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1 Thursday, 27 August 2009

2 [Open session]

3 [The accused entered court]

4 [The accused Coric not present]

5 [The witness takes the stand]

6 --- Upon commencing at 2.14 p.m.

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

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

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

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

14 On this Thursday, the 27th of August, 2009, I bid good afternoon
15 to Mr. Praljak, Mr. Prlic, Stojic, Petkovic, and Pusic, the ladies and
16 gentlemen of the Defence counsel, Mr. Stringer, his assistant, and
17 everyone else assisting us in the courtroom.

18 We will complete this week with the cross-examination of
19 Mr. Stringer on the basis of the binders, so I give the floor to
20 Mr. Stringer.

21 WITNESS: SLOBODAN PRALJAK [Resumed]

22 [The witness answered through interpreter]

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

24 Good afternoon. Good afternoon, Your Honours, Counsel, everyone
25 else in and around the courtroom.

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

2 Q. Good afternoon, General.

3 A. Good afternoon, Mr. Stringer.

4 Q. General, if I could ask the usher to hand you the binder with the
5 list, six documents in it, and I think we're getting toward the end of
6 that binder, General. Yesterday, we were at Exhibit P03458.

7 Do you have that, General?

8 A. I do, Mr. Stringer.

9 Q. And I was asking you questions about this document when we ended
10 the proceedings yesterday, General. It's a report dated the 15th of
11 July, 1993, from SIS chief in Tomislavgrad to the SIS Administration, and
12 he's writing about the situation in Prozor. And in particular, he's
13 writing about the crimes and the terrorising that's taking place in
14 respect of the Muslim population in Prozor.

15 Now, General, yesterday, when we completed or when we finished
16 the proceedings, I was asking you about your responsibilities in respect
17 of civilians in the areas such as -- in the areas that fell under HVO
18 military control. Do you recall that?

19 A. I do.

20 Q. And you were distinguishing or you were -- you were talking about

21 your responsibilities, if I understand correctly, in respect of HVO
22 front-line positions where you were conducting combat activities. Do you
23 recall that?

24 A. Exact, I remember, Mr. Stringer.

25 Q. Now, I want to -- I want to get this clear before we move on to

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1 the next document. General, I'm going to put it to you that -- well, let
2 me put it to you this way, because now we're talking about the 15th of
3 July, 1993, and so we're talking about a period of time in which
4 General Petkovic is the chief of the HVO Main Staff. He's the
5 highest-ranking military person in the HVO; correct?

6 A. He is the highest-ranking person in the Main Staff and with
7 respect to the units subordinated to the Main Staff.

8 Q. And at this time, 15 July 1993, you were commanding HVO units in
9 the field in the Prozor area; is that correct?

10 A. No, sir. On the 15th of July, 1993, I was no longer in
11 Herzegovina. With the completion of the operation in Boksevica, I
12 returned to Zagreb until the 24th, when I took over duty.

13 Q. And we've talked about the Boksevica operation already. On the
14 15th of July, 1993, General, tell us, since you came into your position
15 as commander of the HVO Main Staff about nine days after the date of this
16 document, do you consider that on the 15th of July, as chief of the HVO
17 Main Staff, General Petkovic bore ultimate responsibility for protecting
18 the civilian populations that were in areas controlled by the HVO

19 military?

20 A. I do not, sir. That cannot be. That is not in accordance with
21 the military rules, and it simply is not possible. The army cannot
22 protect or be responsible for the territory outside the lines of
23 responsibility; only if it appears as an occupation force, as in Iraq,
24 for instance. But even then, you can see from that example, the example
25 of Baghdad and the rest, the army is not responsible for half a million

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1 people that have been killed there. It's simply not possible.

2 Q. Now, this report, General, is talking about Prozor, and it's
3 talking about Muslims -- well, let me just read from part of it on the
4 second page of the English:

5 "They are taking from the Muslims gold, money, and more
6 valuable --"

7 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I have a question
8 to put to you, because I have been listening very carefully to what you
9 are saying, and you put a question to General Praljak which seems to me
10 to be a highly legal question. General Praljak answered on the basis of
11 common sense without being familiar with the jurisprudence.

12 Your question was, You're responsible for the civilians.
13 Mr. Stringer, I would like to know on what juridical basis you're saying
14 that. The accused tells you, I'm responsible for the zone of command,
15 that is, within the military zone, and it seems to me, unless I'm
16 mistaken, that in the jurisprudence of the Nuremberg trials concerning

17 generals of the Wermacht, it was, in fact, stated that in the case of
18 occupation, the general is responsible for the civilians, but in the
19 occupied zones. So I would like us to be clear whether the Prosecution
20 believes that in the case of a civil war, or any other form of war, the
21 zone of command, of military command, implies a responsibility and
22 competence over the fate of the civilians.

23 MR. STRINGER: Mr. President, it seems to me that we may be
24 talking about two things, and the general has taken us off in a direction
25 that's actually not the direction that I'm interested in. I'm not

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1 interested in the status of the HVO, whether it was an occupying force or
2 not. I'm more interested in learning from the general what he believed
3 to be his responsibilities or the responsibilities of his predecessor,
4 General Petkovic, in terms of -- in not a legal sense, but a factual
5 sense. A commander or a chief of the HVO Main Staff has a lot of
6 things -- responsibilities that they are required to undertake, from a
7 factual point of view. They command, they plan, they deploy. And I'm
8 trying to ask the general about how he viewed -- whether there was, among
9 those factual responsibilities of the commander, whether protection of
10 civilians, the civilian population, against crime is among the
11 responsibilities that fell to him. So that's where I'm trying to --
12 I'm --

13 JUDGE ANTONETTI: [Interpretation] I understand better now. Thank
14 you.

15 MR. STRINGER:

16 Q. General, let me try to break this down a little bit. This
17 report's talking about crimes that are being committed against the Muslim
18 population, mostly by the military policemen, as it says here. Now, can
19 we agree -- well, let's assume that these Muslims are in an area in
20 Prozor that is under the control of HVO armed forces, the HVO military.
21 Okay? Can we agree on that for purposes of this discussion?

22 A. Mr. Stringer, Prozor was not under the control of the HVO forces.

23 Q. General, I'm going to insist that you listen to my questions very
24 closely and answer as precisely as you can.

25 There was a part of Prozor that was under the control of the HVO

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1 armed forces; is that correct?

2 A. No. Why do you expect me to tell you "under HVO control"? The
3 HVO, in certain parts of Prozor municipality, had front-lines towards the
4 Army of Republika Srpska in the west and certain front-lines towards the
5 Army of Bosnia and Herzegovina, and is responsible to keep order on those
6 lines. If those lines are close to villages, in a village, or in front
7 of a village, they're responsible to make sure that HVO troops, in those
8 villages and in those houses, do not commit something that is contrary to
9 war law, responsible in the sense that they must not issue such an order,
10 that they must familiarise the troops with the Law of War, let them set
11 an example by their behaviour. The rest is the responsibility of the
12 civilian authorities.

13 Q. Behind the front-line positions, the HVO's front-line positions,
14 there were territories -- there were areas where Muslim civilians were
15 living, and those areas were under the control of the HVO armed forces;
16 isn't that correct?

17 A. No, Mr. Stringer, they were not under the control of the HVO
18 armed forces. Those people were deployed in 50 or 60 villages in the
19 municipalities, and they lived, as far as Mostar goes, they lived there.
20 And, of course, like all the citizens in the world, they were exposed to
21 the possibility of theft, but they are not under the control of the army,
22 which falls under the command of the Main Staff of the HVO. I'm telling
23 you this crystal clear.

24 JUDGE PRANDLER: Mr. Praljak -- I'm sorry, Mr. Stringer, to
25 interrupt you. I really do not understand the situation. You mentioned

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1 in your previous answer that:

2 "... the HVO, in certain parts of Prozor municipality, had
3 front-lines towards the Army of Republika Srpska in the west and certain
4 front-lines towards the Army of Bosnia and Herzegovina, and is
5 responsible to keep order on those lines. If those lines are close to a
6 village or are close to villages, in a village, or in front of a village,
7 they are responsible to make sure that HVO troops in those villages and
8 in those houses do not commit something that is contrary to the war law,
9 end of quotation.

10 So now I really do not understand that -- at the same time, now

11 again you say that you do not understand the situation, I mean, the
12 question of the Prosecution, and you said that you do not have their --
13 you were not there to be responsible to keep order on those lines. So
14 then what happened? Was there a vacuum? Were those territories really
15 empty, there were no people, there were no -- any senior order? So,
16 really, I believe that the questions which the Prosecution asked are to
17 be answered. Thank you.

18 THE WITNESS: [Interpretation] Your Honour Judge Prandler, I don't
19 know how what I said was interpreted. I said that along those lines, the
20 HVO, or, rather, the Command of the HVO, is responsible, or, rather, the
21 commander is responsible, and his superior, et cetera. I said that they
22 are responsible for those lines. But the rear is hundreds of kilometres
23 behind them, and for the whole depth of that territory outside the lines
24 held by the troops and immediately behind the lines, the HVO is not
25 responsible. As far as I know, not in any army or any law that I have

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1 read are they held responsible, except if --

2 JUDGE ANTONETTI: [Interpretation] Yes, General Praljak. To
3 assist in understanding this, because it's very complicated, let us
4 imagine that we are in Prozor. We're going to transpose Prozor into this
5 courtroom. Let us say that the HVO front-line goes from Mr. Karnavas,
6 Mr. Khan, and Madam Nozica. That is the HVO lines, and where the Judges
7 are is the front-line of the Army of Bosnia and Herzegovina. Does that
8 mean that, according to what you say, that the civilians behind the

9 front-line, Madam Alaburic, for instance, she's a civilian, she does not
10 belong to the zone of responsibility of the HVO because she's outside the
11 front-line? Is that what you wish to tell us?

12 THE WITNESS: [Interpretation] Quite so, Judge Antonetti. There
13 are civilian authorities, the civilian police. Of course, there's
14 control over troops that may do something, but the commander is
15 responsible for the front-line. You saw my document about a village of
16 Pridris [phoen] which was at -- precisely on the front-line, and of
17 course I said, Remove all the inhabitants, including livestock, because
18 I'm responsible to protect their lives, which were in jeopardy because of
19 the fighting. I was present there, so I moved the population of both
20 ethnicities, including their cows, so that they wouldn't get killed in
21 the fighting between the army and the HVO, and that is where the
22 responsibility of the commander ceases. He cannot have control over 50
23 and even more than 50 villages behind him. As far as I am familiar with
24 the rules, the answer is "no."

25 JUDGE ANTONETTI: [Interpretation] I have understood your answer.

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1 I give the floor to my colleague.

2 JUDGE TRECHSEL: I just want to take another aspect, Mr. Praljak.

3 The troops of the HVO under the General Staff were divided in
4 operational zones, operation zones, not in lines. The zone is a surface
5 which was -- you could draw on that map the limits of a zone. It was
6 described as an area, not as a line; is that wrong?

7 THE WITNESS: [Interpretation] That is wrong. The zones here
8 indicate -- when the front-lines are drawn, then you say up to this point
9 on this line, usually one says, Including such and such an elevation
10 point, including such and such a crossroads. Then the defence line goes
11 on. Then there's the commander of that defence line. Usually, such a
12 zone, such a line, is given to a battalion, as the smallest unit. Then
13 the brigade has its own front-line, then Siljeg has his own front-line,
14 and that's how this is done. These are not zones, as a territory, but
15 precisely up to a certain point. Up to this village, such and such is in
16 command, and then as the front-line goes on to the next table, someone
17 else is in command of that front-line. So it's not a zone that consists
18 of I don't know how many square kilometres behind the front.

19 JUDGE TRECHSEL: I still don't take it that it is a line,
20 Mr. Praljak. There is a line. Of course, I do not question that. But
21 then to support that line, other military institutions are necessary.
22 For instance, the artillery is a certain distance behind the line,
23 perhaps several kilometres. There are logistic needs. There are depots
24 of MTS that are placed behind the lines. So it is an absurd idea that
25 the -- mathematically what the army is doing is holding a line like

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1 something you can draw with a pencil once from right to left, or
2 vice versa. You have given us a conception here which is not convincing
3 at all.

4 THE WITNESS: [Interpretation] I can only present what is written

5 in all the rules of war. That's not my conception; that is how it
6 functions. A gun that may be behind a hill certainly is linked by some
7 sort of observation points and belongs to that operational zone, but the
8 guns or the mortars are not positioned where there are people. A
9 howitzer may be put somewhere in isolation behind a hill.

10 JUDGE ANTONETTI: [Interpretation] Judge Mindua has a question to
11 put.

12 JUDGE MINDUA: [Interpretation] Mr. Stringer, excuse me.

13 Mr. Witness, in many international laws, when a state of war is
14 declared on the territory of a state or a province or a locality, the
15 political authority may decide to replace civilian authorities for that
16 territory by military authorities. So the question I ask myself: With
17 respect to these operational zones behind the front-lines, according to
18 your own experience when you were on the front-line, or within your
19 operational zone, the civilian authorities, did they continue to
20 function? I'm talking about municipal authorities, civilian tribunals,
21 et cetera?

22 THE WITNESS: [Interpretation] Yes, all the structures of civilian
23 authorities were operational in all the municipalities which were behind
24 the front-lines held by the HVO, be it facing the Army of Republika
25 Srpska or the Army of Bosnia-Herzegovina when the conflict started. It

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1 is true, Your Honour, that when you're capturing a territory, for a
2 certain amount of time until some sort of civilian authority is

3 established by protectorate or, as we know from the history of warfare,
4 by the English, for instance, for a time the commander of the army that
5 has captured the territory is also responsible for that territory. But
6 we were not conquering territory. This was not conquered territory. The
7 civilian authority was functioning in all the municipalities in those
8 territories, fully functioning. Whether they were functioning well or
9 not so well, in view of the conditions, I don't think that is the subject
10 of my testimony. But there was the mayor, the civilian police, and all
11 structures of the civilian authorities.

