jablanica, and Gornji Vakuf where they were mixed
25 compositions. What this is about is a desire to prevent smuggling and

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1 all the other types of crimes that started appearing at the time. The
2 same applied to every member of the HVO who wanted to move about.

3 Q. It's --

4 A. As far as I know.

5 Q. No, it's not about smuggling. We know what it's about. It says
6 right here at the top. It's about the need to control the movement of
7 paramilitary formations in Herzegovina.

8 A. Where does it say paramilitary, sir? Your Honours, please.

9 MS. TOMASEGOVIC TOMIC: [Interpretation] I apologise, Your
10 Honours. I would just like to help everybody and point to an error in
11 the English translation. I believe that's the origin of the problem
12 because in the English translation in the title it says paramilitary
13 formations, whereas in the original it says military formations. There's
14 no reference to paramilitary formations in the original. General Praljak
15 may be allowed to read the sentence preceding the title because I believe
16 that this sentence is the root of the problem. The English translation
17 is wrong. And since I'm on my feet, I believe that the mistake is
18 important, and I believe that my learned friend, Mr. Stringer, would be
19 well-advised to correct that.

20 MR. STRINGER: We'll have that --

21 Q. Well, General, why don't you read it to us? I'm not going to
22 challenge or dispute what counsel's just said. Read the introductory two
23 lines there that begin with the words "In keeping with."

24 A. I'm reading:

25 "In keeping with the need to control the movement of military

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1 formations in the areas of Herzegovina under the control of the Croatian
2 Defence Council, I hereby issue the following order."

3 This means that this applies to all military formations and
4 bringing order to the area. There is no reference to any paramilitaries.
5 And as far as I remember, there was an identical order in place for the
6 HVO, as far as I can remember. I believe I saw it somewhere.

7 Q. So then within the Croatian Community of Herceg-Bosna, then, it's
8 the HVO military police. Except for these four municipalities, it's the
9 HVO military police that's going to issue permits and thereby assure
10 control over the passage of the BH Territorial Defence within those
11 territories; correct?

12 A. Sir, you -- you keep on adding things. First of all, this
13 applies only to the areas of Herzegovina **and only the municipalities**
14 under the control of the HVO. The municipalities with mixed population
15 have been excluded, Konjic and Jablanica, for example. Such permits
16 there were issued either by the TO or the BiH Army. This is where 10.000
17 wounded pass through. Over several millions of people pass through areas
18 for crying out loud.

19 Q. Now, I want to take you back to the previous document, P00382,
20 which again is from the 12th of August, 1992. Because we know, General,
21 that beginning from October of 1992 and throughout the remainder of the
22 time that you became or were associated with the HVO, until November of
23 1993, you spent a lot of time in the area of Prozor. The individuals who
24 have been appointed here by Mr. Boban or Kordic acting on his behalf, did
25 you know at any time or did you have dealings with Ilija Petrovic

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1 beginning in October of 1992? And I'll ask you the same question for
2 Ilija Franjic, commander of the HVO Municipal Staff.

3 A. First of all -- first of all, Mr. Stringer, I reject the whole
4 introduction and your assertions as relevant, because they're nothing but
5 your assertions, nothing more, and my answer to your question has nothing

6 whatsoever to do with your assertions.

7 I did know Ilija Petrovic, and I also knew Ilija Franjic.

8 Q. You knew him in October of 1992?

9 A. I met him when I arrived in Rama-Prozor after the clash that
10 broke out up there. I met both of them.

11 Q. And did those two individuals maintain these positions within the
12 HVO organisation, to the best of your knowledge, until the 9th of
13 November, 1993?

14 A. I don't know.

15 Q. Okay. The next item, General, I want to take you to a little bit
16 of testimony that we heard in this trial. It was quite a long time ago.
17 It was the testimony of Mr. Omer Hujdur. He testified in this trial on
18 the 20th of June, 2006. We're going to put his picture up in Sanction.
19 Maybe you'll see it on the screen and it will help you recognise him.

20 And again, this relates to certain HVO political activities in
21 the Prozor area prior to and after the conflict there --

22 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I'm looking at
23 the photograph and I can see that the blinds have been lowered behind
24 him. I don't know if protective measures were in place or not, but could
25 you perhaps check that for me.

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1 MR. STRINGER: I did check it, Your Honour, and he is -- he
2 testified publicly. His testimony is not protected. I don't know why
3 the blinds are down in the photo.

4 Actually, he requested protective measures. They were not

5 granted.

6 JUDGE ANTONETTI: [Interpretation] Very well. That's the
7 explanation.

8 MR. STRINGER:

9 Q. General, on the 6th of June, I'm going to ask you -- or I'm going
10 to read you a little bit of his testimony about the school curriculum in
11 Prozor. This is an area where you spent part of your time when you were
12 young. I want to ask you if you had any information about these issues
13 in your dealings in Prozor. And this is at page 3496 of the transcript,
14 which we can also put up on the screen so people can follow along.

15 He says the question at line 12:

16 "Q. When did this new school year start or was it scheduled
17 to start?"

18 And the answer is that:

19 "A. It was supposed to start, to the best of my
20 recollection, on the 7th of September, but the school year didn't resume
21 then until the attack on Prozor and it continued without the Bosniaks but
22 much later on. So it was just discontinued."

23 And then the question:

24 "Q. To conclude on the topic the school curriculum, when the
25 school year did resume after the attack on Prozor, was that with the

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1 Croatian curriculum?"

2 And says:

3 "A. Yes."

4 And then question:

5 "Q. At that stage, now we're talking November or December
6 1992, were any of your children subjected to this new curriculum?"

7 And the answer is:

8 "A. Yes. That was the time -- I apologise. Excuse me."

9 And I'm going to skip over. He talks about the things that
10 happened in Prozor. So I'll move to the next page.

11 And he says on line 5:

12 "A. There was intensive activity to have the people who left
13 Prozor return. Unfortunately, the people did return, but when they
14 returned, and I hope we'll have enough time to discuss that, too, the
15 school was organised."

16 He says:

17 "A. My wife also returned. She was pregnant at the time.
18 She was four months pregnant, and she had to -- we already had two
19 children -- or, rather, she returned with two children, and one of them
20 was supposed to go to sixth form. And the first day he went to school,
21 after being introduced, he was told, after he stated his name and
22 surname, that he should say that his homeland was Herceg-Bosna and that
23 the capital city of his homeland was Mostar. Of course, the child could
24 not accept that, and his answer was to say that his homeland was
25 Bosnia-Herzegovina and that the capital was Sarajevo. When he said that

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1 and when she insisted, there was a conflict that I don't want to talk
2 about."

3 Now, General, were you aware of the introduction of an
4 exclusively Croatian or Croat curriculum in the schools in Prozor at or
5 after the events that occurred there in October of 1992?

6 A. I know nothing about that, but I do know that many people had
7 already returned --

8 Q. General, thank you.

9 A. -- thanks to action that I had taken, Mr. Stringer.

10 Q. All right. The next exhibit, just for purposes of the
11 time-frame, P00570, because we'll see this -- this document's dated the
12 10th of October, 1992, not long before you came down to Prozor. And so
13 just so we all recall, General, you at this date were appointed by
14 President Tudjman to the position of assistant minister of defence of the
15 Republic of Croatia; is that correct?

16 A. That was a lot earlier, sir. This is some other document or
17 something has been changed and it was necessary to draft it again, but I
18 became the assistant minister of defence in March 1992. I don't know
19 what's been modified here exactly or why this was done.

20 Q. Well, so that when you did arrive in Prozor in October of 1992,
21 you did hold the position of assistant minister of defence; correct?

22 A. Correct.

23 Q. And the next exhibit is P00608. This is a report of the SIS, HVO
24 Tomislavgrad. This is the chief of security, Luka Markesic. We've seen
25 a number of his reports in this case, General, and here he's talking

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1 about the situation in the town.

2 Now, this is Prozor, 20th of October, and he says:

3 "The situation in town is deteriorating.

4 "After the hoisting of the Croatian flag on the police station,
5 there is a possibility that large-scale clashes will occur in the town."

6 So, General, first of all just so we all recall, when
7 specifically did you arrive in Prozor?

8 A. Well, in some document it says he arrived on the 20 -- the 26th,
9 7th, 8th. I can't remember.

10 Q. We'll come back to that.

11 A. Maybe it was the 27th.

12 Q. We'll come back to that. You were sent by President Tudjman, as
13 I understand it, with the mandate to prevent a war or a conflict from
14 breaking out. Is that in general what your mandate was?

15 A. No, Mr. Stringer. The conflict had already broken out. There
16 was an agreement between Tudjman and Izetbegovic, and I was requested to
17 go down there to solve the situation to the extent it was possible to
18 calm things down, to make the situation tolerable, and I did that.

19 Q. And you were aware or were you in the aware that prior to your
20 arrival an HVO Municipal Staff had been appointed by Dario Kordic for
21 Mate Boban, a Croatian flag had been erected at the police station, and
22 that there was a very tense situation in Prozor as a result of these
23 activities?

24 A. No. When I arrived there, naturally I didn't have sufficient
25 information at my disposal, but subsequently, naturally I tried to find

1 out why a conflict had broken out, and naturally as usual you have had a
2 look at only two documents. You didn't have a look at 20 documents
3 drafted by Luka Marketic [as interpreted], but who tried to produce a
4 conflict, how did it develop, how did it develop, and -- there was a
5 spark that ignited everything when the ABiH killed one or two Croats for
6 no reason at a check-point for no reason.

7 Q. General, you know, to hear your version of the events, if there
8 are any tensions in these areas, whether it's Prozor or Gornji Vakuf or
9 elsewhere, it's always just because the ABiH -- the armies down there are
10 causing tension and the HVO is not doing anything to contribute to the
11 tension. The fact is that the HVO by its political takeover, as we've
12 seen here in Prozor, by raising the Croatian flag and by engaging in
13 other activities such as that, that's the reason why the tensions were
14 running so high in these areas like Prozor in October of 1992; isn't that
15 true?

16 A. No.

17 Q. And --

18 A. Mr. Stringer --

19 Q. [Overlapping speakers]

20 A. -- let me tell you something --

21 Q. I'm going to continue with this. There was --

22 A. Well --

23 Q. -- a political objective on the part of the HVO to take political
24 authority over in these municipalities of the Croatian Community of
25 Herceg-Bosna, and of course you and Tudjman and everybody on the HVO side

1 wanted to avoid a war with the Muslims, but the fact is that the war
2 resulted and was resorted to by the HVO because it realised that it could
3 not achieve these political goals without going to war. Isn't that
4 really what started in Prozor?

5 A. No. Nothing you have said is true. This is just your desire to
6 represent things in this way. Then there are documents that support this.
7 The HVO, the HDZ didn't have to conquer anything in Rama. They had won
8 in the election, Mr. Stringer, and people down there were simply the
9 members of a constituent people. When Alija Izetbegovic said that they
10 didn't even want cantons, they wanted some kind of cantons. Well, imagine
11 that. He said, "If you don't accept my unitary state, if you want cantons,
12 well, then you are traitors, good for nothing." Please, Mr. Stringer.

13 Q. You're asserting that because they won election in Prozor they
14 had the right to throw the constitution out the window and appoint a
15 municipal HVO instead of a war presidency under the constitution?

16 A. Incorrect, Mr. Stringer. We've read through the constitution
17 here on a number of occasions. This has been explained several times.
18 Apart from not preparing for war, Mr. Tudjman [as interpreted] was
19 performing his duties in an unconstitutional way. He drafted a
20 constitution in an unconstitutional way. You're not interested in this,
21 however, so please continue. I will answer your questions peacefully.
22 In Rama, the division of power that I became aware of was the division of
23 power between the Croats and the Muslims on the basis proportionality,
24 and at a meeting that they had in order to solve certain issues, this

25 killing occurred and then conflict broke out. I did my work to the best

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1 of my ability and I was quite successful, and I didn't opt for either
2 side.

3 Q. I think there's a correction that needs to be made in the
4 transcript, Mr. President, although I don't know whether the mistake was
5 by the witness or by the interpreters. Line -- beginning on line 18 it
6 reads that the general said that: "This has been explained several
7 times. Apart from not preparing for war, Mr. Tadjman was performing his
8 duties in an unconstitutional way, drafted a constitution in an
9 unconstitutional way." I think that the general was not referring to
10 President Tadjman there.

11 A. Mr. Izetbegovic, yes.

12 Q. Let's go to the next exhibit, General. P00602.

13 JUDGE ANTONETTI: [Interpretation] There is a question that is
14 very important and that requires additional explanation.

15 Mr. Stringer says the political objective was to take control of
16 the municipalities, and in order to do so it was necessary to have a
17 recourse to war, to go to war. So that's what he thinks. That's his
18 thesis. Then there was the event in Prozor, and we know that you were
19 down there. I'm trying to understand your arrival there in the light of
20 the Prosecution's theory. If the Prosecution is right, then someone
21 decided on political control, either Mate Boban, someone else, or Zagreb,
22 political control such as shown to you by the Prosecution. There were
23 appointments in this well-known document. Well, we can consider that

24 this document supports this thesis. And then we have just seen an
25 interesting document, another interesting document that shows that the

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1 issue of the flag gave rise to certain problems. So according to the
2 Prosecution's scenario, there was a decision to take political power, the
3 implementation via the document. We've seen appointments, then there was
4 action that was taken. The flag was hoisted and then certain events
5 transpired. At that point you arrived, you subsequently arrived as you
6 have said in order to calm things down, have people released, so on and
7 so forth. On that basis, a reasonable Judge might ask himself within
8 what kind of a context did Mr. Praljak arrive there if there was such a
9 political objective on the tables. What was the reason for his arrival
10 within the framework of his objective. Given Mr. Stringer's thesis that
11 you contest, well, there are documents nevertheless, and it's necessary
12 to provide explanations with regard to the documents because the
13 documents tend to support the claims made by Mr. Stringer.

14 So how do you explain the fact that one decided to appoint
15 individuals and municipalities whereas in theory it would have been
16 natural to hold elections for such appointments? How do you explain
17 this?

18 THE WITNESS: [Interpretation] Your Honours, this is a complex, a
19 large case. I understand this. But to explain this problem, we've had a
20 look at 40 relevant documents. We've admitted 40 relevant documents to see
21 who was involved, who fled from the lines, when and where, how people were
22 arming themselves in secret, how they wouldn't accept authority and so on.