12 JUDGE MINDUA: [Interpretation] Very well. My last question on
13 this issue: You said "behind the front-line." According to you, behind,
14 that would be how far behind; a certain number of metres or kilometres?
15 What is the distance that you mean when you're talking about the area
16 behind the front-line?

17 THE WITNESS: [Interpretation] That distance of possible control depends
18 on the terrain. If you are on certain lines and there's a small hill
19 behind you, then, of course, you will position, at the very beginning of
20 your line, certain guards so somebody would not be able to reach you from
21 behind. It can be 200 metres, 300 metres. It depends on the configuration
22 of the terrain, so that you couldn't be surprised by somebody hitting you
23 from the back, but only in the military sense, in terms of protecting your
24 own troops from a breakthrough of any small enemy unit from the rear which
25 might kill your soldiers. And this happened in Capljina, when 26 men

1 were killed well within the rear, if you remember that document, or the
2 killing of those cooks that we discussed, and photographs were shown,
3 when the ABiH killed them, 10 or 15 kilometres into the rear, when I got
4 those fighters planes up because these were infiltrated territories to
5 groups that can kill soldiers. Then the situation is different.

6 JUDGE MINDUA: [Interpretation] Very well. Thank you very much.

7 So my understanding is that this may vary between 200 metres to
8 15 kilometres, when you referred to the killing of HVO soldiers.

9 THE WITNESS: [Interpretation] No, no, you can't control 15
10 kilometres of territory. They simply broke through. This can happen.
11 You can penetrate hundreds of kilometres within -- most frequently, there
12 was no protection behind the front-lines. Shall we say 100 metres, 50
13 metres? It depends on the assessment of the commander as to the
14 possibility of a breakthrough from behind exists or not.

15 JUDGE MINDUA: [Interpretation] Thank you very much.

16 JUDGE TRECHSEL: Sorry, Mr. Praljak, you speak about a
17 breakthrough behind. Breaking through what? If there is no HVO, there
18 is no breaking through. They can go for a walk. HVO apparently,
19 according to you, does not control the hinterland, it's got nothing to do
20 with it. That is what is not very convincing, I must say.

21 THE WITNESS: [Interpretation] I cannot change your opinion about
22 whether it's convincing or not. I claim that this is written in any army
23 rules. The commander in the field may control a certain road, 100 metres
24 or 50 metres, before his front-line, and he may position two guards on
25 that road so that no one can reach them from behind. This is just

1 control of his front-lines, not control of the territory. You cannot
2 control the territory with an army. That is absurd. The fact that there
3 may be an anti-air battery in an English town that will hit German
4 bombers, that doesn't mean that the army is controlling the entire
5 territory of England, because there are civilian authorities there. I'm
6 sorry, I do know a little about wars.

7 JUDGE TRECHSEL: I think it's not necessary to repeat more.

8 Mr. Stringer.

9 MR. STRINGER: Thank you, Your Honour and Mr. President.

10 Mr. President, what I'm going to do, although very much staying
11 with this very issue - I don't want to give any indication that I'm
12 moving to something different - I do want to move to the next document
13 which I think will probably facilitate our questioning on this.

14 MR. KOVACIC: [Interpretation] I apologise. I was waiting for my
15 learned friend to end, since he said he was moving on to another
16 document.

17 For the sake of the transcript, to make sure that everything is
18 clear later. When we get back to it, I'd like to say the following: We
19 haven't so far objected to the use of this document and the Prosecutor
20 using this document in his cross-examination. We didn't object because
21 we didn't want to appear to be assisting the witness, but I think it is
22 now my duty to say the following for the sake of the transcript.

23 When my learned friend from the Prosecution asked Mr. Praljak

24 yesterday, at the very beginning when dealing with this document, it was
25 page 91, line 5 -- I apologise, it was before page 91. The question is a

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1 fairly lengthy one. When this question was put to the witness, the
2 witness immediately replied that he had never seen the document before
3 and that he knew nothing about it. In spite of that fact, an entire
4 series of questions continued to be put to the witness about the
5 document. The document, itself, as you have seen, gives no basis for the
6 Prosecution to continue putting questions about it to the witness. The
7 witness said, No, I have never seen the document. He also added that he
8 had never been there, he wasn't there at the time, in fact. And the
9 document also doesn't show that the document was supposed to be provided
10 with the document. It wasn't addressed to him. It wasn't sent to him.
11 And as a result, there is no basis to put questions to the witness about
12 the document.

13 This Chamber has respected that principle, and for the three and
14 a half years that we have spent in this courtroom this Chamber has said
15 that questions couldn't be put to a witness once the witness had said
16 that he or she hadn't seen the document or hadn't been in the place
17 concerned. The Prosecution has somewhat changed the approach today, and
18 they are now proceeding by using hypotheses, If such and such a thing
19 occurred, and so on and so forth. But this doesn't change anything.

20 Thank you very much.

21 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Kovacic, the Chamber

22 certainly does not agree with you, because, in fact, you are right when
23 you say that Mr. Praljak isn't familiar with this document. On the 15th
24 of July, as he, himself, said, he had returned to Zagreb. Fine. So it's
25 difficult for him to answer questions about very precise facts. But, in

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1 fact, you saw that when the Prosecution put questions to the witness,
2 well, it was interesting, because I discovered that there was the problem
3 of the operative zone. I innocently thought that the operative zone
4 covered a geographical area, but Mr. Praljak is claiming, and he says
5 that this is supported by military rules and regulations, Mr. Praljak is
6 claiming that the operative zone only covers the zone that the army is
7 occupying as part of the front-line. And the Prosecution has put basic
8 questions to him that concern principles. They've been using this
9 document. They could have taken a different document. In the
10 Prosecution's opinion, the HVO commander had a certain amount of
11 responsibility for civilians or was responsible for civilians. If there
12 is looting, if someone is killed, and so on and so forth, the issue of
13 responsibility arises. So this document is being used, but in relation
14 to principles. In relation to such principles, General Praljak has said
15 that from his point of view, his responsibility is for the zone, the
16 operative zone, and the civilian authorities are responsible for
17 everything else.

18 So your objection is interesting, but it in general terms it
19 wasn't pertinent because questions could have been put with reference to

20 other documents because we're now dealing with principles.

21 So please do continue, Mr. Stringer.

22 JUDGE TRECHSEL: I think a correction imposes itself. It says in
23 the transcript his responsibility -- Mr. Praljak said that his
24 responsibility is for the zone, but I think that you say your
25 responsibility is for the front-line, which is not the same.

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1 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Praljak, your
2 responsibility is for the front-line; that is to say, the zone covered by
3 the front-line, even if it's only a few metres or a few hundred metres.
4 That's all you're responsible for? You're not responsible for the
5 hinterland?

6 THE WITNESS: [Interpretation] That's correct. The line -- the
7 front-line, the zone, it's the same in this case. That's what it's
8 called.

9 JUDGE ANTONETTI: [Interpretation] Very well. We have understood
10 that.

11 Mr. Stringer.

12 MR. STRINGER:

13 Q. Just to follow up on a little bit of this. General, it's absurd,
14 isn't it, to suggest that the military commanders -- your only
15 responsibility as a military commander was for the small area of the
16 front-line, and that you, as the commander of the HVO Main Staff, bore no
17 responsibility for the areas under HVO military control behind the

18 front-line position? That's an absurd proposition, isn't it, one that
19 you're advancing only to escape responsibility for the crimes that
20 committed in those -- that were committed in those areas under HVO
21 control; correct?

22 A. No, it's not, Mr. Stringer. If your theory were applicable, 150
23 high-ranking American officers would be here because they were unable to
24 control the situation in Iraq that they had taken by military force.
25 These are well-known facts today. What controlling something means is

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1 well known. When they established a government over there, well, what
2 are they responsible for? Are they responsible for who's being killed
3 there?

4 Q. Furthermore, your description now of what the area of
5 responsibility of an operative zone is equally absurd, where you claim
6 that the operative zone consists only of the front-line areas and not the
7 hinterlands or areas under HVO control that fall behind those front-line
8 positions; isn't that true?

9 A. Your Honours, if we're developing new theories and new rules, new
10 laws about what this means, well, there's nothing I can add. It's
11 obvious that one is trying to introduce completely new rules on warfare,
12 on the rights that an army has, on the responsibility of a commander.
13 But we keep talking about these matters, but we don't refer to any rule
14 books, to any laws, to any examples of warfare in order to support the
15 claims made by the Prosecution.

16 MS. ALABURIC: [Interpretation] Your Honours, with your leave,
17 although General Praljak has already answered this question, I would like
18 to object to the previous two questions put by my learned friend
19 Mr. Stringer, and for the following reasons: Mr. Stringer has been
20 asking whether a theory is absurd or not, and he is asking
21 General Praljak to answer a question put in that way. But Mr. Stringer
22 didn't say why it would be absurd if a commander was responsible for a
23 front-line and the civilian authorities were responsible for the
24 territory or some other community, so I believe that examining or
25 cross-examining the witness in this manner is inappropriate. Thank you

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1 very much.

2 MR. STRINGER: I respectfully disagree with counsel. I propose
3 to continue to the next document, although we are going to stay with this
4 issue.

5 Q. General, the next document is P04177. Maybe this one's a better
6 one for us to talk about, because it's made during the period of time
7 after you have taken command of the HVO Main Staff. It's dated 14 August
8 1993. It's a report of Luka Markesic to the SIS of the HZ-HB in Mostar.
9 And before we come back to these issues we've been discussing, let's go
10 through the exhibit, and we'll talk about the factual situation on the
11 ground there in Prozor in mid-August of 1993.

12 Now, on page 2 of the English, General, for you it would be the
13 paragraph under the name of Ante Pavlovic. There's a reference to the

14 new commander, Ante Pavlovic. Do you see that?

15 MR. KOVACIC: [Interpretation] I object.

16 THE WITNESS: [Interpretation] Yes.

17 MR. KOVACIC: [Interpretation] I object. I have an objection.

18 I believe that before the Prosecution asks questions about this
19 document, he must first establish whether the witness has seen the
20 document, whether he knows anything about the document, and only then can
21 he proceed, if the witness first gives him a basis to do so. Otherwise,
22 he can use the document as an example of the events, which is what he did
23 with the previous document to a certain extent.

24 Thank you.

25 MR. STRINGER: I'm a bit surprised by this type of an objection,

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1 frankly, Mr. President. This is a factual account of the situation in
2 Prozor in mid-August. The general's the commander of the HVO Main Staff
3 at the time. We know that he, based on his own testimony, has made this
4 particular area one of his top priorities, as commander, and that he
5 spent a good deal of his time in this area. I'm going to go through this
6 document with the general. We're going to establish his knowledge of the
7 events that are taking place in this area, and on the basis of that we're
8 going to continue with the discussion about what he believes he was or
9 was not responsible for in respect of the crimes that were being
10 committed by the Muslims in this area. The document will also show us
11 that, in fact, General Praljak was in this area at the very time the

12 document was written and that he was in the field using military or
13 civilian police units in combat operations. So it's entirely appropriate
14 to ask him questions about the document.

15 MR. KOVACIC: Your Honour --

16 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I don't see the
17 problem. I've listened to Mr. Kovacic, and having listened to both of
18 you, I was wondering something about the matter with regard to
19 Article 7(3) of the Statute. If crimes have been committed, if something
20 can be described as a crime, then the superior is responsible pursuant to
21 Article 7(3). However, there are certain conditions. It's necessary
22 that he was aware of the crimes, and so on and so forth. If you move
23 into this area, however, it's necessary to ask Mr. Praljak, first of all,
24 whether he was the HVO commander on the 14th of August. Answer, Yes.
25 Then, secondly, Were you familiar with this document, yes or no? We

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1 don't know. If he says, Yes, you continue. If he says, No, you ask him,
2 Why not? And then once he tells you, for example, I'm not familiar with
3 this, then you can ask him about that.

4 However, he said, with regard to the document, that if he says
5 that such and such a thing happened, ask him whether he was familiar with
6 it, and so on and so forth, because now everything you're dealing with
7 falls under Article 7(3).

8 MR. STRINGER: Well, with respect, Mr. President, I would
9 suggest -- or the position is that this is not limited to 7(3). This

10 could very well go to Article 7(1), as well as JCE issues, so I don't
11 agree with the limitation that's being suggested.

12 Now, it is a common practice - it happens routinely and
13 regularly - that witnesses are shown documents that they may not have
14 seen before. They're asked whether the activities or the events
15 described in the documents are consistent with what their understanding
16 of the situation was or whether they knew about this, and that's
17 precisely what the intention is going to be. So, Mr. President, I'm --

18 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, I totally agree
19 with you, but I'm telling you, if we're dealing with a joint criminal
20 enterprise, well, if there is no support for such an enterprise, nothing
21 falls under 7(1), then we have Article 7(3) in the indictment. So if you
22 don't want to cover the entire field, well, it's up to you to take such
23 risks. But from a technical point of view, it's best to cover the entire
24 field, to deal with all the aspects. But you're right, it's not
25 necessary for the accused to be familiar with this document. You're

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1 perfectly right about that.

2 Please proceed.

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

4 Q. General --

5 MR. KOVACIC: [Interpretation] Your Honours, with your leave, I
6 fully agree with what you have said. If I may. The witness doesn't have
7 to be familiar with the document. I fully agree with that. However,

8 it's necessary for this to be established through the cross-examination,
9 regardless of whether it falls under 7(1) or 7(3) or the category of
10 joint criminal enterprise. If the Prosecution now examines the witness
11 with regard to facts referred to in the document, well, this is how we
12 have proceeded so far. First, it is necessary to establish whether the
13 witness has seen the document, and then he can continue to ask questions
14 about whether the witness knew anything about the events themselves, even
15 if he didn't -- hadn't seen the document.

16 I know I'm objecting in this case, because when you have a look
17 at the title in the document, when you have a look at the stamp, you can
18 see that this has nothing to do with the staff, and the Prosecutor's
19 fully aware of this. We can see who is writing to whom here, and we
20 can't see a copy being addressed to the witness. So I do agree with you
21 that then the Prosecution can ask any questions he likes, but first we
22 have to establish what the link is between the witness and this document.
23 Does the witness know anything about the document? We can then proceed.

24 JUDGE ANTONETTI: [Interpretation] Mr. Kovacic, the Prosecution
25 has already asked questions about Prozor. Secondly, he has already asked

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1 questions on the basis of the SIS document. Thirdly, the author of this
2 document, well, we've already seen documents drafted by this author, Luka
3 Markesic. So there are a series of documents, a series of items that
4 have already been seen and examined. This is an additional document that
5 covers the period of August. We've already dealt with previous periods.

6 So there is a line of conduct. We know what the basis is already. The
7 Prosecution wants to know whether Mr. Praljak was familiar with what had
8 happened in August in Prozor, et cetera, but an entire series of
9 documents have demonstrated that certain things were occurring during the
10 previous months.

11 Please continue, Mr. Stringer.

12 JUDGE TRECHSEL: If I may -- if I may add a question to
13 Mr. Stringer.

14 I do not quite see, I confess, what obstacle to your work it
15 would be if you asked the witness has he seen this document.

16 MR. STRINGER: I was going to do it, Mr. President -- or Judge.

17 Q. General, this is a report, as we've indicated, of Luka Markesic,
18 who we talked about a number of times, directed to the SIS of the HZ-HB
19 in Mostar. Did you see this document on or after the 14th of August,
20 1993?

21 A. No. On the 14th of August, I know for sure that I was in combat
22 in the south of Mostar, and afterwards I didn't see the document, not
23 until I arrived here as an accused.

24 Q. Now, the document does talk about a number of events in Prozor
25 that I want to ask you about, ask you whether you had knowledge that

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1 these sorts of things were taking place.

2 On page 2 of the English, after the reference to the new
3 commander, Ante Pavlovic, Markesic writes about the fall of Konjic,

4 Bugojno, and part of Gornji Vakuf, and he's talking about the refugees,
5 women and children, elderly, who came from those places down to Prozor.

6 And then he writes that:

7 "Initially they," referring to the refugees, "were put up in
8 Croatian houses, but when the number grew, they began to be settled in
9 Muslim houses and villages. Thus, the entire Muslim population from Rama
10 municipality is accommodated in three collection centres, Pograde, Duge,
11 and Lapcanje [phoen].

12 "The relocation of these Muslims was done by the military police
13 under the command of Ilija Franjic."

14 Now, first question, General. Were you aware of the relocation
15 of Muslims from Prozor, from their houses, to these collection centres to
16 make room for incoming Croat refugees?

17 A. No, I wasn't.

18 Q. Were you aware that, as indicated here, the HVO military police
19 was ordering Muslims to be evacuated or taken out of their houses and put
20 in collection centres?

21 A. No.

22 Q. Now, Markesic continues to say that:

23 "The arrival of soldiers and civilians into the municipality has
24 caused an increase in crime, prostitution, the removal of Muslims from
25 prison and their liquidation, the extortion of gold, money, and other

1 valuables from Muslims, and liquidation after extortion."

2 Now, just so we're clear with interpretation or translation
3 issues, General, can we agree or would you agree with me when I suggest
4 to you that when Markesic writes about liquidation here, he's talking
5 about killing, people being killed?

6 A. That's probably what he's talking about.

7 Q. He continues on, I'm moving to the next page of the English:

8 "Men also go to Muslim houses, and daughters are stripped naked
9 in front of their fathers, and vice versa. All of this has been
10 happening systematically for a considerable time now, even though we
11 informed the HVO president, Mijo Jozic, the brigade commander, and the
12 commanders of the military and civilian police of this in writing."

13 And then he goes on to say that he's enclosing reports from the
14 prison warden, and he's also enclosing statements of Muslim women who
15 have been raped. He says:

16 "Such things are mostly done by local soldiers and some of the
17 military police. Thus, the Security Service is unable to deal with all
18 matters because collaboration with military police concerning the
19 prevention of such things is impossible, given that there are
20 perpetrators among them. For now, we are succeeding in gathering
21 information on the above matters, putting pressure on the Command and
22 Presidency of the HVO to make sure these kinds of things are stopped."

23 I'm going to skip a paragraph. He says:

24 "The military police are implementing an order from a higher
25 level to detain Muslims between the ages of 16 and 60 in their own

1 particular way, imprisoning men without exception, including those
2 younger than 16 and older than 60, and treating them in an extremely
3 inhumane manner."

4 I'm going to move to the next page in English. I'm going to skip
5 a paragraph or two. He says that:

6 "It has been known for some time that members of the military
7 police have been involved in the seizure of vehicles from humanitarian
8 aid convoys and that these vehicles are sold on the open market. The
9 military police commander openly admits that he authorised the plunder of
10 the convoy."

11 Continuing down a few paragraphs, it says:

12 "It should be noted that the military police go into the field
13 every day on assault operations, and so the credit they attain in action
14 among the people is wasted in the above deeds. As regards concrete
15 cases, we have rationale for them. It is just that the times are such
16 that it is dangerous to expound them."

17 He goes on, in the next paragraph, to talk about how this affects
18 morale, and then he says:

19 "The civilian police are unable to cope with all this, and
20 recently they have been mostly in the field under the command of
21 General Slobodan Praljak."

22 So, General, this document raises a number of topics that I'd
23 like to ask you about.

24 Would you agree with me, General, that assuming Markesic is

25 accurately reporting the situation, the military police in Prozor are out

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1 of control in August of 1993?

2 A. I can't comment. I can't say anything more than what is written
3 here. I can't say anything about whether it's true or not. I'm not
4 familiar with the document. All I can do is repeat what I have already
5 said with regard to this period from the 24th -- I don't know.

6 Q. I'm not asking you to repeat what you've already said, General.
7 I'm asking you whether, as someone who's the commander of the HVO
8 Main Staff at this period of time, whether, in your opinion, the HVO
9 military police in Prozor was out of control.

10 A. As you have seen in that sentence, the military police, when used
11 in combat, fought well. And then he says the credit that they earned,
12 when defending that area, was spent on these things. He continues to say
13 all of this has an influence on the morale of many members of the Rama
14 Brigade and on the people. So many of the people -- many soldiers don't
15 agree with this, and their morale is undermined through such acts. When
16 the military police was at the front-line, they were naturally under the
17 command of that part of the front-line, and then that brigade, and then
18 the operative zone, and then Praljak -- or Praljak when he was in the
19 field, and then they fought well.

20 Q. Well, let's talk about that. These military police units, you've
21 told us extensively in your testimony that you used them yourself,
22 personally, in combat operations. The fact is, General, that you turned

23 a blind eye to these crimes that they were committing because you wanted
24 to continue to have them with you in the field in combat operations.
25 That's the choice you made, isn't it?

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1 A. No, Mr. Stringer, I didn't turn a blind eye to anything, never.
2 The fighting up there, and I'll repeat this for the 10th, 20th, or 30th
3 time, the fighting was so intense that --

4 Q. General, you knew about all of this criminal activities of the
5 HVO military police in Prozor and you did nothing about it; isn't that a
6 fact?

7 A. It's not correct.

8 Q. So you're claiming that you didn't know about any of this, any of
9 these crimes?

10 A. No, I didn't know about these crimes for the simple reason that
11 no one informed me of them. And given the workload I had in combat, I
12 don't remember having ever slept in the same bed on more than one
13 occasion. So if you want to depict me, Commander of the Main Staff, as a
14 god who could oversee everything and who was responsible for everything,
15 well, you can do whatever you like, but that's not correct. I wanted to
16 describe the wartime situation for you. You say that this was something
17 that was known. The person who knows about this had the duty of filing
18 criminal reports. That was his duty. No one, apart from him, had that
19 duty. It was his duty to take action in order to charge these peoples.

20 JUDGE ANTONETTI: [Interpretation] General Praljak, let's not

21 waste time, let's not waste any more time.

22 You haven't seen this document. Fine. The Prosecution is
23 saying, Were you familiar with this? You said, No, I wasn't. Fine. Now
24 I have a question I'd like to put to you, but from a different point of
25 view.

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1 Let's imagine that at the time you found out that on the 14th of
2 August, in Prozor, all these events took place. What would you have
3 done?

4 THE WITNESS: [Interpretation] Regarding the killing of this man,
5 I would tell him that he must file criminal reports, that is his duty,
6 that he should call on his superiors to arrest those people, because that
7 is their duty, and that he should carry out his duty according to the
8 laws and regulations, according to the line of subordination. That is
9 what I would ask of the man writing the report, that he shouldn't write a
10 report but that he should act in accordance with his official duty,
11 because I personally cannot arrest anyone. That is not my job. I'm not
12 responsible for the military police, nor do I have the ability to
13 discover. It's like seeing a house burning and you have to find out who
14 set fire to it. I simply don't understand.

15 JUDGE ANTONETTI: [Interpretation] You say that the document
16 reached the Defence Department on the 18th of August, number 693.
17 There's a stamp on it, the receivable stamp. To the best of your
18 recollection, did Mr. Stojic at some point tell you the following:

19 General Praljak, we have had a whole series of reports regarding flagrant
20 crimes, certain very serious offences being committed. What can the army
21 do to assist the military police, the military prosecutor, the civilian
22 police? Did you at some time have a conversation of this kind with
23 Mr. Stojic, or did you not have any conversations about this issue?

24 THE WITNESS: [Interpretation] I did not discuss this topic with
25 Mr. Stojic.

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1 MS. NOZICA: [Interpretation] Your Honour, with your permission.
2 This is not an objection. Of course, there is no place for an objection.
3 I asked for the witness to answer, but I think for this hypothesis which
4 the President presented, we need to know that this -- whether this report
5 reached Mr. Stojic at all or whether he was familiar with it. The stamp
6 says that the report reached the SIS, and according to the number of the
7 protocol we cannot see that this is a protocol number of the Defence
8 Department, where Mr. Stojic was. And as there were questions as to
9 whether Mr. Praljak was aware of this document, I wish to say for the
10 transcript that from the stamp we cannot claim that Mr. Stojic was aware
11 of this document either.

12 Thank you.

13 JUDGE ANTONETTI: [Interpretation] It is just a possibility that I
14 envisaged, and the emphatic reply by Mr. Praljak may also cover the fact
15 that Mr. Stojic was not aware of it. That is quite logical.

16 Mr. Stringer.

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

18 Q. General, would you agree with me that in August of 1993, the head
19 of the SIS for the HZ-HB was Mr. Lucic?

20 A. Correct. According all -- according to all the information I
21 have, it was Mr. Ivo Lucic.

22 Q. And he was a part of the HVO Defence Department; is that also
23 correct?

24 A. According to my information, yes.

25 Q. All right. Now, General, getting back to the document and the

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1 situation in Prozor, it seems to me, General, that you're forgetting what
2 your position was on the 14th of August, 1993. You may have wanted to
3 give yourself the luxury of just getting involved in specific combat
4 operations and limiting your focus only to that, but the fact is,
5 General, that when you agreed to take command of the HVO Main Staff, you
6 assumed a greater scope of responsibilities than just a specific combat
7 operation here or there. Isn't that true?

8 A. Which? Could you please tell me, on the basis of any document,
9 what are the responsibilities of the commander of the Main Staff? Then
10 we can discuss it.

11 Q. Let's talk about the responsibilities that flow to you as the
12 superior of the commander of the operative zone, for example. The fact
13 is that everything under that chain of command flows up to you and down
14 from you through the operative zone, where all of this is taking place.

15 Isn't that true?

16 A. Sir, this was not happening in the operative zone, but in the
17 territory of the municipality.

18 Q. Excuse me, General. Isn't this -- isn't Prozor within the
19 North-West Herzegovina Operative Zone, and weren't these military police
20 units here subordinated to the operative zone when you use them in these
21 combat operations?

22 MS. ALABURIC: [Interpretation] Your Honour, I object to this
23 question because I think it needs to be explained.

24 It is not possible to subordinate a unit to an operative zone,
25 because it is a territorial community, but it is subordinated to a

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1 particular commander. So I don't think the question is precise enough,
2 and that is why General Praljak cannot answer it. Subordination must
3 always be to a certain commander.

4 JUDGE ANTONETTI: [Interpretation] Mr. Stringer.

5 MR. STRINGER: Well, Mr. President, I think the general knows
6 precisely what I'm talking about, and --

7 Q. General, you want to know what your responsibilities are.
8 Evidently, you don't know what your responsibilities are, as commander of
9 the HVO Main Staff? Is this where we're going to -- is this where our
10 conversation's going? You want me to tell you what your responsibilities
11 were?

12 A. No, Mr. Stringer. I know perfectly well what my responsibilities

13 are, but I think that either you know nothing about the army or you're
14 making up things or a special case of responsibility for the HVO that
15 does not apply to the American Army, nor the British, nor the French.
16 That's what I think. I think you're making up something, and this
17 wouldn't be a good idea.

18 Q. Your position is that even though you're commander of the HVO
19 Main Staff, and you're therefore the superior officer of your operative
20 zone commander, Siljeg here, that really your only responsibilities are
21 limited to the precise combat locations and activities that you're
22 involved in on a day-to-day basis? Is that how we're to understand your
23 testimony?