23 There is this appointment of a certain military I-don't-know-what and so on.

24 Down there, as far as I know, this is the information I was
25 provided with, and there was a government that didn't even abide by

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1 regular democratic rules in the west. In the west when a party wins an
2 election they form a government, but that wasn't the case down there.

3 The power was shared, well, let's say by the HDZ, the Croatian party, and
4 the SDA, the Muslim party, on the basis of the number of votes won in the
5 election. There were two political options. The unitary policies for
6 Bosnia and Herzegovina and the policies for the rights of the Croatian
7 people, and people thought that this was relevant, that they should
8 decide on the internal organisation of Bosnia and Herzegovina.

9 Alija Izetbegovic couldn't decide on internal matters. He was granted the
10 borders, but a constitute -- a constituent sovereign people has the right
11 to discuss the internal organisation of Bosnia-Herzegovina. That's the
12 first thing. And the second thing is that I arrived actually in order to --

13 JUDGE ANTONETTI: [Interpretation] General, I have to stop you
14 there because you start answering the question and then you go off on a
15 tangent and deal with another area. You have just provided an answer
16 that might be satisfactory. With regard to the documents, you say
17 certain individuals were appointed for military reasons because the
18 municipality of Prozor, if I have understood this correctly, wasn't
19 playing according to the rules so you intervened. That's a satisfactory
20 answer. Why then move into other areas, go off on a tangent. Try to
21 restrict yourself. Try to limit yourself to very precise answers,

22 otherwise the answer that you do provide and that might have probative
23 value gets completely submerged by other arguments that are not so
24 relevant. So I put to you a question. I asked you why this document
25 which seems to support the Prosecution's thesis about the takeover of the

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1 political power is of such and such a nature, and you say, No these are
2 military appointments and you explain why. Very well. And then you stop
3 there because otherwise your answer will get lost in other comments and
4 everyone will say it's difficult to understand what he's saying.

5 THE WITNESS: [Interpretation] I do understand what you're saying.
6 I know I times go too far because I always have the impression -- well,
7 as I have said, partiality kills me. But as far as your second question
8 is concerned, I was sent or requested -- sent, however you want to put
9 it. Tudjman put his fist down on the table after discussing matters with
10 Alija Izetbegovic. He said go down there. We don't want to go to war
11 with the Muslims. We don't need a war and so on and so forth. But let's
12 be realistic, and in a month and a half I did what we have discussed.

13 JUDGE ANTONETTI: [Interpretation] Very well, you see.

14 THE WITNESS: [Interpretation] So I can't be of --

15 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, four lines are
16 sufficient to answer my question. First of all, you can say Tudjman sent
17 me down there saying we didn't want to go to war with the Muslims, that
18 would be one line; and then, secondly, you can say this document
19 concerned military appointments because the others didn't want to play by
20 the rules and that would be it. There we have it.

21 Yes, Ms. Alaburic.

22 MS. ALABURIC: [Interpretation] Your Honours, with your leave, I
23 think it would be good to avoid misunderstandings to state following:
24 General Praljak didn't say that this document, signed by Mr. Kordic on
25 behalf of Mate Boban, amounted to appointing military commanders. I

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1 don't want to -- it to appear as if the general gave false testimony. If
2 you have a look at P382, you can see that it concerns appointing members
3 of the civilian HVO in Prozor, and the penultimate individual referred to
4 is the commander of the municipal headquarters, the military component of
5 the HVO. I just want to be very precise to avoid problems at a later
6 stage of the proceedings. Thank you very much.

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

8 Q. Now, we've just been looking at P00608, which is the Markesic
9 report on the effect of the hoisting of the Croatian flag. Now, on the
10 same day another thing happened in Prozor that might have impacted the
11 tensions, and it's your next document, P00602. And what we see, General,
12 is that on this day Brigadier General Milivoj Petkovic issued an order to
13 block all roads immediately, and this is an order that's being issued to
14 the Prozor HVO, Gornji Vakuf HVO. And we see the HVO of the other
15 municipalities.

16 "Use all available forces to stop the TO units that are moving
17 towards Travnik."

18 So it made a report on the situation in your territory.

19 Now, we know that events or conflicts between the HVO and the TO

20 or the ABiH did take place in Central Bosnia at or about this time. So
21 again, General, the fact is that in Prozor, again prior to the time you
22 arrived, what we've seen is the HVO taking or purporting to take over the
23 civilian or political control of Prozor. We've seen attempts to hoist
24 the Croatian flag in Prozor, and now we're seeing that the HVO is going
25 to block TO units in these municipalities, including Prozor, and to

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1 prevent them from moving toward Travnik.

2 So again we have another situation in which the HVO is
3 essentially asserting control over Prozor municipality. Isn't that true?

4 A. Mr. Stringer, you are providing us with an incredible number of
5 theses yet again. I'll just try to answer now and tell you something
6 about these theses. I dispute all of them. Even if they're correct or
7 incorrect, I don't think this manner of examining me is correct. I
8 consider it quite normal to raise the Croatian flag --

9 JUDGE ANTONETTI: [Interpretation] General Praljak, I apologise
10 for interrupting you. The answer could be very simple. We have a
11 document from General Petkovic. It says block all forces moving in the
12 direction of Travnik. It's a military document from a military
13 authority. It has nothing to do with political objectives, and it
14 requires a military response a priori, and instead of responding in
15 military terms you go off into a different area. Sometimes I ask myself
16 whether you understand the question put to you by the Prosecution,
17 because the question in this case is extremely simple.

18 He says here you have a document that shows that many documents

19 were taken for political control. It's a military document. You can
20 say, No, you're mistaken because in Travnik there were the BH forces. We
21 didn't want there to be significant units there, so we freeze the men
22 there, and that's why the order is here. I thought that's what you say,
23 but you went off on a tangent. So before answering a question, try to
24 understand the question put to you and then answer. I know you're an
25 accused. You say the question is put to sort of trap me. Perhaps but

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1 perhaps not. It's to explain the nature of the document.

2 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, if
3 such a question was put to me, I would clearly answer. I have no idea
4 what this document is about. In those days my only role was to calm the
5 situation, but read the expose by Mr. Stringer. You hung up the flag,
6 which means you should be killed. You're at fault for doing this. This
7 is a crime. It's not a crime for a Croat to hoist a Croatian flag. So
8 please read the introduction in which he makes three points and then
9 fourthly he doesn't ask me anything. And my answer, my simple answer to
10 this document, is I have no idea what this is about. I think a Croatian
11 flag can be hoisted where we are a constituent people.

12 JUDGE ANTONETTI: [Interpretation] General Praljak, you could have
13 said straight away that you know nothing about this document. That's
14 what you should have said.

15 But, Mr. Stringer.

16 MR. STRINGER: Thank you, Your Honour.

17 Q. And the point is, General, that in fact a good deal of things

18 were going on in Prozor before you arrived that you didn't know about
19 apparently. Isn't that so? You didn't know about the flag, did you?
20 You didn't know about the blocking of roads here?

21 A. No.

22 Q. So when you tell us --

23 JUDGE TRECHSEL: I'm sorry, Mr. Stringer. You asked two
24 questions, the flag and the road. The answer was no, but we do not know
25 whether it's no to both or to one or to other. So --

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1 MR. STRINGER: Thank you, Judge. It would have been --
2 [overlapping speakers].

3 JUDGE TRECHSEL: -- may I invite you to divide them.

4 MR. STRINGER: Yes.

5 Q. Did you know about the flag incident that Luka Markesic is
6 reporting?

7 A. I did not, and I don't agree with the word "incident."

8 Q. So the fact is that if the tensions in Prozor are high and if in
9 fact so high that conflict breaks out, as you said, for whatever reason,
10 you don't know to what extent the HVO's own conduct contributed to that,
11 do you, because you weren't there?

12 A. At the time I arrived there, I did not know. After that, I
13 learnt more or less everything.

14 Q. Now, the next exhibit is P00628.

15 JUDGE ANTONETTI: [Interpretation] General Praljak, regarding the
16 question of the flag, you expressed your view point a moment ago. I

17 listened to you, and I am obliged to put to you the following question:
18 You are aware of the importance of flags on mentalities. You know that
19 sometimes when an X hoists a flag that Y don't like, this can cause a
20 series of events.

21 Let me remind you of Borovo Selo. So what would be interesting
22 is to know whether at the level of the HVO, the military component, were
23 there any precise orders in one way or another regarding the hoisting of
24 flags? Were Croats encouraged to hoist flags on municipal buildings or
25 their windows in their houses, or was there no such order? And these

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1 were just local individuals who would decide, Look, let's hoist the flag
2 because it is our -- something that characterises us. Because a flag
3 sometimes is an element that can trigger a whole series of events.

4 Were there any orders, or were there individuals who simply
5 decided to hoist flags?

6 THE WITNESS: [Interpretation] There were no orders, as far as I
7 know, and I did not issue any such order, and there were no such orders,
8 only, I believe, that no one should have been prevented from doing this
9 if that is what he wanted to do.

10 In 1992, I personally, and Luburic, as you saw from the
11 documents, distributed to the BH Army the lilies, their flags, for them
12 to bear them on their sleeves, for them to be equal, to feel equal, and
13 you can see from their press reports that this was done throughout 1992.
14 Love your own and respect other peoples. However, on the other side this
15 was not respected, this principle.

16 JUDGE ANTONETTI: [Interpretation] You have answered. There were
17 no orders to that effect. So it's in the transcript.

18 It's time for the break, and Mr. Stringer will continue
19 afterwards, of course.

20 --- Recess taken at 5.35 p.m.

21 --- On resuming at 5.56 p.m.

22 JUDGE ANTONETTI: [Interpretation] The hearing is resumed.
23 Mr. Stringer.

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

25 Q. General, the next document I'd like to take you to is P00628.

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1 P00628. Oh, I see you have it. Okay. Dated 23 of October, 1992. And
2 this is from the HVO Presidency Prozor. It bears a number of signatures.
3 I can't tell who they are, but in any event, this is directed to the
4 Muslim military and civilian representatives in Prozor municipality. The
5 subject is "Our Proposals for Overcoming the Newly Arisen Political and
6 Security Situation."

7 And in these five points the HVO Presidency and HVO command lay
8 out their demands, if I can put it that way, or requirements to the
9 Muslim military and civilian representatives, which include an urgent and
10 unconditional cessation of all military operations. They are insisting
11 on the HVO soldiers being dispatched to fight at the front line against
12 the Serbs. Number 3 is a --

13 A. No, no. "Your soldiers," the Army of Bosnia and Herzegovina.

14 Q. Correct. Correct. I stand corrected. This is the HVO demanding

15 that the ABiH send soldiers to the front line, that -- number 3 is --
16 requires a withdrawal of ABiH armed units from the town. Item 4
17 requires: "Passage for the military police units coming from outside our
18 municipality on their way to their final destination as per their combat
19 task."

20 And then fifthly, they insist on urgent and instant acceptance of
21 civilian and military structure of the HVO HZ HB in which Muslim
22 representatives will also participate proportionally.

23 Now, General --

24 MR. STRINGER: Mr. President, I must say there's a lot of talking
25 going on and I must say it's quite a distraction. I'm hearing a number

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1 of voices from the other side of the room and it's just hard to do this.
2 It's hard enough without having additional distraction.

3 Q. The first question, General, is were you familiar with this
4 document at the time --

5 JUDGE TRECHSEL: I think Mr. Petkovic asked for the floor.

6 MS. ALABURIC: [Interpretation] Your Honours, in view of the fact
7 that General Petkovic did wish to draw my attention to an error, I assume
8 it's an error in the translation. Colleague Stringer, on page 75, line
9 8, and it has to do with item 3 of this document. There's no reference
10 to units of the Army of Bosnia-Herzegovina in the Croatian or the English
11 text, but, rather, it says that all armed units need to be withdrawn from
12 the town. So the English text is okay, but in line 8 Mr. Stringer
13 mentions the withdrawal of the Army of Bosnia and Herzegovina, which is

14 not a correct interpretation of the document, and that is what my client
15 wanted to draw my attention to and asked me to intervene. I --

16 MR. STRINGER: That's correct, and again I apologise for that.

17 It simply says: "Withdrawal of all armed units from the town." It does
18 not indicate which armed units.

19 Q. Now, General, the first question is -- is whether you were aware
20 of this document or if you became aware of this document at the time you
21 arrived in Prozor.

22 A. I learnt subsequently about all their proposals and the events
23 and facts, and as far as I can recollect, I think I was aware of this,
24 too, but this was later when the situation calmed down.

25 Q. Would you agree with me that in fact there was an escalation, a

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1 further escalation of the conflict after this document was issued on the
2 23rd of October, 1992?

3 A. No, no. There's a demand for a cessation of hostilities. The
4 conflict had already started. This was not before the conflict but
5 probably on the evening of the 23rd when the conflict -- I can't say
6 exactly, but it says here that the conflict had already started. And
7 they are addressing themselves to the military and civilian
8 representatives of the Muslims in Prozor municipality because they had
9 military and civilian structures just like the HVO.

10 Q. In this document they're insisting that the HVO civilian and
11 military structures be accepted by the Muslim military and civilian;
12 isn't that true?

13 A. It says that here, but it is important to note that the Muslims
14 should participate proportionately. And from this it is evident that the
15 desire was to build a multi-ethnic state in proportion with the
16 population composition.

17 Q. Within the structure of the HVO; correct?

18 A. That is what it says here. That is how the HVO -- they had such
19 units in Mostar, just as the HVO was subordinated in Tuzla, Brcko, and
20 elsewhere. Let's not go into that. We've already talked about that.
21 This was a war, and a good structure could have been built in this way.

22 Q. To your knowledge, General, did the Muslim civilian and military
23 representatives in Prozor accept these terms or did they reject them?

24 A. As far as I can remember, later on much of this was accepted up
25 to 1993, and there were two separate structures which collaborated. So

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1 they went to the common front line again.