24 A. There is responsibility. When a unit has been mobilised and
25 gathered at a certain position, when it is armed, loaded onto trucks and

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1 buses and moves on, then it becomes a part of the military, and command
2 and responsibility over it begins. It is deployed to a certain position,
3 subordinated to a commander, deployed in trenches or bunkers, and that is
4 the responsibility of the commander from the bottom to the top.

5 Q. These military police units that are being referred to here that
6 are involved in the combat operations in which they're able to
7 distinguish themselves -- let me just read this passage to you again.

8 Markesic writes:

9 "It should be noted that the military police go into the field
10 every day on assault operations, and so the credit they attain in action

11 among the people is wasted in the above deeds."

12 Now, General, I think we can agree, based on your extensive
13 testimony on this, that those military police in the field on assault
14 operations are subordinated to the operative zone, or the brigade, for
15 operational purposes at that time; isn't that correct?

16 A. Correct. From a certain point in time, it is clearly stated to
17 what commander they are subordinated, for what period, and what their
18 assignment is. Once this ceases, they are no longer subordinated to that
19 commander, and they are not accountable to the commander once their
20 re-subordination ends.

21 Q. And you testified at one point early in your direct examination
22 that even though they were subordinated to the operative zone for this
23 purpose, they remained military police officers, they still remained
24 within the structure of the Military Police Administration; correct?

25 A. Correct.

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1 Q. Now, the military police that are being referred to here appear
2 to be involved in combat operations during the day and involved in
3 criminal operations at night or when they're off duty, so the fact is
4 that the operative zone, where the commander is using these military
5 units in the field, are clearly responsible for these military police
6 officers when they're committing crimes when they're off duty; isn't that
7 true?

8 A. It is not true. They didn't go to the front one day and then

9 come back at night, but it is stated here that the Muslim offensive had
10 calmed down on the 14th, and that is why I left the area. At the time,
11 the military police -- will you let me answer your question? I told you
12 the time has to be determined, to whom they are subordinated, with what
13 aim, and until when? It's not for two hours, but a precise order has to
14 be issued.

15 Q. And during the period of that subordination, you're telling us
16 that nobody is responsible for them if they commit crimes?

17 A. When they are re-subordinated, they are accountable to their
18 commander. But when irregularities have been established, sanctioning is
19 done by the structure to which they belong. The commander, if he finds
20 out, is duty-bound to report it.

21 Q. So these military police who are being referred to here, then,
22 you're telling us that while they're subordinated to the operative zone,
23 the operative zone people can't do anything to hold them accountable or
24 to prevent them from committing more crimes; it's only the Military
25 Police Administration that can take action after they're re-subordinated?

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1 A. It depends on the type of offence. If a commander was present
2 and the offence was murder, it is his duty to disarm him and arrest him.
3 But as for other offences, he reports to the superior commander, who will
4 then take steps against the offenders; an investigation, proceedings,
5 et cetera. This is then passed on to other institutions, as anywhere
6 else in the world.

7 Q. Well, General, you're describing a very nice, tidy procedure
8 which, in fact, no one was interested in, because your only interest was
9 in using these military police units in combat activities, and you
10 weren't interested in punishing them or doing anything other than using
11 them in combat; isn't that true?

12 A. That is not true, Mr. Stringer. I cannot do something about
13 something I'm not aware of. And when the time -- the energy required --
14 you have an operation ongoing and someone does something somewhere, and
15 if you're operating somebody's heart, you will stop that and investigate.
16 You cannot understand the problem until the strength of the Muslim
17 offensive at that point in time is recognised. And 15.000 to 20.000
18 refugees from Bugojno with the army, it is impossible.

19 Q. Well, you know about the refugees from Bugojno, General. The
20 fact is that you know very well what the situation in Prozor was. You
21 know that all the civilians had been moved out into these detention
22 centres to make room for incoming Croat refugees. You knew that the
23 Muslims were being terrorised, raped, liquidated. But the fact is you
24 weren't interested in doing anything about all of that. You were only
25 interested in conducting combat activities; isn't that true?

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1 A. No. You're making things up, Mr. Stringer. It is -- what you
2 are saying is absolutely not true, and you have been repeating it for the
3 50th time and you're angry if I tell you for the 50th time that that is
4 not true, that the situation was not the way you describe it. Look at

5 the next document and you'll see.

6 Q. This is what you said in your testimony on the 12th of May this
7 year, very early in your direct examination. You were talking about
8 using the military police, and you said:

9 "I said very precisely that such a use of the military police
10 will significantly decrease the ability of the military police to perform
11 their tasks, their normal tasks, and that for that reason there will be
12 an increase in the rate of general crime, and there will also be a
13 decrease in the number of those who will be arrested for those crimes."

14 Do you remember that testimony?

15 A. Correct, that is what I said.

16 Q. And so what you're telling us is you made a choice, a conscious
17 decision, to use military police units in combat activities, knowing that
18 this was likely to result in crimes such as we're seeing here in this
19 document directed against the civilian population; correct?

20 A. My choice was a conscious, reasonable, rational one. I still
21 stand by it, because that would have been done by any commander, every
22 commander, whoever he may be, even if he is American. The main aim is to
23 prevent the fall and the defeat that would have happened if I hadn't done
24 this. And my knowledge, like that of any man, when the -- use the police
25 from New York for something, there is no electricity or something, there

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1 will be a thousand crimes because people are thieves and murderers, at
2 least a large number of them, and there's nothing you can do. But that

3 doesn't mean that you will let the Japanese defeat you rather than using
4 the police to prevent that. So please.

5 Q. In terms of the justification for your decisions, it actually
6 goes deeper than that, doesn't it, because you needed these military
7 police units to fight, and you knew that if you punished them, put them
8 in jail, removed them so that they could not continue to prey on the
9 civilian population, you'd lose good fighters, and so you choose to keep
10 the fighters and to tolerate the crimes that they were committing; isn't
11 that so?

12 A. I refuse --

13 MS. TOMASEGOVIC TOMIC: [Interpretation] Please let me. Just a
14 brief objection.

15 The Prosecutor keeps using the term "military police units." I
16 have kept quiet, but he's used this term so often that one would think
17 these may be military police brigades. In this document, nor in any
18 other, have we seen the term "units." These were cases, individuals,
19 military policemen. There may have been five or six such offenders, or
20 two of them. We don't know how many from these documents. We don't know
21 who they were, what their names were, know how many of them there were.
22 The concept of a unit does not exist. If the Prosecutor knows which
23 units were involved, then let him tell us. I know which unit we are
24 talking about, it was such and such a unit, and then we can proceed.
25 There is absolutely -- it's not right to use the term "units." If anyone

1 knows what units are involved, they should tell us.

2 THE WITNESS: [Interpretation] Furthermore, I want to say that the
3 enormous number -- the majority, as everywhere else, the majority of
4 military policemen were honest people of integrity who fought with honour
5 and carried out their duties with honour. According to the logic of
6 statistics, one could expect more offences, as I had said, but killed and
7 wounded policemen who fought well were in the vast majority.

8 JUDGE ANTONETTI: [Interpretation] I'll come back to this when I
9 come to my questions, but I'd rather let Mr. Stringer finish his
10 questions first.

11 MR. STRINGER: Just to respond briefly to counsel, we're talking
12 about P04177. I'm talking about the crimes and the military police that
13 are referred to in this document.

14 Mr. President, I have just about exhausted my questioning on this
15 document, so I think I can yield to the Trial Chamber if there are more.

16 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, I have several
17 questions.

18 I am looking at this report by Luka Markesic, and there's nothing
19 in it that would lead me to believe that it does not reflect the precise
20 situation. There are many details there, and this is -- I believe that
21 this is a situation as is described. And reading this report, I note
22 that there are six persons whose role needs to be examined. This report
23 refers to the president of the HVO of Prozor. The second person is the
24 brigade commander. The third person who has a role is the commander of
25 the military police. The fourth person is the commander of the civilian

1 police, because there are offences committed by the civilian police. The
2 fifth person is the director of the prison, who denounces the facts. And
3 the sixth person is the author of this document.

4 Proceeding in this way, when we look at the document, one finds
5 that the author of the report is calling into question the president of
6 the HVO and the commander of the military police, and he says that the
7 commander of the military police has put himself under the municipal
8 institutions, the president of the HVO, and the brigade commander, and he
9 cites evidence of this, saying that when someone leaves the municipality,
10 he has to have the signature and the stamp of the HVO president. So we
11 are in a very specific situation in Prozor. When we look at this
12 document, one has the impression that the municipal authority in the body
13 of the president of the HVO has an important role and that the commander
14 of the military police has somehow put himself under his orders, but
15 still nothing is being done. Unfortunately, an enormous number of things
16 are taking place, as we see from the document, the looting of convoys,
17 and the commander of the military police says openly that he was
18 authorised to do that, to loot the convoys.

19 The document also says that the military police is participating
20 in combat, so where -- one could understand that they are participating,
21 but then afterwards they engage in criminal activities. That is what
22 this document tells us.

23 And proceeding from that, do you know whether the -- who was the

24 HVO president of Prozor? Was he an individualist, was he someone who did
25 not obey anyone, who had his own policies, or was he closely linked to

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1 the civilian structure of the HVO? If you don't know, you tell us that
2 you don't know and I will move on to another question.

3 THE WITNESS: [Interpretation] I don't know. I will repeat for
4 the hundredth time that the quantity of fighting with the units available
5 while I was there, you will see from the next document that there was so
6 much effort, strength, and energy involved that after at least 20 hours
7 of combat, I would fall into bed, and then the next day things started
8 all over again. I could not do more than I did, and I was responsible
9 for what I did. So you can imagine whatever systems you like. I don't
10 think you can make up a system that does not correspond to reality, but
11 it's up to you.

12 JUDGE ANTONETTI: [Interpretation] You have seen a moment ago that
13 counsel for Mr. Coric raised the question, Who were these military police
14 units. But the military police mentioned in this document, in your view,
15 were they people who depended on the chain of command of the military
16 police, with Mr. Coric at the head, or were they people who were in the
17 Rama Brigade and who considered themselves military policemen, they
18 called themselves military policemen, without really being dependent upon
19 Mr. Coric? Do you inform us about this?

20 THE WITNESS: [Interpretation] I think that they belonged to a
21 military police battalion which was within the chain of command of

22 Mr. Coric.

23 JUDGE ANTONETTI: [Interpretation] I see. So they belonged to a
24 battalion that was within Mr. Coric's chain of command. Very well.

25 You tell us that in the month of August, the situation, in

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1 military terms, was so grave that you were concerned solely about the
2 combat and that the military policemen played a role in those operations,
3 so that you didn't concern yourself with all these different aspects.
4 Very well. And Mr. Stringer insists, and he is right, because he wanted
5 you to specify whether you felt responsible for the military police, and
6 my understanding was that your answer was, No, except when they were
7 subordinated to a brigade under my authority. Is that your answer?

8 THE WITNESS: [Interpretation] Correct.

9 JUDGE ANTONETTI: [Interpretation] Very well. So if I analyse
10 this, when they're subordinated to a brigade and they're fighting, in
11 that case, if they commit a crime, you have a role to play. But when
12 they are no longer subordinated and have returned to their houses, or are
13 on leave, or are in a cafe, in such cases you are claiming that you have
14 nothing to do with it, it wasn't a role you had to play?

15 THE WITNESS: [Interpretation] Correct, the commander is no longer
16 responsible -- well, responsible. If he finds out about something, he'll
17 report it, but then there has to be an investigation carried out by other
18 bodies. It has to be processed by other bodies. He, for example, has to
19 protect a building. But this wasn't possible at the time.

20 Mr. Stringer just wants to have a look at the following document
21 and ask me a few questions about it. He'll see that in such situations,
22 I significantly improved the situation. That was the case wherever I
23 was, I significantly improved the situation. I spoke to people,
24 persuaded them. I prevented the fall of Vakuf, et cetera.

25 JUDGE ANTONETTI: [Interpretation] We have a few more minutes

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1 before the break.

2 JUDGE TRECHSEL: Mr. Praljak, having listened to you this
3 afternoon, I can recall there was a moment when Mr. Stringer put it to
4 you that you were well aware of the fact that taking away police to the
5 front-line would increase the probability of criminality. You took that
6 in account, you were aware of it, and your point is that this was a case
7 of necessity; that is to say, the situation was so tense that the end of
8 fighting the enemy justified the means of drawing away a police force,
9 which exposed civilians to a greater risk of crime. Have I understood
10 that correctly?

11 THE WITNESS: [Interpretation] Correct. Unfortunately, that was
12 how it was. You have understood my answer correctly. Given what I knew
13 about crime from before, I had lots of information about the criminal
14 law, policemen, and so on and so forth, I'm not stupid. I simply knew
15 that if we reduced the number of military policemen or if -- and that's
16 also what happens when you reduce the number of policemen anywhere in the
17 world, I knew that the result would be that the rate of crime would rise.

18 I was aware of that, Judge Trechsel. The military situation was such
19 that it was necessary to have part of the military police force engaged
20 in battle. I asked for the right for them to be engaged in battle, I was
21 granted this right, and unfortunately that's how it was. I stand by
22 that.

23 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, you said that as
24 this was necessary, you sent the military police to the front. But if I
25 deal with Prozor, if you had known about what was happening, about the

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1 events described in the document, theft, cases of theft, cases of rape,
2 of arson, attacks launched on convoys, a corrupt military police force,
3 if you had known about all of this, would you have nevertheless said,
4 Well, fine, go into combat, although you knew that having told them to go
5 and fight, the rate of crime was going to rise, because if the military
6 policemen are engaged in combat, they aren't exercising control, the
7 civilian police remain, but they commit crimes, because the document
8 doesn't only concern military policemen; it also concerns civilian
9 police? So if that was the scenario, if you're familiar with this
10 document, for example, would you have sent them into combat in spite of
11 this?