2 Q. Well, we'll talk about what happened then in the subsequent weeks
3 and months.

4 The next document is P00642. Now, General, this one's dated the
5 24th of October, and it's an order from Colonel Siljeg on control of the
6 territory. I put it to you, General, that this is an attack order of the
7 HVO, directing that all armed forces -- or that the Rama Brigade put all
8 armed forces in Prozor municipality and the town of Prozor itself under
9 the command of the Rama Brigade of the HVO forces, eliminate all combat
10 activities against HVO forces, and then the document continues, and we
11 can all read that.

12 So now, General, in fact this would indicate that in fact the
13 civilian and the military representatives of the Muslims did not, did not
14 accept the demands of the municipal HVO that are contained in the
15 previous document that we were looking at, number 628; correct?

16 A. I don't know. As far as I know, this is quite a different
17 matter. There was a conflict, and from the documents shown to this
18 Tribunal, and as far as I know the Army of Bosnia-Herzegovina was
19 preparing for an attack on Prozor. Before the conflict they had an
20 elaborate plan about this. The Tribunal has those documents, and the
21 Trial Chamber can judge.

22 Q. So you're saying you don't know whether this results from the
23 acceptance or refusal by the Muslim authorities of those conditions that
24 were set out?

25 A. I don't see the connection between those two documents. I don't

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1 see that connection.

2 Q. All right. The next document is P00647. Now, this is a report
3 directed to Colonel Siljeg on the situation in the field up to now,
4 1810 hours, 24th of October, 1992. This is a commander, Major Jure Smidt
5 who is reporting, and he says:

6 "Constant combat activity at the town of Prozor and Rama Lake **are**
7 under the control of the Prozor HVO" --

8 A. HVO.

9 Q. -- right. We have in the translation here a reference to HV,
10 which is not correct. It's HVO. These two areas are ethnically pure.

11 The Muslim population has been detained or has fled.

12 Now, General, this would strongly suggest, wouldn't it, that in
13 fact combat activities were taking place in Prozor and Rama Lake **during**
14 the day of the 24th of October up until at least 1810 hours?

15 A. I don't know, sir. What it says here in the document is what it
16 says. I don't know anything about it.

17 Q. Well, you don't have any reason to dispute this, do you, General?

18 A. If I don't know anything about something I can neither dispute
19 nor confirm it. Lack of knowledge is simply lack of knowledge.

20 JUDGE ANTONETTI: [Interpretation] General Praljak, you said that
21 you knew -- know nothing about the document, but that doesn't mean that
22 you cannot express your point of view about that document. You're
23 refusing to do that. Fine, but you are here in an effort to establish
24 the truth. That is what you told us. All the more reason. There's a
25 terrible sentence in this document.

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1 You must understand me. I listened to the Prosecutor putting the
2 question to you. You say you don't know the document, and then the
3 Prosecutor moves on to something else. And when the Judges start
4 deliberating, what are they going to say? "Look, in line 3, this is what
5 it says: There are two areas that are ethnically pure. The Muslim
6 population has fled or has been detained." So a reasonable Judge who
7 doesn't go to the bottom of things but is satisfied with what he sees in
8 front of him, can come to a conclusion.

9 Try to explain why the sentence is in this document, why the

10 author of this document makes reference to areas that are ethnically
11 pure, which we are at the heart of the criminal enterprise. You simply
12 say, "I don't know this document," and you say nothing about it. That's
13 fine, but you see, that can have a very significant impact, and as a
14 Judge I must draw your attention to this. Careful, here. There is an
15 incriminating sentence. It would be better for you to respond. It's up
16 to you to give us an answer.

17 First of all, who is the author of this document? You perhaps
18 don't know, et cetera. Perhaps you have something to say about it,
19 because you are here in an effort to establish the truth.

20 THE WITNESS: [Interpretation] Correct, Your Honour
21 Judge Antonetti. If the question had been put in that way, I would have
22 provided an answer. When I try to give an answer, I'm interrupted. Jure
23 Smidt is a German with German citizenship who could hardly speak. Jure
24 Smidt was later killed. I met him briefly. He could barely speak Croatian.
25 How he compiled this, I don't know. And I claim that he has no idea what

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1 ethnic cleansing is. He probably wanted to say that the population there
2 had been detained during the fighting or had fled, and for them -- for
3 him that is ethnic cleansing. The population detained during the
4 fighting, later on I released all those people from the remand detention.
5 I think it was remand, a number fled. And we can see from this who is
6 attacking who and who fled from whom. Ninety per cent of those who had
7 fled, of course, from the fighting returned, and all the prisoners were
8 released. All the detainees were released.

9 JUDGE ANTONETTI: [Interpretation] Fine. General Praljak, you see the
10 document, and you see that it is addressed to Colonel Siljeg in person. One
11 may, perhaps, think that there is a connection between Smidt and Colonel
12 Siljeg. He is reporting on the situation at 1810 hours, and he adds an
13 assessment regarding the ethnic issue. Perhaps -- this is a hypothesis:
14 Perhaps before there was some communication between Siljeg and this one to
15 deal with this problem, and he is faithfully reporting. He's a soldier
16 executing orders. Perhaps it is false, but someone could say, Look, he is
17 answering perhaps in response to a request from his superior, and perhaps
18 he received an order prior to this, and therefore a reply is necessary.

19 You're telling us he's German. He didn't speak the language. He
20 maybe made a mistake. Maybe, but you must note that this document was
21 communicated by Paket, and another soldier, a Croat, may have drafted the
22 text, and he may have just given instructions, and the soldier may have
23 added something. Everything is possible, because during fighting the
24 leaders are on the front line. They don't stand next to the people at
25 the teleprinter to see what they are writing. So maybe this soldier may

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1 have added something to this. I don't know. I wasn't there. But if you
2 are -- limit yourself to saying to Mr. Stringer, I don't know this
3 document without entering into the substance, I am saying that you must
4 pay attention. You must be careful.

5 So your response is to say that this is a German who doesn't know
6 the language, and this explains the words used. But, again, if
7 Colonel Siljeg were to be in front of me, I could say to him, Colonel,

8 you received this from a subordinate. He speaks of ethnic cleansing. He
9 is responding to a request from you or not. If Colonel Siljeg says to
10 me, "I didn't say anything to that effect," then would I say, "How come
11 that you didn't call the person and demand an explanation from him?"

12 JUDGE PRANDLER: Before the answer, I would like only to add it
13 is rather - although a technical question - but since Judge Antonetti
14 mentioned that he -- I mean Smidt cannot speak Croatian, I would like to
15 draw our attention to the fact that there is the -- I believe the
16 original handwriting here attached in Croatian, which seems to me written
17 by -- by Jure Smidt, and of course it might have been not exactly correct
18 in Croatian, but it is up to those who speak Croatian to judge, but
19 anyway, he was in my view, then, somebody who came from Germany and
20 fought alongside the HVO. Thank you.

21 THE WITNESS: [Interpretation] Your Honours, I said that his
22 knowledge of Croatian, and I spoke to him once, in my view was not good.
23 He did not use proper words. He says the areas are ethnically. In other
24 words, this is what happened to Muslims. But look here, and I quote,
25 towards the end, "Due to the newly arisen situation, every conversation

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1 with the representatives of the TO is impossible."

2 First of all, there were attempts to talk to the TO. And then
3 the last sentence which says:

4 "We will try to get through to Bugojno during the night in order
5 to talk to them, in other words, to establish physical contact with the
6 representatives of the TO."