12 The question is difficult. I'm not obliging you to answer the
13 question. You can say, I don't know. But I'm just trying to see how you
14 would have reacted in such a case.

15 THE WITNESS: [Interpretation] Well, it's a difficult question,

16 Judge Antonetti, it's a very difficult question, but I'll try to answer
17 the question to the best of my ability.

18 At one point in time, it's true that I also assembled the
19 civilian police and went to the front with them because my lines had been
20 broken through. Naturally, just as Vakuf had fallen on the 2nd -- or,
21 rather, between the 1st and 2nd, well, 30 kilometres of my line had
22 fallen. I was returning the line by using a tank and a machine-gun, and
23 I was the first person to do so, I was alone, and then gradually others
24 joined in. The people had fled, the entire population had fled. They
25 had set fire to their own houses, tot warehouses. They blew up the

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1 ammunition warehouse. They killed their very own cattle so that the
2 Muslims wouldn't get hold of it. And at such a point in time, in such a
3 situation, having Bugojno in mind, I would probably have sent the police
4 there, in spite of the fact, and then they could have been held to
5 account later. It was a catastrophe that concerned 40.000 individuals.

6 I say that is probably what I -- that is probably what I would
7 have done. I would have sent the police to the front-line in such a
8 situation, too. But when I say "the military police," well, in
9 1994 - this is something that Colonel Skender will talk about for sure, a
10 high-ranking officer from the Foreign Legion, he will describe the
11 situation to you - but even then, two HVO units were killed, there were
12 two dead individuals, five wounded. I was called in to deal with the
13 situation.

14 We're trying to live in a world which isn't realistic. I was
15 really performing my duties in a courageous manner. It was necessary to
16 be there in the field.

17 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, please complete
18 your questions with the last document before the one-and-only break we
19 will have today.

20 MR. STRINGER: Is the break at 4.00, Mr. President?

21 JUDGE ANTONETTI: Yes.

22 MR. STRINGER: Well, let me just -- I want to follow up on some
23 of the statements the general's just made in the last few minutes. And
24 if we can put up on the screens in Sanction page 39943 of the transcript.

25 Q. Now, General, just a moment ago you were asked by the President

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1 about who was responsible for those military police units, and you said
2 that:

3 "I think that they belonged to a military police battalion which
4 was within the chain of command of Mr. Coric."

5 That's page 39, line 10. Now, on the screen, I know you can't
6 read it, this is a transcript from your earlier testimony in this case.
7 This is what you said when you were talking about the same thing. You
8 said:

9 "It is also true ..."

10 This is line 17:

11 "It is also true that due to a heavy offensive on the part of the

12 BH Army, I requested from Mate Boban, and then from Bruno Stojic as well
13 as a body of the second instance, for one part of the military police to
14 be placed at disposal and participate in defence. They still remained
15 military police officers, but in the operative part I was their
16 commander."

17 So, now I know you've just suggested that they were a part of the
18 Coric chain of command, but the fact is, General, that for crimes
19 committed by military police subordinated to you for operational
20 purposes, you, in the operative zone, would be responsible for those
21 crimes and for dealing with those crimes; isn't that true?

22 A. No, it isn't. Operative re-subordination is something I've
23 explained five times already. I don't know how much longer --

24 Q. So I put it to you that you were aware of those crimes, and are
25 you telling us, General, that even if you were aware that they were

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1 committing crimes, you didn't have any responsibility to deal with those
2 perpetrators?

3 A. Your hypothetical questions are questions I can no longer comment
4 on. Had you known this, had you known that, what would you have done?
5 This is just a matter of speculation, and I don't have an answer to that
6 question. I'll refrain from answering that question.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, sometimes I
8 also formulate hypotheses. Everyone can do that. The Prosecution is
9 putting a hypothesis to you, says, If you had been aware of crimes at the

10 time, what would you have done? Fine, it's easy to answer. And you
11 answered a conditional question that I previously put to you.

12 THE WITNESS: [Interpretation] Judge Antonetti, we dealt with that
13 issue half an hour ago. If I had known about what the document states, I
14 would have told the author of the document to perform his duties. He was
15 responsible to find out who was involved, to report these cases to the
16 prosecution. The individuals in SIS are responsible for security, and
17 the military police should be replaced, they should be taken to prison,
18 and so on and so form. So the person who described these events had the
19 duty of performing his duties, doing his work, not Praljak or anyone
20 else.

21 So it's as if you had an FBI agent who writes to someone else and
22 says, Look, we have some problems, and -- well, the response would be,
23 Well, look, you have to find out who is involved, you have to find
24 evidence, and you have to forward the evidence to the US Attorney's
25 Office so that these individuals can be held to account. We're confusing

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1 matters. A policeman drafts a document and says, Listen, I've heard that
2 in the suburbs of Paris, about 100 cars have been set alight. And what
3 then?

4 JUDGE TRECHSEL: I would like to insist a bit on this line.

5 You said you would have told the responsible person to do his
6 duty. Who would that be? Whom would you have told to do his duty?

7 THE WITNESS: [Interpretation] SIS, S-I-S, is responsible for

8 security, the Security Department.

9 JUDGE TRECHSEL: Thank you. And while you had taken aware much
10 of the police force, and SIS complained, anyway, that they didn't have
11 the force to do this, how do you think they could have done it? Would
12 you have wondered whether they were able to do the duty you asked them to
13 do, when you had taken away the means they ought to have had at their
14 proposal [sic] to fight crime?

15 THE WITNESS: [Interpretation] On the 14th of August, this person
16 stated that the situation had calmed down, and naturally they were
17 already performing their duties again, even if there were certain
18 omissions, because for a period of time they couldn't perform their
19 duties, while subsequently it was possible to arrest and bring in the
20 individuals who had committed the crimes concerned.

21 JUDGE TRECHSEL: Well, that would probably not be very helpful
22 for the victims, but it is -- it is a possible action.

23 I would like to take up the question -- the hypothesis
24 Mr. Antonetti has put to you. Namely, if you had known what was going on
25 behind, not what would you have done; would you have acted in the same

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1 way? If you had known more precisely about the crimes that were
2 committed, would you nevertheless have acted the way you have and ordered
3 the police to the front?

4 THE WITNESS: [Interpretation] Well, I've already answered that
5 question. It's difficult for me to do so, but when confronted with such

6 a situation after the fall of Vakuf and Prozor, if the entire area of
7 Herceg-Bosna was going to have the same fate as Bugojno and Travnik, for
8 example, if the Croats there were going to have the same fate, it's very
9 probable that I would have done the same thing. I would assembled
10 everyone who could bear arms in order to prevent the area from falling,
11 because I was a commander and the main task of a commander is to prevent
12 defeat from occurring, which would lead his army and people - and there
13 had been other examples in Konjic, in Travnik, in Bugojno before that -
14 into a situation involving hundreds of dead, people who had been
15 expelled, and so on and so forth. Therefore, Judge Trechsel, even if I
16 had been aware of certain facts, it's very probable that I would have
17 acted in the same manner. I wouldn't want to lie to you. I'm telling
18 you that it's highly probable, not to say certain, because one can never
19 claim for certain what one would have done.

20 JUDGE TRECHSEL: Thank you, Mr. Praljak. It seems today we have
21 better relations than on other days, because again you have satisfied my
22 question, you really answered my question. Thank you.

23 THE WITNESS: [Interpretation] Judge Trechsel, I always want to
24 answer your questions. Misunderstandings don't occur because I want to
25 muddy the water, but this has been going on for so long that it's

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1 inevitable for certain misunderstandings to occur. It's not that I want
2 misunderstandings to occur.

3 JUDGE ANTONETTI: [Interpretation] Very well.

4 We will have our break now, because we will be running out of
5 tape. We'll have a 20-minute break, and we will then resume at 4.20.
6 The hearing will come to an end at 1800 hours.

7 --- Recess taken at 4.03 p.m.

8 --- On resuming at 4.23 p.m.

9 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, please continue.

10 MR. STRINGER: Thank you, Mr. President. I apologise. I was just trying
11 to clarify the next exhibit to make sure it's available to everyone.

12 Mr. President, we've been talking extensively about P034 --
13 sorry, 4177, and over the break I reached the conclusion that from the
14 Prosecution point of view, we've exhausted the issues that the document
15 raises and that I'm prepared to move on to the next topic, the next --
16 which is one of the documents that we passed over yesterday. So I'd like
17 to come back to a document.

18 Q. General, it's 3D00484, and this -- General, I think you'll
19 recognise, it's one of your document. This is a report that you talked
20 about during your examination, your direct. Do you recognise this,
21 General, as the report made by Ante Prkacin about his efforts to reach
22 the Jajce front-line in October 1992?

23 A. Yes.

24 MR. STRINGER: And for the record, Mr. President, the -- and
25 I think the Praljak Defence team will agree with me, it seemed to us that

1 the initial translation that had been made, I understand, quite a long

2 time ago by the Praljak Defence was not a great one, and so we've had the
3 document re-translated, and so there's a new version which was
4 distributed in hard copy to everyone yesterday, and also to the Trial
5 Chamber as well. And I'm told that it is in e-court, or if it's not in
6 e-court yet, it's in the process, but just to make sure we're on the same
7 version, Mr. President, the translation now is one that's double-spaced,
8 and up in the upper right-hand corner it says "ET 3D19-0240." So just to
9 make sure we're on the correct translation, not the old one, because the
10 translation that's on the screen is not the correct one. So the correct
11 one is not yet in e-court. So if it's agreeable to everyone, I can
12 continue with the document and we can just work on the hard copy, since
13 we can't get -- okay. Actually, we can put it up in Sanction, the
14 correct translation or the new translation, so we can have it on our
15 screens.

16 Q. General, I want to take you back to an earlier part of your
17 testimony. This is page 41851 of the transcript, and this is your
18 evidence from the 23rd of June of this year. And you spoke about the
19 fall of Jajce, and there's -- your testimony on the fall of Jajce is
20 something I want to challenge you on, and I want to challenge you with
21 this particular report of Mr. Prkacin.

22 So let me take you back and read to you a part of your testimony
23 from June about the fall of Jajce. You said:

24 "Jajce fell into Serb hands. A unit comes from Croatia, about
25 270 strong, and it comprises 80 per cent Muslims and 20 per cent Croats,

1 and they have volunteered to assist in the defence of Jajce."

2 And then I'm going to skip down a few lines. You say:

3 "So this joint unit, with this ethnic composition, didn't manage
4 to reach Central Bosnia, Travnik, because the Muslim units and the Muslim
5 politicians prevented it from getting there. They spent three days on a
6 bus from Gornji Vakuf to Travnik. They were mistreated, weapons were
7 trained on them, and so forth, and I claim that this marked the beginning
8 of an organised preparation on the part of the BH Army and some of the
9 people in the SDA leadership for the future conquest of Central Bosnia."

10 And then again skipping down a few lines:

11 "It was a terrible, terrible knowledge, it was quite surprising,
12 and it really reflected the trends in the Muslim military and politics in
13 the time that followed. That's what I'm claiming."

14 So now, General, I want to challenge that testimony by going
15 through Mr. Prkacin's report with you of the events, his trip trying to
16 get from Grude to Jajce which, as he indicates here, began on the 28th of
17 October, 1992. Now, you'll see, right at the very beginning of the
18 document, the second sentence, he says:

19 "The first trouble, though not a major one, happened at a
20 check-point seven to eight kilometres between Tomislavgrad and Prozor,
21 when the HVO military police would not accept our pass, i.e., a signed
22 order, approved by Mr. Petkovic, HVO chief of staff. They demanded and
23 we counted and listed -- they demanded that we counted and listed the
24 soldiers. One of the soldiers asked me, 'Are there any balijas? I'll

25 kill them all.' Given the composition of this unit, the question was

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1 quite awkward."

2 And then he goes on to talk about how he was -- Prkacin was able
3 to resolve the situation there and pass through this check-point.

4 Now, before moving on, General, as you indicated in your
5 testimony, it is true that this group of soldiers that Prkacin was taking
6 up to Jajce was mostly constituted of Muslims; is that correct?

7 A. Yes, I think that 80 per cent of them were Muslims.

8 Q. All right. And this being a group of HVO -- an HVO group of
9 soldiers, mostly Muslims, with Ante Prkacin, General, is this a group of
10 soldiers that had recently come across to the HVO from the HOS, which
11 Mr. Prkacin had been associated with in the months previous?

12 A. They were mostly volunteers from Croatia, the people that
13 Mr. Prkacin brought with him, volunteers from Croatia, HOS. They didn't
14 join the HVO, they remained HOS members, and among them, about 80 per
15 cent of them were Muslims, and in Capljina they were reinforced with what
16 was lacking and went off towards Central Bosnia.

17 Q. So moving down a few lines, then, Prkacin reports:

18 "We arrived in Prozor only around 0700 hours, due to extremely
19 difficult driving conditions."

20 And as he indicates there, he contacted Glasnovic and two
21 additional groups, and that 30 men, anti-terrorist platoon from
22 Siroki Brijeg, and others were waiting for him. And then he says they

23 waited around two hours until the guys got ready, and they were looking
24 for a vehicle to transport the 20 men.

25 So then he reports that they started moving toward Vakuf at

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1 around 2000 hours, with the police at the head. And then he says they
2 reached Bugojno, where control was carried out jointly between HVO
3 military police and the Army of Bosnia and Herzegovina. Here he says the
4 HVO let them pass, but the BH Army asked for a written request for
5 passage in order to respond to it in writing.

6 And then the next paragraph, he talks about meeting with the ABiH
7 commander there, Mr. Sead Dautovic, who received him warmly but asked for
8 a list of soldiers and officers. And you can see in the text that
9 follows Prkacin resisted providing that information.

10 And then in the lines that follow here, he talks about Dautovic
11 then contacting Mr. Lendo, who I think you referred to in your testimony
12 at one point. And ultimately Prkacin was issued a pass, but he said it
13 was rather bizarre because they were going to have a police escort and
14 they were also being escorted by an anti-terrorist group who was to
15 protect them, but in the event of them lining their troops in a
16 suspicious manner, to destroy them. Prkacin says he accepted this almost
17 unconditionally because he wanted to reach Jajce as soon as possible, but
18 the HVO police members' reaction was strong. They said it was
19 unacceptable. And so he's describing the difficulties or the tensions
20 that resulted from this -- the conditions that came with this HVO pass.

21 And then he talks about being in Bugojno, at the headquarters in
22 Bugojno, the military police, Mr. Suvalic and Mr. Bilos, and they didn't
23 like the situation, if I can put it that way. And he refers then to an
24 anti-terrorist group from Siroki Brijeg, 30 strong, and he says:

25 "There was another such group in my unit whose commander came to

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1 me to ask for a permission to attack the BH Army members who encircled
2 us. Predrag Mandic (Lija) leader of the Siroki Brijeg group did a
3 similar thing, telling me he was ready, so when I felt the moment was
4 right, give him a signal."

5 And it's at this point Prkacin says he ordered them to turn
6 around and go back to Bugojno until the HVO and the ABiH could reach an
7 agreement about passage. And then he says they returned to Bugojno and
8 the joint representatives of the BH Army, Dautovic, and the HVO, Zivko,
9 came along and reached agreement and ready to let us pass. This came
10 after five hours of waiting. Prkacin talks about how it was getting
11 tense or edgy, and then he says:

12 "The Siroki Brijeg commander, Mandic, was categorical, he said,
13 'I am for fighting and I am not afraid to die, but this is a suicide
14 mission without brains. Tuta (his superior officer Tuta Naletilic)
15 ordered me to use my judgement well before I went anywhere, so my
16 judgement is that this is useless and too dangerous, and so I'm going
17 back ...'."

18 Just one question on this, General. Is that consistent with your

19 knowledge at the time, October 1992, that Predrag Mandic was a

20 subordinate of Mladen Naletilic, Tuta?

21 A. I couldn't say. It's not a question I can answer with certainty.

22 Q. That's fine. I don't want you to speculate. If you don't know,

23 I can accept that.

24 A. But I'm afraid that you have skipped many things in this

25 document. It's the sabotage part of the ABiH escorting the convoy. They

Page 44010

1 took out Zoljas and pointed them at the convoy. They surrounded them.

2 There were 20 young men trained in Split among them, and they had been

3 born in Central Bosnia. They went to assist them up there. I stand by

4 my testimony --

5 Q. General, no, you're right, I'm not going to read the entire

6 document because we're going to be here for the rest of the day. I'm

7 trying to read parts of it. Everyone can read the document in its

8 entirety. I'm trying to get through this so that we can get a general

9 overview of where they were and what happened. And it's clear, as we

10 move through this, I think everyone is seeing that there are a number of

11 things happening that are causing a lot of tension as they continue on.

12 Now, so let me just continue with this. What he says is that

13 they reached an agreement in Bugojno and they were ready to leave. Now

14 I'm at page 3 of the -- the top of page 3 of the English version. And

15 then he says that just as they were getting ready to go, the BH Army

16 would not allow the passage along the route just agreed, but then

17 proposed an original -- or an alternative route via Vakuf-Pavlovica.

18 And then he goes on and he talks about having passed a few
19 barricades without difficulty. He says they reached the Sebesic
20 check-point, where the commanding officer was Ivica Cobanac, whose men
21 expressed huge opposition toward the Muslims:

22 "... which was an additional upset for the Muslims in my unit. I
23 went with Mr. Cobanac to his office. He promised to let the convoy
24 through, despite the fact that he hated the Turks more than the Serbs
25 because they had killed more of his men than the Chetniks, but he claimed

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1 that we would not get safe passage at the next two semi-private Muslim
2 barricades because those were also Croat-haters and criminals, so he
3 proposed to clear the way with hand held anti-tank rocket-launchers and
4 RPGs."

5 Now, General, what we did not do -- perhaps I should have done at
6 the beginning of this. We're talking about the 28th of October 1992.
7 We're talking about a period of time where this unit is attempting to
8 pass through areas which are very close to the Prozor area, in which
9 combat activities between the ABiH and the HVO have been taking place for
10 several days; correct?

11 A. No, this is about Bugojno and the area between Bugojno and
12 Travnik. Prozor, in spite of this, had allowed all those volunteer units
13 to pass to assist in the joint defence of Jajce, though it was about to
14 fall.

15 Q. My point is this: that because of the events in Prozor at this
16 very same time that are clearly going to be known to HVO and ABiH in
17 other areas in the region, there's a tremendous amount tension and
18 suspicion and fear at all of the -- along all of the routes and all the
19 check-points; correct?

20 A. No. The HVO let them pass, regardless of Cobanac. He
21 experienced a total massacre by the Mujahedin, and --

22 Q. Let me ask you this, then: If the ABiH, based on the events that
23 were taking place in Prozor, was hesitant about letting a well-armed,
24 large group or groups of HVO soldiers move through its territory, they
25 would have been justified, wouldn't they?

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1 A. No, these are Muslims, and if they won't let them pass, how can a
2 unit, composed 80 per cent of Muslims, how could it have been used in any
3 way against the Muslims of Bosnia and Herzegovina? This is not correct.
4 This is an indicator of what I said. Already then, the Army of Bosnia-
5 Herzegovina considered the HVO something that they would need to defeat
6 in the future. To accept 200 Muslims in the unit, and there were at
7 least 200 of them, this could only have benefitted them to show that HVO
8 who led the team had no ethnic divisions and they wanted jointly to fight
9 in Jajce, so they didn't send such aid.

10 Q. What we've seen so far is that at two of these check-points, in
11 fact, the ethnic composition of this group raised a hostility among the
12 HVO. They didn't want to -- you know, they didn't want to let balijas

13 through, they didn't want to let Turks through. They did so reluctantly,
14 but this certainly contributed to delay and suspicion, didn't it?

15 A. It is true that there were individuals of this type, but the HVO
16 succeeded to force such individuals to let the convoy pass, and it did.
17 But the HVO or General Petkovic didn't provide an escort with -- of
18 anti-terrorist teams with trained weapons. An individual is an
19 individual, and the position of the command, which is being implemented
20 even with difficulty, is something else. This was the position of the
21 Army of Bosnia and Herzegovina, and in our case it was only individuals.
22 Even the position of Cobanac, that the ABiH army had killed more of his
23 men, which is true, is one thing, but he says, I let them pass, because
24 he received such an order. But those over there will not let you pass,
25 because the next team were Mujahedin at Rostovo.

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1 Q. So what Prkacin talks about is moving up to those next Muslim
2 barricades, and I'm not going to read all of this, but essentially he
3 talks about the thoughts that were racing through his head and what
4 should he do. And so I'm skipping now down toward the bottom of page 3
5 of the English. He says that he decided and ordered that they go back.
6 It says:

7 "... deep in a forest, on a bad forest-path and heavy rain, tried
8 to find billeting in Bugojno or Vakuf through the police, but they would
9 not even allow us to park the buses; rather, they escorted us to Prozor,
10 where we arrived well after midnight. We were not able to arrange

11 billeting there, so the men were sleeping on the buses."

12 Now, General, so Prkacin arrives back in Prozor, and he's not
13 even able to find a place for these people to sleep.

14 The next morning, on the 29th, they reassemble, and he says now
15 they were joined by a platoon of BH Army from Mostar, and they received
16 firm guarantees that they would be escorted by a joint police escort to
17 Travnik, to a large barracks where the men can rest and eat after 60
18 tiring hours.

19 And he says then:

20 "This time we managed to reach Travnik, despite minor
21 difficulties (a few delays in some places, a truck deliberately left
22 across the road by the Muslims in the village of Opare) ..."

23 So they meet up with this BH Army platoon, they receive a joint
24 police escort and are able to pass from Prozor all the way to Travnik on
25 the 29th of October, and then he talks about what happened after they

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1 arrived there. He went to see Colonel Blaskic. Again, he's trying to
2 find billeting, a place for these guys to sleep. He's making proposals
3 so that they can rest up before moving to the front-line. And he says:

4 "They agreed to that. Blaskic selected Mr. Filipovic to go with
5 me to Travnik to follow this through. But Mr. Filipovic failed in this.
6 Instead of issuing decisive orders, he begged and proposed, and that
7 brought no results."

8 So now these units with Prkacin are in the Central Bosnia

9 Operative Zone. The operative zone commander turns them over to
10 Filipovic to find accommodation so they can rest, and the HVO can't even
11 find beds for these people.

12 He continues, he says:

13 "The officers of the ABiH promised to help with billeting the men
14 in a room with no beds, but this had poor results. They managed to free
15 up only one room, with no beds or covers, so most of the men remained on
16 the bus."

17 And then he continues on, General. Skipping down a paragraph, he
18 says:

19 "After we left Travnik, heading towards Turbe, our vehicle was
20 fired upon from light infantry weapons."

21 I'm going to move to the next page in the English. He talks
22 about the events and his observations when he was trying to get to Jajce
23 to see what the situation was out there, and he says:

24 "We also saw a number of civilians and soldiers walking towards
25 Travnik."

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1 Do you see that part, General?

2 A. Yes, I see them walking towards Travnik.

3 Q. "At Karaula, we encountered obstructions which were set up so as
4 to prevent the passage of vehicles towards Jajce."

5 And he talks about all that and basically says that after all
6 that -- after that:

7 " ... on both sides of the road, so we had to give up on the
8 attempt to get to Jajce. Instead, we returned to Travnik, presented all
9 we saw to the Command of ABiH (because we could not find the HVO members)
10 and we suggested to them to clear up the road. They promised to do so,
11 but they did not succeed in that because we had tried again around 3.00
12 or 4.00 p.m., but we failed again. We managed to do something else. By
13 now, we were seeing a very big number of soldiers moving in a disorderly
14 fashion from Jajce towards Travnik. Through conversations with some of
15 them, we found out that our side (HVO and ABiH) were completely deserting
16 also the flank lines."

17 And he goes on to talk about various things they tried to do to
18 deal with the situation.

19 And then at the very end, he concludes:

20 "I think that Jajce should serve as our last lesson and a
21 warning. We cannot win this war by leading such a battle with such an
22 enemy. Being engaged in a defence war does not at the same time mean
23 exclusively defending oneself. We must give up on the trench-based
24 battles ..."

25 And he continues on.

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1 So, General, I realise I've taken some time to go through this
2 document, and I also realise I haven't read it to you in its
3 entirety - everybody can do that - but I'm going to put to you, General,
4 that your testimony about the fall of Jajce and blaming it on the ABiH or

5 Muslim political goals is not true, and in fact what we know from this
6 account is that the ABiH and the HVO, soldiers and units on check-points
7 and in all of this terrain, all of this tension and difficulty
8 contributed to the fact that those soldiers did not reach Jajce and that
9 the fall of Jajce is not something that is a result of profound political
10 wish or desire on the part of the Muslim leadership. So I'm putting that
11 to you. Would you agree with me on that?

12 A. I don't need to agree with you because I didn't say anywhere, as
13 far as I can recollect, that the fall of Jajce was caused by this kind of
14 behaviour towards the general of the Army of Bosnia and Herzegovina,
15 Ante Prkacin. He's a general of the ABiH. Jajce fell for quite
16 different reasons that I didn't delve into.

17 I don't think you can find in any part of my testimony that I
18 accused the politicians for the loss of Jajce or that I linked the fall
19 of Jajce to this event. I spoke about this event from a completely
20 different standpoint, and that is that the Army of Bosnia-Herzegovina
21 showed an unbelievable behaviour towards a unit of 200 and odd troops,
22 80 per cent of whom were Muslims who wanted to assist. The fall of Jajce
23 may have happened or not even if it had been different, but such
24 behaviour in -- at a time of joint defence shows that there were cracks
25 already at a very high level, not at the individual level.

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1 Q. Well, I read your testimony -- I read to you your testimony
2 earlier about this, in fact, when you did link the fall of Jajce with

3 political objectives of the Muslims. Let me read it to you again. This
4 is again from page 41851. You say:

5 "And I claim that this marked the beginning of an organised
6 preparation on the part of the BH Army and some people in the SDA
7 leadership for future conquest of Central Bosnia, because how can you
8 trust somebody's good intentions about the joint fight if such a unit,
9 after the fall of Jajce, is not allowed to pass through to Jajce at any
10 cost? It was a terrible, terrible knowledge, it was quite surprising,
11 and it really reflected the trends in the Muslim military and politics in
12 the time that followed. That's what I'm claiming."

13 General, what I'm claiming is that, based on this report, what we
14 see is that Prkacin wasn't able to get --

15 A. I claim that too.

16 Q. What I'm claiming is that, as we see from this report, there are
17 a good many factors on the HVO and the ABiH side that resulted in delays,
18 and a conflict situation, a tense conflict situation, and that one simply
19 can't ascribe the fall of Jajce or the failure of Prkacin to get to Jajce
20 on time. You can't simply lay that at the feet of one side of this
21 conflict. That's what I'm putting to you.