7 During the conflict, obviously every possible communication with
8 the representatives of the TO was interrupted, but he wanted to go to
9 Bugojno to talk to the TO because in Bugojno the situation between the
10 HVO and the TO at that moment was brilliant. That's why I'm saying that
11 one should look at the whole document. And I believe that his knowledge
12 of Croatian implies that he didn't know what the term "ethnic cleansing"
13 meant for the purpose of a courtroom situation. This is my
14 interpretation of this document. Whether it's correct or not I can't be
15 sure because Smidt is dead. He was killed.

16 JUDGE ANTONETTI: [Interpretation] Very well. We shall then stop
17 here.

18 Mr. Stringer, you have the floor.

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

20 Q. General, in this case on the 1st of November, 2006, you
21 cross-examined the witness Fahrudin Agic, and in your cross-examination
22 of him, this is page 9396 of the transcript, you put it to him -- you
23 said to him:

24 "Do you know that immediately after the conflict in Prozor I
25 went to that territory?"

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1 And he said:

2 "No."

3 And then you said:

4 "Do you know that after that event I stayed until the 24th of
5 December, 1992, in the area of Rama and Gornji Vakuf, Bugojno, Novi

6 Travnik, and Travnik?"

7 And then he says:

8 "Yes, because on the 4th of December you were at a meeting in
9 Gornji Vakuf at Bozo Rajic."

10 So, General, from your own words here you've indicated to us that
11 you arrived in Prozor immediately -- or that you went to Prozor
12 immediately after the conflict there, and that you stayed in that area,
13 in this area that I've just read to you, until the 24th of December. Do
14 you recall that -- that statement on your part?

15 A. Correct, yes. That's correct. But what is the meaning of the
16 words "immediately after the conflict"? I first went to Mostar and
17 then -- please, what is the meaning the words "immediately thereafter"?
18 What does it mean immediately after the conflict? How many days after
19 the conflict do you claim that --

20 Q. I'm not going to fence with you. Let me follow up with some
21 questions. That's how it works.

22 JUDGE TRECHSEL: If I may. I'm amazed at your question,
23 Mr. Praljak, because you used this term "immediately afterwards," so you
24 must know what you meant when you said it. Normally you don't like
25 others to interpret you. So do you know what you meant when you said

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1 "immediately"? That's the question.

2 MR. STRINGER:

3 Q. General, we're looking at these documents from the 24th of
4 October, 1992, the last two documents, Siljeg's order on control of the

5 territory, and then the report of Jurgen Smidt that's received or issued
6 on the 24th at 1810 hours.

7 General, the 24th of October is a day when there were extensive
8 military operations conducted by the HVO, resulting in Muslims, as
9 indicated in these areas, Prozor and Rama Lake, being detained or fleeing
10 from the HVO; isn't that true? Did that occur, on the 24th --

11 JUDGE TRECHSEL: Excuse me, Mr. Stringer. Actually, when I ask a
12 question of a witness, I would appreciate if you give the witness the
13 opportunity to answer. I asked the witness what he meant when he said
14 that immediately after the conflict he went to Prozor. I want him to
15 tell me what he meant was immediately.

16 THE WITNESS: [Interpretation] On the 27th or the 28th or the 29th
17 October, 1993. Excuse me. Yes, 1992. I can't remember exactly. You
18 will find it in a document that we saw in this courtroom where it says
19 that Praljak arrived and I was up there with the Muslims. There are
20 several documents to that effect. That's why I -- if somebody had told
21 me this is what I'm going to ask you, then I would have prepared the date
22 and we would have avoided any sort of confusion.

23 It was possibly the 24th, but it's not correct. The 25th is not
24 correct either. That's why I'm insisting on precision as far as that is
25 possible. Unfortunately, it seems that we cannot arrive at that.

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1 JUDGE TRECHSEL: Thank you.

2 Please go on, Mr. Stringer. I apologise for interrupting,
3 but ...

4 MR. STRINGER: Thank you, Your Honour.

5 Q. General, the next exhibit is P00653. 653. This is dated the
6 26th of October, 1992, and this is a report of the -- a Military
7 Intelligence Service person named Zarko Keza, and it's directed to the
8 head of the Defence Department, Bruno Stojic, personally,
9 General Bobetko, personally, HVO Main Staff Brigadier Petkovic,
10 personally, and IPD AB [phoen] Rajic personally. And this is
11 intelligence -- an intelligence report on the Prozor sector, and it says
12 here -- now we're talking about the 25th of October, the next day.

13 It says:

14 "... fighting was conducted during the day as well with Muslim
15 extremist forces in the Prozor sector. At about 1500 hours, the HVO took
16 control of the old tower near the town, so the whole town is under HVO
17 control. The losses on our side include two dead and seven wound and
18 nobody has been taken prisoners. The losses on the Muslim side have not
19 yet been established, but they are estimated to amount up to a hundred.

20 "The HVO controls the entire area around lake Rama, the town of
21 Prozor, the dam at the lake, the hydroelectric power plant, and the road
22 to Jablanica up until Jasen settlement."

23 Now, General, this -- would you agree with me -- I'm just trying
24 to sort of set the context for the time of your arrival. We've just seen
25 some documents relating to combat or what appear to be combat activities

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1 of the 24th of October. Now, this report, would you agree with me,
2 indicates that there was continued fighting on the 25th of October which

3 culminated in the HVO taking the entire town and these other places
4 indicated under control? Can we agree that that was the situation after
5 the 25th of October 1992?

6 Do you know or do you not know? Is this not -- is this not
7 anything you're familiar with?

8 A. I don't know. I don't know that, no. I was not familiar with
9 the situation on the 25th, sir, because I wasn't up there. I can't say
10 that it was either this or that or that it wasn't this or that. The only
11 thing I can say, though, is that the number of killed Muslims was two
12 more than the killed in the -- on the HVO side in this conflict, but you
13 have a document to that effect signed by both sides.

14 Q. At the time you arrived in Prozor, was the HVO in control of the
15 whole town of Prozor as is indicated here on the 26th or the 25th?

16 A. Yes.

17 Q. And when you arrived was the HVO also controlling the entire area
18 around Lake Rama as well, as is indicated in this report on the 25th?

19 A. Yes, that area as well, but you should know that that area was
20 composed of 90 per cent Croats, as far as I know. There were only one or
21 two smaller hamlets that were different.

22 Q. And when you arrived was the HVO also in control of the area
23 here, indicated the dam at the lake and the hydroelectric power plant at
24 Marina Pecina?

25 A. Well, the dam certainly. There was a road across the dam that

1 one could use to cross, and as for the hydroelectric plant I really don't

2 know. I can't tell you exactly because I'm not ...

3 Q. At the time you arrived you know -- or did you find as indicated
4 here that the HVO was in control of the road to Jablanica up until Jasen
5 settlement?

6 A. I can't tell you the exact place, but my first attempt to enter
7 Prozor was from Jablanica where I had my first big meeting with some of
8 the Muslim leaderships that had fled Prozor together with Arif Pasalic.
9 It was then when I ride to break through towards Rama using that road.
10 Unfortunately, I was shot at. I don't know who it was, but fire was
11 opened on me. I had to return and take another road. Pasalic and I had
12 to return, although he had not wanted to go to Prozor with me. And then
13 I said, okay, I'll return and then I'll come back alone. That's why I
14 returned to Tomislavgrad and used Salvation Road, and it was a very, very
15 long journey.