22 A. I would be grateful if you were to read where I said that the
23 fall of Jajce was linked to this. I was talking about the period after
24 the fall of Jajce and my thoughts about it. I was quite right, my
25 assessments were correct. All my efforts to prevent those assessments

1 from coming true, and these efforts went on until the month of May 1993,
2 unfortunately were in vain, and I fully stand by my testimony, which is
3 precise, and I did not link the fall of Jajce to the arrival of this
4 unit, as you are claiming.

5 MR. STRINGER: Mr. President, I'm ready to move to the next
6 binder and the next topic.

7 JUDGE ANTONETTI: [Interpretation] General Praljak, I have two
8 questions. The first is quite simple, and the second will be more
9 complicated.

10 The first is that, on the basis of this document, we see that
11 there's an incident at this check-point. We have seen numerous documents
12 referring to check-points. A few days ago, we had a document of
13 Mr. Petkovic which insisted on the need to ensure this control, and I
14 have been thinking about this for some time. Could you tell me if, in
15 the JNA doctrine, the little you know about it because it is of a highly
16 military nature, in the ex-Yugoslavia the JNA doctrine and the doctrine
17 of the Yugoslav generals, was it to control, within the territory of
18 ex-Yugoslavia, all the communication routes with the help of
19 check-points, in view of the topography? By having control, this would
20 ensure this Chinese Communist concept of people's defence, all people's
21 Defence. Therefore, in ex-Yugoslavia, and specifically in the Republic
22 of Bosnia-Herzegovina, did the check-points correspond to a military
23 strategy whereby one controlled the movement of enemy troops?

24 This is a rather simple question, but of a military nature.
25 Could you answer it, please.

1 THE WITNESS: [Interpretation] Yes. According to what I know,
2 but -- well, not only in the JNA, but in all armies, the military police
3 has the duty of controlling roads at certain check-points. They have to
4 control the movement of convoys, soldiers, and in this way they have an
5 overview of the situation and they prevent military unacceptable acts
6 from occurring. That's what I have learnt from the various literature,
7 from films. In each and every war, military check-points are set up at
8 which vehicles are controlled in areas that are affected by war, and our
9 area was affected by a war. This is what I know about the matter.

10 JUDGE ANTONETTI: [Interpretation] Another question that relates
11 to check-points. We've seen numerous documents which show that there
12 were incidents at check-points on occasion. That was the case here.
13 We've seen in certain documents that some, on both sides, HVO -- the HVO
14 and the ABiH, they imposed taxes when people or vehicles wanted to pass
15 through the check-points. This was perhaps not authorised. As far as
16 you know, was this a system that was necessary, that was organised, or
17 was this just a matter of the individual behaviour of certain soldiers
18 who are manning the check-points? Did they just say that they would
19 combine business and pleasure and impose taxes, levy taxes on those who
20 were passing through the check-points?

21 THE WITNESS: [Interpretation] Apart from the so-called irregular
22 [as interpreted] check-points set up at certain locations and controlled
23 by the military police, there were occasionally check-points that had

24 been set up by a brigade.

25 MS. TOMASEGOVIC TOMIC: [Interpretation] Your Honour, I apologise.

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1 We have an important error in the transcript. It's page 63, line 6.

2 General Praljak said "apart from regular check-points," whereas the
3 transcript says the contrary, it says "apart from the irregular
4 check-points." I think this is very important, and it would be good for
5 Mr. Praljak to repeat what he said.

6 JUDGE ANTONETTI: [Interpretation] Please repeat what you said.

7 THE WITNESS: [Interpretation] Apart from the regular
8 check-points, HVO or ABiH check-points manned above all by the military
9 police, there were occasionally other check-points. The commander, when
10 his unit was passing through or returning from the battle-field, the
11 commander would establish a check-point and check whether everyone had
12 passed through, and so on and so forth. But, Your Honours, the number of
13 wild check-points was just too great.

14 After Prkacin, I passed through Central Bosnia, and I think I was
15 stopped at least 15 times by incredible individuals, and it's only as a
16 theatre director, as an actor, that I was able to pass through. I had to
17 assess how to behave towards these individuals, and I could give you an
18 example of what individuals had to do in order to pass through.
19 Sometimes they would be there for two days. They'd steal some things,
20 then move on to another location and then disappear. They'd just come
21 out onto the road, set up a few stones or rocks and some kind of -- and a

22 few pieces of wood, they'd have their weapons with them, and then you had
23 to stop.

24 JUDGE ANTONETTI: [Interpretation] Thank you for that answer.

25 And now for my second question, which is somewhat complicated.

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1 I've been listening to you for several weeks now, and on a number of
2 occasions you've spoken about Jajce, well known for its waterfalls, if
3 I'm not mistaken. And towards the end of the afternoon, Mr. Stringer has
4 shown you a document on Jajce. He put questions to you about the link
5 between an Izetbegovic action, Muslim actions, and the fall of Jajce.
6 Let's try and see things clearly.

7 You said that in Jajce, there were Muslims and the HVO facing the
8 Serbs. They were at the front-line, and then things exploded, units
9 left. It was quite a catastrophe, it would appear, because many refugees
10 left, and it seems that 20.000 Muslim refugees left in all directions. I
11 say this with caution.

12 Did the fact that there were refugees pose a double problem to
13 Izetbegovic, in that they had to be provided with accommodation, that
14 they had to go somewhere? And then, secondly, was he going to use them
15 within the framework of what we call the Vance-Owen Plan? It would
16 appear to demonstrate that Izetbegovic was taking advantage of the
17 situation that there were thousands of people on the road, the HVO had
18 certainly been weakened in the course of this route, and at that point in
19 time he may have planned an attack, together with Halilovic and others,

20 that was to be launched against the HVO, and this might, in a certain
21 manner, explain the events that transpired in Prozor. So there might be
22 a link. There was Jajce, the refugees, taking political and military
23 advantage of the situation by Halilovic and Izetbegovic, and then the
24 events in Prozor. Is this possible or not? What would you say?

25 I'm putting this question to you, General Praljak,

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1 because pursuant to the provisions of the Statute, the Judges at the end
2 of the trial have to rule on whether you are guilty or innocent, and part
3 of their mission is to state what actually happened, in a judgement. It
4 is therefore necessary, in one way or another, to explain how all these
5 events occurred. I personally need to put such questions and receive
6 appropriate answers to try and understand what exactly took place. So
7 I'm presenting you with an event that may have occurred. You can say,
8 It's true, It's not true, and you can tell me what the reason is for your
9 answer.

10 THE WITNESS: [Interpretation] I fail to see a causal link between
11 the fall of Jajce and the events in Prozor. I don't think there is any
12 such link, to answer the first part of your question.

13 Muslims and Croats lived in Jajce. The ABiH and the HVO was
14 defending Jajce. Perhaps HVO troops were somewhat more numerous than
15 ABiH troops. Jajce fell. In my opinion, given the way it was defended,
16 it couldn't defend itself, in military terms, because from Travnik to
17 Jajce there was an area controlled by the Serbs, so providing supplies

18 was difficult because you could see Prkacin said that they were firing at
19 a distance of 200 metres from the road. The stretch that I mentioned
20 where I tried to do something was completely under the control Army of
21 Republika Srpska. In military terms, Jajce would have fallen five days
22 earlier or five days later. Given the military situation at the time, it
23 was impossible to prevent. Then Croatian refugees arrived, and many of
24 the HVO members from Jajce passed through. They stopped in Croatia,
25 Makarska, et cetera, and they also asked for their salaries to be paid.

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1 The Jajce Brigade, the Muslims from the ABiH, instead of acting logically
2 and going to Tuzla, in the direction of Srebrenica and Sarajevo, moved to
3 Gornji Vakuf, where there was no danger from the Army of Republika
4 Srpska, and there they provoked the next disturbances. Why move a
5 brigade to Vakuf, whereas you are fighting against the Serbs who are not
6 present in Gornji Vakuf? And the line held by the armija towards good
7 positions is a short one. And the refugees, Muslims on the whole, remain
8 in Vakuf, the majority of them in Travnik, and the ethnic composition of
9 the population significantly changes. There are naturally -- there are
10 problems, requests that start to lead to changes in the opinions or
11 positions of the political leadership. Because of that energy, those
12 people have new requests. They become aware of the fact that they won't
13 be returning to areas where Serbs are present. They don't believe in a
14 just solution. They are trying to find territory for themselves by
15 having recourse to various means. They are bitter, they are tired,

16 they've been driven out, they've been killed. It's a powder keg, one
17 powder keg next to another. There's a lot of energy present. There are
18 people who no longer trust anyone in the world. They're trying to find
19 an area for themselves, and the policies pursued in the field have to
20 adapt to the situation so that the people can be provided with
21 accommodation. And the HVO and the Croat believe that -- well, Look,
22 there were 50 per cent of us or 40 per cent of us here yesterday, now we
23 7 per cent or 20 per cent, we represent 7 or 20 per cent, and so on and
24 so forth.

25 So that's how things start developing, and then significant

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1 events occur. Why not let through such a unit because it's not just a
2 matter of Jajce now. Travnik has no defence. There's nothing as far as
3 Sarajevo. Why not let them through so that lines are established,
4 because you have seen the power that Filipovic had up by the barracks and
5 the ABiH commanders, naturally, and at that point, Your Honours,
6 naturally I took over responsibility for commanding Travnik, for digging
7 trenches, for defending that area, and so on.

8 JUDGE ANTONETTI: [Interpretation] Very well. General Praljak,
9 thank you. It was a long answer, but I draw two conclusions from what
10 you have said. First of all, there is no link with the events in Prozor,
11 and, secondly, you say the following, and this seems to be important to
12 me. It's for everyone to assess. These refugees modified the ethnic
13 composition of the places, and you say that in certain places there were

14 40 per cent of Croats and then the percentage could fall to 7 per cent,
15 for example. So I'll bear this in mind and reflect on the matter at a
16 later stage.

17 Very well. I will now give the floor back to Mr. Stringer.

18 Yes, Mr. Praljak.

19 THE WITNESS: [Interpretation] Please, bear the following in
20 account -- take the following into account. Then people started having
21 more radical ideas. Those who had more radical solutions were more
22 acceptable than those who were saying how things should be calmed down.
23 Unfortunately, that was the case.

24 JUDGE ANTONETTI: [Interpretation] Very well.

25 Please do hurry up, and we will distribute the new binders.

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1 [The witness stands down]

2 JUDGE ANTONETTI: [Interpretation] Mr. Stringer, will we have a
3 new binder? I'm looking for it.

4 MR. STRINGER: It's the binder called "List Number 7." And, in
5 fact, while the general is taking his quick break, maybe the usher could
6 take number 6 away so that binder 7 is ready when he comes back.

7 [The witness takes the stand]

8 JUDGE ANTONETTI: [Interpretation] Very well. We will resume.

9 MR. STRINGER:

10 Q. General, the next binder has been put on the table in front of
11 you there. We're going to move forward in time -- or we're going to move

12 now to discuss the situation in Gornji Vakuf.

13 If you would turn to the first exhibit, P00643. General, this is
14 dated 24th of October, 1992, from Commander Colonel Siljeg. It's a
15 command for action.

16 General, as I understand, on the 24th of October, 1992, you had
17 not yet arrived in this area, in the Prozor area; is that correct?

18 A. Correct, I hadn't arrived.

19 Q. Were you aware -- did you become aware that Colonel Siljeg had
20 issued a command for action, directing that -- I'll just read it:

21 "Put the town under your control."

22 This is to the HVO Ante Starcevic Brigade, Gornji Vakuf:

23 "Put the town under your control. Control all routes and
24 fiercely prevent any attack on the HVO units."

25 Were you aware that Colonel Siljeg issued this command prior to

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1 your arrival in the North-West Herzegovina Operative Zone?

2 A. I wasn't aware that he had done this. This was for
3 Ante Starcevic in Gornji Vakuf.

4 Q. Let's go to the next document, and then I'll ask a couple of
5 questions about both of these.

6 The next one is P00460. And, General, the form of this one is a
7 bit unusual. You'll see, I believe, that it appears to be --

8 A. It's not 460. Which one is it?

9 Q. P00460. You should have 460 in your binder.

10 A. Yes, yes, that's right. I apologise.

11 Q. And what you're going to see is on the original version it
12 appears we've got two separate packet communications that are appearing
13 on this one page, and I'm only interested in the first one, the one on
14 top, which is dated "27.10," which we take to be the 27th of October, and
15 this is a 1992 document, we see from the upper left-hand side.

16 General, in this one Colonel Siljeg is calling this an urgent
17 report requested, and he's directing this to brigades in Bugojno,
18 Gornji Vakuf, and Prozor, and he says:

19 "We immediately request information on the situation in Bugojno,
20 Gornji Vakuf, and Prozor. Provide estimate of a possibility of passage
21 on the roads ..."

22 And then he says:

23 "Provide estimate of a possibility of eliminating the Muslim
24 forces in Gornji Vakuf."

25 And then he's asking if they've established a connection with

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1 Major Jure Smidt and what the result are.

2 Now, General, this is the 27th of October. The previous document
3 is the 24th of October. Both of these documents -- well, let me ask you
4 first: The second document that we've just looked at now, were you aware
5 of this order or request from Siljeg to provide an estimate of the
6 possibility of eliminating the Muslim forces in Gornji Vakuf, were you
7 aware of this document when you arrived in the North-West Herzegovina

8 Operative Zone?

9 A. No, but --

10 Q. Well, let me just continue. Can we agree, General, that both of
11 these orders were issued prior to the fall of Jajce, as indicated in the
12 report of Mr. Prkacin that we've just gone through?

13 A. I think that Jajce fell on the 27th or the 28th. It depends what
14 you consider a fall, whether when it was all the refugees had fall -- had
15 left or when all the front-lines had been broken through. So it depends.

16 Q. Now, just a few moments ago, and I'm looking at page 66 of
17 today's transcript, line 14, you said:

18 "Why move a brigade to Vakuf?"

19 You were talking about the ABiH, and why would they move a
20 brigade to Vakuf after the fall of Jajce, rather than moving a brigade
21 somewhere else, such as Tuzla. My question is -- on that, General, is
22 this, I'll suggest this to you: After the fall of Jajce, the ABiH was
23 required or had to send a brigade down to Vakuf, if in fact that's what
24 they did, in order to deal with these sorts of actions and attempts by
25 the HVO to take the town of Gornji Vakuf under control; isn't that why

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1 the ABiH would have had to send one of its brigades to Vakuf?

2 MR. KARNAVAS: Your Honour, I object. It calls for speculation.

3 He obviously cannot know what they had in mind.

4 MR. STRINGER: Well, Mr. President, the general said he's

5 attributed improper motives to the ABiH, saying they should have done

6 this, they should have done that, they should have sent a brigade
7 somewhere else. Now, I think it's fair to use these documents to suggest
8 to the general that they were, in fact, legitimate reasons.

9 JUDGE ANTONETTI: [Interpretation] Yes, General Praljak can
10 answer, or he can say, I can't answer. If he can, it can contribute to
11 the establishment of the truth. If not, he can say that, I didn't know
12 of the existence of this document and I know nothing about it.

13 THE WITNESS: [Interpretation] Your Honours and Mr. Stringer, this
14 is an order for action, not an order for attack, and it says clearly:
15 "Liberate the communication in Gornji Vakuf to Prozor. Eliminate all
16 attacks on HVO units." So the Army of Bosnia-Herzegovina has already
17 intercepted communication. The army does not allow the commander of the
18 brigade in Vakuf to reach his premises. So when it says to put the town
19 under control, it's not conquer the town, it's prevent, and eliminate, by
20 your deployment, so that HVO units should not be attacked, and see if you
21 can liberate -- open the communication, the routes to Gornji Vakuf,
22 Bugojno, et cetera. Otherwise, how will Merhamet pass, which is carrying
23 weapons for the Muslims, if the roads are blocked, which is what the next
24 document will tell you, signed by Susak or Praljak.

25 MR. STRINGER:

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1 Q. The fact is just prior to the fall of Jajce, Siljeg is issuing
2 orders to his brigades to provide to him an estimate of the possibility
3 of eliminating Muslim forces in Gornji Vakuf, so clearly he's thinking

4 about operations to eliminate the ABiH forces in Vakuf. So if that's the
5 case, then that's a legitimate reason for the ABiH to respond by sending
6 a brigade down there, isn't it?

7 A. No, it's not.

8 Q. So they should --

9 A. It is an estimate of the possibility of eliminating after he says
10 there can be no passage along the roads Prozor-Vakuf-Bugojno-Travnik. So
11 the aggression has already started, but not by the HVO. And he says, If
12 we cannot pass along that route, then of course --

13 Q. Let's move forward in time and to the next document, P01068.

14 JUDGE ANTONETTI: [Interpretation] Before we see the next
15 document, I should like to go back to the first document. I see a
16 military document, and I'm trying to analyse it from a military
17 standpoint.

18 Colonel Siljeg is sending to the Ante Starcevic Brigade a
19 document, an order, saying, Put the town under your control, control all
20 the routes, and he adds, and I think this is important, in order to
21 prevent an attack on HVO units. Therefore, in military terms,
22 General Praljak, could it be, because unfortunately the persons writing
23 these documents are not present - normally one would have reviewed all
24 this, and here this is not possible, so we're forced to make hypotheses -
25 is it possible that Colonel Siljeg had information on the basis of which

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1 there was a possibility of an attack on the HVO, and in order to counter

2 this - I'm not saying to attack - but to counter it, the first military
3 step that he is ordering is to control the routes? In military terms, is
4 that a possibility or not?

5 JUDGE TRECHSEL: Just a technical point. It does not say, at
6 least in the translation, but I think the translation on this point is
7 correct, it's says not "in order to prevent any attack," but "and prevent
8 any attack," so that it is put one next to the other and not one as a
9 means to achieve the other.

10 JUDGE ANTONETTI: [Interpretation] Yes. In the document, in
11 B/C/S, could you read the sentence? What exactly does it say?

12 THE WITNESS: [Interpretation] "Put the town under your control.
13 Control the communications and resolutely eliminate any attack against
14 HVO units. Be in touch with HVO brigade, the Eugen Kvaternik HVO Brigade
15 in Bugojno, and the Rama HVO Brigade in Prozor. Establish mutual
16 communication and, if possible, jointly free the route between
17 Gornji Vakuf and Prozor."

18 JUDGE ANTONETTI: [Interpretation] General Praljak, as my
19 colleague has said, there are two things to be done; control the roads
20 and eliminate all attacks against the HVO.

21 THE WITNESS: [Interpretation] Correct, but to put the town under
22 your control does not mean to capture it militarily, but where important
23 facilities exist, place the HVO on the ready and prevent and repulse any
24 attack against HVO units. And the communications between Vakuf and Rama
25 has already been blocked.

1 JUDGE ANTONETTI: [Interpretation] I will move on to the second
2 document immediately. Could we not read it to say that Colonel Siljeg is
3 asking Eugen Kvaternik Brigade and the other brigades, because you see
4 the difference between the documents is that the first is addressed only
5 to one brigade, whereas the second is addressed to three brigades, and he
6 is requesting an assessment of the situation; that is, the possibility of
7 passage on the roads and the possibility of eliminating Muslim forces in
8 Gornji Vakuf, and to establish connection with Jure Smidt, and he's
9 waiting for the results? The second argument: Is it a request to assess
10 the possibility without containing an order for an attack, or is this an
11 order for an attack?

12 THE WITNESS: [Interpretation] There's no attack. He's asking for
13 a report. He's saying, Provide an estimate of a possibility of passage,
14 which means that there is no passage, the roads are blocked. And any
15 normal commander would say, Give us an assessment of the forces which we
16 may attack if we fail to de-block the entire HVO of Central Bosnia. Then
17 that is a war. But the war was not started by the HVO, but by the Army
18 of Bosnia and Herzegovina by blocking all the roads.

19 JUDGE ANTONETTI: [Interpretation] My last question. If I proceed
20 from the hypothesis that Colonel Siljeg had decided to attack, to take
21 control of Gornji Vakuf, to take prisoners, et cetera, wouldn't there
22 then be quite a different order, the classical type of order with item 1,
23 2, 3, The attack will begin at such and such a time, report about
24 progress? Would one not have such a classical type of order?

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1 orders look like, but I assure you, Your Honours, that in the following
2 days talks in Rama, Bugojno, Gornji Vakuf and Travnik, I managed to deal
3 with the situation. The roads were much freer, the situation calmed
4 down, Travnik was defended, and until the 11th of January, 1993, the
5 situation was more or less decent and -- in terms of relations between
6 the two parties, because I went to the front-lines of the ABiH, I saw
7 their commanders, and we planned joint actions, et cetera.

8 JUDGE TRECHSEL: A question of logic to you, Mr. Praljak.

9 It says here: "We urgently request information....," inter alia,
10 of a possibility of passage on the roads. The rest is not relevant. You
11 have affirmed that this means that there is no passage, and I do not
12 understand how you interpret a request for information as meaning that
13 there is a certain answer already at hand. I'm referring to page 74,
14 line 21, which is doomed to pass from our view, full stop.

15 THE WITNESS: [Interpretation] The sentence, in my view, is a
16 logical one. He's asking for an assessment of the possibility of
17 passage. In other words, as talks went on in Bugojno, Travnik, whether
18 those talks - this is in my view because I am aware that there were such
19 talks - would this lead to the de-blocking of the roads, which actually
20 happened later on? So give us an assessment of this possibility means
21 how are those talks progressing.

22 JUDGE TRECHSEL: Mr. Kovacic.

23 MR. KOVACIC: I just wanted to tell that Praljak, when he was
24 mentioning that communication is not open, he was referring on the
25 document 460, where it is clear from the last sentence, while the one you

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1 were talking now -- sorry, sorry, I mixed the document. It is in 643, in
2 the first document, last sentence. In it, he says that the communication
3 is not open, and this is what Mr. Praljak was referring. And the second
4 document, 460, is having the sentence you were discussing, you and
5 Mr. Praljak.

6 Thank you.

7 JUDGE TRECHSEL: Thank you, yes, and 460 is a few days later,
8 so -- but, I mean, I think we have clearly the question, we have an
9 answer. It's not for me, at this moment, to comment, and I think we can
10 proceed.

11 Thank you.

12 MR. KOVACIC: Yes, yes. I just wanted to say that when --
13 Mr. Praljak, before your question, like one page before, when he said
14 that he understood the road is closed, he understood it from the document
15 which was prepared on 24 October. So --

16 JUDGE TRECHSEL: I find it amazing that you know so exactly what
17 the witness is meaning. I think it's for him to interpret what he means,
18 and not for his lawyers to say what he is saying or what he meant to say.
19 But I think we should -- we should leave it at that and continue now.
20 This is not a very fruitful exchange. It's not unpleasant, but neither

21 does it add much to the task of this Tribunal.

22 MR. KOVACIC: Your Honour, I apologise. I simply wanted to be
23 helpful, because Praljak said so like two minutes before you asked,
24 because he was referring to this document. That was obvious. But -- and
25 I read the document carefully, both of -- and, I'm sorry, I wanted to

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1 help.

2 JUDGE TRECHSEL: Mr. Kovacic, your candid intentions are not
3 questioned.

4 Mr. Stringer.

5 MR. STRINGER:

6 Q. Let's just move to the next document, General, P01068. 01068.
7 General, this is a report of the British Battalion. It's dated 6th of
8 January, 1993, so it's later in time, and it is relating to the situation
9 in Gornji Vakuf on that day. And you've just been talking about the
10 roads and the situation involving control of the roads, and I know you've
11 been claiming that the ABiH has been cutting -- or had cut off the
12 roads -- or certain roads in this area, forcing the HVO commander to use
13 the UNPROFOR to get to his headquarters.

14 Here, in the second paragraph, it says, on the third line:

15 "Comment: There is an earth-work barrier at this check-point in
16 order to force the Muslim population of Hare to travel to Prozor and not
17 Gornji Vakuf. Obviously, tensions are rising in the area, which is
18 reflected by an HVO presence at the check-point."

19 Then the next paragraph says:

20 "At approximately 1500 hours on Monday afternoon, the HVO raised
21 an Ustasha flag in the town. The Muslims reacted and a Bosnian
22 Army soldier attempted to remove the flag. An HVO policeman then fired
23 at the Bosnian Army soldier ..."

24 I'm not going to continue with my questioning, Mr. President,
25 until all the distracting discussion in the courtroom stops. I mentioned

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1 it yesterday. It's -- I don't think Mr. Kovacic understands how well his
2 baritone voice carries, and it's really hard to concentrate when there's
3 constant conversation coming from that side of the room. I'm sure he's
4 got a lovely singing voice, but it really does carry.

5 MR. KOVACIC: I apologise, I'm sorry. I was not aware of that.
6 Thank you.

7 JUDGE ANTONETTI: [Interpretation] Yes, Mr. Praljak.

8 THE WITNESS: [Interpretation] I have never so far made such a
9 request, but this is my 58th day. Could we perhaps stop 15 minutes
10 earlier today, Mr. Stringer, and then we could continue later? I'm
11 somewhat exhausted.

12 JUDGE ANTONETTI: [Interpretation] Mr. Praljak, we were to end
13 this hearing at 6.00 p.m. today. I know you are tired; I, too.
14 Everyone, in fact, here is tired. All the documents require one to pay a
15 lot of attention to them. When I ask questions, I have to be very
16 careful. It's very stressful, because I have to be very careful about

17 how I formulate my questions, and as a result the nervous tension is
18 immense. And as a result, I am completely exhausted at the end of the
19 hearing. I put myself in your shoes, and I believe that you, too, find
20 yourself in the same situation because you wonder whether there are any
21 traps hidden behind certain questions.

22 If you would like us to stop here, I don't see why not, because I
23 have said if you want to finish, we can finish. Fifteen minutes isn't
24 that important. I believe that my colleagues are in agreement with that.

25 Mr. Stringer, we will continue with the binder next Monday. How

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1 many more binders will follow? I thought there were a few.

2 MR. STRINGER: Well, at this moment, Your Honour, there is only
3 one, but there will be more by Monday.

4 JUDGE ANTONETTI: [Interpretation] Well, that's what I wanted to
5 know. How many binders do you still have?

6 MR. STRINGER: The binders haven't been made yet. I can tell
7 Your Honour that in terms of the issues that raise, because we're putting
8 issues in binders - I think that we have issues relating to camps, in
9 general - there will be documents on what we're alleging is the arrest
10 campaign of the summer of 1993, and events in Southern Herzegovina,
11 Capljina, Stolac. There is going to be documentation regarding the town
12 of Mostar, and then some additional -- and fewer documents relating to
13 such things as Vares. And I think as I indicated in our filing from
14 before, we're probably going to come back briefly to international armed

15 conflict and also some questions on it related to cooperation issues with
16 the VRS. So I think there are four or five issues that remain.

17 JUDGE ANTONETTI: [Interpretation] Very well. I see that you
18 still have a certain number of binders to deal with.

19 Very well. Mr. Praljak, we will stop here, and we'll see each
20 other again next Monday. Have a good rest in the meantime, and I wish
21 everyone a good afternoon.

22 THE WITNESS: [Interpretation] I would like to thank Your Honours.

23 [The witness stands down]

24 --- Whereupon the hearing adjourned at 5.46 p.m.,

25 to be reconvened on Monday, the 31st day of August,

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1 2009, at 2.15 p.m.

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