16 Q. Now, this document that's coming from the Military Intelligence
17 Service and is reporting to the persons indicated on the -- at the back
18 of it.

19 Now, General, in October of 1992 when you went to Prozor and
20 became involved or -- or observed what was going on down there, were you
21 aware that the Military Intelligence Service of the HVO was reporting
22 directly to General Bobetko, at least in respect of this incident?

23 A. Mr. Stringer, I did not go to observe the situation. I went
24 there to bring order to the situation.

25 Secondly, this document doesn't say that the intelligence service

1 reported to Bobetko. It only refers to him as a person who was informed
2 within the scope of the collaboration between the armies about a
3 conflict, which I believe was a logical thing to do between intelligence
4 services -- it was logical for the commander of the southern front in the
5 direction of Dubrovnik **to know that there had been conflicts between the**
6 BH Army and the HVO that might have reflected negatively in the future.

7 Q. Now, this Military Intelligence Service, do you know, in October
8 of 1992, was it a part of the HVO Main Staff or was it a part of the
9 Defence Department, or did it -- was it located in a different part of
10 the structure?

11 A. According to the principles, VOS is a Military Intelligence
12 Service and it is within the structure of the Main Staff for as long as I
13 was there at least. It says here in the heading the Main Staff HVO VOS.
14 Therefore, this is what it says and I really can't tell you more than you
15 can read yourself. In any case, VOS was a military intelligence service
16 and was part of the structure of the Main Staff of the HVO, at least for
17 as long as I was in charge down there, for as long as I was commander
18 down there.

19 Q. All right.

20 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I have a follow-up
21 question. This document, in my view, is a very important document, just
22 like the one that we saw a little while ago, and you understand it and
23 I'm trying to determine who started the conflict, because if we know
24 that, we can maybe draw a conclusion in respect of the criminal
25 enterprise. To be very clear, and this is your favourite expression, if

1 there was a criminal enterprise in place, we can understand that in
2 October 1992 the HVO launched an operation, captured Muslims, and so on
3 and so forth.

4 This is a view that one can gain from the document. And then
5 there could be another view of the same situation. We have documents
6 that all originate from the intelligence service of the military, I don't
7 know the value of the military service's -- intelligence services of the
8 HVO, but I assume that like any other intelligence service they tried to
9 do their job well and that they tried to inform the authorities in the
10 most precise way. In other words, the author of this document, if there
11 had been a plan for a military operation, I suppose that military
12 intelligence would not be aware of that, because afterwards they had to
13 explain what had happened and how things developed.

14 When we're looking at this document very attentively, as I have
15 for the past ten minutes, what can I conclude? I conclude that this is a
16 report on the events, and it says here, that's in the text, that Muslims
17 had planned an attack in reality.

18 "We were informed that Muslim forces had planned an attack on
19 Prozor in the afternoon on the 24th of October."

20 This is what it says in the document. And then there is a
21 reference to the killing of an HVO soldier and some other consequences.
22 The document speaks in very great detail of the geography of the area
23 where the situation happened, and the author makes a distinction between
24 the villages where there were Muslim extremists and the villages where

25 there was a Muslim control, but nothing happened there in -- in the

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1 letter.

2 In the extremist villages which you have listed here, Scipe,
3 Voljavica, Here, Kute, and it says here that the Muslim forces had
4 launched an attack in the direction of Borova Ravan and Pridvorci. In
5 other words, this document that originates from the military
6 intelligence, unless they are telling lies, could create an idea that
7 Prozor had been attacked by the Muslims and that the HVO responded, that
8 they replied.

9 Very well. What I would like to know is this: You were the
10 commander of the HVO, maybe not at the time because you arrived later,
11 you were not there; however, when you were indeed the commander of the
12 HVO, did you have or receive information from the intelligence service,
13 did they do their job in a classical way, or did they respond to very
14 precise orders? How do you remember the intelligence services at the
15 time?

16 A. The Military Intelligence Service had to provide precise,
17 correct, neutral information. Incorrect information can do nothing but
18 bring you to a lost battle or a badly planned battle. I received
19 information that day that they were privy to regularly. The information
20 was collected in different manners. I would be privy to that
21 information. And I believe that insofar as I know, Mr. Zarko Kezo did
22 his job well. This would be the answer, the answer to your first
23 question.

24 Second of all, after I arrived there I learned exactly how things
25 were done. There was - and you have papers to that effect- there was a

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1 plan in place where it says that the centre of Prozor should be taken
2 from the BH Army from the direction of Konjic. There was a plan that
3 concerned the Chetniks. Your Honours, things grew little by little.
4 First of all, they took salaries from the HVO and they did not fight the
5 Chetniks. There were protests against that. Then they demanded weapons
6 that were then stored in some depots. I know exactly.

7 There was a meeting between the representatives of the BH Army
8 and the HVO that should have resolved all the unresolved issues, and then
9 there were some snipers on the part of the BH Army that were turned
10 towards people. At the meeting, there was a killing, and everything --
11 all hell broke loose on the 23rd. That young man from the HVO was killed,
12 and then the situation escalated after problems had
13 mounted for months, and things ended the way they did.

14 Here, Kute, that you see here for a year or a year later attacked
15 Uzdol and killed 40 people there. I was there at the time. I prevented
16 any further retaliation. Unfortunately, however much I'm trying to give
17 you a simple answer, things were so complicated, and this is what bothers
18 me.

19 JUDGE ANTONETTI: [Interpretation] Two questions of a technical
20 nature. When there was a plan of the HVO in place I'm -- I'm saying in
21 such cases in technical terms, maybe that is not your personal forte
22 because it's a technical issue, when the HVO organised an attack or

23 planned an attack in -- did the intelligence service in -- as far as you
24 know, did they have to make a specific reference to the plan that had
25 been prepared about the execution of the plan, and did they have to

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1 mention the number of the plan and -- or, rather, you have just said that
2 according to you the information had to be neutral or objective. They
3 didn't -- the intelligence service did not have to comment. They just
4 had to provide raw information to the authorities. So what would be the
5 situation? How did the things develop?

6 THE WITNESS: [Interpretation] The answer is as follows: If there
7 had been any plan for the HVO attack on the Army of Bosnia and
8 Herzegovina, he would first have a report on the strength of the forces,
9 their deployment, a map, the beginning of the attack and the development
10 of the attack. None of that existed. At least I never any of it.

11 JUDGE ANTONETTI: [Interpretation] Very well. The soldier who was
12 killed, and obviously it is a murder that triggered everything, was he
13 killed by a sniper? How was he killed? It's mentioned in the document.

14 THE WITNESS: [Interpretation] He was killed at the check-point at
15 Makljen. He was simply killed, just like that, without any reason at
16 all.

17 JUDGE ANTONETTI: [Interpretation] And the death of the soldier
18 had an impact on the military actions afterwards?

19 THE WITNESS: [Interpretation] It was the trigger that set fire to
20 the dry grass that existed there already.

21 JUDGE: So it's a flare, when you say Iskra.

22 THE WITNESS: [Interpretation] There was a lack of confidence
23 among the parties, and the parties -- both parties do not trust the
24 other. One party thinks that the other is preparing to attack, and they
25 are suspicious of one another. There is an attempt to have talks, and

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1 when a killing occurs, as far as I know the HVO did not have any plan
2 beforehand to attack anyone.

3 JUDGE ANTONETTI: [Interpretation] My last question. I could go
4 on for hours on this document, but I see that there is a sentence on the
5 use of arms by the Muslim forces, two mortars. When they say that, do
6 they have reliable information that shows that the Muslim were is using
7 mortars?

8 THE WITNESS: [Interpretation] Yes. They had reliable
9 information. I read and talked about this. They used Maljutkas and
10 mortars. They were very well-armed, basically. They had respectable
11 weapons in homes, and they had exact plans, who would fire at whom and
12 when.

13 JUDGE ANTONETTI: [Interpretation] There's a small detail in the
14 document. Apparently they used a Sagger anti-tank missile. I don't know
15 what that is. If it is mentioned in the report, then it means that it
16 was used.

17 THE WITNESS: [Interpretation] I don't know, but I do know that
18 they had Maljutkas. This is a Russian anti-tank weapon. And I know that
19 the HVO used attack -- a tank in those battles. I don't know whether the
20 tank was hit and what happened to it, but there's no reason to ...

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

22 Q. General, I'm going to take you back to some of -- a little bit
23 back in time since you seem to be more willing now to talk about some of
24 the issues involving things that were in place before your arrival.

25 You say there was no HVO plan to attack Prozor, and you also

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1 talked about the killing of the HVO soldier as the trigger, but we've
2 already -- today we've looked at the Boban or Kordic order appointing the
3 HVO -- the municipal HVO for Prozor. We've looked at the Markesic report
4 on the tensions created by raising the Croatian flag, General Petkovic's
5 order to block the TO forces on the 20th of October, 1992, and then this
6 HVO demand to the Muslims that they accept the civilian and military
7 structures of the HVO there in Prozor.

8 So -- I mean, we can talk about whether, you know, the ABiH made
9 a plan to attack the HVO, but the fact is that by the 23rd, the 24th of
10 October, 1992, the HVO was going to assert its authority, both civilian
11 and military, over Prozor, no matter what; isn't that the truth? That
12 the bottom line is that the HVO was going to control this municipality
13 militarily and -- and the civilian, and that if a -- the conflict that
14 resulted was a result of that bottom line for the HVO?

15 A. Mr. Stringer, do I not agree with you, and from hundreds of
16 documents that I have reviewed and that have been admitted into evidence,
17 and on the basis of everything that I sought to find out and from what is
18 written in the documents in proportion to the number -- numbers in the
19 population, let us organise the military and civilian authority.

20 I have seen plans that were captured in the conflict, plans of
21 the BH Army, plan A for the Chetniks and plan B for the HVO. I'm talking
22 about the documents that I am familiar with.

23 Q. And you're referring to this ABiH plan to attack Prozor. The
24 fact is that if the ABiH did nothing, if the Muslims did nothing, then
25 they were just going to have to sit back and accept HVO military and

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1 civilian control over -- over the municipality of Prozor. Isn't that how
2 it was? Isn't that again why the conflict happened?

3 A. I don't understand proportionality in that sense. To me it means
4 a distribution, a sharing of military and civilian duties, and that is in
5 my view the best way to reach an agreement, if there is a proportion.

6 Q. You know, a lot of times in your testimony, General, you've said
7 that, "They can't give us what is ours," you know, in referring to the
8 rights of Croatian people in Bosnia-Herzegovina. "They can't give it to
9 us. We own it already. It's not for them to give." But really, you're
10 just proposing the very same thing, aren't you? What you're saying to
11 the Muslims, what they're saying to the Muslim people in Prozor is,
12 "We've set up a separate authority here. It's called the municipal HVO,
13 and we are going to give you proportional representation in our
14 structure, but we insist that you accept our structure." The Muslims did
15 not accept the structure in Prozor and that's why the conflict erupted;
16 isn't that true?

17 A. I have told you why the conflict erupted, but, sir, I do not
18 think that when we proposed a Joint Command it was again proportional.

19 And as there were more Muslims, they would get more seats.

20 The proportionality that we offered is not offering power to
21 somebody. We wanted proportionality in all the structures in Bosnia and
22 Herzegovina. Unfortunately, what we offered, we were never given. HVO
23 units which were under the command of the BH Army did not have their
24 representatives in the commands of the ABiH except for rare exceptions,
25 and when it comes to the authorities, even less so.

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1 Q. General, I'm going to move to the next exhibit that we'll
2 probably finish with today. P00640.

3 JUDGE ANTONETTI: [Interpretation] Before we look at this
4 document, Mr. Stringer has put a question to you which was very
5 interesting and which could perhaps resolve the problem to see whether
6 there was a plan or not. He started from the idea that the HVO wanted to
7 take control of the Prozor municipality and that in view of that the ABiH
8 could have reacted by planning an attack, which could perhaps explain
9 many things, and I am using the conditional. But in Mr. Stringer's
10 hypothesis, the HVO wanted to take political control of Prozor, and this
11 requires some explanations on your part.

12 THE WITNESS: [Interpretation] Your Honour Judge Antonetti, the
13 HVO did put Prozor under its control after the conflict, and in those
14 conflicts once it gained control it said, "We don't want control. We
15 want proportionality." And Jure Smidt says, "We cannot come to an
16 agreement with these people in Rama. Let's go to Bugojno and with
17 high-level structures we can reach an agreement." That, in my view,

18 cannot be interpreted in other way except a reflection of the constant
19 desire to have talks and a commonality based on the principle of equality
20 in rights and proportionality.

21 I tell you that was not the idea of Alija Izetbegovic nor the
22 large majority of Muslims in Bosnia and Herzegovina, excluding Tuzla and
23 some others. They believed that Bosnia-Herzegovina was theirs. If they
24 couldn't take it from the Serbs, they wanted to take it from us. That is
25 my assertion.

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1 JUDGE ANTONETTI: [Interpretation] So you're telling us that HVO
2 took control of Prozor, but you say after the conflict, which means that
3 before the events of the 24th of October, there was no political control
4 by the HVO over Prozor.

5 THE WITNESS: [Interpretation] No. They were proportionally
6 represented in the authorities, and they talked. And when the conflict
7 broke out and when they put Rama under their control, again they
8 started -- wanted to have talks. And what did I do? I again achieved
9 joint authority being established, which functioned for at least a year.

10 JUDGE ANTONETTI: [Interpretation] I give the floor to
11 Mr. Stringer for him to complete his point.

12 MR. STRINGER: Mr. President, with the next document it's
13 probably best left for tomorrow rather than starting a new one.

14 JUDGE ANTONETTI: [Interpretation] Yes. Fine. You're absolutely
15 right. So we'll meet again, as you know, tomorrow at 2.15, and as usual,
16 I wish everyone a good evening.

17 --- Whereupon the hearing adjourned at 6.57 p.m.,
18 to be reconvened on Wednesday, the 26th day
19 of August, 2009, at 2.15 p.m.

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